
State Water Resources Control Board

TO: Rick Rasmussen, Chief
TMDL Section
Division of Water Quality

Gerald W. Bowes

FROM: Gerald W. Bowes, Ph.D., Manager
Cal/EPA Scientific Peer Review Program
Office of Research, Planning and Performance

DATE: March 20, 2012

**SUBJECT: REVIEWERS APPROVED FOR PROPOSED POLICY FOR TOXICITY
ASSESSMENT AND CONTROL**

I am pleased to respond to your request for scientific peer-reviewers for the subject noted above, The University of California, with whom Cal/EPA has an Interagency Agreement to identify reviewer candidates, contacted scientists it considered qualified to perform the assignment.

Each candidate who was both interested and available for the review period was asked to complete a Conflict of Interest Disclosure form and send it to me for review. In follow-up communications with selected candidates, I asked them to affirm there is nothing in their background: a) that might be reasonably construed by others as affecting their judgment, and b) which might constitute an actual or potential source of bias. They also were asked to affirm they would be able to perform an objective and independent review.

Reviewers Approved:

- a) Gerald A. LeBlanc, Ph.D.
Professor of Environmental and Molecular Toxicology
Department of Environmental and Molecular Toxicology
North Carolina State University
Campus Box 7633
Raleigh, North Carolina 27695

Telephone: (919) 515-7404
Fax: (919) 515-7169
E-mail: gerald_leblanc@ncsu.edu

- b) Michael C. Newman, Ph.D.
A. Marshall Acuff Jr. Professor of Marine Science
Department of Environmental and Aquatic Animal Health
Virginia Institute of Marine Science
College of William and Mary
Andrews Hall 428
Gloucester Point, Virginia 23062-1346

Telephone: (804) 684-7725
Fax: (804) 684-7097
E-mail: Newman@vims.edu

Curriculum Vitae are attached.

Contacting Reviewers. Contact the reviewers immediately. Tell them you have just learned of their identity, and when to expect review material. Keep them informed of delays, and ensure new dates are acceptable. Include me as a "cc" on communications indicating delays.

Initiating the Review. Send the reviewers a cover letter with the following:

- a) original letter of request for reviewers and attachments, which was sent to them by the University during the solicitation process;
- b) Key Document(s) for Review;
- c) Key Supporting Documents.

An example of a cover letter initiating the review is attached. It is not confidential at this point. All communications related to the review noted here have been posted at the State and Regional Water Board's peer review website:

http://www.waterboards.ca.gov/water_issues/programs/peer_review/

Please send me a copy of the cover letter.

Essential Directions. Tell your reviewers in the cover letter:

- a) **Follow the review guidance provided in the initial letter of request for reviewers, Attachment 2.**
- b) **Address all topics listed in Attachment 2, as expertise allows, in the order given.**

Revisions. If you have revised any part of the initial request, stamp "Revised" on each page where a change has been made, and date of the change. Clearly describe the revision in the cover letter. Reviewers must be made aware of changes.

Mode of Transmission. Review material frequently is sent electronically. Hard copy is recommended for lengthy documents. Confirm electronic and hard copies have been received by reviewers.

Confidentiality of the Review Process. Approved reviewers were sent the attached January 7, 2009 Supplement to the Cal/EPA Peer Review Guidelines. Please read it carefully. In part it provides guidance to ensure confidentiality through the peer review process. Reviewers must keep their identities confidential, and I ask that you do also to avoid compromising the external review.

Communication Restrictions. Communications between reviewers and requesting organizations are restricted to questions of clarification. Both enquiries and responses must be in writing.(email is fine). If you prefer, all communications can be routed through me.

Contacts by Outside Parties. After reviews have been submitted, the Supplement notes reviewers are under no obligation to discuss their comments with third parties, and we recommend they do not.

All outside parties are provided opportunities to address a proposed regulatory action through a well-defined rulemaking process. Ask your reviewers to direct third parties to you, or a designated staff person, with comments or suggestions in writing.

Completed Reviews. These are to be sent directly to the person signing the letter initiating the review, unless directed otherwise.

If I can provide additional help, contact me at any time during the review process.

cc: Mr. Paul Hann
Senior Environmental Scientist
Mr. Brian D. Ogg
Environmental Scientist
Division of Water Quality

Attachments (4)

- 1) Curriculum Vitae – Gerald A. LeBlanc, Ph.D.
- 2) Curriculum Vitae – Michael C. Newman, Ph.D.
- 3) Example of Letter Initiating Review
- 4) Supplement to Cal/EPA External Scientific Peer Review Guidelines



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

December 21, 2011

Sent via FedEx

Professor Pedro J.J. Alvarez, Chair
Department of Civil and Environmental Engineering
Rice University
6100 Main Street, MS 519
Houston, Texas 77251-1892

Dear Professor Alvarez,

**PEER REVIEW OF SCIENTIFIC BASIS OF THE TECHNICAL JUSTIFICATION FOR
THE PROPOSED LOW-THREAT UNDERGROUND STORAGE TANK (UST) POLICY**

I have been asked to continue managing the external scientific peer review of the subject noted above. Staff will not communicate with the approved reviewers, such as yourself, nor know their identities, until I formally transmit the reviews to them.

My letter today is intended to initiate the next phase of the external review – the actual reviews themselves.

Included with this letter are the following key documents:

- a) The request for external reviewers to me, signed by Kevin Graves, DWQ, including eight attachments; and,
- b) January 7, 2009 Supplement to the Cal/EPA Peer Review Guidelines.

Comments on the foregoing (a-b):

1. You have been sent the request letter during the solicitation process for reviewer candidates conducted by the University of California. The letter was dated November 29, 2011, and did not include Attachments 5-8. The attached letter is identical, dated December 8, 2011, and is the final request with all attachments included. Attachment 8 is a CD containing all references.
2. Attachment 2 to the request letter provides focus for the review. I ask that you address all topics, as expertise allows, in the order listed.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

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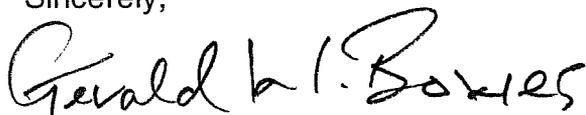
3. The January 7, 2009 Supplement – you received this earlier when I approved you as a reviewer. I am sending it again to make certain that you have it. In part, it provides guidance to ensure the review is kept confidential through its course. The Supplement notes reviewers are under no obligation to discuss their comments with third-parties after reviews have been submitted. We recommend they do not. All outside parties are provided opportunities to address a proposed regulatory action through a well-defined regulatory process. Direct third parties to Kevin Graves, UST Program Manager.

Please return your review directly to me. Questions about the review, or review material, should be for clarification, in writing – email is fine, and addressed to me. My responses will be in writing also. The State Water Board should not be contacted. I will subsequently forward all reviews together with reviewers' CVs. All this information will be posted at the UST program web site, and the State Water Board's Scientific Peer Review website.

I would appreciate your review being completed by **January 31, 2012**.

Your acceptance of this review assignment is most appreciated.

Sincerely,



Gerald W. Bowes, Ph.D.
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State Water Resources Control Board
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Sacramento, California 95814

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