

## **Appendix H. RWQCB Permission of Toxicity Species Substitution**



# California Regional Water Quality Control Board

## Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams  
Agency Secretary

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Arnold Schwarzenegger  
Governor

October 28, 2009

Ms. Norma Camacho, Director  
Ventura County Watershed Protection District  
800 South Victoria Ave., L#1600  
Ventura, CA 93009-1600

Certified Mail  
Return Receipt Requested  
Claim No. 7009 0820 0001 6811 7509

**SUBJECT: TOXICITY TEST SPECIES SUBSTITUTION, VENTURA COUNTY  
MUNICIPAL SEPARATE STORM SEWER SYSTEM DISCHARGE (MS4)  
PERMIT (BOARD ORDER No. 09-0057; NPDES No. CAS004002)**

Dear Ms. Camacho:

On October 14, 2009, the Regional Board staff received a request from the Ventura County Watershed Protection District (County) to substitute topmelt, *Atherinops affinis*, with the inland silverside, *Menidia beryllina*, due to the unavailability of topmelt from the supplier. After consultation with US EPA staff, Regional Board staff denied the request. On October 15, 2009, the Regional Board received an e-mail from the County, titled "Notification of toxicity exception - (species unavailable) Ventura County MS4 NPDES Permit Order No. 09-0057 (Monitoring Program)". The County's e-mail communication was submitted pursuant to requirements in subparts D.5 and D.8(b) of the Ventura County MS4 Permit's Monitoring Program (Monitoring Program), which requires an explanation of the circumstance with documentation when toxicity tests cannot be performed to comply with the requirements of this permit, and written authorization from the Regional Board Executive Officer to substitute test species.

In order to evaluate the appropriateness of substituting topmelt, *Atherinops affinis*, with the inland silverside, *Menidia beryllina*, in toxicity testing at mass emissions stations in the future, the Regional Board requires the County to conduct comparative static renewal toxicity tests on both species as follows. During the next storm event of this permit year (2009-10) and the first storm event of next permit year (2010-11), the County shall conduct toxicity tests on both topmelt, *Atherinops affinis*, and the inland silverside, *Menidia beryllina*, along with giant kelp, *Macrocystis pyrifera*, and the purple sea urchin, *Strongylocentrotus purpuratus*, pursuant to subpart D.8(a) of the Monitoring Program. The County shall submit the results of the comparative toxicity tests as part of its reporting requirements.

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California Environmental Protection Agency

Ms. Norma Camacho, Director  
Ventura County Watershed Protection District

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October 28, 2009

In the event that topsmelt, *Atherinops affinis*, is unavailable for testing during future sampling events conducted under the Monitoring Program, the County shall follow the protocol set forth in subpart D.5 of the Monitoring Program. The County shall notify the Regional Board by phone and e-mail as soon as possible if a test species is unavailable. Notification shall be sent directly to me as well as Tracy Woods, Stormwater Permitting Unit, with a copy to Renee Purdy, Chief, Regional Programs Section. The County shall submit to the Regional Board documentation of species unavailability from both the County's contract lab and the contract lab's supplier at least 48 hours prior to the planned sampling event to provide adequate time for my staff to evaluate any request for species substitution. Any approval or denial of a request for species substitution must be authorized pursuant to subpart D.8(b) of the Monitoring Program.

If you have any questions, please contact me at (213) 576-6605, or Renee Purdy at (213) 576-6783.

Sincerely,



Tracy J. Egoscue,  
Executive Officer

cc: Mr. Bruce Fujimoto, Division of Water Quality, State Water Resources Control Board  
Mr. Gerhardt Hubner, Ventura County Watershed Protection District  
Mr. Arne Anselm, Ventura County Watershed Protection District

***California Environmental Protection Agency***