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State Water Resources Control Board

## NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND PUBLIC STAFF WORKSHOP

### 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 receive public comments on revisions to the October 19, 2018 versions of the *Draft Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; and Toxicity Provisions* (hereafter the “Toxicity Provisions”) and the *Draft Staff Report, Including Substitute Environmental Documentation, for the Proposed Establishment of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; and Toxicity Provisions* (hereafter the “Staff Report”) reflected in the July 7, 2020 versions of the Toxicity Provisions and the Staff Report.

The July 7, 2020 versions are also known as the *Second Revised Draft Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; and Toxicity Provisions* and the *Second Revised Draft Staff Report, Including Substitute Environmental Documentation, for the Proposed Establishment of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; and Toxicity Provisions*.

The State Water Board has developed the proposed Toxicity Provisions to establish numeric water quality objectives for both acute and chronic toxicity, and a program of implementation to protect aquatic life beneficial uses. The State Water Board is also proposing to establish the *Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (ISWEBE Plan), which 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.

## DOCUMENT AVAILABILITY

The October 2018 Toxicity Provisions and Staff Report are currently available, and the July 2020 Toxicity Provisions and Staff Report will be available on or before July 7, 2020. Responses to written comments submitted during the October 19, 2018 to December 22, 2018 comment period will be available by July 7, 2020, or shortly thereafter.

Documents will be available on the [Statewide Toxicity Provision's web site](https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.html) 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).

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

## SCOPE OF WRITTEN COMMENTS

The State Water Board will receive written comments, input, recommendations, and additional evidence directly related to the differences between the October 2018 versions and the July 2020 versions of the Toxicity Provisions and the Staff Report. Any specific written comment or evidence that is unrelated to the differences between the October 2018 Toxicity Provisions and Staff Report and the July 2020 Toxicity Provisions and Staff Report will not be accepted.

The public comment period for the October 2018 version of the Toxicity Provisions and Staff Report began on October 19, 2018, and ended on December 22, 2018. The first revised drafts of the Toxicity Provisions and Staff Report were released publicly on July 25, 2019. Written comments on the July 2019 versions were not solicited. Additional changes were made and included in the July 2020 versions of the Toxicity Provisions and Staff Report, also known as the second revised drafts.

*Appendix J. Evaluating Laboratory Performance with the Chronic Ceriodaphnia dubia Reproduction Toxicity Test* and *Appendix K. Survey of Laboratory Toxicity Testing Logistical Capacities* of the Staff Report were released for public comment on December 24, 2019, and comments were due on February 10, 2020. Written comments and evidence related to Appendix J and Appendix K will not be accepted during this public comment period.

Comments received during the December 24, 2019 to February 10, 2020 comment period unrelated to the appendices were not accepted. Therefore, any written comments submitted during the December 24, 2019 to February 10, 2020 public comment period related to the differences between the October 2018 and July 2020 versions of the Toxicity Provisions and Staff Report should be resubmitted during this public comment period.

## **SUBMISSION OF WRITTEN COMMENTS**

Written comments must be received no later than **12:00 noon on August 24, 2020**, 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 2018 to 2020 Changes”**

Comment letters may be submitted electronically, in portable document format (PDF) 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, 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.

## **PUBLIC WORKSHOP**

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the State Water Board will hold a public staff workshop to provide information about the differences between the October 2018 and July 2020 versions of the Toxicity Provisions and Staff Report. The workshop is intended to assist the public with formulating written comments, and to assist staff in better understanding written public comments when received.

**Public Staff Workshop**  
**Wednesday, July 29, 2020, 1:00 to 4:00 p.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 gatherings and requiring social distancing, the public hearing will occur solely via remote presence. Links for the meeting, including a phone call option, will be posted on <https://video.calepa.ca.gov/>

For those who only wish to watch the hearing, the customary webcast remains available at <https://video.calepa.ca.gov/> and should be used UNLESS you intend to comment.

For those who wish to speak during the workshop, additional information about participating telephonically or via the remote meeting solution is available here: [https://www.waterboards.ca.gov/board\\_info/remote\\_meeting/](https://www.waterboards.ca.gov/board_info/remote_meeting/)

A quorum of the State Water Board members may be present at the public staff workshop; however, no board action will be taken. The State Water Board will schedule a subsequent meeting at which it will consider adopting the proposed Toxicity Provisions.

Additional information on the workshop, including meeting procedures and information on making presentations, can be found at the [State Water Board calendar web site](https://www.waterboards.ca.gov/board_info/calendar/) at: [https://www.waterboards.ca.gov/board\\_info/calendar/](https://www.waterboards.ca.gov/board_info/calendar/).


## FUTURE NOTICES

Any changes regarding the release of the July 2020 Toxicity Provisions and Staff Report or the responses to comments, the public comment period, or the date, time, and place of the workshop will be noticed through the list serve e-mail distribution list and on the State Water Board's web site. 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](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](mailto:Zane.Poulson@waterboards.ca.gov)), 1001 I Street, 15<sup>th</sup> Floor, Sacramento, CA 95814.

July 7, 2020  
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Date

  
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Jeanine Townsend  
Clerk to the Board