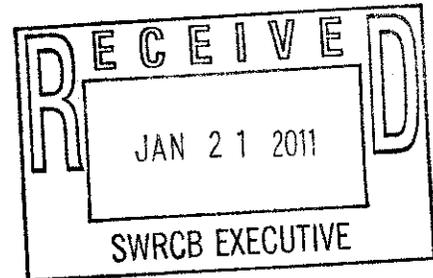


**From:** Steve Bigley <SBigley@cvwd.org>  
**To:** <commentletters@waterboards.ca.gov>  
**CC:** Mark Johnson <MJohnson@cvwd.org>, Wil Gonzalez <WGonzalez@cvwd.org>, Dan...  
**Date:** 1/21/2011 11:55 AM  
**Subject:** Comment Letter - Policy for Toxicity Assessment and Control

Dear Ms. Townsend, Clerk to the Board:

We appreciate the opportunity to provide comments on the proposed policy for toxicity assessment and control (toxicity policy). Coachella Valley Water District (CVWD) provides domestic water, wastewater, recycled water, irrigation/drainage and regional storm water protection services to a population of 265,000 throughout the Coachella Valley.

CVWD opposes the adoption of the State Water Resources Control Board (SWRCB) proposed toxicity policy. Key problems with the proposed toxicity policy include the following:



1. The proposed single test numeric limit is not compatible with toxicity assessments; these assessments measure an effect not a pollutant level and should only be used as an investigative tool to trigger a stepwise approach using accelerated monitoring and TRE work plans to effectively identify and control pollutants causing toxicity.
  2. Toxicity assessments are plagued with the inherent variability associated with effects observed in biological organisms; the proposed TST method is associated with a false positive rate three times higher (up to 15%) than current test methods and would greatly magnify the unwarranted costs associated with incorrect toxicity responses to a level that would be unmanageable for the State.
  3. The proposed increases in monitoring frequencies for small and medium sized dischargers from annual or quarterly testing to monthly testing and from one or two species to three species is unwarranted and represents a disproportionate economic burden on smaller wastewater agencies; communities will suffer unintended consequences when resources are diverted from other public safety programs to fund this monitoring as well as the costly added monitoring and mandatory minimum penalties assessed from false positives that are virtually assured by the TST test method and single test violation approach proposed in the toxicity policy.
- CVWD supports the joint comments and recommendations provided by the Clean Water Associations, which include the California Association of Sanitation Agencies, and similar comments submitted by the Association of California Water Agencies. CVWD believes the SWRCB needs to convene an inclusive and transparent stakeholder process similar to the one that resulted in the Recycled Water Policy to continue working on a proposed toxicity policy that is reasonable and supported by good science.

Your consideration of these comments is appreciated.

Yours very truly,

Steve Bigley

Environmental Services Manager

Coachella Valley Water District

Post Office Box 1058

Coachella, California 92236

Phone: (760) 398-2661, ext. 2286

Mobile: (760) 393-7792

Email: [sbigley@cvwd.org](mailto:sbigley@cvwd.org)