



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Division of Water Quality

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Arnold Schwarzenegger  
Governor

## NOTICE OF PUBLIC HEARING

### DRAFT STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR RESIDUAL PESTICIDE DISCHARGES TO WATERS OF THE UNITED STATES FROM AQUATIC ANIMAL INVASIVE SPECIES CONTROL APPLICATIONS (AQUATIC ANIMAL INVASIVE SPECIES CONTROL PERMIT)

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (State Water Board) will hold a public hearing to accept comments on the draft Aquatic Animal Invasive Species Control Permit. A quorum of the Board may be present; however, no State Water Board action will be taken. The location and time of the hearing are provided below.

**November 2, 2010 – 9:00 a.m.**  
**Joe Serna Jr./Cal/EPA Headquarters Building**  
**Coastal Hearing Room**  
**1001 I Street, 2nd Floor**  
**Sacramento, CA 95814**

### BACKGROUND

The draft Aquatic Animal Invasive Species Control permit has been prepared in response to the *National Cotton Council of America v. U.S. Environmental Protection Agency* decision by the Sixth Circuit Court of Appeals, which found that an NPDES permit is required for pesticide applications at, near, or over water if the application will result in a discharge of residual pesticides to surface waters.

State Water Board staff's review of the California Department of Pesticide Regulation's database found that, except for rotenone, sodium hypochlorite is the sole active ingredient used for the control of aquatic animal invasive species. The draft permit does not authorize the use of rotenone because such use requires detailed site specific information that is infeasible to include in a general permit. Thus, the draft permit would regulate only sodium hypochlorite-based pesticide products for aquatic animal invasive species control.

### DOCUMENT AVAILABILITY

The proposed Aquatic Animal Invasive Species Control Permit is available to view or download on the State Water Board's website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/npdes/docs/aquatic/092810animalinvasivespecies.pdf](http://www.waterboards.ca.gov/water_issues/programs/npdes/docs/aquatic/092810animalinvasivespecies.pdf)

*California Environmental Protection Agency*

Alternatively, you may receive a paper copy in the mail by contacting Lydia Deller at (916) 341-5506.

For information regarding future public notices or status of the proposed Aquatic Animal Invasive Species Control Permit, please sign up for the "Aquatic Animal Invasive Species Control Permit" electronic mailing list at the State Water Board's Lyrus List website:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml)

## **SUBMISSION OF WRITTEN COMMENTS**

The State Water Board is interested in receiving comments regarding all aspects of the proposed Aquatic Animal Invasive Species Control Permit. Oral comments can be made during the public hearing. Written comments must be received by **12:00 noon on November 16, 2010**, and addressed to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Comment letters may be submitted to the Clerk to the Board via email at: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) (if less than 15 megabytes in total size) or by fax at (916) 341-5620. Please indicate in the subject line: "**Comment Letter – Draft Aquatic Animal Invasive Species Control Permit.**"

Couriers delivering comment letters must check in with lobby security personnel, who can contact Jeanine Townsend at (916) 341-5600.

## **PROCEDURAL MATTERS**

Participants are encouraged to submit written comments prior to the hearing. At the hearing, participants will be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient process in which all participants have an opportunity to participate, oral presentations may be time-limited. For other presentation recommendations, go to:

[http://www.waterboards.ca.gov/board\\_info/meetings/board\\_presentations.shtml](http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml).

## **PARKING AND ACCESSIBILITY**

A parking garage is located across from the Joe Serna Jr./Cal/EPA building with entrances on 10th and 11th Streets between "I" and "J" Streets. Metered parking spaces are also available in the vicinity of the building. For a map, refer to the State Water Board's Web site: <http://www.calepa.ca.gov/EPAbldg/location.htm>.

Please note: All visitors to the Joe Serna Jr./Cal/EPA Building are required to sign in and receive a badge at the Visitor Services Center located inside the main entrance (10th Street entrance). Valid picture identification may be required due to the security level. Please allow up to 15 minutes for receiving clearance before proceeding to the Coastal Hearing Room on the 2nd floor.

The Joe Serna Jr./Cal/EPA Building is accessible to persons with disabilities. Individuals who require special accommodations are requested to call (916) 341-5880 at least five working days prior to the meeting date. Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device.

HEARING IMPAIRED RELAY SERVICE: TDD to voice 1 800-735-2929; voice to TDD 1-800-735-2922.

Questions regarding the proposed Aquatic Animal Invasive Species Control Permit should be directed to Phil Isorena at (916) 341-5544 or email at [pisorena@waterboards.ca.gov](mailto:pisorena@waterboards.ca.gov).

\_\_\_\_\_  
October 1, 2010  
Date

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*Jeanine Townsend*  
Jeanine Townsend  
Clerk to the Board