
North Coast Regional Water Quality Control Board

To: Phillip Crader, Deputy Director
Division of Water Quality
State Water Resources Control Board

From: Valerie Quinto
Executive Officer
North Coast Regional Water Quality Control Board

Date: December 3, 2025

SUBJECT: REQUEST FOR STATE WATER BOARD TO DEFER APPROVING
ASPECT OF 2025 NORTH COAST BASIN PLAN AMENDMENT
THAT INCORPORATES TOXICITY PROVISIONS

The North Coast Regional Water Quality Control Board (North Coast Water Board) adopted the Amendments to the Water Quality Control Plan for the North Coast Region to Incorporate Applicable Provisions of Statewide Plans and Policies and Improve Clarity on June 13, 2025, by Resolution R1-2025-0019 (Basin Plan Amendment or Amendment). The Basin Plan Amendment is entirely non-regulatory and editorial, with no regulatory effect. The Amendment adopted by the North Coast Water Board updates the North Coast Basin Plan from the 2018 edition to the 2025 edition, incorporating applicable provisions of State Water Resource Control Board (State Water Board) plans and policies, incorporating by reference U.S. Environmental Protection Agency adopted TMDLs, ensuring web accessibility requirements are met, and improving the overall clarity.

On June 30, 2025, the State Water Board provided notice of opportunity for public review and comment on the proposed approval of the Basin Plan Amendment. The public review and comment period closed September 2, 2025.

The North Coast Executive Officer, in consultation with the North Coast Water Board, requests that the State Water Board defer consideration of the aspect of the Basin Plan Amendment that incorporates the Statewide Aquatic Toxicity Provisions (Toxicity Provisions). The Toxicity Provisions are currently under judicial review, so delaying approval of changes that incorporated the Toxicity Provisions is recommended until judicial review is complete. The State Water Board can consider the bulk of the Amendment now but delay consideration of incorporation of the Toxicity Provisions until a later date.

The North Coast Water Board has prepared a clean draft of the Amendment (attached), that eliminates all portions of the Amendment that would have made changes consistent with the Toxicity Provisions. Changes made to the attached Basin Plan Amendment include: (1) removing Toxicity Provisions from Chapter 3 and restoring Toxicity

Objective from the existing 2018 Basin Plan; and (2) removing the reference to the Toxicity Provisions in Chapter 4.

Change 1, removing Toxicity Provisions from Chapter 3, strikes the aquatic toxicity objectives established in the Toxicity Provisions and reinstates the Toxicity Objective from the 2018 Basin Plan.

Change 2, removing reference to the Toxicity Provisions in Chapter 4, completely strikes Section 4.3 Aquatic Toxicity Provisions. Subsequent section numbers in Chapter 4 have been adjusted following the deletion of Section 4.3.

The changes to the Basin Plan Amendment are shown in underline/strikeout text below. The Attachment hereto is a clean copy of the Basin Plan Amendment.

Change 1: Section 3.3.17 Toxicity

3.3.17.1 North Coast Narrative Toxicity Objective

Waters shall not contain toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. This objective applies regardless of whether the toxicity is caused by a single substance or the synergistic effect of multiple substances. Compliance with this objective shall be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration, or other appropriate methods as specified by the North Coast Water Board.

The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same waterbody in areas unaffected by the waste discharge, or when necessary for other control water that is consistent with the requirements for “experimental water” as described in Standard Methods for the Examination of Water and Wastewater, latest edition (American Public Health Association, et al.). As a minimum, compliance with this objective shall be evaluated with a 96-hour bioassay.

In addition, effluent limits based upon bioassays of effluents will be prescribed, where appropriate. Additional numeric receiving water quality objectives for specific toxicants will be established as sufficient data become available and source control of toxic substances may be required.

3.3.17.2 Aquatic Toxicity Water Quality Objectives

~~The State Water Board, in its *State Policy for Water Quality Control: Toxicity Provisions*, Resolution 2020-0044 (Toxicity Provisions), established requirements for water quality that apply to all inland surface waters, enclosed bays, and estuaries and coastal lagoons of the state, including both waters of the United States and surface waters of the state. The Toxicity Provisions apply in the North Coast Region.~~

~~The Toxicity Provisions include applicability, water quality objectives, and implementation plans. This section provides a summary of the statewide Toxicity Provisions. The full text of the statewide Toxicity Provisions can be found at the [State Water Board's website](https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/2021/2021-state-policy-toxicity-provisions.pdf) (https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/2021/2021-state-policy-toxicity-provisions.pdf).~~

~~Numeric Chronic Aquatic Toxicity Objective~~

~~The chronic aquatic toxicity water quality objective is expressed as a null hypothesis and an alternative hypothesis with a regulatory management decision (RMD) of 0.75, where the following null hypothesis shall be used:~~

$$\underline{\underline{H_0: \text{Mean response (ambient water)} \leq 0.75 \cdot \text{mean response (control)}}}$$

~~In general terms, the null hypothesis is the following statement: the ambient water is toxic because the response (e.g., survival, reproduction, growth) of the test organisms in the ambient water sample is less than or equal to 75 percent of the test organisms' response in the control water sample.~~

~~And where the following alternative hypothesis shall be used:~~

$$\underline{\underline{H_a: \text{Mean response (ambient water)} > 0.75 \cdot \text{mean response (control)}}}$$

~~In general terms, the alternative hypothesis is the following statement: the ambient water is not toxic because the response (e.g., survival, reproduction, growth) of the test organisms in the ambient water sample is greater than 75 percent of the test organisms' response in the control water sample.~~

~~Attainment of the water quality objective is demonstrated by conducting chronic aquatic toxicity testing as described in Section III.B.2 of the Toxicity Provisions and rejecting this null hypothesis in accordance with the test of significant toxicity (TST) statistical approach described in Section III.B.3 of the Toxicity Provisions. When the null hypothesis is rejected, the alternative hypothesis is accepted in its place, and there is no exceedance of the chronic aquatic toxicity water quality objective. Failing to reject the null hypothesis (referred to as a "fail") is equivalent to an exceedance of the chronic aquatic toxicity water quality objective.~~

~~Numeric Acute Aquatic Toxicity Objective~~

~~The acute aquatic toxicity water quality objective is expressed as a null hypothesis and alternative hypothesis with an RMD of 0.80, where the following null hypothesis shall be used:~~

$$\underline{\underline{H_0: \text{Mean response (ambient water)} \leq 0.80 \cdot \text{mean response (control)}}}$$

~~In general terms, the null hypothesis is the following statement: the ambient water is toxic because the response (e.g., survival) of the test organisms in the ambient water sample is less than or equal to 80 percent of the test organisms' response in the control water sample.~~

~~And where the following alternative hypothesis shall be used:~~

$$\underline{\underline{H_a: \text{Mean response (ambient water)} > 0.80 \cdot \text{mean response (control)}}}$$

~~In general terms, the alternative hypothesis is the following statement: the ambient water is not toxic because the response (e.g., survival) of the test organisms in the ambient water sample is greater than 80 percent of the test organisms' response in the control water sample.~~

~~Attainment of the water quality objective is demonstrated by conducting acute aquatic toxicity testing as described in Section III.B.2 of the Toxicity Provisions and rejecting this null hypothesis in accordance with the TST statistical approach described in Section III.B.3 of the Toxicity Provisions. When the null hypothesis is rejected, the alternative hypothesis is accepted in its place, and there is no exceedance of the acute aquatic toxicity water quality objective. Failing to reject the null hypothesis (referred to as a "fail") is equivalent to an exceedance of the acute aquatic toxicity water quality objective.~~

Change 2: Section 4.3 Aquatic Toxicity Provisions

4.3 — Aquatic Toxicity Provisions

~~The State Water Board established the Aquatic Toxicity Provisions (Toxicity Provisions) through Resolution No. 2020-0044, adopted on December 1, 2020, and Resolution No. 2021-0044, adopted on October 5, 2021. The Toxicity Provisions include statewide numeric water quality objectives for both acute and chronic toxicity and a program of implementation to control toxicity. The Toxicity Provisions provide consistent protection of aquatic life beneficial uses in inland surface waters, enclosed bays, estuaries, and coastal lagoons throughout the state from the effects of known and unknown toxicants. More information about the Toxicity Provisions can be found at the [State Water Board's website](https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/aquatic_toxicity.html) (https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/aquatic_toxicity.html).~~

These changes are made to reflect the slightly more limited scope of the Basin Plan Amendment before the State Water Board at this time, delaying consideration of one small aspect of the Amendment that was adopted by the North Coast Water Board in June 2025.

If you have any questions about this transmittal, please contact Michelle Fuller at michelle.fuller@waterboards.ca.gov or (707) 576-2350.

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Attachment: Water Quality Control Plan for the North Coast Region, June 2025 edition