

Toxicity Assessment & Control: Can this Policy be Saved?

BACWA Annual Meeting
January 26, 2012

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The Draft Policy



The Draft Policy

- Released for comment in August 2010
- **Key Provisions:**
 - **Numeric Water Quality Objectives for acute and chronic**
 - **Numeric Limits for POTWs– reasonable potential presumed**
 - **Test of significant toxicity (TST) to replace NOEC and EC_{25}/IC_{25}**
 - **Testing monthly if ≥ 1 MGD, quarterly if < 1 MGD**
 - **Accelerated Monitoring triggered by single test fail.**

Clean Water Association Comments

- Narrative water quality objectives
- Narrative effluent limits
- Use EC_{25}/IC_{25} , not TST
- Two-phased trigger for accelerated monitoring
- Median rather than single test



During the last year...



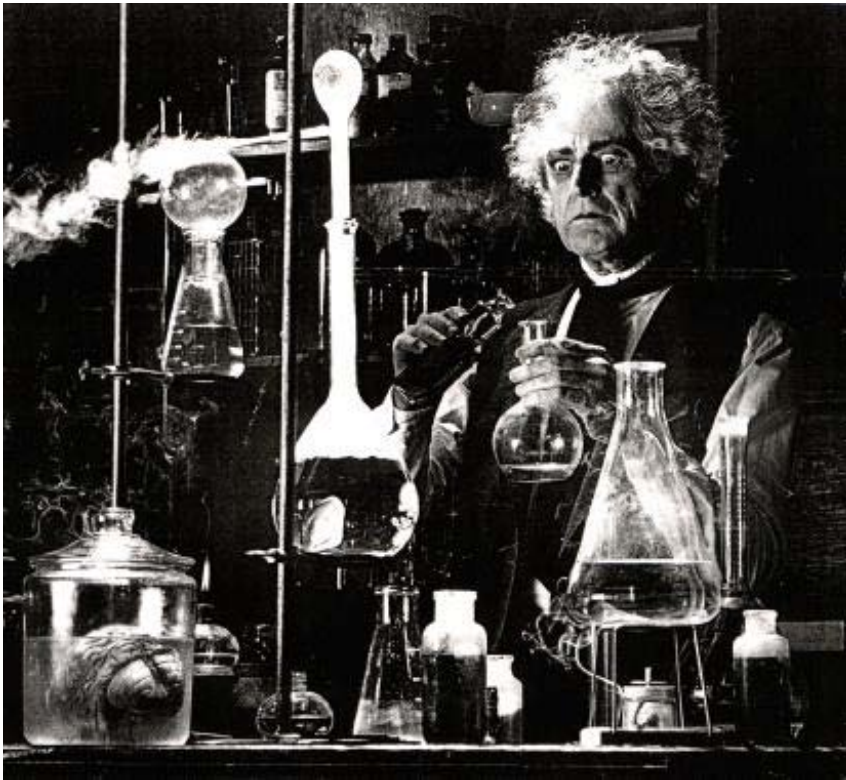
- State Water Board conducted a test drive of the TST
- Clean water associations met with Board members, State Water Board staff to discuss alternative approach that protects POTWs while meeting water boards' goals

Water Board Goals

- Incentivize compliance
- Ease of enforcement
- Capture large magnitude effects
- Ensure that toxicity is identified (address “false negatives”)



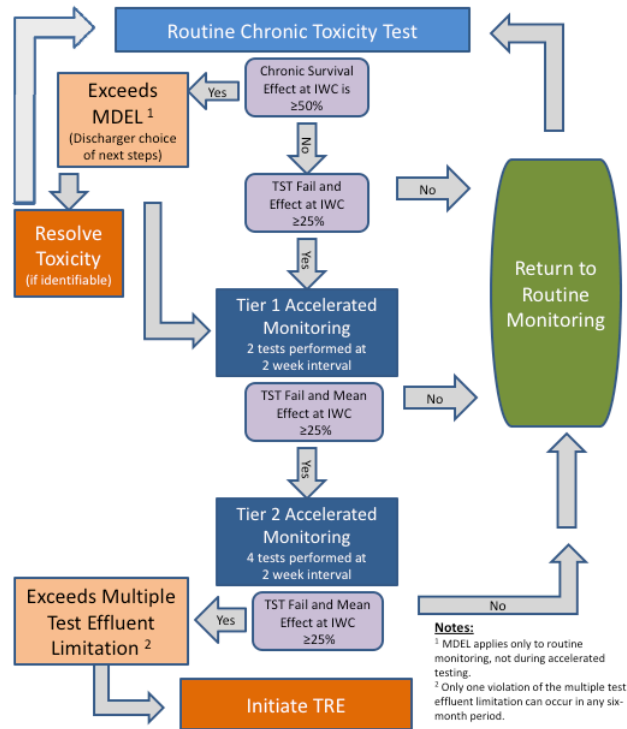
POTW Goals



- Acceptable false positive rate
- Provide reasonable confidence in test results
- Avoid being in violation for single test failure
- Conserve public resources—cost of tests, chasing episodic toxicity
- Compliance schedule during TIE/TRE process.

The Clean Water Associations' Alternative

Narrative Chronic Objective: There shall be no chronic toxicity to aquatic organisms in ambient waters caused by non-natural or reasonably controllable water quality factors, outside any designated mixing zone.





What we would “give”

- Accept use of TST if our implementation alternative followed
- Accept max. daily limit--
 $\geq 50\%$ of survival endpoint
- Accept numeric limit based on multiple samples



What we would “get”



- Multiple test trigger
- Trigger only if both TST fail and $> 25\%$ effect
- Assurance that POTW will not be in violation during TIE/TRE
- Small community relief
- Narrative toxicity objective (?)

Status

- Revised draft policy being sent to peer review– 60 to 90 day process
- State Water Board staff indicates that revised draft is “very close” to clean water association proposal
- Revised draft policy available for public review late Spring 2012

