

Pesticide Basin Plan Amendment

Item 4

**Dan Sussman and Mary Fiore-Wagner
Environmental Scientists**

**California Regional Water Quality Control Board
Lahontan Region**

May 15, 2012



Replace Pesticide Water Quality Objective with a Regionwide Prohibition on Pesticides in Water

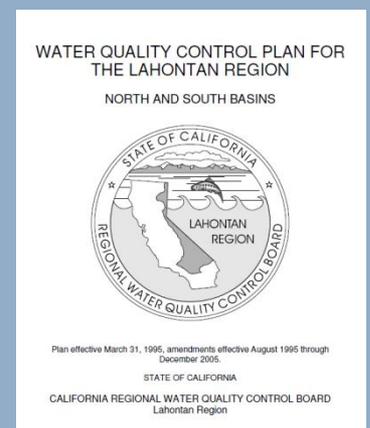
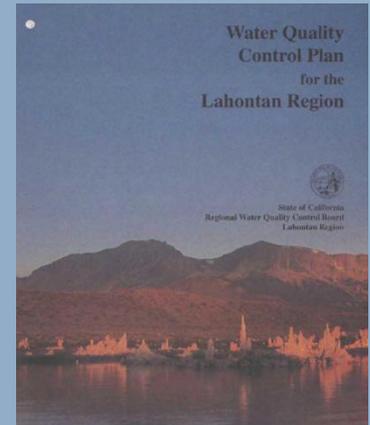
Exemption criteria for aquatic pesticide use for certain circumstances

Public Health and Safety

- Vector
- Water Source and Conveyance
- Navigation

Ecological Preservation and Restoration

- Aquatic Invasive Species
- Fisheries Management
- Endangered Species Recovery



Tiered Approach

1. Granted Exemptions



2. Time-Sensitive

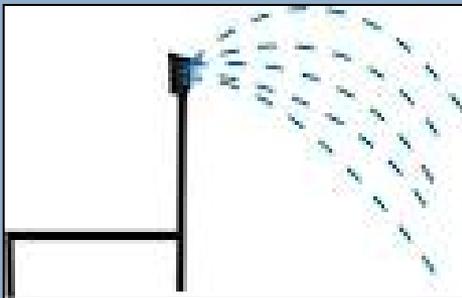
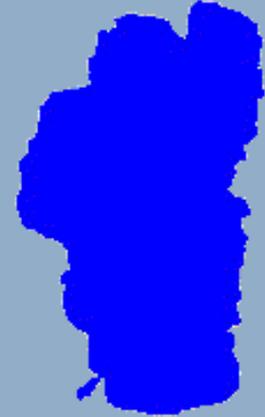


3. Neither Emergency nor Time-Sensitive



Comments & Responses

- Request to exclude Lake Tahoe
- Limit circumstances for Lake Tahoe
- Protection for Water Users

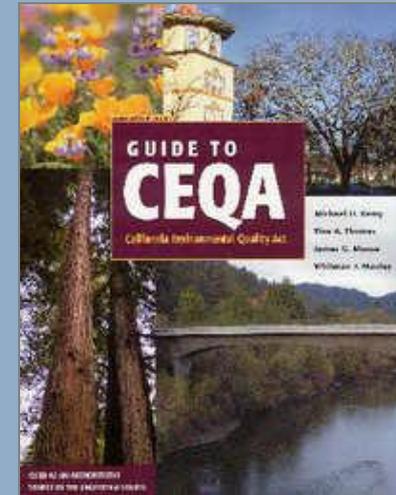


- Letters of support

CEQA

Impacts

- Water Quality
- Biological Resources
- Mandatory Findings of Significance
 - Temporary loss of recreational opportunities
 - Temporary interruption of water supply
- **Statement of Overriding Considerations**
 - Long term benefits outweigh impacts



Recommendation

**Approve Basin Plan Amendment
adopted under Lahontan Water Board
Resolution R6T-2011-0102
and direct staff to
Submit to OAL and USEPA for approval**

Questions?





Existing Water Quality Objective

“Pesticide concentrations, individually or collectively, **shall not exceed the lowest detectable levels,** using the most recent detection procedures available. There shall not be an increase in pesticide concentrations found in bottom sediments. There shall be no detectable increase in bioaccumulation of pesticides in aquatic life.” (Basin Plan, p. 3-5)



Existing Water Quality Objective

Waters designated as MUN shall not contain concentrations of pesticides or herbicides in excess of the limiting concentrations specified in Table 64444-A of Section 64444 (Organic Chemicals) of Title 22 of the California Code of Regulations which is incorporated by reference into this plan. This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect. (Basin Plan, p. 3-5)

Need for Amendment

- Previous Basin Plan WQO did not allow use of aquatic pesticides (except rotenone)
- Allow use and regulatory oversight
- Emerging resource management needs



Alternatives Considered

1. No Action
2. Chemical Specific Numeric Water Quality Objectives
3. Waste Discharge Prohibition with Criteria for Exemption

Exemption Process for Project Proponent

- Determine exemption eligibility
 - and identify circumstance



Develop Exemption Request covering:

General Exemption Criteria

&

Circumstance Specific Exemption Criteria

Exemption Granted

Permit Project

CEQA Emergency Exemptions

- **California Public Resources Code Section 21060.3**
- "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.
- **15269. Emergency Projects**
-
- The following emergency projects are exempt from the requirements of CEQA.
-
- (a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.
-
- (b) **Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare.**
-
- (c) **Specific actions necessary to prevent or mitigate an emergency.** This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.

How do other Regional Board's permit Aquatic Pesticide Use?

- Rely on existing State Board Aquatic Pesticide Permits
- Few routinely involved with compliance and enforcement
- Pesticide discharges can not affect beneficial uses



Antidegradation Findings

- Compliance with WQO and Receiving Water Limitations is required upon completion of the treatment event
 - Period for compliance will vary (accounts for . slow-release pesticides vs. fast acting)
 - Temporal impact of project limited to shortest time necessary for project intent
 - Compliance achieved within weeks and months

Compliance with Water Quality Objectives

- Required upon completion of the treatment event
- Temporal impact of project limited to shortest time necessary for project intent



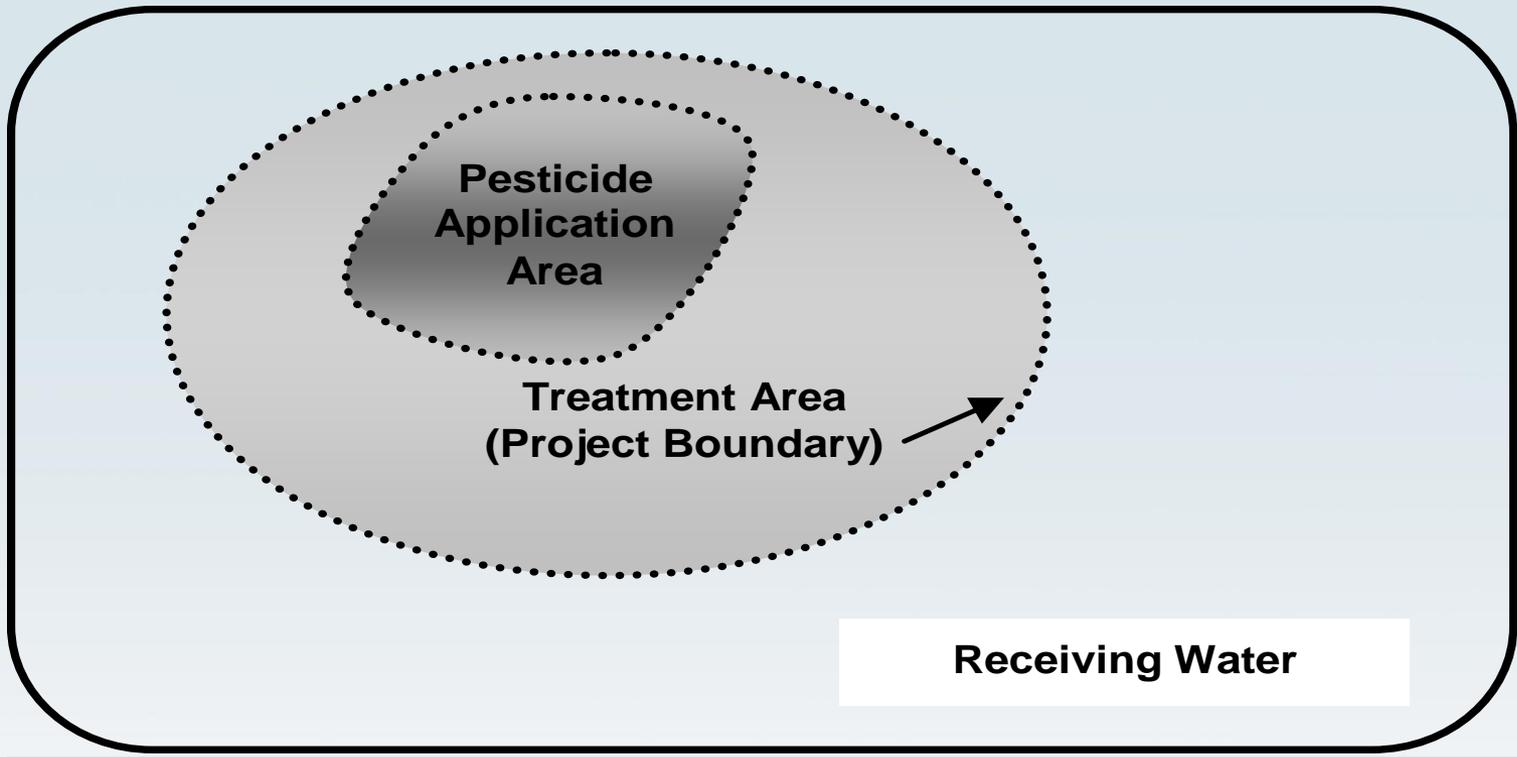


Figure 1.

