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State Water Resources Control Board

**REVISED NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT,  
PUBLIC STAFF WORKSHOPS, PUBLIC BOARD HEARING,  
AND NOTICE OF FILING**

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

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

Document Availability

The Toxicity Provisions and Draft Staff Report will be available on the State Water Board's web site on or before **October 19, 2018**, at:

[https://www.waterboards.ca.gov/water\\_issues/programs/state\\_implementation\\_policy/tx\\_ass\\_cntrl.html](https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.html)

The response to comments regarding the previously proposed 2012 Draft Toxicity Policy will also be available on the same State Water Board's website on or before **October 29, 2018**. Notice shall be provided concerning the date on which the documents are available on the State Water Board's website.

You may request a paper copy of the Toxicity Provisions by contacting Zane Poulson at (916) 341-5488 or via email at [Zane.Poulson@waterboards.ca.gov](mailto:Zane.Poulson@waterboards.ca.gov).

Submission of Written Comments

State Water Board staff will also accept input and recommendations through written comments.

Written comments must be received no later than **~~12:00 noon on December 7, 2018~~ 12:00 noon on December 21, 2018**, 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 Provisions."**

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](mailto:commentletters@waterboards.ca.gov). If the file is greater than 15 megabytes in total size, then 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 State Water Board staff will hold two workshops to provide the public opportunities to discuss the Toxicity Provisions. State Water Board Staff believe that additional discussion of the Toxicity Provisions' primary elements will assist the public with formulating written comments and assist staff in appreciating the public's comments. State Water Board Staff will present information on the proposed water quality objectives and program of implementation, and answer questions related to the Toxicity Provisions. A quorum of the State Water Board members may be present; however, no Board action will be taken.

**Costa Mesa Staff Public Workshop**

**October 29, 2018**

10:00 a.m. – 12:00 p.m.

Southern California Coastal Water Research Project Headquarters  
3535 Harbor Blvd., Suite 110, Costa Mesa CA 92626

**Sacramento Staff Public Workshop\***

**October 31, 2018**

10:00 a.m. – 12:00 p.m.

Joe Serna Jr. - CalEPA Headquarters Bldg.  
Coastal Hearing Room, Second Floor  
1001 I Street, Sacramento, CA. 95814

\*A web broadcast of this meeting can be viewed at <https://video.calepa.ca.gov/>

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the State Water Board will hold a public board hearing to receive public input and comments on the Toxicity Provisions and the Draft Staff Report. A quorum of the State Water Board members may be present; however, no Board action will be taken.

**Board Hearing**

**November 28, 2018**

9:30 a.m.

Joe Serna Jr. - CalEPA Headquarters Bldg.  
Coastal Hearing Room, Second Floor  
1001 I Street, Sacramento, CA 95814

Additional information on the hearing in Sacramento can be found at the State Water Board's web site at: [http://www.waterboards.ca.gov/board\\_info/calendar/](http://www.waterboards.ca.gov/board_info/calendar/).

There will be no sworn testimony or cross-examination of participants at the Board Hearing. However, the State Water Board and its staff may ask clarifying questions. At the hearing, participants will be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient hearing in which all participants have an opportunity to participate, oral presentations may be time-limited. For other presentation recommendations, go to:

[http://www.waterboards.ca.gov/board\\_info/meetings/board\\_presentations.shtml](http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml).

The State Water Board will schedule a subsequent meeting at which it will consider adopting the Toxicity Provisions.

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the State Water Board is proposing to adopt the Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE) Plan and the Toxicity Provisions in accordance with a regulatory program exempt under section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and with other applicable laws and regulations. This Notice of Filing is submitted under California Code of Regulations, title 23, section 3779.

## **THE ISWEBE PLAN**

The *Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (ISWEBE Plan) will be a single planning document that includes all the water quality control plan provisions adopted by the State Water Board that relate to surface waters other than open bays and the ocean.

## **THE TOXICITY PROVISIONS**

The Toxicity Provisions include the following elements:

1. Numeric acute and chronic toxicity water quality objectives which are stated in the form of a null hypothesis and alternative hypothesis.
2. Consistent toxicity testing and analyses for determining whether ambient receiving water meets the numeric water quality objectives, whether a permitting authority shall require effluent limitations, and whether discharger effluent complies with applicable permit terms. The Toxicity Provisions will require the use of U.S. EPA-approved test methods and species that are amenable to the Test of Significant Toxicity (TST). The Toxicity Provisions will also require the use of the Test of Significant Toxicity (TST). Results are primarily reported as a "pass" or a "fail," plus a percent effect.
3. Implementation for Non-Storm Water Dischargers, including:
  - a. Species sensitivity screening and reasonable potential analysis approaches.
  - b. Routine monitoring frequencies and requirements for additional monitoring when a "fail" occurs.
  - c. A Maximum Daily Effluent Limitation (MDEL) and a Median Monthly Effluent Limitation (MMEL).
  - d. Exceptions for small disadvantaged communities and insignificant dischargers.
4. Implementation for Storm Water Discharges and non-point source dischargers, including:
  - a. Use of the TST when the dischargers are required to conduct testing with the use of specified U.S. EPA-approved test methods and species.

## **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 website: <http://www.calepa.ca.gov/headquarters-sacramento/location/>

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least five 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. Video and audio broadcasts of the meetings will be available via the internet and can be accessed 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 (10<sup>th</sup> Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

## **FUTURE NOTICES**

The State Water Board staff workshops and public hearing will be at the times and places noted above. Any change in the date, time, and place of the staff workshops and public hearing will be noticed on the automated email list. Any person desiring to receive future notices concerning the Toxicity Provisions, including any changes to the notice of public comment, staff workshops, board hearing, and the subsequent meeting for the State Water Board's consideration of adoption, must sign up on the automated e-mail list. To sign up on the automated email list, access the Email List Subscription Form at [https://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html), click on the "Water Quality" tab, and then check the box for "Freshwater Plans and Policies."

## **ADDITIONAL INFORMATION**

Please direct questions about this notice or the Toxicity Provisions to Zane Poulson at (916) 341-5488 or [Zane.Poulson@waterboards.ca.gov](mailto:Zane.Poulson@waterboards.ca.gov).

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Date

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Jeanine Townsend  
Clerk to the Board