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## State Water Resources Control Board

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### *Video and Teleconference Meeting During COVID-19 Emergency*

*As a result of the COVID-19 emergency and as authorized by Government Code section 11133 and Executive Order [N-1-22](#), this meeting will occur solely via remote presence.*

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**REVISED**

**NOTICE OF PREPARATION AND  
CALIFORNIA ENVIRONMENTAL QUALITY ACT SCOPING MEETING  
PROPOSED WATER QUALITY CONTROL POLICY TO SUPPORT THE  
DEVELOPMENT OF SITE-SPECIFIC WATER QUALITY OBJECTIVES FOR  
COPPER AND ZINC IN FRESH WATERBODIES OF CALIFORNIA USING THE  
BIOTIC LIGAND MODEL**

**Thursday, Wednesday, February 17, 2022  
4:00 p.m. - 6:00 p.m. PST**

The meeting will be conducted virtually, via Zoom.  
**Zoom Meeting Link: <https://waterboards.zoom.us/j/91283611843>**

**Zoom Call in Number: +1 669 900 9128  
Zoom Meeting ID 912 8361 1843**

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board Division of Water Quality (State Water Board) staff will conduct a California Environmental Quality Act (CEQA) public scoping meeting for the proposed water quality control policy which will support the development of site-specific water quality objectives for copper and zinc in fresh waterbodies of California using the biotic ligand model. The purpose of the scoping meeting is to provide a forum for the public to provide input on the scope and content of the environmental information to be included in the proposed draft Substitute Environmental Documentation (SED) prepared to support the proposed policy, in accordance with the State Water Board's CEQA certified regulatory program (see Public Resources Code section 21080.5). Scoping is helpful to the State Water Board staff in identifying the range of actions, alternatives, mitigation measures, and significant environmental effects to be analyzed in the SED.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

The meeting will consist of a presentation regarding the development of the proposed policy, and an opportunity for meeting participants to provide oral comments regarding the content of the draft SED.

The State Water Board will accept both written and oral comments regarding scoping elements. Written comments may be submitted in accordance with the instructions set forth below by **12:00 p.m. (noon) on Monday, March 7, 2022.**

### **Accessibility and Interpretation Services**

Individuals requiring special accommodations for the scoping meeting, including interpretation services, are requested to call (916) 322-4265 by February 11, 2022. Telecommunications Device for the Hearing Impaired (TDD) users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

### **Notice of Preparation**

**TO:** State Clearinghouse  
P.O. Box 3044  
Sacramento, CA 95812-3044

**FROM LEAD AGENCY:** State Water Resources Control Board  
Attention: Chris Beegan  
P.O. Box 2000  
Sacramento, CA 95812-2000

**SUBJECT: PROPOSED WATER QUALITY CONTROL POLICY TO SUPPORT THE DEVELOPMENT OF SITE-SPECIFIC WATER QUALITY OBJECTIVES FOR COPPER AND ZINC IN FRESH WATERBODIES OF CALIFORNIA USING THE BIOTIC LIGAND MODEL**

The State Water Board staff is developing a proposed water quality control policy (Proposed Policy) to establish methods, protocols, and procedures for Regional Water Quality Control Boards (Regional Water Boards) to develop, adopt, and implement site-specific water quality objectives for copper and zinc based on the biotic ligand model to better assess the toxicity of these metals in fresh surface waters. In 2007, U.S. Environmental Protection Agency proposed the biotic ligand model as the preferred approach for states updating freshwater copper criteria (U.S. EPA, 2007). This decision was due to the limitation of the existing hardness-adjusted criteria adopted by U.S. EPA in the National Toxic Rule (NTR) or California Toxics Rule (CTR), not accounting for all the major factors that affect the bioavailability of the metal. As a result, existing hardness-adjusted copper criteria may be overprotective or under-protective depending upon the conditions and chemistry of the waterbody of interest. These same issues apply to zinc and other metals as well.

Since 2007 EPA has recommended that all states apply the biotic ligand model when updating copper criteria for surface waters. Though not currently approved by EPA, the biotic ligand model also incorporates a zinc toxicity and speciation model and has undergone a similar level of development and peer review as the copper biotic ligand model. The Proposed Policy aims to provide consistent protection of aquatic life and beneficial uses in waters throughout the state and to protect aquatic habitats and biological life from the effects of copper and zinc.

The Proposed Policy will include the following components:

1. Minimum monitoring requirements for the collection of water quality data necessary to support the development of the site-specific objectives.
2. Direction on the selection and use of the appropriate biotic ligand model to support the calculation of the site-specific objective.
3. Program of implementation that describes how the site-specific objective is applied in permits to control the discharge of copper and zinc in surface waters.

A Regional Water Board would be required to use the biotic ligand model and follow the Proposed Policy's protocols and procedures when developing and adopting any new copper and zinc aquatic life site-specific objectives in freshwaters.

### **Submission of Comments**

The State Water Board will accept both written and oral comments on the environmental information that should be included in the draft substitute environmental documentation. The scoping meeting will be conducted virtually, using online video and audio broadcast software. Agencies, organizations, and the public will be able to provide oral comments directly through the online meeting or by calling the telephone number listed above.


Written comments will be accepted until **Monday, March 7, 2022 by 12:00 p.m. (noon) PST**. Comments can be submitted electronically to [STORMS@waterboards.ca.gov](mailto:STORMS@waterboards.ca.gov). **Please include the subject line "CEQA Scoping Comment."** Comments can also be mailed to the address below:

State Water Resources Control Board – Division of Water Quality  
Attention: Chris Beegan  
P.O. Box 100, Sacramento, CA 95812-0100 (mail)  
1001 I Street, 15th floor, Sacramento, CA 95814 (hand-delivered)

Future notices regarding this project will be circulated via the stormwater planning email list. If you are not already a member of this list, please go to the Water Board's [email list subscription form website](#), enter your contact information, and from the Water Quality drop down list check "Storm Water Planning" to subscribe.

For further information about the project, please visit the Water Board's [Stormwater Strategy website](#) or contact Chris Beegan at [Chris.Beegan@waterboards.ca.gov](mailto:Chris.Beegan@waterboards.ca.gov).

February 7, 2022  
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Date

  
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Jeanine Townsend  
Clerk to the Board