



Policy for Toxicity and Assessment Control

Public Hearing
August 21, 2012

http://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml

What You May Have Heard and What You Need To Know

State Water Board staff carefully evaluated public comments received on two drafts of the proposed Policy for Toxicity and Assessment Control. The current version integrates many specific suggestions and feedback provided by the public and stakeholders. However, recent comments have indicated that there are still some misconceptions surrounding the policy. The table below discusses some of the key points of the policy.

Frequent Questions	What You May Have Heard	What You Need to Know
How much money will this cost?	The new policy will result in increased testing costs.	Our external economic analysis showed a statewide costs savings of between \$0.2-1.6 Million dollars per year. The cost per test should go down by up to 50%.*
How often will we have to test?	The new policy will require more frequent testing.	The policy requires monthly or quarterly monitoring depending on discharger size. Some dischargers will experience an increase in testing frequency, others will not.*
How will the use of the TST method impact the number of enforcement actions?	The TST method will result in a greater number of enforcement actions.	The Test Drive Analysis demonstrated that the TST should not result in an increase in enforcement actions over the current approach.
Will the Policy increase impairment listings?	Use of the TST in the Policy will result in an increase in the amount of 303(d) listings.	Use of the TST should not increase the number of listings. The Test Drive showed general agreement between the TST and current approach. (Both declared 90% of ambient waters non-toxic).

**Actual costs will vary by discharger. In general per-test savings should offset increased monitoring frequency costs. Not all dischargers will experience savings.*

Policy Goals and Accomplishments

Policy Goals:

- Protect aquatic beneficial uses
- Comply with State Water Board Resolution 2005-0019.
- Provide a clear and consistent method to interpret data.
- Establish a uniform approach to toxicity control across Water Board Regions and programs.
- Provide for improved regulatory efficiency.

Policy Accomplishments:

- Made substantial revisions to the draft Policy to address issues raised by stakeholders.
- Supplemented test drive analysis to include an additional 3201 ambient and stormwater samples.
- Completed additional external peer review through California Peer Review process.
- Released draft Policy for third public comment period.
- Updated economic analysis to reflect policy revisions.

FACTS About the Proposed Policy

Benefits of the TST

- Versatile approach that can be applied across all California regulatory programs.
- Provides dischargers tools to increase test power in a useful way.
- Less expensive test design even if more replicates are needed.
- Data analysis and interpretation is streamlined, and simpler to use than current approaches.

Test Drive Analysis

The Test Drive Analysis of the TST showed that results of the TST vs. the NOEC were generally the same with two small differences:

1. Truly non-toxic samples were more often declared non-toxic using TST than the NOEC.
2. NOEC analysis failed to declare truly toxic samples as “toxic” more often than the TST.

TST is Growing in Practice

- NPDES Permit for Orange County Sanitation District Reclamation Plant No. 1 and Treatment Plant No. 2 (Order RS-2012-0035) requires use of TST.
- Draft 2012 Caltrans General Permit for Storm Water Discharges proposes TST use.
- Hawaii and Pennsylvania currently considering the implementation of the TST.

Highlights of what has changed:

- Proposing maximum daily and median monthly effluent limits for NPDES Wastewater Dischargers and Point Source WDR Dischargers.
- Removed statewide monitoring requirements for stormwater and channelized dischargers (TST is still required if Regional Board requires monitoring).
- Small disadvantaged communities are now exempt from the provisions of the draft Policy unless the applicable Regional Water Board determines that they impact water quality.

Peer Review Results:

“The draft policy is based on sound science, methods and practices. It is a substantial improvement relative to current methods. The State Water Board should be proud of this advance and, hopefully, it will serve as an example for other regulatory groups desiring to move beyond the NOEC.”

~ Dr. Michael C. Newman

“The draft policy follows closely US EPA guidelines and no significant scientific concerns are noted. This reviewer is satisfied that the guideline will prove effective in the sagacious monitoring of wastewater for toxicity.”

~ Dr. Gerald A. LeBlanc