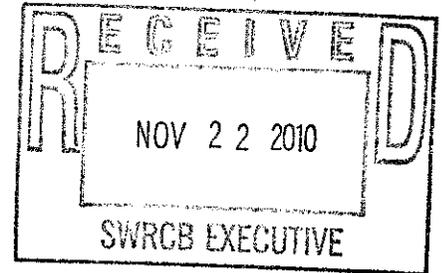


**LOLETA COMMUNITY SERVICES DISTRICT**  
P.O. Box 236  
LOLETA, CA 95111  
PH: (707) 733 1717 FX: 1781

November 18, 2010

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



re: Toxicity Assessment Policy

The governing Board of the Loleta Community Services District (LCSD) appreciates the opportunity to comment on the State Water Resources Control Board's (SWRCB) preliminary draft Policy for Whole Effluent Toxicity (WET) Assessment and Control (Policy). Loleta is a community of 750 persons located above and adjacent to the Eel River floodplain. The District has roughly 300 residential units. LCSD is a discharger of roughly 0.070 MGD into a seasonal tributary of the Eel River. Discharge is restricted to 7 1/2 months per year by the Eel River Basin Plan regardless of dilution.

During a regional roundtable held for the purpose of discussing the published policy, several points and questions arose that merit consideration. We are including some of these without discussion or comment. We have also tried to link questions directly to our District experience when possible.

There are several parts of the plan that we strongly support. We do not believe that, absent special conditions, requiring both chronic and acute tests during each test period serve a valuable purpose. We support a presumption that dilution should control which test is required, although how and when dilution is measured remains undefined.

We have divided our remaining comments into four sections: Test Frequency, Test Procedures, Toxicity Reduction Evaluations, and Costs.

**TEST FREQUENCY:**

- Is there a minimum discharge for sampling? If a discharger discharges for 3 days should they be required to test as if they discharged a full month? An exception for temporary discharges during unusual weather is supported of the distinction of temporary waterways, i.e. roadside ditches, which do not fall under federal jurisdiction.
- Rounding the number of months upward to determine quarterly testing requirement has no scientific or statistical basis. In fact requiring more testing for seasonal dischargers requires testing both early and late in the discharge period, neither of which is representative of typical conditions. Strict rounding of quarters is consistent with the fact that minor dischargers to ephemeral streams {those that discharge less than 3 months per year} are not required to have NPDES permits at all.
- Qualification of species each permit cycle is a huge expense. Can testing and program results carry over from permit to permit, especially for dischargers without significant changes to treatment processes or shifts in industrial service?

TEST PROCEDURES:

- The dilution required should match the dilution data required of LCSD for discharge. Will the choice of chronic or acute testing be based upon the dilution on the day the test is taken?
- It seems unlikely that facilities can pass chronic tests while failing acute testing. Therefore a firm commitment to either chronic or acute testing, but not both, should be made.
- Plants that have petitioned to use control water rather than receiving water as a background due to impaired receiving waters will be set up to fail. LCSD currently uses control water due to the receiving water being particular susceptible to algae growth.

TOXICITY REDUCTION EVALUATIONS (TREs):

- More tests cost more money. Currently we are required to have two sets of qualifying tests in order to determine a most sensitive species. This policy would double the amount of qualifying tests per permit cycle.
- With more tests being required it makes more sense to have a trigger point after a set number of tests have failed rather than having to perform a TRE following a single failed test.
- Currently any test failure requires a response. Isolated test failures should not require exhaustive testing and administrative efforts. Can a running median or average be applied as a way to equalize the amount of weight each test carries?

COSTS:

- All testing is roughly 9% of the O&M budget. Toxicity testing is over 60% of testing budget. During a toxicity qualification year this number approaches 80%. Over the last two years, Loleta spent \$27,139 on toxicity testing, \$90 per connection.
- Toxicity testing averaged over a 5-year permit cycle costs Loleta residential customers \$27 per year, 5-6 % of their assessments go toward toxicity testing.
- Assuming all tests continue to pass and the quarterly test is performed, the testing schedule proposed would increase costs to \$33 per connection per year. Of course, any evidence of test failure increases the burden tremendously for small districts.
- However, if three single tests per year are required instead of two, an additional burden of \$7 per connection results.
- A single repeated qualification test is a \$6 burden per connection per year.

In conclusion, the District Board of Loleta CSD is concerned that this plan may result in the imposition of more testing than is appropriate. The District respectfully requests the SWRCB to consider our questions and comments. In particular, the Board needs to remain aware of the potential costs to small dischargers without the customer base to afford exhaustive testing programs in which "just one more required test" is viewed as a minimal hardship. Please contact our General Manager, Marcus Drumm, at (707) 733 1717 with any questions regarding our submission.

Sincerely,

Director *David G. Gaudin*  
Director *Jim Han*  
Director *Richard P. Drumm*

Date 11-19-10

Date 11-21-10

Date 11-22-10