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## State Water Resources Control Board

**TO:** Mr. Wade Crowfoot  
Secretary for Natural Resources  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814



**FROM:** Karen Mogus  
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State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

**DATE:** June 6, 2022

**SUBJECT:** TRANSMITTAL OF NOTICE OF DECISION FOR THE STATE POLICY  
FOR WATER QUALITY CONTROL: TOXICITY PROVISIONS

On December 1, 2020, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2020-0044. On October 5, 2021, the State Water Board adopted Resolution No. 2021-0044. Collectively, through these resolutions, the State Water Board adopted the State Policy for Water Quality Control: Toxicity Provisions (referred to as the Toxicity Provisions) as a state policy for water quality control for all inland surface waters, enclosed bays, estuaries, and coastal lagoons of the state, and also for inclusion in the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California for waters of the United States.

The primary goal of the Toxicity Provisions is to provide consistent protection of aquatic life beneficial uses in all inland surface waters, enclosed bays, estuaries, and coastal lagoons of the state from the effects of toxicity. The Toxicity Provisions supersede any conflicting provisions in regional water quality control plans. The Toxicity Provisions include:

- a. Numeric water quality objectives for both chronic and acute aquatic toxicity that are expressed as a null hypothesis and alternative hypothesis and incorporate regulatory management decisions that represent the allowable error rates and thresholds that would result in an unacceptable risk to aquatic life;

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- b. Requirements to use the Test of Significant Toxicity statistical approach for analyzing aquatic toxicity test data; and,
- c. A program of implementation to control toxicity in discharges and achieve, maintain, and protect associated beneficial uses and water quality objectives. The main components of the program of implementation include specific requirements for species sensitivity screening, reasonable potential analysis, effluent limitations and targets, monitoring frequencies, and toxicity reduction evaluations.

This action was approved by the Office of Administrative Law on April 25, 2022.

The State Water Board's planning process has been certified in accordance with section 21080.5 of the California Environmental Quality Act (CEQA). Completion of the CEQA process involves the submittal of CEQA document filing fees with the Department of Fish and Wildlife and subsequently filing of a Notice of Decision with the California Natural Resources Agency.

The State Water Resources Control Board paid the CEQA Environmental Filing Fee for Certified Regulatory Programs (see California Code of Regulations, title 14, section 753.5, subdivision (a)(6)) for the Toxicity Provisions to the Department of Fish and Wildlife on March 15, 2022.

The attached Notice of Decision for State Water Board Resolution No. 2020-0044 and Resolution No. 2021-0044 is hereby filed with the California Natural Resources Agency.

Please send back one copy of the Notice of Decision as notification that this item has been posted and filed.

If you have any questions regarding this submittal, please contact Zane Poulson, Chief of the Inland Planning, Standards, and Implementation Unit, at (916) 341-5488 or via e-mail at [Zane.Poulson@waterboards.ca.gov](mailto:Zane.Poulson@waterboards.ca.gov).

#### Attachments

Notice of Decision  
OAL Approval (April 25, 2022)  
Concise Summary of Regulatory Provisions  
Resolution No. 2020-0044  
Resolution No. 2021-0044  
CEQA Environmental Filing Fee Cash Receipt  
Environmental Checklist in the State Water Board Staff Report