

Time Sensitive Project

Required Information for Requesting a Basin Plan Prohibition Exemption to use Aquatic Pesticides

Project Category: Time Sensitive Projects

Applicant Example: Water Purveyors, Resource Agencies, Lake Management Associations

Activity Example: Water Purveyor that may require time sensitive treatment to control a harmful algal bloom threatening a water supply.

A project is “Time Sensitive” if an accelerated decision for the project must be considered but for some reason the project does not meet the statutory definition of an emergency.

Required Information Checklist:

- A written explanation demonstrating the existing or imminent deleterious effects of an infestation and the importance of an expedited action.
- For AIS control, a written explanation must demonstrate that the decision to apply aquatic pesticides is in compliance with an adopted Aquatic Invasive Species Management Plan. The AIS of concern must be affecting a water body where that species is not already established. The AIS must be either recognized as a species of concern by the Aquatic Nuisance Species Task Force, listed as a Restricted Animal in California Administrative Code Title 14, section 671, listed as an Injurious Wildlife Species in the Lacey Act (50 CFR 16.11-16.15), addressed in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, listed as a Noxious Weed Species in either Title 3, Section 4500 of the California Department of Food and Agriculture, Federal Noxious Weed Act. P.L. 93-629, or is a dreissenid mussel as addressed in section 2301 of the Fish and Game code. The project proponent must be a state or federal agency with the legal authority to control aquatic invasive species as identified in the January 2008 (as amended) California Aquatic Invasive Species Management Plan, Appendices B and C.
- For a project proposed to protect drinking water supplies, water distribution system, and flood control channels, the project proponent must be (1) the public agency mandated to protect such facilities, or (2) a private entity (e.g., a homeowners association, private water utility) that has control over the financing for, or the decision to perform, aquatic pesticide applications.
- Notice of Intent (NOI) for coverage under the appropriate State Board or Regional Water Board permit or a report of waste discharge for pesticide use not covered under an existing NPDES General Permit for aquatic pesticide discharges. The NOI only applies to waters of the U.S. for one of the three Statewide NPDES General

Permits for discharges of Aquatic Pesticides for [Vector Control](#), [Weed Control](#), [Spray Applications](#), and [Aquatic Animal Invasive Species](#). These Statewide General Permits require preparation of an Aquatic Pesticide Application Plan (APAP) for aquatic pesticide discharges. The APAP is a comprehensive plan developed and implemented by the project proponent, which describes the project, the need for the project, what will be done to reduce water quality impacts, and how those impacts will be monitored. The APAP, among other elements, must contain an examination of alternatives to not use pesticides or use less pesticides and a description of BMPs to ensure only a minimum and consistent amount of pesticide is used. Items in the following required information checklist marked with an asterisk (*) are likely to be found within an APAP. Note that the State Board Aquatic Pesticide NPDES permits require the APA is submitted and posted online for 30-days before a project is initiated.

- *Purpose and Goals statement that (a) demonstrates that the target organism is a primary cause of the problem being addressed, and (b) provides evidence that the proposed application of pesticides will accomplish the project goals.
- *Project description including, proposed schedule, duration, name of pesticide, chemical composition of the pesticide to be used, including inert ingredients if available from the manufacturer method and rate of application, copy of MSDS, spatial extent of application, water body, control/mitigation measures to be used, contact information for person in responsible charge of project.
- *An explanation of how the planned treatment will result in the minimum discharge of chemical substances that can reasonably be expected for an effective treatment.
- *An explanation of how the aquatic pesticide applications will minimize impacts to beneficial uses by describing the BMPs that will be implemented to limit the effects of the pesticide to the shortest time and within the smallest area necessary for project success. This includes a Spill contingency plan that addresses proper transport, storage, spill prevention and cleanup to protect human health and the environment
- A description of the failure of non-chemical measures to effectively address the target organisms. The description will include either (a) evidence that non-chemical efforts failed to address target organisms or (b) justification, accepted by the Water Board, of why non-chemical measures were not employed or are not feasible to achieve the treatment goals.
- *A written communication and notification plan that includes documented measures to notify potentially affected parties who may use the affected water for any beneficial use. The notification plan must include any associated water use restrictions or precautions. Project proponents must provide potable drinking water where necessary and must obtain any necessary permits from California Division of Drinking Water (DDW) for supply of potable drinking water.

For projects conducted in Lake Tahoe the following additional requirements apply to project proponents:

- Provide via certified mail, or equivalent, notice of the proposed pesticide project to water purveyors whose source water relies on the surface water and/or groundwater wells designated under the direct influence of the surface water.
- Provide comments written from, and written responses to, the water purveyors notified above.
- An estimate of the maximum foreseeable concentrations of pesticide components in any surface water intake used for drinking water supplies.

Public notification requirements may be waived where project proponent is an agency signatory to Cooperative Agreement with DDW and evidence is provided of notification exemption.

- ❑ A Certified Environmental Document must be submitted by the applicant. If the applicant is a federal agency, then it must prepare a CEQA equivalent document. (Projects in this Time Sensitive category will not likely qualify for a CEQA exemption, but instead will require a more comprehensive CEQA analysis (i.e., Mitigated Neg Dec, EIR.)).
- ❑ Information to comply with section 5.3 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California ([State Implementation Plan](#)) This criteria is **only required if an aquatic pesticide that contain priority pollutants (e.g., copper, acenaphthene, aldrien)** is proposed by public entities or mutual water districts for uses including vector or weed control, pest eradication, or fishery management, or control measures needed to purvey safe drinking water.
- ❑ Compliance with Antidegradation. Evidence that the proposed discharge complies with State and Federal anti-degradation policies. The burden of proof will be on the project proponent to demonstrate that the project, of its own merits, is consistent with antidegradation policies. This information should include an alternatives analysis, best management plans, monitoring plans, discussion about how the discharge is the minimum needed to accomplish the project objective and how any impacts will be avoided or minimized, evidence the proposed discharge will not unreasonably affect beneficial uses, and evidence that water quality degradation and impacts to beneficial uses will be limited to the shortest time possible and within the smallest area necessary for project success.
- ❑ A monitoring and reporting program with an implementation schedule to evaluate impacts and verify restoration of water quality in the treatment area. The project monitoring program must include pre- and post-project sampling of water, sediment, and biota to determine if toxicity persists as a result of project implementation. At the discretion of the Water Board, due to the urgency of Time Sensitive projects, the collection and analysis of sediment and biological samples may be waived and/or a reference site may be used to represent pre-project conditions.

- ❑ A plan detailing mitigation and management measures and a schedule for implementation. The Plan must incorporate control measures to limit adverse impacts to the shortest time necessary for project success. The Plan should include measures to remove and dispose of dead biomass which are adequate to protect water quality and beneficial uses.

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