
State Water Resources Control Board

TO: Dr. Michael C. Newman

FROM: Brian Ogg
Environmental Scientist
Division of Water Quality

DATE: March 26, 2012

SUBJECT: REVIEW OF DRAFT POLICY OF TOXICITY ASSESSMENT AND CONTROL

Thank you for agreeing to act as an external reviewer for the proposed Policy for Toxicity Assessment and Control (draft Policy). The initial request letter and accompanying Attachments that were previously sent to you outline the general scope of this review (note: please refer to the hardcopies provided in this project binder as some minor revisions have been made to them). Specifically, Attachment 2 provides the issues that must be addressed, as expertise allows, in the order listed. Given the importance of the proposed water quality objectives, we request that the reviewer provide comments within 30 days of receipt of the project binder.

In addition, please adhere to the following guidelines during this external review process:

- 1) Do not discuss your role as a reviewer or the proposal with anyone, including the people listed in Attachment 3. These individuals have either participated in the development of the draft Policy and/or the Test of Significant Toxicity or are, in some way, affiliated with those that have.
- 2) Do not discuss the draft Policy with State Water Board staff. Requests for clarification of certain aspects of the review process or the documents themselves are acceptable. However, the clarification questions and responses must be in writing. Clarification questions about reviewers' comments by staff and others affiliated with the organization requesting the review, and responses to them, must also be in writing. These communications will become part of the administrative record. Clarification questions can be emailed to: bogg@waterboards.ca.gov; or mailed to:

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State Water Resources Control Board
Division of Water Quality
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- 3) Each reviewer's identity must be kept confidential until that person's comments are received by the organization that has requested the review. After the comments are received, the reviewer's identity and comments must be made available to anyone requesting them. **State Water Board staff asks that each reviewer keep his or her identity confidential until the reviews have been submitted.**
- 4) Reviewers might be approached by parties representing special interests, the press, colleagues, or others after the review has been received by the State Water Board. Reviewers are under no obligation to discuss their comments with any party, and we recommend that they do not. All outside parties are provided an opportunity to address a proposed regulatory action during the public comment period and at the State Water Board hearing where the proposal is considered for adoption. Discussions outside these provided avenues for comment could seriously impede the orderly process for vetting the proposal under consideration. Reviewers approached by outside parties are encouraged to contact Brian Ogg at: (916) 323-9689.
- 5) The reviewer's name and professional affiliation should be included on the first page of the review. Home address or other personal contact information should be omitted.

Included with this letter are the following key documents:

- a) The request for external peer reviewers
- b) A summary of the draft Policy (Attachment 1)
- c) The findings to be addressed (Attachment 2)
- d) A list of project participants (Attachment 3)
- e) A list of the supporting documents provided on the supplied CD (Attachment 4)
- f) Significant milestones of this project (Attachment 5)
- g) The draft Policy and Staff Report

Your assistance with this project is greatly appreciated.

cc: Paul Hann, Senior Environmental Scientist
Rik Rasmussen, TMDL Section Chief