

Comment Letters Received from
Vector Control Agencies

- CDPH, Vector-Borne Disease Section
- Greater Los Angeles County Vector Control District (GLACVCD)



RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

July 23, 2012

Mr. Ivar Ridgeway
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Dear Mr. Ridgeway:

Subject: Order No. R4-2012-XXXX, NPDES Permit No. CAS004001, Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges Within the Los Angeles County Flood Control District, Including the County of Los Angeles, and the Incorporated Cities Therein, Except the City of Long Beach.

The Vector-Borne Disease Section of the California Department of Public Health (CDPH) is responsible for assisting local public agencies in preventing and controlling the spread of vectors and vector-borne diseases as described in the California Health and Safety Code (Section 116110). Extensive monitoring studies conducted by CDPH between 1999 and 2011 have documented that mosquitoes opportunistically breed in structural stormwater Best Management Practices (BMPs), particularly those that hold standing water for over 96 hours. These structures create a potential public health concern and increase the burden on local vector control agencies that are mandated to inspect for and abate mosquitoes and other vectors within their jurisdictional boundaries. These unintended public health consequences can be lessened when structures incorporate design, construction, and maintenance principles developed specifically to minimize standing water available to mosquitoes while having negligible effects on the capacity of the BMPs to provide water quality improvements as intended.

Pesticide applications to Waters of the United States for the control of mosquitoes and other vectors are covered under a Statewide NPDES Permit (Water Quality Order No. 2011-0002-DWQ, General Permit No. CAG 990004). The obligations of this pesticide permit have created additional burdens on public health and vector control agencies, most importantly causing a direct impact on the efficiency of field operations to control vector mosquitoes. The increasingly stringent regulations targeting the control of vectors are worrisome to the CDPH. In particular, CDPH is concerned that future revisions to existing MS4 permits in California could prohibit the application of public health pesticides to MS4 systems. Stormwater conveyance systems, both above- and belowground, are among the most important sources of vector mosquitoes in the

Mr. Ivar Ridgeway
Page 2
July 23, 2012

urban environment and are a top priority for control to protect public health. It is critical that the capacity for vector control agencies to apply public health pesticides to MS4s is protected by not imposing additional restrictions. To this end, public health pesticides specifically should be included as exempted discharges into permitted MS4s.

CDPH respectfully requests that the Board strongly consider the addition of specific and concise language to the Draft Tentative Order, Order No. R4-2012-XXXX, that:

- draws attention to the potential unintended consequences associated with stormwater management structures (i.e., mosquito production); specifically, structural BMPs and certain Low Impact Development (LID) site design measures such as rainwater capture systems
- requires that MS4s operating under this NPDES General Permit minimize the potential for mosquito production in structural BMPs and certain LID site design measures capable of holding standing water to the maximum extent practicable
- requires that MS4s operating under this NPDES General Permit provide, on an annual basis, a list of structural BMPs and certain LID site design measures capable of holding standing water to the local vector control agency to facilitate routine inspections and control of vectors if necessary, and
- specifically exempts the application of public health pesticides into permitted MS4s.

Requiring MS4s to consider mosquito production as part of the permitting process ensures that the public health and safety of Californians remains a top priority. Because NPDES stormwater permits regulate the discharge of pollutants, in part, for the benefit of public health, we feel the Board has the responsibility of ensuring that permit requirements do not unintentionally result in alternate public health threats from disease vectors. Although we understand that this is not an issue the Board is required to enforce, including language in the permit that alerts Permittees of the potential to create other public health violations when complying with this permit should be acceptable and fall under your purview. Our proposed language follows.

Mr. Ivar Ridgeway
Page 3
July 23, 2012

Fact Sheet

The April 27, 2012 revision to the Fact Sheet for NPDES Permit No. CAS000003 ORDER No. 2012-XX-DWQ, State of California Department of Transportation included a paragraph on page 18 entitled *Potential Unintended Public Health Concerns Associated with Structural BMPs*. We propose that the Board consider the addition of a similar paragraph to the Fact Sheet of the Tentative Draft Order for the purpose of raising awareness of the potential unintended consequences associated with the implementation of certain stormwater management structures and public health obligations of owner /operators as defined in the California Health and Safety Code. Please consider including the following language to the Fact Sheet and the two associated references as a footnote.

Potential Unintended Public Health Concerns Associated with Structural Storm Water Treatment Systems and Certain LID site design measures.

Extensive monitoring studies conducted by the California Department of Public Health (CDPH) have documented that mosquitoes opportunistically breed in structural storm water Best Management Practices (BMPs), particularly those that hold standing water for over 96 hours. Certain Low Impact Development (LID) site design measures that hold standing water such as rainwater capture systems may similarly produce mosquitoes. These structures create a potential public health concern and increase the burden on local vector control agencies that are mandated to inspect for and abate mosquitoes and other vectors within their jurisdictional boundaries. These unintended consequences can be lessened when structures incorporate design, construction, and maintenance principles developed specifically to minimize standing water available to mosquitoes¹ while having negligible effects on the capacity of the structures to provide water quality improvements as intended. The California Health and Safety Code prohibits landowners from knowingly providing habitat for or allowing the production of mosquitoes and other vectors, and gives local vector control agencies broad inspection and abatement powers². This Order requires regulated MS4s to comply with applicable provisions of the Health and Safety Code and to cooperate and coordinate with CDPH and local mosquito and vector control agencies on vector-related issues.

¹ California Department of Public Health. (2012). *Best Management Practices for Mosquito Control in California*. Retrieved on July 20, 2012 from <http://www.westnile.ca.gov/resources.php>

² California Health & Safety Code, Division 3, Section 2060 and following.

Mr. Ivar Ridgeway
Page 4
July 23, 2012

Findings

A large portion of Statewide and Regional stormwater NPDES permits have incorporated a Finding related to the potential for vector production in certain structural stormwater structures. Such a Finding ensures that Permittees are fully aware that certain stormwater structures unintentionally may produce vectors, particularly mosquitoes, and encourages collaboration with public health agencies that control vectors to mitigate any breeding that may occur. Please consider including the following language as a separate Finding and the associated reference as a footnote.

“Certain structural BMPs and Low Impact Development strategies implemented or required by Permittees for urban runoff management may create habitat for vectors (e.g., mosquitoes) if not properly designed or maintained¹. Close collaboration and cooperation among the Permittees, local vector control agencies, Regional Water Board staff, and the California Department of Public Health is necessary to identify and implement appropriate vector control measures that minimize potential nuisances and public health impacts resulting from vector breeding”.

¹*California Department of Public Health, Best Management Practices for Mosquito Control in California (2012), <http://www.westnile.ca.gov/resources.php>*

Pages 26-36. Section III, Discharge Prohibitions

As stated in paragraph 2 of this letter, it is critical that the capacity for vector control agencies to apply public health pesticides to MS4s be protected by not imposing additional restrictions. Please consider adding an additional line item to categorically exempt discharges of public health pesticides used for the purpose of protecting public health from vectors and vector-borne disease when applied by government agencies certified by the California Department of Public Health, specifically

“public health pesticides applied by government agencies signatory to a Cooperative Agreement with the California Department of Public Health”.

Page 39. Section VI, Provisions

In order to protect the public health from vectors and vector-borne disease, local vector control agencies maintain databases of known habitats capable of vector production. The recent proliferation of stormwater treatment BMPs and LID structures that hold water such as rainwater capture devices has increased the burden on these agencies, particularly the challenge of locating new installations before they create a potential public health threat. It would be beneficial if the Board would consider requiring Permittees operating under this Order to provide,

Mr. Ivar Ridgeway
Page 5
July 23, 2012

on an annual basis, a list of structural BMPs and LID site design measures capable of holding standing water such as rainwater capture systems to the local vector control agency to facilitate routine inspections and control of vectors if necessary. In order to be most effective, the minimum information needed by vector control agencies is location of the structure, the type of structure (or proprietary name), and owner or responsible party. Determination of when the list of stormwater treatment systems should be made available can be determined locally. Please consider adding the two following sections to the Provisions of this Order.

“Coordination with the appropriate mosquito and vector control agency with jurisdiction to establish a protocol for notification of installed structural treatment systems and LID site design measures that hold standing water such as rainwater capture systems”.

“On an annual basis, structural storm water treatment systems and LID site design measures that hold standing water such as rainwater capture systems shall be made available in tabular form to the local mosquito and vector control agency and the appropriate Regional Water Board. This list shall include the location of the facility / site (e.g. lat-long; street address), a description and name of the structure / device, and the name of the owner / operator responsible for the installation / maintenance of the structure / device”.

Page 67. Section 6.a.i.(6).

The reference cited in Section 6.a.i.(6) in the footnotes should be updated. Please replace it with the following

²⁶ *Structures designed to drain captured water within 96 hours minimize the potential for breeding vectors. See California Department of Public Health, Best Management Practices for Mosquito Control in California (2012) at <http://www.westnile.ca.gov/resources.php>*

We appreciate the opportunity to comment on the revised draft Water Quality Order and look forward to working with you in the future to ensure that vector concerns are adequately addressed in stormwater NPDES permits to protect the health of all Californians. If you have any questions, please contact Marco Metzger, Ph.D. at Marco.Metzger@cdph.ca.gov or (909) 937-3448.

Sincerely,



Vicki Kramer, Ph.D., Chief
Vector-Borne Disease Section

GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT

12545 Florence Avenue, Santa Fe Springs, CA 90670
Office (562) 944-9656 Fax (562) 944-7976
Email: info@glacvcd.org Website: www.glacvcd.org

PRESIDENT

Robert Campbell, Long Beach

VICE PRESIDENT

Dr. Jeff D. Wassem, Burbank

SECRETARY-TREASURER

Pedro Aceituno, Bell Gardens

GENERAL MANAGER

Kenneth L. Bayless

July 23, 2012

ARTESIA

Sally Flowers

BELL

Danny Harber

BELLFLOWER

Ray T. Smith

CARSON

Harold Williams

CERRITOS

Mark W. Bollman

COMMERCE

Tina Baca Del Rio

CUDAHY

Mison Levi

DIAMOND BAR

Steve Tye

DOWNEY

Roger C. Brossmer

GARDENA

Rachel C. Johnson

GLENDALE

Armine Perian

HAWAIIAN GARDENS

Barry Bruce

HUNTINGTON PARK

Elba Romo

LAKEWOOD

Steve Croft

LA MIRADA

Pauline Deal

LA HABRA HEIGHTS

Jim Remington

LOS ANGELES CITY

Steven Appleton

LOS ANGELES COUNTY

Dr. James Lawson

LYNWOOD

Jim Morton

MAYWOOD

Edward Varela

MONTEBELLO

Christina Cortez

NORWALK

Cheri Kelley

PARAMOUNT

Tom Hansen

PICO RIVERA

David W. Armenta

SAN FERNANDO

Sylvia Ballin

SAN MARINO

Jeff Groseth

SANTA CLARITA

Robert Newman

SANTA FE SPRINGS

Michael Madrigal

SIGNAL HILL

Dr. Hazel Wallace

SOUTH EL MONTE

Hector Delgado

SOUTH GATE

Maria Davila

WHITTIER

Owen Newcomer

Ivar Ridgeway
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Order No. R4-2012-XXXX, NPDES Permit No. CAS004001, Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Los Angeles County Flood Control District, Including the County of Los Angeles, and the Incorporated Cities Therein, Except the City of Long Beach

Dear Mr. Ridgeway:

The Greater Los Angeles County Vector Control District (GLACVCD) is a California government and public health service agency. Our mission is to reduce populations of public health vectors (mosquitoes, black flies and midges) below nuisance levels, prevent human infection associated with mosquito-transmitted diseases, and prevent the loss of property values and commercial enterprise as the result of vector occurrence and activity, as mandated in the California Health and Safety Code (Section 116110).

This letter is in support of the vector related language proposed for inclusion in the above tentative Order by the California Department of Public Health (CDPH).

In addition to the CDPH suggestions we would like the Board to address the following concerns:

- The additional burdens on vector control agencies created by the 2011 Statewide NPDES Permit (Water Quality Order No. 2011-0002-DWQ, General Permit No. CAG 990004) directly impact the efficiency of field operations to control vector mosquitoes. Consequently, both the statewide as well as the national mosquito control association are aiming to regain NPDES exemption of public health pesticide applications and return such applications solely to regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). To ensure our ability to continue our control efforts in the future, we would like to see the language under section VI.A 10. "prohibiting the discharge of any product registered under FIFRA to any waste stream that may ultimately be released to waters of the United States, unless specifically authorized elsewhere in this Order or another NPDES permit", removed or have a specific exemption of public health pesticides added

A CALIFORNIA GOVERNMENTAL AGENCY

- We find that while it has been stated that the existing Ventura County Municipal Separate Storm Sewer System Permit, Order No. 09-0057, NPDES Permit No CAS004002 has served as a template in crafting this tentative order, important vector control related language has been omitted in this draft. We ask that the Board consider including the following language from the FINDINGS section F of the Ventura County MS4 permit as a part of the language proposed by CDPH for this section:

This Order is not intended to prohibit the inspection for or abatement of vectors by the State Department of Public Health or local vector agencies in accordance with CA Health and Safety Code, § 116110 et seq. Certain Treatment Control BMPs if not properly designed, operated or maintained may create habitats for vectors (e.g. mosquitoes and rodents).

We appreciate the opportunity to comment on the revised draft Water Quality Order and look forward to working with you in the future to ensure that vector concerns are adequately addressed in stormwater NPDES permits to protect the health of all California residents. If you have any questions, please contact: Mark Daniel, Director of Operations, at 562-944-9656 or mdaniel@glacvcd.org or myself.

Sincerely,



Susanne Klueh
Scientific-Technical Director
562-944-9656
sklueh@glacvcd.org