



Via email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

August 6, 2012

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor, Sacramento, CA 95814



RE: Policy for Toxicity Assessment and Control (Wet Policy)

Dear Ms. Townsend:

On behalf of the facilities that Veolia Water North America operates and maintains we respectfully submit the comments below.

**Concerns:**

1. Many of our facilities currently analyze Chronic Toxicity once per year. By changing the monitoring frequency to once per month this would represent a significant increase in cost. Each event costs approximately \$3,000.
2. If the facility were to fail this test, the policy change requires accelerated monitoring of 5 consecutive testing in an 8 week period. With the current requirements, a retest is performed to show compliance. If this test passes, the process stops. The cost of 5 tests represents approximately \$15,000 - \$20,000.
3. This type of analysis can not be performed by all commercial laboratories. Only specialized laboratories have the capability due to the extensive quality assurance and quality control procedures. The number of laboratories in the State of California is limited, which may require facilities to utilize out of state laboratories. This may create delays in reporting.
4. The March 2, 2000, *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP) established provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. This policy currently requires accelerated monitoring based on toxicity unit failure and implementation of the toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) procedures in accordance with Provision VI.C.2.d. As noted the current policy is already very stringent and additional monitoring is unnecessary.

Thank you for the opportunity to submit these comments and we look forward to the State of California allowing the current policies and regulations to continue in light of the number of concerns being expressed for this policy change.

Yours Truly,

A handwritten signature in black ink that reads "John P. O'Hare".

John P. O'Hare  
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