POLICY FOR WHOLE EFFLUENT TOXICITY ASSESSMENT AND CONTROL

Applicability of Policy

This Policy for Whole Effluent Toxicity Assessment and Control (Policy) establishes, in Part I, definitions applicable to the Policy. Part II of this Policy establishes water quality objectives for whole effluent toxicity (WET) that apply to all inland surface waters, enclosed bays, and estuaries of the state, including both waters of the United States and surface waters of the state, to protect the aquatic life beneficial uses of these waters. Part III of this Policy establishes WET test implementation procedures for dischargers subject to this Policy.

This Policy supersedes the toxicity control provisions in Section 4 of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (2005) and any conflicting provisions in Regional Water Quality Control Plans (Basin Plans). This Policy establishes minimum requirements. The State Water Resources Control Board or Regional Water Quality Control Boards (applicable Water Board or Water Boards) may impose more stringent requirements than those contained in this Policy, where appropriate.

Part I: Definitions

The following definitions apply to this Policy:

A. Acute whole effluent toxicity (WET) tests measure the adverse effect (usually mortality) of an effluent on a group of test organisms during a short-term exposure (e.g. 24, 48, or 96 hours).

B. Applicable Water Board refers to the State or Regional Water Board authorized to issue a National Pollutant Discharge Elimination System (NPDES) permit, Waste Discharge Requirements, or conditional waiver to a qualifying discharger.

C. Channelized dischargers regulated exclusively under the Porter-Cologne Water Quality Control Act (channelized dischargers) include dischargers subject to the Irrigated Lands Regulatory Program and other nonpoint source discharges, directed through a channel, that are not regulated under the NPDES Permit Program.

D. Chronic whole effluent toxicity (WET) tests are short-term tests in which sub-lethal effects (e.g. reduced growth or reproduction) are measured in addition to lethality.

E. Continuous dischargers are entities that discharge without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

F. Effect level is the value that denotes toxicity in an instream waste concentration sample, relative to the control. Acute toxicity is demonstrated at an effect level of 0.20 or greater. Chronic toxicity is demonstrated at an effect level of 0.25 or greater.

G. Insignificant dischargers are discharging entities that are deemed a very low threat to water quality by the applicable Water Board.

H. Instream waste concentration (IWC) is the concentration of a toxicant or effluent in the receiving water after mixing (the inverse of the dilution factor).

I. Major POTW facilities are publicly owned treatment works that discharge at a rate that is equal to or greater than one million gallons per day.

J. Non-continuous dischargers are entities that discharge at a lower rate than that of continuous dischargers, and include facilities that discharge on an intermittent and seasonal basis.

K. Point source dischargers enrolled in the Waste Discharge Requirements Program (point source WDR enrollees) include point source discharges to inland surface waters, enclosed bays, and estuaries of the state that are subject to Waste Discharge Requirements other than an NPDES permit.

L. Reasonable potential is a designation used for an effluent that is projected or calculated to cause or contribute to an excursion above a water quality standard. For the purposes of this Policy, reasonable potential is demonstrated if the effluent at the IWC produces a "fail" test result, or if the mean effect level at the IWC is greater than 0.10.

M. Regulatory Management Decision (RMD) is the decision that represents the maximum allowable error rates and thresholds for toxicity and non-toxicity that would result in an acceptable risk to aquatic life.

N. Tier refers to the whole effluent toxicity test methods established in 40 Code of Federal Regulations Section 136.3 (revised as of July 1, 2005) and *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms*, *First Edition* (EPA-600-R-95-136). Tier I methods are preferred for reasonable potential analyses and routine monitoring. Tier II methods can be approved by the applicable Water Board for reasonable potential analyses and routine monitoring if Tier I test species are unavailable.

O. Whole effluent toxicity (WET) means the aggregate toxic effect of an effluent measured directly by a chronic or acute toxicity test.

PART II: Whole Effluent Toxicity Objectives

The following WET objectives apply to all inland surface waters, enclosed bays, and estuaries, including waters of the United States and surface waters of the state:

Acute WET

The acute WET objective is expressed as a null hypothesis and a regulatory management decision (RMD) of 0.80 for acute WET methods, where a 0.20 effect (or more) at the instream waste concentration (IWC) demonstrates an unacceptable level of acute toxicity. The following statement shall be used as the null hypothesis, where compliance is demonstrated by rejecting the null hypothesis:

H_o: Mean response (IWC) $\leq$ 0.80 • mean response (control)

Chronic WET

The chronic WET objective is expressed as a null hypothesis and an RMD of 0.75 for chronic WET methods, where a 0.25 effect (or more) at the IWC demonstrates an unacceptable level of chronic toxicity. The following statement shall be used as the null hypothesis, where compliance is demonstrated by rejecting the null hypothesis:

H_o: Mean response (IWC) $\leq$ 0.75 • mean response (control)

PART III: Implementation Procedures

Implementation procedures for non-storm water NPDES permittees and point source WDR enrollees are contained in Section A below. Implementation procedures for storm water dischargers regulated pursuant to NPDES permits are contained in Section B below. Implementation procedures for channelized dischargers regulated exclusively under the Porter-Cologne Water Quality Control Act (channelized dischargers) are contained in Section C below.

A. Non-Storm Water NPDES Permittees and Point Source WDR Enrollees

1. Reasonable Potential

Except as otherwise provided in Part III, Section A-9 of this Policy, prior to permit issuance and reissuance, all non-storm water NPDES permittees and point source WDR enrollees shall conduct a reasonable potential analysis pursuant to the procedures established in Part III, Section A-1 to determine if their discharge has the reasonable potential to cause or contribute to an excursion of the chronic WET objective established in Part II. The applicable Water Board shall have the discretion to require reasonable potential analyses for acute WET.

Publicly owned treatment works (POTWs) categorized as major facilities are assumed to have reasonable potential to cause or contribute to an excursion of both the acute and chronic WET objectives established in Part II. Accordingly, pursuant to the provisions established in Part III, Section A-1, major POTW facilities shall conduct a reasonable potential analysis for chronic WET in order to identify or confirm the most sensitive test species for routine monitoring use.

Test method selection is determined by salinity and Tier classification. Freshwater test methods shall be used for receiving waters with salinity less than 1,000 mg/L; marine test methods shall be used for receiving waters with salinity equal to or greater than 1,000 mg/L. Tier I test methods are preferred for compliance monitoring, however, the applicable Water Board can approve the use of Tier II test methods if Tier I organisms are not available.

At a minimum, reasonable potential analyses for chronic WET shall include one vertebrate, one invertebrate and one aquatic plant. If the applicable Water Board requires an acute reasonable potential analysis, acute WET analyses shall include one vertebrate and one invertebrate. At least four WET tests utilizing the IWC and control shall be performed for each species used. The test methods established in 40 Code of Federal Regulations (CFR) Section 136.3 (revised as of July 1, 2005) and *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms*, *First Edition* (EPA-600-R-95-136) shall be followed when conducting this analysis. Test results shall be calculated using the Test of Significant Toxicity (TST), described in Part III, Section A-6 of this Policy. WET test data generated during the current permit term or any valid data submitted for permit renewal may be used for reasonable potential analyses, provided that the data meet all of the requirements established in Part III, Section A-1. Reasonable potential is demonstrated if the effluent, at the IWC, produces a test result of "fail," as described in Part III, Section A-6. If the initial test result is "pass," a second assessment shall be applied in order to further examine a discharge's reasonable potential to cause or contribute to an excursion of the acute and chronic WET objectives established in Part II. The second assessment of a "pass" result shall be conducted as follows:

$$\%\,\text{Effect at IWC} = \frac{\text{Mean Control Response} - \text{Mean Response at IWC}}{\text{Mean Control Response}} \bullet 100$$

Based upon the foregoing, a discharge has reasonable potential to cause or contribute to an excursion of the WET objectives established in Part II if the effluent at the IWC produces a test result of "fail," or if the mean effect level at the IWC is greater than 0.10. A discharge does not have reasonable potential if the IWC passes each WET test and exhibits a mean effect level at or below 0.10.

2. Effluent Limitations in Permits

Except for major POTW facilities, numeric effluent limitations for acute or chronic WET are not required if the applicable Water Board determines that no reasonable potential exists. However, the applicable Water Board may require periodic monitoring for WET. Because reasonable potential is assumed for all major POTW facilities, permits for these facilities shall include a numeric effluent limitation for chronic WET. For all other non-storm water NPDES permittees and point source WDR enrollees, if the applicable Water Board determines that reasonable potential exists to exceed the chronic WET objective, as provided in Section A-1, the permit shall include a numeric effluent limitation for chronic WET. A numeric effluent limitation for acute WET shall be applied at the discretion of the applicable Water Board. If a numeric effluent limitation for acute WET is imposed, it shall be implemented consistent with the requirements of this Policy. Maximum daily limitations and average monthly limitations have been deemed impracticable for this Policy. Numeric effluent limitations shall therefore be expressed as

daily limitations, with the appropriate monitoring frequency established in Part III, Section A-5. Compliance with the numeric effluent limitations shall be determined according to the provisions in Part III, Section A-7. To the extent authorized by law, mixing zones and dilution credits may be applied to effluent limitations.

3. Test Methods

Non-storm water NPDES permittees and point source WDR enrollees, as well as dischargers identified in Part III, Sections B and C, shall follow the methods for chronic WET tests as established in 40 CFR Section 136.3 (revised as of July 1, 2005). The method manuals referenced therein include *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition* (EPA-821-R-02-013), and *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, *Third Edition* (EPA-821-R-02-014). Additional methods approved for chronic WET monitoring are outlined in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms*, *First Edition* (EPA-600-R-95-136). Dischargers required to monitor acute WET shall follow the WET test protocols established in *Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition* (EPA-821-R-02-012).

4. Routine Monitoring

Non-storm water NPDES permittees and point source WDR enrollees are required to conduct routine chronic WET monitoring if reasonable potential is demonstrated or assumed, as provided in Part III, Section A-1. If a discharger has reasonable potential to exceed the acute objective, the discharger shall conduct routine acute WET monitoring, in addition to chronic WET monitoring. The test species that exhibits the highest mean effect level of sensitivity during this analysis shall be utilized for routine monitoring during the permit cycle. Routine WET test design shall include, at a minimum, a two concentration analysis of the IWC compared to a control concentration. Results shall be analyzed using the TST method outlined in Part III, Section A-6. Regardless of the outcome of a reasonable potential analysis, the applicable Water Board may require non-storm water NPDES permittees and point source WDR enrollees to conduct periodic monitoring for chronic or acute WET.

5. Monitoring Frequency

Non-storm water NPDES permittees and point source WDR enrollees that are continuous dischargers that discharge at a rate equal to or greater than one million gallons per day shall conduct one chronic WET test every calendar month for the duration of the permit. Non-storm water NPDES permittees and point source WDR enrollees that are non-continuous dischargers that discharge at a rate equal to or greater than one million gallons per day shall conduct one chronic WET test every calendar month for the duration of the permit, but only during each period of discharge. Non-storm water NPDES permittees and point source WDR enrollees that are continuous dischargers that discharge at a rate less than one million gallons per day shall conduct one chronic WET test per three-month period for the duration of the permit. Non-storm water NPDES permittees and point source WDR enrollees that are non-continuous dischargers that discharge at a rate less than one million gallons per day shall conduct one chronic WET test per three-month discharge period; rounding up whenever the

discharge period is not a multiple of three. If required, acute WET monitoring shall be conducted at intervals determined by the applicable Water Board.

6. Statistical Method

Results obtained from chronic and acute WET tests shall be analyzed using the TST method as follows:

For each test endpoint, follow Steps 1 through 5 below.

Step 1: Prior to analysis, if the measured response is reported as a percentage (e.g. percent survival, percent fertilization) it must be transformed using the arc sine square root transformation:

Calculate the response proportion (RP) for each replicate:

RP = (number of surviving or unaffected organisms) / (number exposed)

Transform each RP to arc sine based on the following scenarios:

For 0 < RP < 1

Angle (in radians) = arc sine $\sqrt{(RP)}$

For RP = 0

Angle (in radians) = arc sine $\sqrt{1/4n}$
Where n = number of trials completed for each replicate

For RP = 1

Angle = 1.5708 rad – (radians for RP = 0)

Step 2: Conduct Welch's t-test using the following equation:

$$t = \frac{\overline{Y}_t - b \bullet \overline{Y}_c}{\sqrt{\frac{S_t^2}{n_t} + \frac{b^2 S_c^2}{n_c}}}$$

Where:

$\overline{Y}_c$	=	Mean response for the control
$\overline{Y}_t$	=	Mean response for the IWC
S_c^2	=	Estimate of the variance for the control
S_t^2	=	Estimate of the variance for the IWC
n_c	=	Number of replicates for the control
n_t	=	Number of replicates for the IWC
b	=	0.75 for chronic tests; 0.80 for acute tests

Step 3: Adjust the degrees of freedom using the following equation:

$$v = \frac{\left(\frac{S_t^{\,2}}{n_t} + \frac{b^2 S_c^{\,2}}{n_c}\right)^2}{\frac{\left(\frac{S_t^{\,2}}{n_t}\right)^2}{n_t - 1} + \frac{\left(\frac{b^2 S_c^{\,2}}{n_c}\right)^2}{n_c - 1}}$$

For tests using Welch's t-test, the degrees of freedom are obtained from *v* in the equation above. Since *v* is most likely a non-integer, round *v* to the next lowest integer.

Step 4: Using the calculated t-value from Step 2, compare the calculated t-value with the critical t-value in Table 2, using the test method-specific alpha values shown in Table 1. To obtain the critical t-value, look across the table for the α error value that corresponds to the WET test method and then look down the table for the appropriate degrees of freedom.

Step 5: If the calculated t-value is less than the critical t-value, the IWC is declared toxic and the test result is a "fail" at the IWC. If the calculated t-value is greater than the critical t-value, the IWC is not declared toxic and the test result is a "pass" at the IWC.

Refer to U.S. EPA's *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA-833-R-10-003) for additional guidance. The TST is the recommended method of analysis for all WET monitoring programs.

Table 1. Summary of alpha (α) levels for approved WET test methods.

EPA WET Test Method [1]	*b* Value	Tier	False Negative (α Error)
Chronic Freshwater Methods			
Ceriodaphnia dubia (water flea) survival and reproduction	0.75	I	0.20
Pimephales promelas (fathead minnow) survival and growth	0.75	I	0.25
Selenastrum capricorutum (green alga) growth	0.75	I	0.25
Chronic West Coast Marine Methods			
Atherinops affinis (topsmelt) survival and growth	0.75	I	0.25
Dendraster excentricus (sand dollar); *Strongylocentrotus purpuratus* (purple urchin) fertilization	0.75	I	0.05
Dendraster excentricus (sand dollar); *Strongylocentrotus purpuratus* (purple urchin) larval development	0.75	I	0.05
Haliotis rufescans (red abalone) larval development	0.75	I	0.05
Mytilus sp. (mussels); *Crassostrea gigas* (oyster) embryo-larval development	0.75	I	0.05
Macrocystis pyrifera (giant kelp) germination and germ-tube length	0.75	I	0.05
Chronic East Coast Marine Methods			
Menidia beryllina (inland silverside) larval survival and growth	0.75	II	0.25
Mysidopsis bahia (mysid) survival, growth, and fecundity	0.75	II	0.15
Acute Freshwater Methods			
Ceriodaphnia dubia; Daphnia pulex; Daphnia magna (water flea) acute survival	0.80	I	0.10
Pimephales promelas (fathead minnow) acute survival	0.80	I	0.10
Oncorhyncus mykiss (rainbow trout) acute survival	0.80	I	0.10
Acute Marine Methods			
Atherinops affinis (topsmelt) acute survival	0.80	I	0.10
Menidia beryllina (inland silverside) acute survival	0.80	I	0.10

[1] The false positive rate (β error) is 0.05 for all test methods.

Table 2. Critical values of the *t* distribution. One tail probability is assumed.

***α* Error**					
Degrees of Freedom (v)	**0.25**	**0.20**	**0.15**	**0.10**	**0.05**
1	1	1.3764	1.9626	3.0777	6.3138
2	0.8165	1.0607	1.3862	1.8856	2.92
3	0.7649	0.9785	1.2498	1.6377	2.3534
4	0.7407	0.941	1.1896	1.5332	2.1318
5	0.7267	0.9195	1.1558	1.4759	2.015
6	0.7176	0.9057	1.1342	1.4398	1.9432
7	0.7111	0.896	1.1192	1.4149	1.8946
8	0.7064	0.8889	1.1081	1.3968	1.8595
9	0.7027	0.8834	1.0997	1.383	1.8331
10	0.6998	0.8791	1.0931	1.3722	1.8125
11	0.6974	0.8755	1.0877	1.3634	1.7959
12	0.6955	0.8726	1.0832	1.3562	1.7823
13	0.6938	0.8702	1.0795	1.3502	1.7709
14	0.6924	0.8681	1.0763	1.345	1.7613
15	0.6912	0.8662	1.0735	1.3406	1.7531
16	0.6901	0.8647	1.0711	1.3368	1.7459
17	0.6892	0.8633	1.069	1.3334	1.7396
18	0.6884	0.862	1.0672	1.3304	1.7341
19	0.6876	0.861	1.0655	1.3277	1.7291
20	0.687	0.86	1.064	1.3253	1.7247
21	0.6864	0.8591	1.0627	1.3232	1.7207
22	0.6858	0.8583	1.0614	1.3212	1.7171
23	0.6853	0.8575	1.0603	1.3195	1.7139
24	0.6849	0.8569	1.0593	1.3178	1.7109
25	0.6844	0.8562	1.0584	1.3163	1.7081
26	0.684	0.8557	1.0575	1.315	1.7056
27	0.6837	0.8551	1.0567	1.3137	1.7033
28	0.6834	0.8546	1.056	1.3125	1.7011
29	0.683	0.8542	1.0553	1.3114	1.6991
30	0.6828	0.8538	1.0547	1.3104	1.6973
inf	0.6745	0.8416	1.0364	1.2816	1.6449

7. Compliance Determination

Non-storm water NPDES permittees and point source WDR enrollees shall report the results of routine WET tests to the applicable Water Board as either a pass or a fail at the IWC.

a. Pass

A test result indicating a "pass" is interpreted as meeting the numeric objectives established in Part II. If a test results in a "pass," dischargers shall continue routine monitoring in accordance with the provisions established in Part III, Section A-4.

b. Fail

A test result indicating a "fail" is interpreted as an excursion of the objectives established in Part II. If a test results in a "fail," dischargers shall initiate an accelerated monitoring schedule approved by the applicable Water Board, no later than fourteen days from the date of the violation. At a minimum, an accelerated monitoring schedule shall consist of six, five-concentration chronic WET tests, conducted at approximately two-week intervals, over a twelve-week period. The test species used for routine chronic WET monitoring shall continue to be used during an accelerated monitoring schedule. The results of each concentration shall be analyzed using the TST. Failure to initiate an accelerated monitoring schedule may result in appropriate enforcement action.

A non-storm water NPDES permittee or point source WDR enrollee in violation of WET numeric effluent limitations shall conduct a Toxicity Reduction Evaluation (TRE) if a test results in a fail at the IWC during accelerated monitoring. Prior to implementing a TRE, a discharger shall submit a TRE Work Plan to the applicable Water Board for approval, no later than thirty days from the date of the accelerated monitoring violation. A TRE work plan, at a minimum, shall include the following: the roles and responsibilities of the TRE team; a complete list of data to be analyzed; a detailed outline of the proposed actions to address and resolve toxicity; and a schedule for conducting the TRE and reporting progress to the applicable Water Board. When TREs are required of multiple facilities that discharge to the same water body, the facilities may coordinate the TREs with the approval of the applicable Water Board. Failure to submit a TRE Work Plan or conduct a TRE may result in appropriate enforcement action.

8. Compliance Schedules

The applicable Water Board has the discretion to grant a compliance schedule to non-storm water NPDES permittees and point source WDR enrollees in order to achieve the WET objectives. The compliance schedule shall be consistent with the State Water Board's *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits*, Resolution No. 2008-0025, except that the duration of the compliance schedule may not exceed two years from the date of permit issuance, reissuance, or reopener. The discretion to grant compliance schedules, however, will expire ten years after the effective date of this Policy.

9. Insignificant Dischargers

The Water Boards are authorized to exempt certain minor and non-continuous dischargers that are found to have an insignificant impact on receiving water quality from the provisions of Part III, Section A.

The Water Boards are authorized to require insignificant dischargers to implement best management practices (BMP) in lieu of numeric effluent limitations to ensure that the WET objectives established in Part II are achieved and maintained. In addition, the Water Boards are authorized to require WET monitoring for any insignificant discharger.

B. Storm Water Dischargers Regulated Pursuant to NPDES Permits

This Section B is the only portion of the Policy that applies to storm water discharges from municipal separate storm sewer systems (MS4) regulated pursuant to Phase I and Phase II NPDES permits. At the discretion of the applicable Water Board, the provisions established in Section B may also be applied to construction, industrial, and California Department of Transportation discharges of storm water regulated pursuant to a general or individual NPDES permit.

1. Existing WET Monitoring Requirements

For Phase I and Phase II MS4 permits with existing WET monitoring requirements, the applicable Water Board shall, within one year of the effective date of this Policy, issue Water Code Section 13383 letters to require the use of the TST method for all WET data analyses, as described in Part III, Section A-6 of this Policy. Use of the TST method shall be a required component of each permittee's storm water management plan or program (SWMP) after the effective date of this Policy. The applicable Water Board also has the discretion to apply the provisions established in Part III, Section A-7, or other remediation measures. MS4 permittees lacking WET monitoring requirements in their respective SWMPs shall be exempt from the provisions of Part III, Section B-1 for the remainder of their individual permit cycles.

2. WET Monitoring Programs Established Pursuant to this Policy

When an MS4 permit is issued or reissued two years or more after the effective date of this Policy, a WET monitoring program that utilizes the TST method shall be included as a required component of each SWMP. At a minimum, all WET monitoring programs established pursuant to this Policy shall include provisions requiring Phase I and Phase II MS4 permittees to conduct four chronic WET tests during each year of the permit cycle as follows: one chronic WET test shall use samples from the first storm event of the wet season; a second chronic WET test shall use samples from a subsequent wet season storm event; and the two remaining chronic WET tests shall use samples obtained during the dry season.

Identification or confirmation of the most sensitive test species to be used for storm water monitoring, in accordance with the provisions established in Part III, Section A-1, shall also be included as a required component of a SWMP in addition to appropriate remediation measures such as those established in Part III, Section A-7.

3. Compliance Schedules

The applicable Water Board has the discretion to grant a compliance schedule to Phase I and Phase II MS4 permittees in order to achieve the WET monitoring requirements. For Phase I and Phase II MS4 permittees with existing WET monitoring requirements, the duration of the compliance schedule shall not exceed two years, and the discretion to grant compliance schedules for these MS4 permittees shall expire ten years after the

effective date of this Policy. The State Water Board's *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits*, Resolution No. 2008-0025, shall apply to Phase I and Phase II MS4 permittees implementing WET monitoring programs established pursuant to this Policy.

C. Channelized Dischargers Regulated Exclusively Under the Porter-Cologne Water Quality Control Act

1. Existing WET Monitoring Requirements

For channelized dischargers required to monitor WET under existing provisions established in a conditional waiver or nonpoint source WDR, the applicable Water Board shall, within one year of the effective date of this Policy, issue Water Code Section 13267 letters to require the use of the TST method for all WET data analyses, as described in Part III, Section A-6 of this Policy. Use of the TST method shall be established as a required component of each of these conditional waivers or nonpoint source WDRs after the effective date of this Policy. The applicable Water Board also has the discretion to apply the provisions established in Part III, Section A-7, or other remediation measures. Channelized dischargers lacking WET monitoring requirements in their conditional waiver or nonpoint source WDR shall be exempt from the provisions of Part III, Section B-1 for the remainder of the conditional waiver or nonpoint source WDR cycle.

2. WET Monitoring Programs Established Pursuant to this Policy

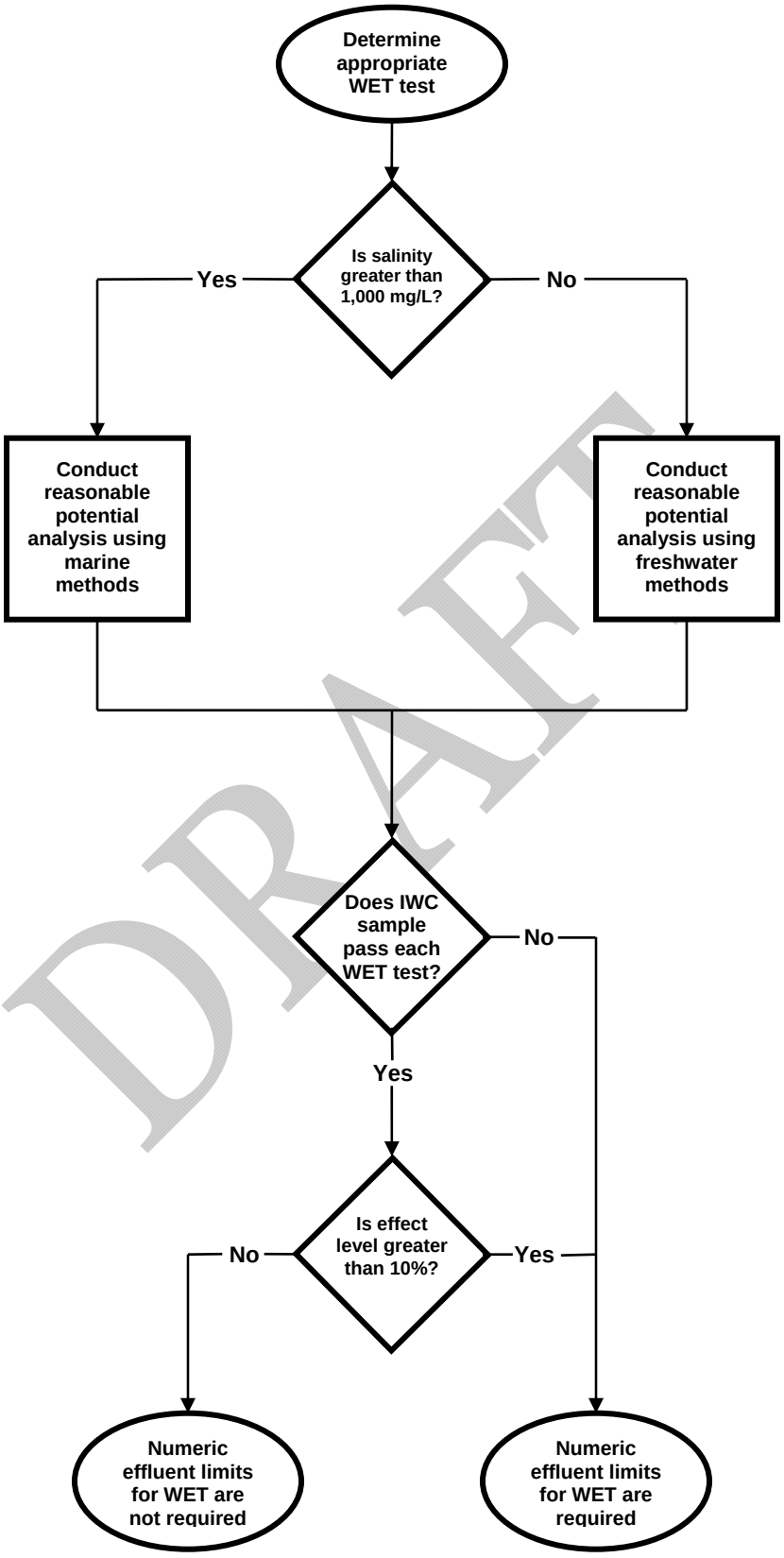
When a channelized discharger is issued or reissued a conditional waiver or nonpoint source WDR after the effective date of this Policy, a WET monitoring program that utilizes the TST method shall be included as a required provision. At a minimum, each WET monitoring program shall require channelized dischargers to conduct four chronic WET tests during each year of the waiver or nonpoint source WDR cycle. Sample collection sites and dates shall be determined by the applicable Water Board.

Identification or confirmation of the most sensitive test species to be used for WET monitoring, in accordance with the provisions established in Part III, Section A-1, shall also be included as a required provision, in addition to appropriate remediation measures such as those established in Part III, Section A-7.

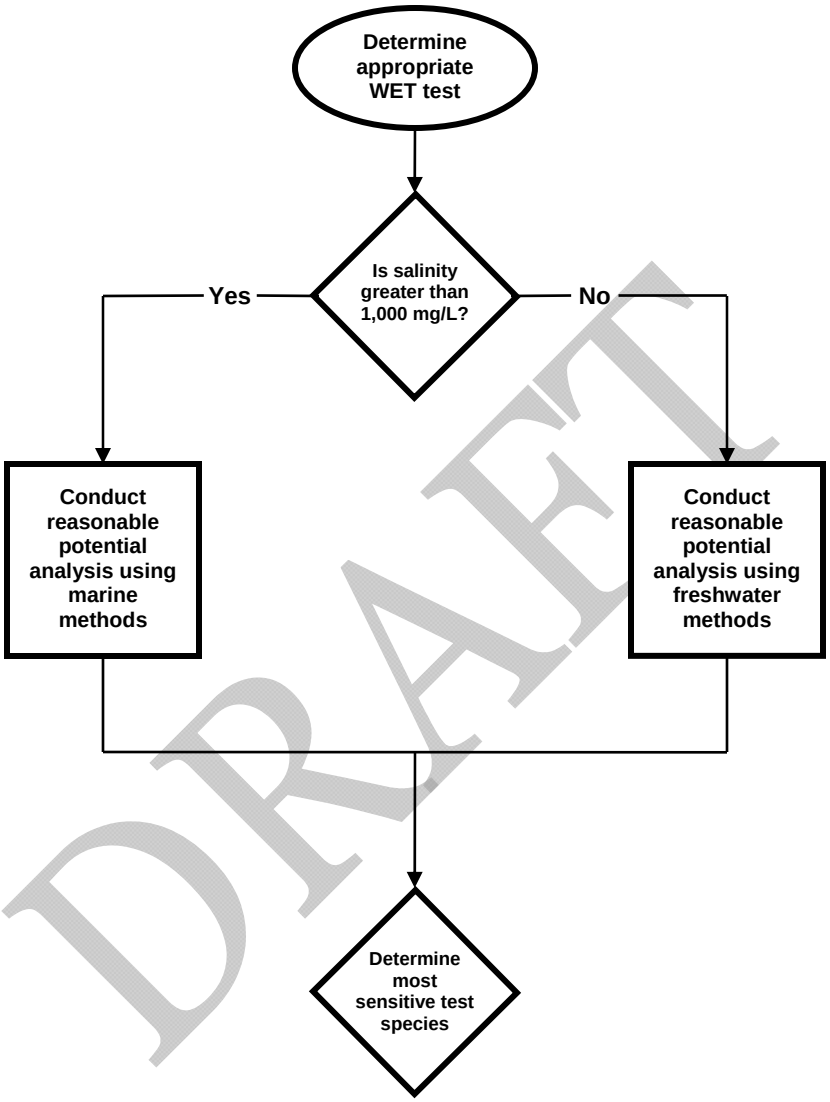
3. Compliance Schedules

The applicable Water Board has the discretion to grant compliance schedules to channelized dischargers in order to achieve the WET monitoring requirements. The duration of the compliance schedule shall not exceed two years from the date of permit issuance, reissuance, or reopener. The discretion to grant compliance schedules, however, shall expire ten years after the effective date of this Policy.

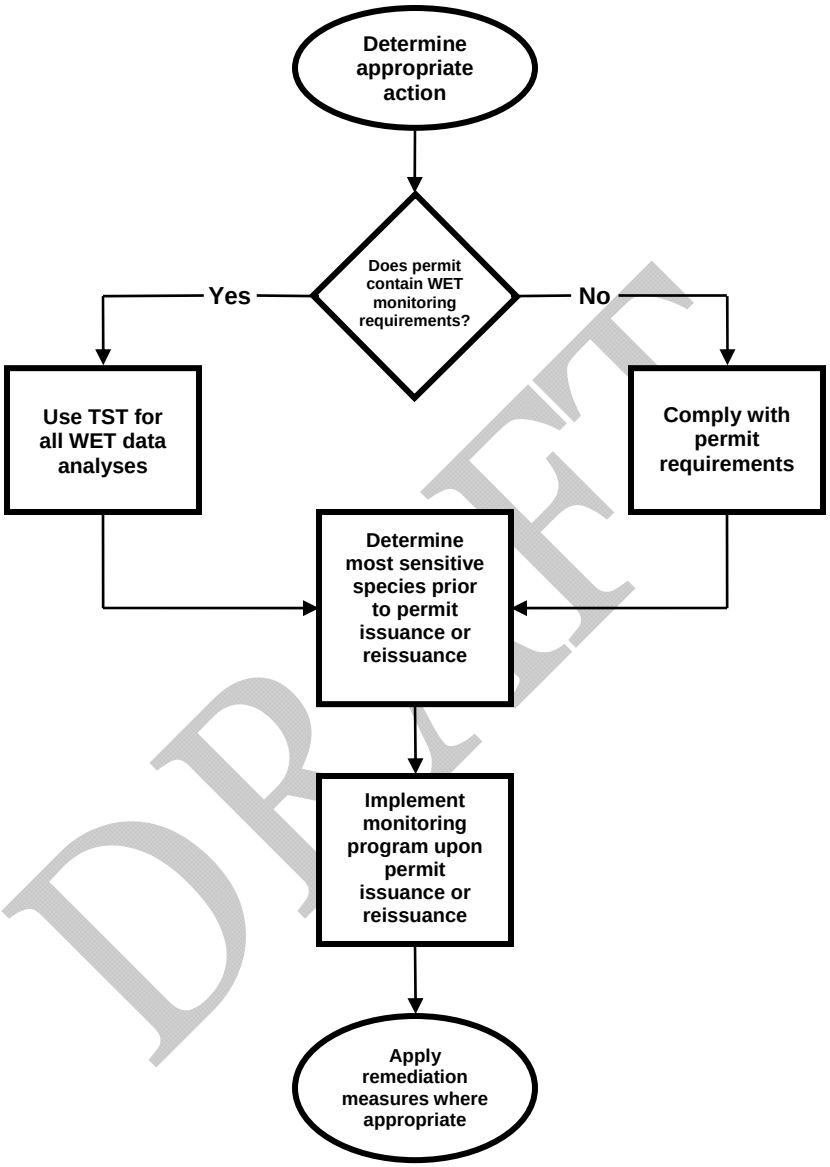
Attachment A: Decision tree for industrial dischargers and minor POTW permit limits



Attachment B: Decision tree for major POTW test species selection



Attachment C: Decision tree for storm water and channelized discharger monitoring[2]



[2] In this decision tree, the term "permit" refers to all storm water NPDES permits, conditional waivers, and nonpoint source WDRs.