

WATER COMMITTEE ISSUE SUMMARIES
CALIFORNIA TOXICS RULE (CTR) / PROPOSED STATE IMPLEMENTATION POLICY (SIP)
OCTOBER 2003

The SWRCB was required to adopt water quality objectives for priority pollutants under the Clean Water Act, Section 303(c)(2)(B). SWRCB originally adopted the Inland Surface Water Plan/Enclosed Bays and Estuary Plan (ISWP/EBEP) in 1991, but both plans were rescinded in 1994 in response to a court order. As a result, USEPA began efforts to promulgate the California Toxics Rule (CTR), which was finalized on May 18, 2000.

In conjunction with the CTR, the SWRCB developed the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bay, and Estuaries of California (State Implementation Policy, or SIP) and functional equivalent document (FED), which contains provisions for determining reasonable potential, calculating effluent limits, compliance determination, compliance schedules, and other related topics. The SIP became effective upon USEPA promulgation of the CTR in May 2000. NPDES permits now must be written to incorporate the provisions of the SIP and CTR.

In 2001, EPA issued a letter conditionally approving the SIP. EPA approved most provisions of the SIP, subject to various conditions on the proper interpretation, but withheld action on the compliance schedules provision which allows up to 15 years for a TMDL to be developed and 5 years for compliance with the wasteload allocations derived from the TMDL (for a total of up to 20 years). In light of EPA's action, the status of these TMDL-based compliance schedule provisions is unclear, although the SWRCB recently indicated that this provision is not in effect due to EPA's failure to approve it.

In July 2002, the SWRCB developed a document that contains procedures for applying for case-by-case exceptions to the SIP, and recently staff have indicated that they may develop further guidance on the development of case-by-case exceptions. In September 2003, the SWRCB posted guidance on its website related to the development of site specific objectives.

SIP Phase II: ~~In August 2003, SWRCB staff released a~~ On October 15, 2003, the SWRCB adopted a proposed workplan for amendments to the SIP and for work on related issues ~~that to be might be~~ pursued outside of the SIP, including issues related to effluent dependent waters and mixing zones. A Response to Comments document was also released, responding to comments submitted to the SWRCB in December 2002 recommending changes to the SIP. ~~The SWRCB is holding a workshop on September 30, 2003 to give the staff direction on future amendments to the SIP.~~ The staff are recommending work plan includes clarifying SIP provisions for implementing Basin Plan narrative toxicity objectives, allowing Water Effects Ratios to be established as part of the permit process, and eliminating the reasonable potential trigger based solely on ambient background conditions.

~~Additionally, when the SIP was adopted, the SWRCB stated its intent to explore the development of special policies related to discharges to effluent dependent waters (EDW). The SWRCB solicited comments and held two workshops on EDW issues in Spring 2001. The SWRCB then indicated its intent to address many permit issues related to EDW discharges in the context of the appeal of the City of Vacaville's permit, for which an evidentiary hearing was held in September 2001. A final SWRCB decision on the Vacaville petition was issued in Fall 2002. In Summer 2003, SWRCB staff initiated preliminary discussions with CASA about a potential scope of work to address the remaining EDW issues, and these discussions are ongoing.~~

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