
State Water Resources Control Board

**NOTICE OF
AVAILABILITY OF STAFF REPORT APPENDICES,
OPPORTUNITY FOR PUBLIC COMMENT,
AND PUBLIC STAFF WORKSHOP**

**TOXICITY PROVISIONS; AND PROPOSED ESTABLISHMENT OF THE WATER
QUALITY CONTROL PLAN FOR INLAND SURFACE WATERS, ENCLOSED BAYS,
AND ESTUARIES OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will receive public comments on two new appendices to the *Draft Staff Report, Including Substitute Environmental Documentation, for the Proposed Establishment of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; and Toxicity Provisions*.

Document Availability

The appendices are available on the [Statewide Toxicity Provisions web site](https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/t_x_ass_cntrl.html) at: https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/t_x_ass_cntrl.html. You may request a paper copy of the appendices by contacting Zane Poulson at (916) 341-5488 or via email at Zane.Poulson@waterboards.ca.gov.

Submission of Written Comments

The State Water Board will accept input and recommendations on the content of the appendices through written comments. The State Water Board will also accept additional evidence directly related to the content of the appendices. Written comments and evidence unrelated to the content of the appendices, including comments on any of the actual language in the draft Toxicity Provisions, will not be accepted. Written comments and evidence must be received no later than **12:00 noon on February 10, 2020**, and addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento CA 95812-2000 (mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (hand delivery)

Please indicate in the subject line: "Comment Letter – Toxicity Appendices J and K"

Comment letters may be submitted electronically, in PDF text format if less than 15 megabytes in total size, to the Clerk to the Board via e-mail at commentletters@waterboards.ca.gov. If the file is greater than 15 megabytes in total size, the comment letter may be submitted by mail, hand delivery, or fax to (916) 341-5620. Couriers delivering hard copies of comment letters must check in with lobby security personnel, who can contact Ms. Townsend at (916) 341-5600.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold a public staff workshop to provide the public an opportunity to discuss the content of the appendices. The additional discussion of the appendices' primary elements is intended to assist the public with formulating written comments, and to assist staff in better understanding written public comments when received. State Water Board staff will present information and answer questions related to the appendices at the staff workshop.

Public Staff Workshop
Thursday, January 9, 2020, 1:00 p.m. – 3:30 p.m.
Joe Serna Jr. - CalEPA Headquarters Building
Byron Sher Auditorium
1001 I Street, Second Floor
Sacramento, CA 95814

BACKGROUND

The State Water Board is developing the proposed Toxicity Provisions to establish numeric water quality objectives for both acute and chronic toxicity, and a program of implementation to protect aquatic life beneficial uses. The public comment period for the Toxicity Provisions ran from October 19, 2018 through December 22, 2018.

Subsequently, additional information regarding laboratory performance of the chronic *Ceriodaphnia dubia* reproduction toxicity test became available. A new appendix examines the available data. The appendix is titled *Draft Appendix J. Evaluating Laboratory Performance with the Chronic Ceriodaphnia dubia Reproduction Toxicity Test* and includes a summary of peer-reviewed, published results regarding California laboratory performance while conducting chronic toxicity tests using *Ceriodaphnia dubia*. This appendix also includes analyses conducted by State Water Board staff evaluating recent laboratory performance data, whole effluent toxicity test results, and probability projections based on laboratory performance.

In addition, after the close of the 2018 public comment period, State Water Board staff surveyed laboratories accredited by the Environmental Laboratory Accreditation Program to conduct chronic toxicity tests for California's National Pollutant Discharge Elimination System (NPDES) permitted dischargers. A second new appendix titled *Draft Appendix K. Survey of Laboratory Toxicity Testing Logistical Capacities* includes the questions and summary responses from surveyed laboratories regarding the capability of laboratories to initiate routine monitoring tests and median monthly effluent

limitation (MMEL) compliance tests within the same calendar month, when required. The survey also examined potential costs to dischargers for unscheduled tests or other laboratory services.

PURPOSE OF THE WORKSHOP & PROCEDURAL MATTERS

The purpose of the public staff workshop is to provide information and to answer questions about the two new appendices.

A quorum of the State Water Board members may be present at the public staff workshop; however, no board action will be taken. The State Water Board will schedule a subsequent meeting at which it will consider adopting the proposed Toxicity Provisions.

Additional information on the workshop, including meeting procedures and information on making presentations, can be found at the [State Water Board calendar web site](https://www.waterboards.ca.gov/board_info/calendar/) at: https://www.waterboards.ca.gov/board_info/calendar/.

FUTURE NOTICES

Any changes regarding the release of the appendices, the public comment period, or the date, time, and place of the workshop will be noticed through the list serve e-mail distribution list and on the State Water Board's web site. Any person desiring to receive future notices must sign up for the list serve e-mail distribution list by accessing the E-mail List Subscription form, selecting the box for 'Freshwater Plan and Policies' (located within the section entitled 'Water Quality'), and providing the required information. The subscription form is located at the [Email List Subscription Form web site](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml) at:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map on the [State Water Board web site](https://calepa.ca.gov/headquarters-sacramento/location/) at: <https://calepa.ca.gov/headquarters-sacramento/location/>

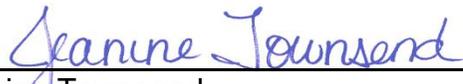
The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5261 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. An audio broadcast of the meeting will be available via the internet and can be accessed at the [Public Meeting Live Webcasts web site](https://video.calepa.ca.gov/) at: <https://video.calepa.ca.gov/>

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

CONTACT INFORMATION

Please direct questions regarding this notice, the appendices, or the Toxicity Provisions to Zane Poulson at (916) 341-5488 (Zane.Poulson@waterboards.ca.gov), 1001 I Street, 15th Floor, Sacramento, CA 95814.

December 24, 2019
Date


Jeanine Townsend
Clerk to the Board