

H. F. No. 3960

2.1 (c) The commissioner must provide public notice and information about the external
2.2 peer review through the request for comments published at the beginning of the rulemaking
2.3 process for the water quality standard, and:

2.4 (1) the request for comments must identify the draft technical support document and
2.5 where the document can be found;

2.6 (2) the request for comments must include a proposed charge for the external peer review
2.7 and request comments on the charge;

2.8 (3) all comments received during the public comment period must be made available to
2.9 the external peer reviewers; and

2.10 (4) if the agency is not soliciting external peer review because the agency is adopting a
2.11 United States Environmental Protection Agency criterion without change, that must be
2.12 noted in the request for comments.

2.13 (d) The purpose of the external peer review is to evaluate whether the technical support
2.14 document and proposed standard are based on sound scientific knowledge, methods, and
2.15 practices. The external peer review must be conducted according to the guidance in the
2.16 most recent edition of the United States Environmental Protection Agency's Peer Review
2.17 Handbook. Peer reviewers must not have participated in developing the scientific basis of
2.18 the standard.

2.19 (e) The type of review and the number of peer reviewers depends on the nature of the
2.20 science underlying the standard. When the agency is developing significant new science or
2.21 science that expands significantly beyond current documented scientific practices or
2.22 principles, a panel review must be used.

2.23 (f) In response to the findings of the external peer review, the draft technical support
2.24 document must be revised as appropriate. The findings of the external peer review must be
2.25 documented and attached to the final technical support document, which must be an exhibit
2.26 as part of the statement of need and reasonableness in the rulemaking to adopt the new or
2.27 revised water quality standard. The final technical support document must note changes
2.28 made in response to the external peer review.

2.29 ~~(b)~~ (g) By December 15 each year, the commissioner shall post on the agency's Web
2.30 site a report identifying the water quality standards development work in progress or
2.31 completed in the past year, the lead agency scientist for each development effort, and
2.32 opportunities for public input.