

Vector Control General Permit



State Water Resources Control Board
Public Hearing
October 19, 2010

Why Regulate Pesticides

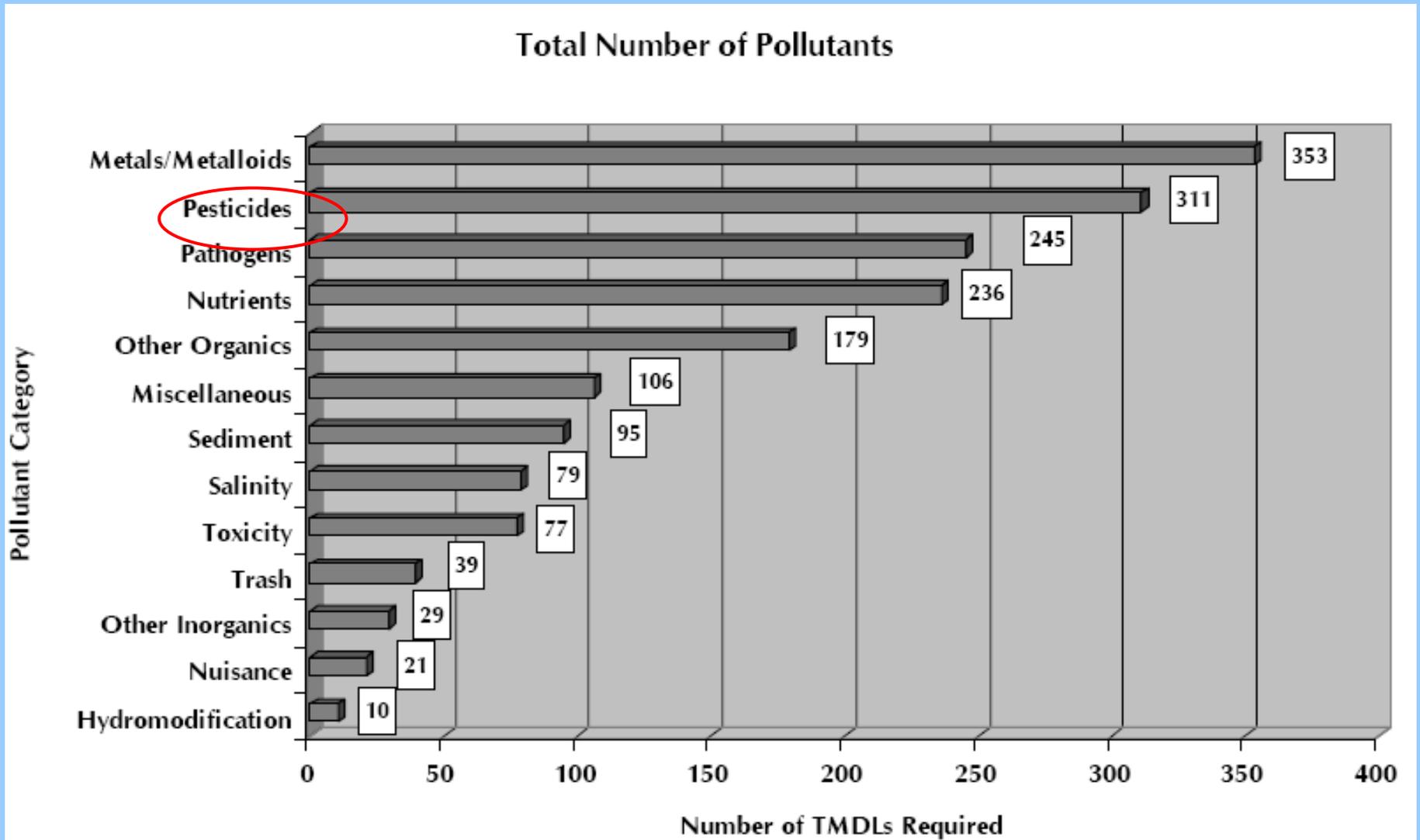


- The courts require it:
 - 9th Circuit: Talent, Fairhurst v. Hager
 - 6th Circuit: National Cotton Council
- Pesticides cause impairment in many surface water bodies in CA.
- The public expects it.
- Regulated community wants it.
 - Association of Clean Water Agencies asked for 1st Aquatic Pesticide Permit.
 - Mosquito Vector Control Association of CA requested Adulticides Permit.

Pesticides Permitting Chronology

Date	Action
3/2001	9th Circuit Court: Headwaters, Inc. v. Talent Irrigation District
7/2001	State Water Board adopted Emergency Permit
5/2004	State Water Board adopted Vector and Weed Control Permits to replace the Emergency Permit
9/2005	9th Circuit Court: Fairhurst v. Hagener
11/2006	USEPA adopted Aquatic Pesticide Rule
1/2009	6th Circuit Court issued initial ruling vacating USEPA's Aquatic Pesticide Rule in National Cotton Council v. EPA
6/8/2009	6th Circuit Court granted 2-year stay: USEPA Aquatic Pesticide Rule will remain in place until April 2011
1/4/2010	Thirty-seven lawmakers urged US Supreme Court to review 6 th Circuit Court ruling
2/22/2010	US Supreme Court refused to hear an American Farm Bureau Federation appeal of the 6 th Circuit Court ruling
4/9/2011	6th Circuit Court will vacate USEPA's Aquatic Pesticide Rule

Listing of Impaired Water Bodies



Permit Processing Milestones

- **February 2009**
 - Met with Mosquito and Vector Control Association of California (MVCAC), DPR, DPH
 - Formed a technical committee
 - USEPA Headquarters, and Region 9 representatives joined later
- **March 2009 – November 2009**
 - Product review, draft permit
 - Posted draft Adulticides Permit on State Water Board's website.
 - Did not receive any comments.

Permit Processing Milestones

- **February 2010**
 - Combined Adulticides Permit with Larvicides Permit per MVCAC's request
- **June 2010**
 - Received MVCAC's Monitoring Plan and incorporated into the Vector Control Permit
- **September 2010**
 - Posted draft Vector Control Permit on the State Water Board's website for a 30-day public comment period.
 - Published the Notice of Public Hearing on major newspapers.

Applications Covered

- Vector Larvae Control
 - Direct application of products into surface waters
 - Product becomes a residue after project completion
 - Permittees define when a project is complete



Applications Covered

- Adult Vector Control
 - Any pesticide that gets into surface water is a residue



Permit Requirements

- Comply with Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) pesticide label instructions and Use Permits.
- Develop and implement Pesticide Application Plan (PAP) and BMPs.

Permit Requirements - Effluent Limitations

- No effluent per se
 - Cannot set limits on pesticide product
 - Can only limit residual pesticides
- Residual pesticide discharge must meet applicable water quality standards.
- Discharge must implement BMPs when applying pesticides

Permit Requirements - Narrative Receiving Water Limitations

- Floating Materials
- Settleable Substances
Suspended Material
- Taste and Odors
- Toxic Pollutants
- Temperature
- Color
- Aquatic Communities

Permit Requirements - Numeric Receiving Water Limitations

- Inadequate information on residual pesticides in receiving water from larvicide and adulticide applications to develop numeric receiving water limitations for active ingredients (AIs).
- Permit only contains numeric Receiving Water Monitoring Triggers for AIs.

Permit Requirements - Receiving Water Monitoring Triggers

- **Numeric Criteria/Objectives Available**
 - Set numeric receiving water monitoring triggers for AIs at criteria/objectives
- **Numeric Criteria/Objectives Unavailable**
 - Use narrative water quality standard (e.g. no toxics in toxic amount) to set numeric monitoring triggers based on USEPA's Office of Pesticides' Ecotoxicity database
 - Triggers based on one-tenth of 50 Percent Lethal Concentration (LC50)
 - Consistent with the Central Valley Regional Water Board's Basin Plan approach when developing limitations for pesticides that do not have water quality criteria.

Als with Receiving Water Monitoring Triggers

1. Temephos	8. Prallethrin
2. Malathion	9. Piperonyl Butoxide (PBO)
3. Naled	10. PBO (in PBO/Resmethrin Mixture)
4. Pyrethrin	11. PBO (in PBO/ Pyerthrin Mixture)
5. Permethrin	12. Etofenprox
6. Resmethrin	13. MGK-264
7. Sumithrin	

Monitoring and Reporting Program

- **Objective: provide data to ensure that water quality is protected and maintained.**
- **Answer the following questions:**
 1. Does the pesticide residue from pesticide applications cause an exceedance of limits or triggers?
 2. Does the pesticide residue, including active ingredients, inert ingredients, and degradates, in any combination cause or contribute to an exceedance of the “no toxics in toxic amount” narrative toxicity objective?

Monitoring and Reporting Program

- **Visual**
 - Site description
 - Appearance of waterway
 - Weather conditions
- **Physical**
 - Temperature
 - Turbidity
 - Electrical conductivity/salinity
- **Chemical and Toxicity**
 - Active Ingredient
 - pH
 - Dissolved Oxygen
 - Toxicity

Monitoring and Reporting Program

- Discharger: either individual or belong to a Coalition
- For each AI used (temephos only for larvicide applications and adulticides applications):
 - Minimum of six samples per year for each type of representative sites (urban, agricultural, and wetlands).
 - Monitoring locations: described in the PAP

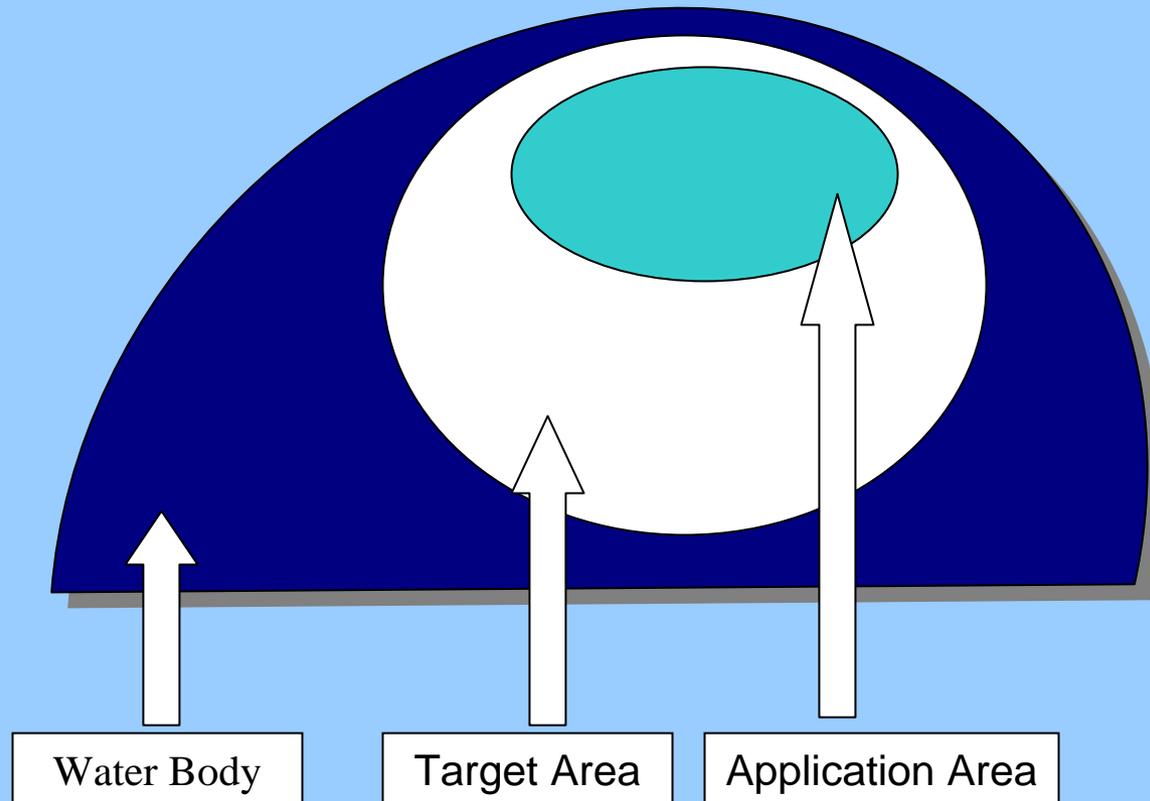
Monitoring and Reporting Program

- For each sampling location:
 - Background Monitoring (at the application area or target area 24 hours before application)
 - Event Monitoring (in the application area or the target area immediately after application event, not exceed 24 hours after application)
 - Post-Event Monitoring (in the application area or the target area within one week after application (applicable to adulticide applications) and after project completion as determined by the Discharger (applicable to larvicide applications))

Monitoring and Reporting Program

- Toxicity Testing
 - In conjunction with Background and Event Monitoring for AIs.
 - Required for each AI used (for adulticide applications and temephos for larvicide applications).

Application and Target Areas



Contact Info



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