



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

JAMES F. STAHL
Chief Engineer and General Manager

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File No. 31-370.40.4A

Via U.S. and Electronic Mail

Ms. Dena McCann
Freshwater Standards Unit
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95814

Dear Ms. McCann:

**Comments on the Scope of the FED for Proposed Revisions
to the Statewide Implementation Policy for Toxics**

On behalf of the County Sanitation Districts of Los Angeles County (Districts), I am submitting these comments regarding the scope of the Functional Equivalent Document (FED) for the proposed revisions to the Policy for the Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California (SIP) currently being developed by the SWRCB. We have also reviewed the comments submitted to you on November 8th by Tri-TAC and the California Association of Sanitation Agencies (CASA), and we endorse their comments.

Based on our review of the Scoping Document and various EPA documents, such as the California Toxics Rule (CTR), National Toxics Rule (NTR), and EPA's guidance on water effect ratios (WERs), we offer the following additional comments regarding Issue 1 for your consideration. It is our opinion that, with the "discharge-specific" limitation currently proposed, depending on how it is defined, few EDW dischargers would be able to take advantage of this amendment to the SIP. Thus, the time and resource efficiencies this amendment is supposed to provide may not materialize. We believe that EPA regulations and guidance clearly pre-authorize the use of all water effect ratios for the metals identified in the CTR and NTR, not just the use of "discharge-specific" WERs. Therefore, we strongly recommend that the SWRCB drop the use of the term "discharge-specific" when referring to some WERs, and instead, consistent with the CTR, NTR and EPA guidance on WERs, pre-authorize the development and use of WERs without going through the Basin Planning process for those metals already identified by EPA in the CTR and NTR. This approach would necessarily be predicated upon the use of EPA approved methodologies, or other scientifically-defensible methodologies approved by the State. The SIP should then specify that the alternative of developing a site-specific objective through a WER (including a basin plan amendment) would apply for all other constituents (i.e., any for which WERs are not pre-authorized by EPA). This approach would be clearer, and would take full advantage of the flexibility already provided by EPA.

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If the SWRCB is concerned about the potential for less public involvement in developing WERs without a basin plan amendment process, an alternative would be to allow Regional Boards to require that a public advisory committee and/or technical expert panel be convened during the development of a WER for a waterbody. In other words, the Regional Board would have the discretion to require that these types of committees be convened if they believe the project to be particularly technically challenging, or if they have knowledge that there is sufficient interest in participating in development of the WER by other parties. Therefore, we recommend that this alternative be considered in the FED.

We also concur with the recommendation by Tri-TAC and CASA that the SWRCB should consider pre-approving the use of methods such as the Biotic Ligand Model for freshwater copper, and the use of the "Streamlined Procedure" for WERs.

Thank you for your consideration of our comments. If you have any questions, please contact Martha Rincon at (562) 699-7411, extension 2830.

Very truly yours,

James F. Stahl



Victoria O. Conway
Section Head
Monitoring Section

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