



NOVATO SANITARY DISTRICT

500 DAVIDSON STREET • NOVATO • CALIFORNIA 94945 • PHONE (415) 892-1694 • FAX (415) 898-2279
www.novatosan.com

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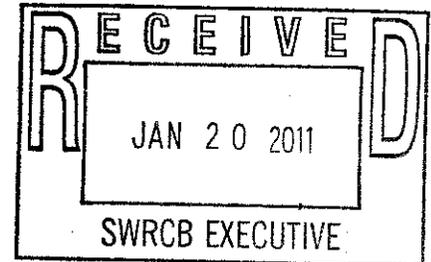
BEVERLY B. JAMES
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KENTON L. ALM
Legal Counsel

January 20, 2011

Via email: commentletters@waterboards.ca.gov

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, Sacramento, CA 95814



Subject: Draft Policy for Toxicity Assessment and Control

Dear Ms. Townsend:

The Novato Sanitary District (District) appreciates the opportunity to comment on the Draft Policy for Toxicity Assessment and Control. The District treats wastewater from primarily residential sources serving the City of Novato and adjacent areas with a current population of approximately 60,000. The District is active in its community and has high standards in environmental stewardship. The District was the recipient of the Dr. Teng-Chung Wu P2 State Award from the Water Board in 2010.

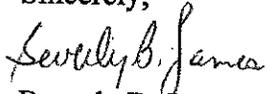
The Novato Sanitary District is very concerned about the State Water Quality Control Board's Draft Policy for Toxicity Assessment and Control. This draft Policy, if adopted in its current form, will have significant impacts on the District resources. For example, we understand that the Policy will result in mandatory monthly acute and chronic toxicity testing, which will cost an additional \$82,500 over the a 5-year permit term; overall we have achieved consistent compliance with acute and chronic toxicity testing over the last 5 years.

Additionally, the District understands that there will be an increased false positive error rate in the new compliance determination approach, which would trigger yet additional costly sampling for each trigger. This additional testing is not necessary or appropriate for a small agency such as ours that has shown consistent compliance.

The compliance schedule provisions in the proposed Policy are inappropriately restrictive. If a District currently monitors for toxicity, that District may not be allowed time to come into compliance with new, more stringent limitations. Further, even where a compliance schedule is authorized, the duration of the compliance schedule may not exceed two years. Current State Water Board policy allows up to 10 years to comply with non-California Toxics Rule (CTR) constituents.

The Novato Sanitary District is encouraged that the State Water Resources Control Board will take these comments under serious consideration by requesting comments to this policy. We further request that the Water Board develop an alternative policy, and that an additional workshop on a draft Policy be held in 2011. Thank you for your consideration of our comments.

Sincerely,



Beverly B. James

District Manager-Engineer