

August 13, 2012

Jeanine Townsend, Clerk to the Board
California State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: Comment Letter – Policy for Toxicity Assessment
and Control

Dear Ms. Townsend:

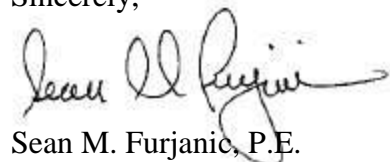
32.1 → The Pennsylvania Department of Environment Protection's Bureau of Point and Non-Point Source Management (PNPSM) has reviewed with interest California State Water Resources Control Board's (SWRCB's) proposed revisions to its policy for toxicity assessment and control. PNPSM is considering changes to its own approach to Whole Effluent Toxicity (WET), and has found SWRCB's proposed approach to be thoughtful and well-constructed.

It appears that SWRCB and PNPSM have independently determined that the data analysis methods described in U.S. Environmental Protection Agency's (EPA's) June 2010 guidance, "Test of Significant Toxicity Implementation Guidance" (EPA 833-R-10-003) (hereafter "TST"), represents not only the best scientific approach to assessing WET test results, but also the simplest. PNPSM has reviewed SWRCB's draft policy after it developed its own draft policy, and has determined that several changes are warranted; while some differences will remain, overall PNPSM considers SWRCB's proposal a model for scientifically defensible WET implementation.

NPDES-permitted facilities in California may, as a result of SWRCB's policy, reap substantial savings in the cost of WET testing by focusing on a critical dilution and a control instead of the typical five dilutions, as TST does not require five dilutions. This move shows that SWRCB is willing to pursue common sense changes for the benefit of its regulated facilities, while maintaining or enhancing water quality protection.

Thank you for the opportunity to offer comments in support of SWRCB's draft policy.

Sincerely,



Sean M. Furjanic, P.E.
Environmental Program Manager
Operations, Monitoring and Data Systems