

ITEM: 20

SUBJECT: Proposed Amendments to the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (the "Basin Plan") for the Control of Diazinon and Chlorpyrifos – *Public Hearing to Receive Oral Comments*

BOARD ACTION: No formal action. Staff will give a presentation, and the Board will receive comments from interested parties. A hearing to adopt the proposed Basin Plan Amendment is scheduled for May 2013.

BACKGROUND: Board Staff has developed a proposed Basin Plan Amendment (the "Proposed Amendment") that would establish numeric water quality objectives and a control program for the pesticides diazinon and chlorpyrifos; these measures would apply to multiple water bodies in the Sacramento and San Joaquin River Basins. Diazinon and chlorpyrifos are insecticides, and are widely used in agriculture in the Central Valley. They were formerly used in urban settings, until the recent cancellation of almost all of their nonagricultural uses. Diazinon and chlorpyrifos have been found in surface waters at concentrations that are toxic to aquatic life. This toxicity results in exceedances of applicable water quality standards, thus requiring the establishment of Total Maximum Daily Loads (TMDLs) under the federal Clean Water Act.

Previous amendments to the Basin Plan have established water quality objectives and TMDL control programs for diazinon and chlorpyrifos in the Sacramento and Feather Rivers, the San Joaquin River, and the Sacramento-San Joaquin Delta. The Proposed Amendment establishes water quality objectives and TMDL control programs similar to those that have already been established, but the Amendment makes these measures applicable to additional water bodies (all water bodies in the Sacramento and San Joaquin River Basins below the major dams that have designated or existing aquatic life beneficial uses). The Proposed Amendment sets TMDLs for 35 water body segments that are on the Clean Water Act section 303(d) due to diazinon and/or chlorpyrifos impairments. The Proposed Amendment modifies the current Basin Plan by integrating the three existing control programs and the proposed new provisions into one comprehensive program. The Proposed Amendment establishes provisions to control all discharges for these pesticides so that future impairments are prevented or can be quickly addressed, and contains provisions to address potential replacement pesticides.

Under the Proposed Amendment, TMDL allocations would be established for point and nonpoint source discharges of diazinon and chlorpyrifos. Concentration-based TMDL load allocations would be established for all nonpoint source discharges, and will be applicable where these discharges enter the water bodies for which TMDLs are established. Concentration-based TMDL wasteload allocations would be established for municipal storm water and domestic wastewater discharges at the point of discharge to surface water. The Proposed Amendment would specify that wasteload allocations do not need to be included as numeric effluent limits in wastewater treatment plant

permits when these pesticides are not detected in effluent. The Proposed Amendment contains monitoring requirements for municipal storm water, domestic wastewater, and agricultural nonpoint source dischargers. The proposed monitoring requirements for nonpoint sources allow representative monitoring which can be used to assess all of the water bodies for which TMDLs are established.

The Proposed Amendment can be implemented through existing Central Valley Water Board regulatory programs. The implementation of the proposed Basin Plan Amendment, in coordination with the regulation of pesticide uses by the California Department of Pesticide Regulations, the United States Environmental Protection Agency, and the county agricultural commissioners, is expected to result in diazinon and chlorpyrifos concentrations that meet water quality standards throughout the Sacramento and San Joaquin River Basins.

Numerous stakeholder meetings were held over the last few years to discuss pesticide Basin Plan Amendments and specific provisions in potential Basin Plan Amendment language. The Proposed Amendment and a supporting Staff Report were released for public review and comment in March. The deadline for written comments is 19 April 2013. The purpose of this hearing is to receive comments on the Proposed Amendment.

ISSUES:

Comments have not been received on this item yet. Issues identified by staff based on previous discussions include:

Some stakeholders have questioned the necessity of TMDL allocations, and resulting permit requirements for wastewater and storm water discharges.

Some stakeholders have questioned the necessity to establish requirements in the Basin Plan when the Irrigated Lands Regulatory Program already has its own requirements and schedules established for developing and implementing management plans.

The water bodies to which the water quality objectives and TMDLs are proposed include some water bodies which are to some degree constructed and agriculturally-dominated, and do not have beneficial uses specifically designated in the Basin Plan. Some stakeholders have suggested that it is inappropriate to establish water quality objectives and TMDLs for these water bodies.

RECOMMENDATION No Board action is required.

Mgmt. Review _____

Legal Review PEP

11/12 April 2013

11020 Sun Center Dr. #200

Rancho Cordova, CA 95670