



December 21, 2018

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**Re: Comment Letter – Toxicity Provisions**

Dear Ms. Townsend:

The City of Davis (City) appreciates the opportunity to comment on Draft Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; Toxicity Provisions (Toxicity Provisions). The City owns and operates a Wastewater Treatment Plan (Facility) under the current NPDES Permit Order R5-2013-0127-01 until January 31, 2019 and effective February 1, 2019 will comply with NPDES Permit Order R5-2018-0086 that was adopted in December 7, 2018. The City completed the secondary and tertiary upgrades of the Facility in October 2017.

The City participates in the Central Valley Clean Water Association (CVCWA) Toxicity Special Study. The Phase 1 Report for this study (Toxicity Report) was developed in collaboration with the Central Valley Regional Water Quality Control Board and some of the Publicly Owned Treatment Works in the Central Valley. CVCWA has submitted the Toxicity Report with their comment. The City supports the CVCWA comments to the Toxicity Provisions.

In review of the proposed Toxicity Provision and its future impact to the City, the historical whole effluent toxicity (WET) test data results of *Ceriodaphnia dubia* was re-evaluated for the monitoring period of October 2017-November 2018, using the alternative method of point estimation (EC<sub>25</sub>/IC<sub>25</sub>) and the proposed Test of Significant Toxicity (TST) an alternative statistical hypothesis test. In addition, the newly adopted permit monitoring requirements for WET testing was compared to the proposed Toxicity Provisions monitoring requirements.

The City respectfully submits the following comments:

*Statistical Model and Monitoring Frequency Comparison*

The comparison results showed identical pass/fail ratio between EC<sub>25</sub>/IC<sub>25</sub> and TST of 75.0% and 25.0% respectively.

The monitoring frequency following the proposed Toxicity Provisions will increase as compared with the newly adopted order and as such the associated annual routine monitoring compliance

cost will increase by at least 3 times using 2016 dollars. This actual estimation is not in line with the results of the study cited in the Staff Report (see Staff Report at Page 245, Table 9-1) showing that the cost to the City will decrease by \$15,000.

Based on these comparison results, the City supports that use of EC<sub>25</sub>/IC<sub>25</sub>, already a promulgated method in lieu of TST that is currently a non-promulgated method. Further, the City requests the use of historical monitoring or reduced frequency in lieu of the proposed monitoring frequency under the proposed Toxicity Provisions.

### 3 Sample Monthly Median

Conducting three (3) sampling events within a calendar month in order to comply with the monthly median is not feasible and practicable. The calendar month period is not enough time to facilitate this requirement along with actual occurrences of: (1) failure to meet method test acceptability criteria, (2) non-routine unplanned operational changes within the Facility that will affect continuity of monitoring event already in progress, and (3) high volume backlog of the contract laboratory that is outside the City's control.

The City requests that the 3 sample median be conducted within at least 6-8 weeks from the first occurrence of exceedance.

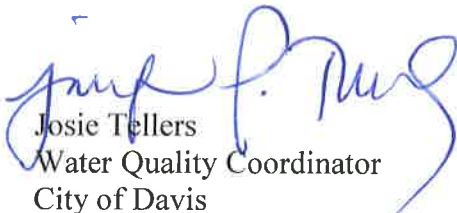
### Reference Toxicant and Concentration-Response Relationship

The proposed Toxicity Provision is silent in using both of these parameters that are required by the method and are critical elements in evaluating the WET results for quality assurance and quality control purposes. Both are important elements prior to entering the Toxicity Reduction Evaluation (TRE) phase.

The City requests inclusion of these metrics with guidance to the proposed Toxicity Provision.

*In addition to the above comments*, one of the concern in the proposed Toxicity Provision is the lack of improvements and tools to the TRE procedures and exit process in order to assist permittees and dischargers.

On behalf of the City, thank you for your consideration of these comments. If you have any questions or require additional information please contact me at [jtellers@cityofdavis](mailto:jtellers@cityofdavis) or (530) 747-8291.

  
Josie Tellers  
Water Quality Coordinator  
City of Davis