From:	Sablad, Elizabeth
To:	Smith, DavidW
Cc:	Reed, Charles@Waterboards; Stuber, Robyn
Subject:	FW: Withdrawal of Approval of the SWRCB Alternative Test Procedure for the Two-concentration Test Design for NPDES
Date:	Friday, May 22, 2015 8:52:43 AM
Attachments:	Memo response to ATP rejection letter from USEPA 5-12-15.doc ATP Request to Dr Eugenia McNaughton February 2014.docx ATP approval withdrawal letter 2112015.docx Feb 11 2015 EPA letter to SWRCB withdrawal final.pdf

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Dave,
As Robyn is out, do you have more information you could provide Charles? All I have is from the weekly:

"On 5/13, the Federal District Court in Sacramento dismissed a lawsuit against EPA brought by Southern California Alliance of POTWs that challenged EPA's approval of California's request to use a specific alternative testing procedure (ATP) to statistically evaluate whole effluent toxicity test results for wastewater effluent. As EPA withdrew its approval of the State request after the case was filed, the Court found the lawsuit claims moot. Despite the withdrawal of the ATP approval, the state is still able to use this new test evaluation method, which is superior to methods previously used. "

-Elizabeth

Elizabeth Sablad
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San Francisco, CA 94105
(415) 972-3044
sablad.elizabeth@epa.gov

From: Reed, Charles@Waterboards [mailto:Charles.Reed@waterboards.ca.gov]
Sent: Friday, May 22, 2015 8:21 AM
To: Sablad, Elizabeth; Stuber, Robyn
Subject: FW: Withdrawal of Approval of the SWRCB Alternative Test Procedure for the Two-concentration Test Design for NPDES

Robyn and Elizabeth,

I'm curious what this means for California Ocean Plan-based NPDES permits for the west coast where we use the following method for estimating chronic toxicity in effluents:

Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (EPA/600/R-95/136, 1995).

This test method is not identified as one of the three methods requiring multiple concentration tests

in Table 1 in the attached document titled, "Memo response to ATP rejection letter from SWRCB 5-12-15.doc."

You can call me to discuss today, if you like.

Charles

From: Lee, Shin-Roei@Waterboards
Sent: Thursday, May 21, 2015 5:30 PM
To: Dougherty, Mona@Waterboards; Reed, Charles@Waterboards; Bernard, Lisa@Waterboards; Goodwin, Cathleen@Waterboards; Smith, Justin C.@Waterboards
Subject: FW: Withdrawal of Approval of the SWRCB Alternative Test Procedure for the Two-concentration Test Design for NPDES

FYI.

From: Breuer, Rich@Waterboards
Sent: Thursday, May 21, 2015 2:03 PM
To: WB-DIT-DMC
Cc: Messina, Diana@Waterboards; Morris, Cris@Waterboards; Macedo, Julie@Waterboards; Okamoto, Mayumi@Waterboards; Rasmussen, Rik@Waterboards; Anderson-Abbs, Beverley@Waterboards; Bennett, Jarma@Waterboards; Bucknam, Stephanie@Waterboards; Burres, Erick@Waterboards; Davey, Meirve@Waterboards; Heinz, Candice@Waterboards; Maag, Eric@Waterboards; Marshack, Jon@Waterboards; Marshall, Toni@Waterboards; Morris, Melissa@Waterboards; Ogg, Brian@Waterboards; Pathak, Sahil@Waterboards; Petta, Marc@Waterboards; Pham, Kimberly@Waterboards; Salisbury, Jennifer@Waterboards; Spears, Renee@Waterboards; Tadesse, Dawit@Waterboards; Tang, Michelle@Waterboards; Tappel, Mary@Waterboards; Thao, Mike@Waterboards; Van Dyke, Marisa@Waterboards; Webber, Lori@Waterboards; Yang, Calvin@Waterboards; Zarghami, Rassam@Waterboards
Subject: Withdrawal of Approval of the SWRCB Alternative Test Procedure for the Two-concentration Test Design for NPDES

Dear Assistant Executive Officers, Assistant Directors, and Managers,

The purpose of the attached memo is to inform you of the February 11, 2015 notice of withdrawal of the United States Environmental Protection Agency's (USEPA) approval of the State Water Resources Control Board's (State Water Board) Alternative Test Procedure (ATP) request. USEPA had approved the request to use the two-concentration test design when using the Test of Significant Toxicity (TST). This memo includes our interpretation of the withdrawal and its ramifications for the Water Boards' permitting process requirements.

The attached documents are relevant where toxicity testing is part of your regulatory programs. Please distribute to the appropriate managers within your organization.

Sincerely,

Rich Breuer

Rich Breuer

Assistant Director, Office of Information Management and Analysis
State Water Resources Control Board
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http://www.waterboards.ca.gov/water_issues/programs/swamp/