



**COUNTY OF PLACER**  
**FACILITY SERVICES DEPARTMENT**

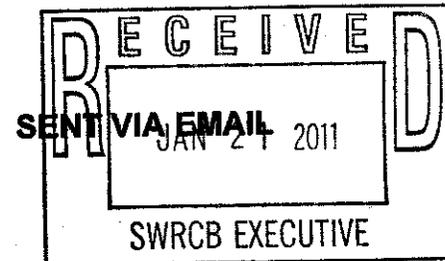
Phone 530-886-4900 Fax 530-889-6809  
www.placer.ca.gov

Public Comment (11/16/10 Wkshp)  
Policy for Toxicity Assessment  
Deadline: 1/21/11 by 12 noon

**JAMES DURFEE, DIRECTOR**  
**MARY DIETRICH, ASSISTANT DIRECTOR**  
**WILL DICKINSON, DEPUTY DIRECTOR**  
**JOEL SWIFT, DEPUTY DIRECTOR**  
**MARK RIDEOUT, DEPUTY DIRECTOR**  
**VALERIE BAYNE, ADMIN. SVS. MANAGER**

January 21, 2011

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:

Thank you for the opportunity to comment on the draft Policy for Toxicity Assessment and Control (Policy). Placer County operates and maintains five wastewater treatment facilities, 275 miles of pipe and 42 lift stations in Placer County, including those in communities considered "small" and "small disadvantaged". Specific areas served include the unincorporated portions of North Auburn, Granite Bay, Loomis, western Placer County (Dry Creek), Livoti, Sunset Industrial area, Sheridan, Applegate and Blue Canyon.

Placer County is committed to protecting water quality and shares the State Water Board's goal of having a consistent toxicity determination. However, we have concerns that the proposed policy:

- Does not implement a regulatory strategy that is based on rapid identification and control of constituents causing persistent toxicity.
- Implements a punitive system for single sample failures of a test known to have a high rate of false determinations of toxicity.
- Would impose an economic burden on all dischargers and especially small wastewater agencies, given the high costs of conducting the required toxicity testing and the anticipated fines for false determinations.
- Would damage the public perception of dischargers and the wastewater industry, and increase the risk of third party lawsuits.

Placer County is a member of the Central Valley Clean Water Association (CVCWA). CVCWA along with other agencies and technical professionals recently met with State Water Board members to discuss issues and recommended alternatives. These issues and recommendations are summarized in a separate joint-agency comment letter dated

11476 C Avenue Auburn CA 95603  
Entrance at 2855 2nd Street

Administration – Building Maintenance – Capital Improvements – Museums – Parks  
Property Management – Environmental Engineering – Utilities

January 21, 2011. Placer County agrees with many of the comments and concerns raised in that comment letter, and recommends that the State Water Board revise the draft Policy as follows:

- Determine compliance based on adherence to strict monitoring, accelerated testing, and toxicity reduction evaluation (TRE) plan requirements aimed at identifying the constituent causing toxicity. Numeric limits would then apply to the constituent causing toxicity, not just to "toxicity".
- Use multiple test triggers, rather than single samples. TREs would be triggered if 2 out of 6 tests exhibit toxicity.
- Implement the narrative using the EC/IC25 (effect concentration / 25% inhibition concentration) point estimates.
- Implement the following Small Community provisions:
  - Change the base assumption of reasonable potential from 1 mgd to 5 mgd
  - Reasonable potential trigger should be adjusted to 25% effects, rather than the proposed 10%
  - Reduce routine monitoring requirements to annual for dischargers smaller than 1 mgd and quarterly for those between 1 and 5 mgd.
  - Re-evaluate if a limit is needed each permit cycle, consistent with other effluent limitations.

The advantages to the proposed approach include: 1) providing a method to identify (and more resources to control) specific chemicals and/or activities that are the source of the toxicity, 2) fewer false positive results and, therefore, less waste of State Water Board and discharger's resources, and 3) fair provisions for small communities.

Thank you again for the opportunity to comment on the draft Policy and for your consideration of our comments and concerns. Should you have any questions, please feel free to call Kevin Bell of my staff at (530) 886-4915.

Sincerely,



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James Durfee, Director of Facility Services

JD:CH:lm