

**STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY ORDER 2020-0037-EXEC**

**AMENDING
WATER QUALITY ORDER 2013-0002-DWQ
(AS AMENDED BY ORDERS 2014-0078-DWQ, 2015-0029-DWQ, 2016-0073-EXEC,
AND 2017-0015-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 or operating conditions 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, and Water Quality Order 2017-0015-EXEC on September 1, 2017. 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 using active ingredients 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 algacides 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 exception from complying with limitations for active pesticide ingredients that are California Toxics 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 (SIP).
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 DPR 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 an exception from complying with California Toxic Rule priority pollutant limitations in accordance with section 5.3 of the SIP.
8. On February 14, 2020, the Chowchilla Water District (District) requested an exception to complying with receiving water limitations for the California Toxics Rule priority pollutants acrolein and copper. The District satisfactorily completed the required CEQA process for exceptions to acrolein and copper receiving water limitations.
9. On August 26, 2020, State Water Board staff posted the District's request for an exception, and corresponding CEQA documents, for a 30-day public comment period. No public comments were received on this item.

IT IS HEREBY ORDERED THAT:

Pursuant to California Water Code section 13377 and the authority delegated by Order 2015-0029-DWQ, Water Quality Order 2013-0002-DWQ is hereby amended to add the Chowchilla Water District to Attachment G of the Order, as shown in Attachment A of this Order, and is effective upon the Executive Director's Approval.

November 25, 2020

Date



Eileen Sobeck
Executive Director

ATTACHMENT A TO DRAFT WATER QUALITY ORDER 2020-0037-EXEC

GENERAL NPDES PERMIT FOR
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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 algaecides 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 algaecides 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. Chowchilla Water District
3. City of Antioch Department of Public Works
4. City of Sacramento
5. City of Poway
6. Contra Costa Water District
7. Contra Costa County Flood Control and Water Conservation District
8. Department of Food and Agriculture

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

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- 37. South San Joaquin Irrigation District
- 38. South Sutter Water District
- 39. Sweetwater Authority
- 40. Tehama Colusa Canal Authority
- 41. Turlock Irrigation District
- 42. Woodbridge Irrigation District
- 43. Yolo County Flood Control and Water Conservation District