

STATE WATER RESOURCES CONTROL BOARD
DRAFT ORDER WQ 2016-XXXX-EXEC

AMENDING

WATER QUALITY ORDER 2013-0002-DWQ
GENERAL PERMIT NO. CAG 990005
(AS AMENDED BY ORDERS 2014-0078-DWQ AND 2015-0029-DWQ)

STATEWIDE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
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 U.S. Environmental Protection Agency (U.S. EPA) 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 (C.F.R.) parts 122 and 123.
3. Section 122.28 of 40 C.F.R. 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; discharge the same type of waste; require the same type of effluent limitations or operating conditions; require similar monitoring; and 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 (later amended by Orders 2014-0078-DWQ on May 20, 2014 and 2015-0029-DWQ on March 3, 2015), Statewide 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 (hereafter Weed Control Permit). The State Water Board amended Order 2013-0002-DWQ through Order 2014-0078-DWQ on May 20, 2014 and Order 2015-0029-DWQ on March 3, 2015. The Weed Control Permit covers the point source discharge of residual pesticides resulting from pesticide applications for aquatic weed control. The Weed Control Permit covers only pesticides that are approved for aquatic use by U.S. EPA and registered by the California Department of Pesticide Regulation (DPR) for aquatic applications in accordance with specific application rates.
5. Section III.B of the Weed Control Permit provides delegation authority from the State Water Board to the Executive Director for the following actions:

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- a. Amend the permit to add new active ingredients currently registered by DPR for the control of aquatic weeds; and
 - b. Add Dischargers to the list of public agencies in permit Attachment G that have satisfactorily completed the California Environmental Quality Act (CEQA) process and been granted an exception from meeting receiving water limitations for pesticide active ingredients that are priority pollutants in accordance with section 5.3 of the State Water Board Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP).
6. The discharge of residual aquatic pesticides with the following active ingredients is permitted with coverage under the Weed Control Permit: 2,4-D, acrolein, calcium hypochlorite, copper, diquat, endothall, fluridone, glyphosate, imazamox, imazapyr, penoxsulam, sodium carbonate peroxyhydrate, sodium hypochlorite, and triclopyr-based algaecides and aquatic herbicides, and adjuvants containing ingredients represented by the surrogate nonylphenol.
7. The State Water Board granted exceptions to public agencies and mutual water companies that met the criteria stated in SIP section 5.3 for short-term or seasonal exceptions from meeting the receiving water limitations for priority pollutants of acrolein and copper.
8. This item proposes the following amendments to the Weed Control Permit:
- a. Add the City of Sacramento, City of Poway, Helix Water District, San Diego County Water Authority, Santa Fe Irrigation District, and Sweet Water Authority to Attachment G which lists dischargers excepted from meeting receiving water limitations for acrolein or copper in accordance with SIP section 5.3. These agencies have satisfactorily completed the required CEQA process for exceptions to copper receiving water limits.
 - b. Modify the SIP exception for Byron-Bethany Irrigation District (District) in Attachment G to add a SIP exception for copper to the District's current SIP exception for acrolein. Attachment G lists dischargers receiving exceptions to meeting receiving water limitations for acrolein or copper in accordance with SIP section 5.3. The District has satisfactorily completed the required CEQA process.
 - c. Add the pesticide active ingredient flumioxazin. DPR approved the use of pesticide products containing this active ingredient for aquatic use in the state in 2014.
 - d. Add the pesticide active ingredients hydrogen peroxide and peroxyacetic acid. DPR approved the use of pesticide products containing these active ingredients for aquatic use in the state in 2002.
 - e. Add restrictions for use of products containing hydrogen peroxide, peroxyacetic acid, and sodium carbonate peroxyhydrate to protect aquatic life.

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9. Interested parties were invited to comment on the proposed permit amendments in response to the 30 day public notice of the amended permit issued on February XX, 2016. The Executive Director considered all comments received during the public notice period, and, where necessary, revised the proposed permit amendment accordingly prior to authorizing the amendments.

IT IS HEREBY ORDERED THAT:

Pursuant to the authority delegated by Water Code section 13267(f), Resolution 2002-0104, and Order 2015-0029-DWQ, Order 2013-0002-DWQ is hereby amended as shown in Attachment A and shall be effective on XXXX XX, 2016.

Dated

Thomas Howard
Executive Director

ATTACHMENT A