



February 18, 2011

Mr. Charlie Hoppin, Chair  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814

Comment Letter – Revised Draft Spray Applications Permit

Dear Mr. Hoppin,

Thank you for the opportunity to comment on the revised draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Pesticide Discharges to Waters of the United States from Spray Applications. The California Department of Food and Agriculture (CDFA) staff has reviewed the monitoring options and feels that Option C with an amended “Test Species” section to include the language from Option E (Public Noticed Draft Permit Language) will provide adequate protection for water quality. The United States Environmental Protection Agency (EPA) is not requiring ambient water monitoring or toxicity testing in their Draft NPDES Pesticides General Permit (PGP) for Point Source Discharges from the Application of Pesticides to Waters of the United States. EPA’s draft NPDES requires monitoring of the pesticide application and visual monitoring of the water bodies that may be impacted by the pesticide application. This decision is supported in EPA’s Fact Sheet located at [http://www.epa.gov/npdes/pubs/proposed\\_pgp\\_fs.pdf](http://www.epa.gov/npdes/pubs/proposed_pgp_fs.pdf):

EPA considered requiring ambient water quality monitoring. However EPA determined that it was infeasible for the following reasons:

- 1) Uncertainty: Ambient water quality monitoring would generally not be able to distinguish whether the results were from the pesticide application for which monitoring is being performed, or some other upstream source.
- 2) Lack of applicable measurable standards: Pesticide-specific water quality standards do not exist at this time for the vast majority of constituents in the products authorized for use under this PGP.
- 3) Safety and Accessibility: Pesticides, particularly those used for mosquito control and forestry pest control, are often applied over waterbodies in remote areas, hazardous terrain, and swamps that are either inaccessible or pose safety risks for the collection of samples.
- 4) Difficulty of residue sampling for chemical pesticides: For chemical pesticides, the “pollutant” regulated by the PGP is the residue that remains after the pesticide has completed its activity, and it is this residue that would be the subject of any water quality



Mr. Charlie Hoppin  
February 18, 2011  
Page 2

monitoring requirement. However, the point at which only "residue" remains is not practically discernable at this time for all pesticides.

5) Usefulness of data: Some states have questioned the value of ambient water quality monitoring data obtained from state permitting programs. The data generally showed that water quality impacts were not occurring, and one state even discontinued the requirement in revisions of its state permit.

CDFA feels that the amended monitoring Option C in conjunction with the CDFA best management practices included in the revised draft NPDES will adequately protect California's water quality and provide a comprehensive and equitable Statewide NPDES Permit for Residual Pesticide Discharges from Spray Applications

Thank you for your consideration in this matter. If you have any questions regarding these comments, please contact Victoria Hornbaker at 916-654-0768 or [vhornbaker@cdfa.ca.gov](mailto:vhornbaker@cdfa.ca.gov).

Sincerely,



Michele Dias  
Acting Chief Legal Council  
California Department of Food and Agriculture

cc: Mr. Nathan Dechoretz, Deputy Secretary  
Dr. Robert Leavitt, Director, Plant Health and Pest Prevention Services, CDFA