

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF WATER QUALITY  
MAY 20, 2014**

**ITEM 10**

**SUBJECT**

PUBLIC HEARING – CONSIDERATION OF AMENDMENTS TO WATER QUALITY ORDER 2013-0002-DWQ, STATEWIDE GENERAL AQUATIC WEED CONTROL PERMIT FOR RESIDUAL AQUATIC PESTICIDE DISCHARGES

**DISCUSSION**

The State Water Resources Control Board (State Water Board) adopted the Aquatic Weed Control Permit on March 5, 2013. This agenda item proposes three amendments to the Aquatic Weed Control Permit as follows:

1. Section IX.C.1.a of the Aquatic Weed Control Permit states, “This General Permit may be reopened to modify Attachment G if any additional entity becomes qualified for a Policy section 5.3 exception.” Attachment G of the Aquatic Weed Control Permit lists public entities and mutual water companies that are excepted from meeting receiving water limitations based on the California Toxics Rule (40 C.F.R. § 131.38 (b)(1)), for acrolein or copper 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 (Policy). Thus, the State Water Board is proposing to amend Attachment G to add the Fresno Irrigation District, the Merced Irrigation District, and Reclamation District 108 to the list of dischargers with exceptions to meeting California Toxic Rule-based receiving water limitations for acrolein or copper, per section 5.3 of the Policy.
2. In accordance with the California Toxics Rule, the State Water Board is also proposing to correct the dissolved saltwater receiving water chronic limitation for copper in Table 3 and Table D-2 from being hardness-dependent, which applies only to freshwater, to a specified value of 3.1 µg/L.
3. Furthermore, the State Water Board is proposing to add clarifying language to the Aquatic Weed Control Permit regarding fee requirements for dischargers that conduct algaecide and aquatic herbicide applications in multiple regions. Specifically, the clarified language is proposed under section II.C of the Aquatic Weed Control Permit:

“A Discharger proposing to apply algaecides and aquatic herbicides in multiple Water Board regions shall submit one Notice of Intent (NOI), one APAP, and one filing fee. The Discharger shall indicate in the NOI all the Water Board regions where applications are planned. The APAP shall address all required elements for all areas in the state where discharges are proposed.”

**POLICY ISSUE**

Should the State Water Board adopt the amendments to the Aquatic Weed Control Permit?

## **FISCAL IMPACT**

The activity is budgeted within existing resources. No additional expenditures will occur as a result of adopting the proposed modifications.

## **REGIONAL BOARD IMPACT**

Approval of the proposed amendment would not impact the Regional Water Quality Control Boards. The proposed amendment does not change the Regional Water Quality Control Boards' current responsibility to implement the current Aquatic Weed Control Permit. The addition of the Fresno Irrigation District, the Merced Irrigation District, and Reclamation District 108 to Attachment G of the permit does not result in additional workload for the Central Valley Water Board.

## **STAFF RECOMMENDATION**

The State Water Board should adopt the proposed amendments to the Aquatic Weed Control Permit.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update: 2008-2012 to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures. In particular, approval of this item will assist in fulfilling Objective 6.2 to target consistency improvements in program delivery identified through past input, and solicit input to identify consistency issues as they arise.

# DRAFT

STATE WATER RESOURCES CONTROL BOARD  
ORDER 2014-XXXX-DWQ  
AMENDING

STATE WATER RESOURCES CONTROL BOARD  
WATER QUALITY ORDER 2013-0002-DWQ  
GENERAL PERMIT NO. CAG 990005

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

The State Water Resources Control Board adopted Water Quality Order 2013-0002-DWQ on:	March 5, 2013
This Order amends Water Quality Order 2013-0002-DWQ. The State Water Resources Control Board adopted this Order on:	<Date>
This Order becomes effective on:	<Date of Adoption>

THIS ORDER HEREBY amends Water Quality Order 2013-0002-DWQ as shown in the attachment to this order. Changes to Water Quality Order 2013-0002-DWQ as amended are shown in red text. Text in strikethrough indicates language proposed to be deleted and text in underline indicates language proposed to be added.

IT IS FURTHER ORDERED that staff post a conformed copy of Order 2013-0002-DWQ incorporating the revisions made by this Order.

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with its attachment is a full, true, and correct copy of an Order adopted by the State Water Resources Control Board, on **May 20, 2014**.

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Jeanine Townsend  
Clerk to the Board

**Limitations and Discharge Requirements, Section II.C, General Permit Application, page 4, immediately below Item 3, add the following paragraph:**

A Discharger proposing to apply algaecides and aquatic herbicides in multiple Water Board regions shall submit one NOI, one APAP, and one filing fee. The Discharger shall indicate in the NOI all the Water Board regions where applications are planned. The Discharger shall address all required elements of the APAP for all areas in the state where discharges are proposed.

**Limitations and Discharge Requirements, Section VI, Receiving Water Limitations, Table 3, correct the dissolved saltwater receiving water chronic limitation for copper as shown below:**

**Table 3. Receiving Water Limitations**

Constituent/ Parameter	BENEFICIAL USE <sup>1</sup>				Basis
	MUN, µg/L	WARM or COLD, µg/L	Other than MUN, WARM, or COLD, µg/L	All Designations	
2,4-D	70				U.S. EPA MCL
Acrolein <sup>2</sup>	320	21	780		U.S. EPA Water Quality Criteria, 1986.
Copper <sup>2</sup>				Dissolved Freshwater <sup>3</sup> Copper Chronic = $0.960 \exp\{0.8545 [\ln(\text{hardness}^4)] - 1.702\}$ <sup>5,6</sup>  Dissolved <del>saltwater</del> Saltwater <sup>3</sup> Copper Chronic = <del><math>0.83 \exp\{0.8545 [\ln(\text{hardness}^4)] - 1.702\}</math></del> <sup>5,6</sup> <u>3.1 µg/L</u>	California Toxics Rule
Diquat	20				U.S. EPA MCL
Endothall	100				U.S. EPA MCL
Fluridone	560				U.S. EPA Integrated Risk Information System
Glyphosate	700				U.S. EPA MCL
Nonylphenol				Freshwater Chronic Criterion = 6.6 µg/L  Saltwater Chronic Criterion = 1.7 µg/L	U.S. EPA National Recommended Ambient Water Quality Criteria
Toxicity	Algaecide and aquatic herbicide applications shall not cause or contribute to toxicity in receiving water(s).				Regional Water Boards' Basin Plans

**Fact Sheet, Section II.B, Fees, page D-9, add the following second paragraph:**

A Discharger proposing to apply algaecides and aquatic herbicides in multiple Water Board regions shall submit one NOI, one APAP, and one filing fee. The Discharger shall indicate in the NOI all the Water Board regions where applications are planned. The Discharger shall address all required elements of the APAP for all areas in the state where discharges are proposed.

**Fact Sheet, Section VI.B.1, Receiving Water Limitations, Table D-2, page D-24, correct the dissolved saltwater receiving water chronic limitation for copper as shown below:**

**Table D-2. Summary of Receiving Water Limitations**

Constituent/ Parameter	BENEFICIAL USE <sup>1</sup>			All Designations	Basis
	MUN, µg/L	WARM or COLD, µg/L	Other than MUN, WARM, or COLD, µg/L		
2,4,-D	70				U.S. EPA MCL
Acrolein <sup>2</sup>	320	21	780		U.S. EPA Water Quality Criteria, 1986.
Copper <sup>2</sup>				Dissolved Freshwater <sup>3</sup> Copper Chronic = $0.960 \exp\{0.8545 [\ln(\text{hardness}^4)] - 1.702\}$ <sup>5,6</sup>  Dissolved <del>saltwater</del> <del>Saltwater</del> <sup>3</sup> Copper Chronic = $3.1 \mu\text{g/L}$ <del><math>0.83 \exp\{0.8545 [\ln(\text{hardness}^4)] - 1.702\}</math></del> <sup>5,6</sup>	California Toxics Rule
Diquat	20				U.S. EPA MCL
Endothall	100				U.S. EPA MCL
Fluridone	560				U.S. EPA Integrated Risk Information System
Glyphosate	700				U.S. EPA MCL
Nonylphenol				Freshwater Chronic Criterion = 6.6 µg/L  Saltwater Chronic Criterion = 1.7 µg/L	U.S. EPA National Recommended Ambient Water Quality Criteria
Toxicity	Algaecide and aquatic herbicide applications shall not cause or contribute to toxicity in receiving water(s).				Regional Water Boards' Basin Plans

**Attachment G, Exception List, revise Attachment G as shown below:**

**Attachment G – Exception List**

**LIST OF PUBLIC AGENCIES AND MUTAL 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 algacides 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 algacides 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. City of Antioch Department of Public Works
3. Contra Costa Water District
4. Contra Costa County Flood Control and Water Conservation District
5. Department of Food and Agriculture
6. Department of Water Resources
7. Fresno Irrigation District
8. Friant Water Users Authority
9. Glenn-Colusa Irrigation District
10. Maine Prairie Water District
11. Marin Municipal Water District
12. Merced Irrigation District
13. Metropolitan Water District of Southern California

14. Modesto Irrigation District
15. Nevada Irrigation District
16. North Marin Water District
17. Oakdale Irrigation District
18. Placer County Water Agency
19. Potter Valley Irrigation District
20. Princeton-Cordora-Glenn Irrigation District
21. Provident Irrigation District
22. Reclamation District 108
23. Reclamation District 1004
24. Santa Cruz Water Department
25. Solano Irrigation District
26. South Feather Water and Power Agency
27. South Sutter Water District
28. Tehama Colusa Canal Authority
29. Turlock Irrigation District
30. Woodbridge Irrigation District
31. Yolo County Flood Control and Water Conservation District