

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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DIRECTOR OF HEALTH

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In reply, please refer to:
EM/CWB

08015PDCL.12

August 20, 2012

Ms. Jeanine Townsend
Clerk to the Board
California State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100



Dear Ms. Townsend:

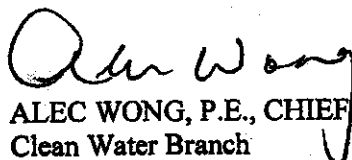
SUBJECT: Comment Letter - Policy for Toxicity Assessment and Control

The State of Hawaii, Department of Health (DOH), Clean Water Branch (CWB) would like to express our position regarding Whole Effluent Toxicity (WET) testing and Test for Significant Toxicity (TST) endpoint analysis. The DOH-CWB issues National Pollutant Discharge Elimination System (NPDES) permits to dischargers throughout the State of Hawaii. WET testing is required in some of these NPDES permits. Prior to 2012, the DOH-CWB primarily required WET testing using a tropical sea urchin fertilization test and utilized the No Effect Concentration endpoint analysis to determine permit compliance.

In 2012, the DOH-CWB began implementing the U.S. EPA's TST hypothesis test for evaluating individual WET test results. It is the opinion of the DOH-CWB that setting pass/fail Water Quality Based Effluent Limitations for toxicity is scientifically sound and find it to be a simpler statistical approach which improves permit implementation and protection of water quality. The fact that the TST hypothesis methodology incorporates both error rates (false positives and false negatives), is a benefit not available when using traditional hypothesis testing or point estimate model approaches. Specifically for the high level of precision associated with the tropical sea urchin fertilization WET test implemented in State of Hawaii NPDES permits, the TST approach appears to be highly beneficial to both the discharger and the State.

Thank you for the opportunity to offer comments in support of the State Water Resource Control Board's toxicity policy.

Sincerely,


ALEC WONG, P.E., CHIEF
Clean Water Branch

DCL:jst

c: SWRCB [via email commentletters@waterboards.ca.gov only]
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Ms. Robyn Stuber, U.S. EPA, Region IX [via email stuber.robyn@epamail.epa.gov only]
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