

**DRAFT**

**STATE WATER RESOURCES CONTROL BOARD  
WATER QUALITY ORDER 2023-XXXX-EXEC**

**AMENDING**

**WATER QUALITY ORDER 2013-0002-DWQ  
(AS AMENDED BY ORDERS 2014-0078-DWQ, 2015-0029-DWQ, 2016-0073-EXEC,  
2017-0015-EXEC, 2020-0037-EXEC AND 2022-0056-EXEC)**

**STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION  
SYSTEM (NPDES) PERMIT FOR RESIDUAL AQUATIC PESTICIDE DISCHARGES  
TO WATERS OF THE UNITED STATES FROM ALGAE AND AQUATIC WEED  
CONTROL APPLICATIONS**

The State of California, Water Resources Control Board (hereafter State Water Board) finds:

1. The State Water Board is authorized to prescribe statewide general National Pollutant Discharge Elimination System (NPDES) permits for categories of discharges that involve the same or similar operations and the same or similar types of waste pursuant to the California Water Code section 13263(i).
2. On September 22, 1989, the United States Environmental Protection Agency granted the State of California, through the State Water Board and the Regional Water Quality Control Boards, the authority to issue general NPDES permits pursuant to title 40 Code of Federal Regulations parts 122 and 123.
3. Section 122.28 of title 40 Code of Federal Regulations provides for issuance of general permits to regulate a category of point sources if:
  - The sources involve the same or substantially similar types of operations;
  - The discharges are the same type of waste;
  - The discharges require the same type of effluent limitations, operating conditions, or standards to protect the beneficial uses of the receiving waters;
  - The discharges require similar monitoring and reporting; and
  - The discharges are more appropriately regulated under a general order rather than individual permits.
4. On March 5, 2013, the State Water Board adopted Water Quality Order 2013-0002-DWQ, a Statewide NPDES Permit for Residual Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications (Aquatic Weed Control Permit). The State Water Board amended Water Quality Order 2013-0002-DWQ through Water Quality Order 2014-0078-DWQ on May 20, 2014, Water Quality Order 2015-0029-DWQ on March 3, 2015, Water Quality Order 2016-0073-EXEC on June 30, 2016, Water Quality Order 2017-0015-EXEC on September 1, 2017, Water

Quality Order 2020-0037-EXEC on November 25, 2020, and Water Quality Order 2022-0056-EXEC on August 24, 2022. The Aquatic Weed Control Permit regulates point source discharges of residual pesticides resulting from pesticide applications for aquatic weed control. The Permit covers only pesticides that are approved for aquatic use by the United States Environmental Protection Agency and registered by the California Department of Pesticide Regulation for aquatic applications in accordance with specific application rates.

5. The discharge of residual aquatic pesticides with the following active ingredients is permitted with coverage under the Aquatic Weed Control Permit: 2,4-D, acrolein, calcium hypochlorite, copper, diquat, endothall, flumioxazin, fluridone, glyphosate, hydrogen peroxide, imazamox, imazapyr, penoxsulam, peroxyacetic acid, sodium carbonate peroxyhydrate, sodium hypochlorite, and triclopyr-based algaecides and aquatic herbicides, and adjuvants containing ingredients represented by the surrogate nonylphenol.
6. Through previous permit amendments, the State Water Board has granted short-term or seasonal exceptions to public agencies and mutual water companies that: (1) have satisfactorily completed the California Environmental Quality Act (CEQA) process, and (2) meet the criteria for a categorical exception from complying with limitations for active pesticide ingredients that are California Toxic Rule priority pollutants, per section 5.3 of the State Water Board Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy).
7. Section III.B of the Aquatic Weed Control Permit provides delegation authority from the State Water Board to the Executive Director for the following actions:
  - Amend the permit to add new active ingredients currently registered by California Department of Pesticide Regulation for the control of aquatic weeds; and
  - Add dischargers to the list of public agencies in Attachment G of the Order that have satisfactorily completed the CEQA process and are granted a categorical exception from complying with California Toxic Rule priority pollutant limitations in accordance with section 5.3 of the State Implementation Policy.
8. The Casitas Municipal Water District has requested a categorical exception from complying with receiving water limitations for the California Toxic Rule priority pollutant, copper.
9. On October 16, 2019, the Casitas Municipal Water District provided letters of notification to the following tribal groups regarding the District's Initial Study and Mitigated Negative Declaration per CEQA: The Barbereno/Ventereno Band of Mission Indians, San Gabriel Band of Mission Indians, Torres Martinez Desert Cahuilla Indians, Chumash Council of Bakersfield, Coastal Band of the Chumash Nation, Northern Chumash Tribal Council, San Luis Obispo County Chumash Council, Santa Ynez Band of Chumash Indians, and yak tityu yak tilhini Northern Chumash Tribe. Only one tribal group, the Barbereno/Ventereno Band of Mission Indians, responded to the letter of notification in which they requested that the Casitas Municipal Water District provide a copy of the Initial Study and Mitigated Negative Declaration once it becomes publicly available.

10. The Casitas Municipal Water District has satisfactorily complied with section 5.3 of the State Implementation Policy and completed the required CEQA process to obtain a categorical exception for copper receiving water limitations.
11. The State Water Board anticipates that adding the Casitas Municipal Water District to Attachment G will result in a short-term increase in concentrations of copper in water quality in the Casitas Municipal Water District service area, which includes disadvantaged and tribal communities, due to the application of approved active ingredients for aquatic weed and algae control.
12. There are measures available, within the scope of the State Water Board's authority, and included in this permit's requirements to address the impacts of the permitted activity in a disadvantaged or tribal community. Specifically, in accordance with section VIII.C of the permit, the Casitas Municipal Water District is required to implement best management practices to prevent aquatic pesticide spills and contamination, fish kills, and other adverse impacts to water quality. In addition, the Casitas Municipal Water District had to submit the information required by the State Implementation Policy to obtain a short-term exception for copper receiving water limitations. Except during the exception period, the Casitas Municipal Water District is required to meet limitations in receiving waters. Without the application of aquatic weed and algae control pesticides, excessive aquatic weeds and algal growth can cause an increase in dissolved oxygen in the water.

**IT IS HEREBY ORDERED THAT:**

Pursuant to the authority delegated by California Water Code section 13377, Resolution No. 2002-0104, and Water Quality Order 2015-0029-DWQ, Water Quality Order 2013-0002-DWQ is hereby amended to add the Casitas Municipal Water District to Attachment G of Water Quality Order 2013-0002-DWQ, as shown in Attachment A of this Order, and is effective upon approval.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Eileen Sobeck  
Executive Director

**ATTACHMENT A  
TO DRAFT WATER QUALITY ORDER 2023-XXXX-EXEC**

GENERAL NPDES PERMIT FOR  
RESIDUAL AQUATIC PESTICIDE  
DISCHARGES FROM ALGAE  
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NPDES NO. CAG990005

### Attachment G – Exception List

#### LIST OF PUBLIC AGENCIES AND MUTUAL WATER COMPANIES GRANTED AN EXCEPTION PURSUANT TO STATE WATER RESOURCES CONTROL BOARD POLICY FOR IMPLEMENTATION OF TOXICS STANDARDS FOR INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA (POLICY)

The public entities and mutual water companies listed herein have prepared Initial Studies, Negative Declarations (ND), or Mitigated Negative Declarations (MND), and Notices of Determination for the discharge of algacides and aquatic herbicides in accordance with the California Environmental Quality Act (CEQA (Public Resources Code § 21000 et seq.)) to comply with the exception requirements of section 5.3 of the Policy. The boards of each public entity or mutual water company, as the lead agencies under CEQA, approved the Final ND/MND and determined that the discharge of algacides and aquatic herbicides in their respective projects would not have a significant effect on the environment. These public entities and mutual water companies have determined that the water quality or related water quality impacts identified in the environmental assessments of the ND/MND are less than significant.

In addition to submitting the CEQA documentation, these public entities and mutual water companies have also complied with the other exception requirements of section 5.3 of the Policy.

As required in section 15096 of the CEQA Guidelines, the State Water Resources Control Board (State Water Board), as a Responsible Agency under CEQA, considered the ND/MND approved by the board of each public entity or mutual water company and finds that the projects will have less than significant water quality impact if the waste discharge requirements in this General Permit are followed. Accordingly, the public entities and mutual water companies listed herein are hereby granted an exception pursuant to section 5.3 of the Policy.

1. Byron-Bethany Irrigation District
2. Casitas Municipal Water District
3. Central California Irrigation District
4. Chowchilla Water District
5. City of Antioch Department of Public Works
6. City of Sacramento
7. City of Poway
8. Contra Costa Water District

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9. Contra Costa County Flood Control and Water Conservation District
10. Department of Food and Agriculture
11. Department of Water Resources
12. Firebaugh Canal Water District
13. Fresno Irrigation District
14. Friant Water Users Authority
15. Glenn-Colusa Irrigation District
16. Helix Water District
17. Henry Miller Reclamation District
18. James Irrigation District
19. Madera-Chowchilla Water & Power Authority
20. Madera Irrigation District
21. Maine Prairie Water District
22. Marin Municipal Water District
23. Merced Irrigation District
24. Metropolitan Water District of Southern California
25. Modesto Irrigation District
26. Nevada Irrigation District
27. North Marin Water District
28. Oakdale Irrigation District
29. Placer County Water Agency
30. Potter Valley Irrigation District
31. Princeton-Cordora-Glenn Irrigation District
32. Provident Irrigation District
33. Reclamation District 108
34. Reclamation District 1000
35. Reclamation District 1004
36. San Diego County Water Authority
37. Santa Cruz Water Department

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38. Santa Fe Irrigation District
39. Solano Irrigation District
40. South Feather Water and Power Agency
41. South San Joaquin Irrigation District
42. South Sutter Water District
43. Sweetwater Authority
44. Tehama Colusa Canal Authority
45. Turlock Irrigation District
46. Woodbridge Irrigation District
47. Yolo County Flood Control and Water Conservation District