



[DATE], 2026

Mike Martucci
Acting Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Re: EPA Recommendations Concerning the Salton Sea and the Post-2026 Colorado River Reservoir Operations Final Environmental Impact Statement and Record of Decision

Dear Acting Regional Administrator Martucci:

I am writing to ask whether EPA's Salton Sea air quality and public health recommendations were addressed in the Bureau of Reclamation's Post-2026 Colorado River Reservoir Operations Final Environmental Impact Statement (Final EIS) and the Record of Decision issued August 21, 2026, and the role EPA expects to play as the selected framework is implemented.

The Salton Sea Authority (Authority) is a joint powers agency established under California law to direct and coordinate actions relating to the improvement of water quality and stabilization of water elevation at the Salton Sea, and to enhance the recreational and economic development potential of the Sea and other beneficial uses. The Authority is directed by a board of locally elected leaders from Imperial and Riverside Counties, the Coachella Valley Water District, and the Torres Martinez Desert Cahuilla Indians. This request is submitted on behalf of that board.

Section 3.2.7 of the Final EIS states that an analysis of impacts to the Salton Sea was not undertaken by Reclamation. Technical Appendix 3 places the Salton Sea outside the hydrologic resources study area. Appendix R responds to comments requesting that impacts to the Salton Sea from Reclamation's proposed action be analyzed, principally by stating that Reclamation does not manage or control water use after the point of delivery and has no management or enforcement authority over inputs to the Sea, and

by reference to California's Salton Sea Management Program and the ongoing U.S. Army Corps of Engineers feasibility process, of which the Authority is a joint sponsor.

Accordingly, the Authority asks EPA to determine whether the Final EIS and Record of Decision addressed EPA's August 15, 2023 recommendations concerning Salton Sea air quality and public health effects and, if they did not, to identify the federal review and interagency coordination that should occur before implementation decisions capable of accelerating playa exposure or associated emissions are approved.

EPA recommended Salton Sea air quality analysis in its NEPA review of Reclamation's proposed action

EPA submitted formal scoping comments on the Notice of Intent for this EIS on August 15, 2023, addressed to the Colorado River Post-2026 Program Coordinator. Among the six recommendations EPA elevated into the summary list in its cover letter was the following: "Analyze potential impacts to air quality, water resources, and other environmental resources resulting from changes to water management or deliveries, including in the Salton Sea region of California."

EPA's enclosed detailed scoping comments developed the point under the heading AIR QUALITY. EPA stated that it "is particularly concerned about exacerbating air quality problems around the Salton Sea," and that "climate change coupled with diminished agricultural return flows at its northern and southern edges could expose more than 11,000 acres of playa salt flats to wind erosion by 2030 with a 3-foot decline in water levels." EPA continued: "Blowing dust, laden with concentrated waste and agricultural runoff, not only affects the ability to meet air quality standards but could also affect the respiratory health of people throughout the Imperial Valley, many of whom reside in disadvantaged and border communities." EPA then recommended: "Discuss the air quality impacts of any operational changes that would reduce deliveries to the Salton Sea region, including a robust analysis of impacts to public health and safety of residents," and "Identify other areas that would have similar impacts throughout the project area."

In the same submission, EPA "respectfully request[ed] to be a cooperating agency to provide support to Reclamation regarding the identification and analysis of issues to be addressed in the Draft EIS, particularly in the areas of EPA special expertise or jurisdiction by law regarding air and water resources and environmental justice," and

closed by stating that it “look[ed] forward to continued coordination as a cooperating agency.”

EPA reiterated the same concern in the near-term proceeding. In its April 8, 2024 letter concluding Section 309 review of the Final Supplemental EIS for Near-Term Colorado River Operations, EPA stated that its recommendations, which included “mitigation of air quality problems and health effects in the Salton Sea area that may be exacerbated by reduced water deliveries,” should be addressed “in addition to informing decision-making for post-2026 operations,” and stated that it continued to recommend, “especially in the Post-2026 NEPA document under development,” identifying other areas with similar dust control issues from reduced water deliveries and working with partners to create or require dust management plans.

EPA’s guidance concerning mitigation beyond Reclamation’s direct control

In its September 1, 2022 pre-scoping comments on the Notice of Request for Input, EPA encouraged Reclamation “to explore Alternatives, or elements of Alternatives, beyond the agency’s direct control.” On cumulative impacts, EPA stated that “[a]lthough these mitigation measures may be outside the jurisdiction of Reclamation, describing them in the EIS would serve to alert other agencies or officials who can implement these extra measures,” citing the Council on Environmental Quality’s Forty Questions guidance, and advised Reclamation to “[d]isclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.” EPA also advised that environmental justice analysis be conducted at the block group level, stating: “We caution using larger tracts in the analysis, such as counties or cities, as these may dilute the presence of minority populations.”

The Authority raises these statements because the principal explanation offered in Appendix R for excluding Salton Sea analysis is Reclamation’s asserted lack of control over intervening non-federal decisions and its reliance on programs administered by others. EPA’s own guidance to Reclamation did not treat the limits of Reclamation’s implementation authority as a reason to omit discussion of available mitigation or identification of the parties capable of providing it. The Authority therefore asks how EPA views Reclamation’s reliance on its asserted lack of control over downstream water-use decisions as the principal basis for excluding Salton Sea impacts from the analysis.

EPA’s March 3, 2026 letter appears to identify a different submission

In its March 3, 2026 letter to Acting Regional Director Genevieve Johnson concluding review of the Draft EIS under Section 309 of the Clean Air Act, EPA stated: “The EPA provided scoping comments for this EIS on September 1, 2022. We appreciate how Reclamation addressed our recommendations to discuss ongoing coordination with Tribal governments, to describe impacts to water and air quality, and to develop operational scenarios that account for future drought conditions. We have no further comments for the Draft EIS.”

The September 1, 2022 letter responded to the June 24, 2022 Notice of Request for Input, before the Notice of Intent was published, and contains no air quality recommendation. EPA’s formal scoping comments on the Notice of Intent for this EIS were submitted on August 15, 2023, and those comments do contain the Salton Sea air quality and public health recommendation quoted above. The Authority raises this matter to ensure that the record accurately reflects which submission EPA reviewed, and asks EPA to confirm whether the March 3, 2026 letter intended to refer to the August 15, 2023 submission and to identify the analysis EPA considered responsive to the Salton Sea recommendation in that submission.

The Authority raised the same issue in the same scoping record

The Authority independently placed corresponding Salton Sea air quality, public health, environmental justice, Tribal consultation, and mitigation concerns in the formal scoping record on August 15, 2023, the same date EPA submitted its formal scoping comments. The Authority renewed those concerns in its February 27, 2026 comments on the Draft EIS and its August 17, 2026 letter to the Principal Deputy Commissioner. The 2026 submissions additionally identified the exclusion of the Salton Sea from the hydrologic study area, the removal from the Final EIS of an alternative-specific Salton Sea inflow calculation disclosed in the Draft EIS, and the absence of any identified federal process in which the Salton Sea consequences of subsequent operating decisions would be evaluated.

The air quality context is EPA’s own

In approving Imperial County’s PM10 maintenance plan and redesignation to attainment, EPA stated that “the Salton Sea will continue to recede, exposing an increasing amount of lakebed,” and agreed that “this creates the potential for increases in airborne particulate matter from the lakebed that can potentially have adverse impacts on human health and the environment.” 85 Fed. Reg. 58,288 (Sept. 18, 2020).

EPA presently identifies the Imperial Valley as a PM10 maintenance area that was classified Serious before redesignation, and the Coachella Valley portion of Riverside County as a Serious PM10 nonattainment area. The Post-2026 framework contemplates Lower Basin shortages and conservation capable of affecting deliveries to Imperial Irrigation District and Coachella Valley Water District, and Reclamation acknowledges that the effect on drainage to the Sea depends on the conservation activity or how a reduction is implemented.

Requests

The Authority respectfully requests that EPA respond in writing to the following.

1. Does EPA consider its August 15, 2023 recommendation concerning air quality and public health effects from operational changes reducing deliveries to the Salton Sea region to have been addressed in the Post-2026 Final EIS and Record of Decision? If so, what analysis or commitment formed the basis for that conclusion? If EPA considers existing Salton Sea Management Program or other non-federal measures responsive, please identify the analysis demonstrating that those measures address emissions and health effects occurring during any period of accelerated playa exposure.
2. EPA's March 3, 2026 letter attributes to the September 1, 2022 pre-scoping comments a recommendation to describe impacts to air quality. Those comments contain no such recommendation. Did EPA intend to reference its August 15, 2023 formal scoping comments, and if so, what analysis in the Draft EIS did EPA consider responsive to the Salton Sea recommendation in that submission?
3. Before issuance of the Record of Decision on August 21, 2026, did EPA review the Final EIS made available on July 31, 2026 or communicate with Reclamation concerning the Final EIS? If so, please identify or provide those communications.
4. Following issuance of the Final EIS (which expressly states that an analysis of impacts to the Salton Sea is not included) and the Record of Decision, does EPA continue to maintain that it has no further comments on the environmental review?
5. EPA expressly requested cooperating-agency status in its August 15, 2023 scoping comments. The Final EIS identifies five cooperating agencies and does not identify EPA among them. How did Reclamation respond to EPA's request? Did EPA

participate in any other capacity in reviewing the geographic scope, the exclusion of the Salton Sea from the hydrologic study area, or Reclamation's responses to Salton Sea comments? Please provide copies of any correspondence between EPA and Reclamation or the Department of the Interior concerning EPA's request for cooperating-agency status and EPA's participation in the Post-2026 environmental review.

6. Appendix R, Section R.3.26 states that commenters requested expanded analysis of the Salton Sea, Coachella Valley, and Imperial Valley, but responds by describing a screening-level evaluation of fugitive dust emissions from fallowed agricultural acreage. EPA's August 15, 2023 comments separately warned that declining Salton Sea water levels could expose more than 11,000 acres of playa salt flats and described the resulting blowing-dust and public-health concerns. Does EPA consider the fallowed-acreage evaluation responsive to its Salton Sea recommendation, given that the Final EIS does not quantify whether or to what extent the alternatives would accelerate playa exposure or the associated particulate-matter emissions during any period of acceleration?
7. To EPA's knowledge, has Reclamation made or documented any determination regarding the applicability of General Conformity under Section 176(c) of the Clean Air Act and 40 C.F.R. Part 93, Subpart B, to the federal action selected in the Record of Decision or to the 2027–2028 Operating Guidelines? If so, please identify that determination and any review or comments provided by EPA. Whether or not such a determination has already been made, for which subsequent approvals, agreements, or operating determinations does EPA expect Reclamation to evaluate General Conformity applicability?
8. At what stage of any General Conformity applicability evaluation or conformity determination does EPA expect Reclamation to consult the California Air Resources Board, the Imperial County Air Pollution Control District, and the South Coast Air Quality Management District?
9. Does EPA consider the Post-2026 federal action selected in the August 21, 2026 Record of Decision to be unsatisfactory from the standpoint of public health, welfare, or environmental quality within the meaning of Section 309(b) of the Clean Air Act? Does EPA intend to publish such a determination, refer the action to the Council on Environmental Quality, or undertake any other further action under Section 309 concerning the selected federal action?

Reservations

The Authority takes no position on the allocation of Colorado River shortages among the Basin States or among California contractors. Nothing in this request concedes that federal responsibility for Salton Sea impacts is absent, has been discharged, or may be satisfied through other processes, and the Authority preserves the positions stated in its submissions to Reclamation concerning the Post-2026 federal action. The Authority does not speak for the Torres Martinez Desert Cahuilla Indians, and nothing in this letter limits the separate interests, rights, consultation requests, or positions of the Tribe or of any other Tribal government.

The Authority respectfully requests a written response within 30 days and welcomes the opportunity to convene an interagency technical meeting with EPA and the state and local air quality agencies to discuss these matters.

Thank you for your consideration. Questions may be directed to G. Patrick O'Dowd, Executive Director and General Manager, at (760) 565-3100 or GPODowd@SaltonSea.com.

Sincerely,

Joseph Mirelez
President, Salton Sea Authority

Cástulo R. Estrada
Vice President, Salton Sea Authority

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cc: The Honorable Lee Zeldin, Administrator, U.S. Environmental Protection Agency
Prasad Chumble, Acting Director, Federal Activities Division, Office of Policy and
Regulatory Management, U.S. Environmental Protection Agency
Anita Lee, Director, Air and Radiation Division, EPA Region 9
Amy Miller, Director, Enforcement and Compliance Assurance Division, EPA
Region 9
California Air Resources Board
Imperial County Air Pollution Control District
South Coast Air Quality Management District
Salton Sea Authority Board of Directors