
State Water Resources Control Board

**NOTICE OF PUBLIC MEETING,
CONSIDERATION OF ADOPTION AND
DOCUMENT AVAILABILITY**

**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 hold a public meeting to consider: (1) adoption of the Proposed Final Toxicity Provisions and Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (hereafter Proposed Final Toxicity Provisions), and (2) approval of the Proposed Final Staff Report, including Substitute Environmental Documentation, for the Toxicity Provisions (hereafter Proposed Final Staff Report). The public adoption meeting will be held:

Tuesday, December 1, 2020 - 9:00 a.m.
No Physical Meeting Location
Video and Teleconference Only

As a result of the COVID-19 emergency and the Governor's Executive Orders to protect public health by limiting public gatherings and requiring social distancing, the public meeting will occur solely via remote presence.

For those who only wish to watch the meeting and not present oral statements, a live video and audio broadcast will be available via the internet. It can be accessed at the CalEPA Public Meeting Live Webcast page at <https://video.calepa.ca.gov/>.

For those who wish to present oral statements, additional information about participating telephonically or via the remote meeting solution is available here: https://www.waterboards.ca.gov/board_info/remote_meeting/.

Additional information on the meeting will be available ten days prior to the meeting at the State Water Board calendar website at: https://www.waterboards.ca.gov/board_info/calendar/).

TOXICITY PROVISIONS

The Toxicity Provisions would establish a statewide plan that includes numeric water quality objectives for both chronic and acute aquatic toxicity, the “test of significant toxicity” (TST) statistical approach for assessing toxicity test data, and a program of implementation with a focus on non-storm water National Pollutant Discharge Elimination System (NPDES) dischargers. Implementation requirements for non-storm water NPDES dischargers include species sensitivity screening and reasonable potential approaches, monitoring requirements, a maximum daily effluent limitation and median monthly effluent limitation, requirements to conduct toxicity reduction evaluations, and exemptions. Implementation requirements for storm water dischargers and non-point source dischargers include use of the TST when the dischargers are required to conduct testing with the use of specific U.S. EPA-approved test methods and species. The Toxicity Provisions would apply to all inland surface waters, enclosed bays, estuaries, and coastal lagoons in the state and are designed to protect aquatic life beneficial uses.

The Toxicity Provisions will also establish the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California. The Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California will be a single planning document that includes all the water quality control plan provisions and related policies for water quality control adopted by the State Water Board that relate to surface waters other than open bays and the ocean. The proposed establishment of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California would not result in any additional substantive provisions at this time, other than the Toxicity Provisions.

DOCUMENT AVAILABILITY

The Proposed Final Toxicity Provisions and Proposed Final Staff Report will be available on or before October 30, 2020.

Responses to written comments submitted during the December 24, 2019 to February 10, 2020 comment period, and the July 7, 2020 to August 24, 2020 comment period will also be available on October 30, 2020, or soon thereafter.

Documents will be available on the [Statewide Toxicity Provisions web site](https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tox_ass_cntrl.html) at: (https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tox_ass_cntrl.html).

You may request a paper copy by contacting Zane Poulson at (916) 341-5488 or via email at Zane.Poulson@waterboards.ca.gov.

PROCEDURAL MATTERS

The State Water Board is not accepting any additional written comments on the Proposed Final Toxicity Provisions and Proposed Final Staff Report. At the December 1, 2020 public meeting, at which the State Water Board will consider adopting the Toxicity Provisions and approving the Staff Report, interested persons will have an opportunity to comment orally on the Proposed Final Toxicity Provisions and the Proposed Final Staff Report. Comments should focus on changes between the Proposed Final Toxicity Provisions and the October 2018 Draft Toxicity Provisions, and between the Proposed Final Staff Report and October 2018 Draft Staff Report. There will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. Although public comment will be allowed at the adoption meeting, the State Water Board will not accept any additional evidence into the record.

To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations may be time limited. For other presentation recommendations, please go to:

http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml .

DIRECTIONS AND ACCESSIBILITY

Telecommunications device for the deaf (TDD) users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. A broadcast of the hearing will be available via internet and can be accessed at <https://video.calepa.ca.gov>.


FUTURE NOTICES

The public adoption meeting will be at the date and time noted above. Any change in the date, time, and public meeting format will be noticed on the automated email list. 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.html) at (http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html).

CONTACT INFORMATION

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

October 12, 2020
Date


Jeanine Townsend
Clerk to the Board