



#301

June 14, 2004

Mr. Craig Wilson
State Water Resources Control Board
1001 "I" Street
Sacramento, CA 95814

Dear Craig:

The Industrial Environmental Association has on an ongoing basis followed the development of your 303(d) listing policy. Many of the members of our organization are watershed and coastal water quality experts who continue to follow evolving requirements and draft regulations related to TMDLs, and in particular, evaluate how potential approaches can be logically applied.

One area that remains of particular concern to us is whether toxicity should be used as the basis for a listing. In general, the use of toxicity can have some merit if the goal of a TMDL is to improve beneficial uses.

However, from a practical standpoint, it does not seem feasible to allocate load limits to a water body based on toxicity. Such a listing would still require the identification of which constituents/contaminants were causing toxicity, using a TIE type approach, with the limits then set based on those results. This would circle you back to regulating source inputs for those constituents/contaminants that contribute to toxicity. Therefore, there does not seem to be any logic in toxicity-based load limits that cannot be directly applied.

While tempting to use a metric, such as toxicity, may seem to provide a single answer for regulation, the applicability of this shortcut lacks validity when faced with real world complexities of the studies and data that are needed to accurately set limits. In summary, we feel that there is no shortcut for good science.

Thank you for your consideration of these additional comments.

Sincerely,

Patti Krebs
Executive Director

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