

**THE AQUATIC WEED CONTROL PERMIT**  
**Order 2013 – 0002 – DWQ**

**THE NEW AQUATIC WEED CONTROL PERMIT**  
**Order 2013 – 0002 – DWQ**

State Water Resources Control Board



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**OVERVIEW**

- 1) Regulatory Background
- 2) Overview of the New Permit w/Emphasis on Changes
  - Application Procedure
  - Standard & Special Provisions
  - Effluent & Receiving Water Limits
  - Monitoring Requirements
  - Aquatic Pesticide Application Plan (APAP) Requirements
  - Corrective Actions
  - Notification, Reporting & Record Keeping Requirements
  - SIP Exceptions
- 3) Program Contacts & Information

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**NPDES Program Framework**

- “Discharge of pollutants”
- From a “point source”
- Into “waters of the US”



**Must obtain an NPDES permit from EPA or an approved\* state**

\*Delegated State program  
(CA is authorized to issue NPDES permits)

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# THE AQUATIC WEED CONTROL PERMIT

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### Why Regulate Pesticides



- The courts require it:
  - 9<sup>th</sup> Circuit: Talent
  - 6<sup>th</sup> Circuit: National Cotton Council
- Regulated community wants it.
  - Association of California Water Agencies concerned with citizen suits.
  - Mosquito Vector Control Association of CA requested Adulticides Permit.

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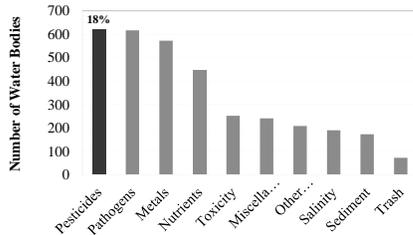
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### Why Regulate Pesticides

- Pesticides are the #1 cause of impairment in many water bodies in CA.



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### Why Do I Need a Permit?

- 6<sup>th</sup> Circuit Court says you need a permit when applying pesticides at, near, or over water.
- Pesticide applications into US waters without a permit is a violation of the Clean Water Act and the California Water Code.
- You are taking a risk if you apply pesticides at, near, or over water without a permit.

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**Application Procedure**

- Submit NOI, APAP and Fee at least **90 days** prior to first pesticide application, prior enrollees will be billed for fee;
- Staff posts APAP for a 30-day public comment period, Staff/Discharger address public comments, Staff posts revised APAP, as required;
- State Water Board issues Notice of Applicability (NOA);
- Coverage starts on NOA issuance date.

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**Standard Provisions**

New permit clarifies that the permit does not authorize:

- (1) Discharge to water bodies impaired by the active ingredient in the pesticide;
- (2) Discharge to waters of outstanding national resource;
- (3) Take of endangered species.

All adjuvants used with the algaecides and aquatic herbicides must be labeled for aquatic use.

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**Special Provisions**

- New permit adds corrective actions similar to those in USEPA's Pesticide General Permit.
- New permit adds reopener for numerical toxicity limit if such limits are added to the policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California or SIP.

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**Effluent Limitations**

Effluent limits changed in new permit to:

- The discharge of residual algaecides and aquatic herbicides must meet applicable water quality standards;
- Dischargers shall implement Best Management Practices (BMPs) when applying aquatic algaecides and aquatic herbicides. The BMPs must be provided in the APAP.

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**Receiving Water Limitations**

New permit adds Limits for:

- Dissolved Oxygen

References to Basin Plan Narrative Obj. Added for:

- Floating Material
- Settleable Substances
- Suspend Material
- Taste and Odors
- Color
- Aquatic Community Degradation

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**Numeric Receiving Water Limitations**

No change to numeric limits from 2004 permit.

Note: Copper salt water criteria/limit is not hardness dependent as indicated in Table 3 of the new permit. This table to be corrected in next permit revision.

**Correct Table 3 Copper Limit** = 3.1 µg/L per 40 CFR 131.38 (b)(1).

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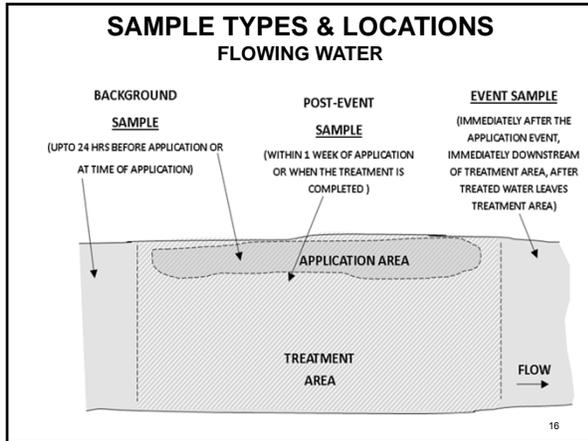
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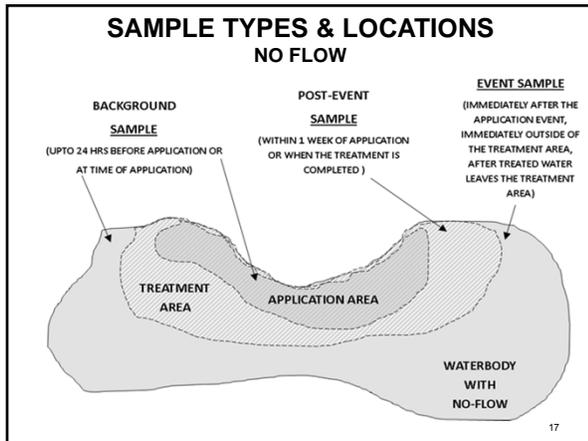
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## AQUATIC PESTICIDE APPLICATION PLAN (APAP)

Changes from 2004 Permit:

- Adds description of procedures to be used to prevent monitoring sample contamination
- Adds description of pesticide degradation by-products, if known;

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**APAP**

• Adds minimum requirements for description of BMPs to be implemented:

- (1) Spill prevention;
- (2) Ensuring appropriate application rates consistent with label requirements;
- (3) Applicator education on adverse effects of pesticides used;
- (4) Coordination & planning with farmers and agencies whose water diversion rights may be potentially affected;
- (5) Fish kill prevention.

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**APAP**

• Adds requirements for discussion of alternative methods of control:

- (1) No Action;
- (2) Prevention;
- (3) Mechanical & Physical Control;
- (4) Cultural Methods;
- (5) Biological Control Agents;
- (6) Algaecides and aquatic herbicides.

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**Monitoring Program**

Changes Annual Physical & Chemical Monitoring Frequency:

- (>6) application events: collect samples for a minimum of 6 events for each active ingredient in each environmental setting (flowing & non-flowing water);
- (≤ 6) application events: collect samples for each event for each active ingredient in each environmental setting (flowing & non-flowing water);

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**Monitoring Program**

- Adds: Only sample from one application event from each environmental setting (flowing water and non-flowing water) per year required for glyphosate;
- Clarifies: Nonylphenol required only when a surfactant is used
- Adds: Monitoring triggers for Imazapyr and Triclopyr TEA.
- No Change: Sample Background, Event, and Post-Event

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**Corrective Actions**

Adds: If exceed receiving water quality limitations or monitoring triggers:

- Initiate additional investigations;
- Implement BMPs to reduce active ingredient concentrations in future applications;
- Evaluate changing to use of alternative products.

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**Notification**

**Public Notification**

- Adds: Notify potentially affected public agencies each year 15 days prior to first application.
- Adds: Post the notification on the Discharger's website, if available.

**Planned Changes**

- Adds: State Water Board to notification requirement.
- Provide notification to State and Regional Water Boards, as soon as possible, of any planned physical alterations or additions to the permitted activity or discharge.

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**Adverse Incident Notification**

Adds:

Notify the National Marine Fisheries Service (NMFS) Santa Rosa office by phone at (707) 575-6050 in the case of an adverse incident to a threatened or endangered anadromous or marine species or their critical habitat,

Adds:

Notify the U.S. Fish and Wildlife Service (FWS) at (916) 414-6600 in the case of an adverse incident to a threatened or endangered terrestrial or freshwater species or their critical habitat

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**Reporting**

**Annual Report Due Date**

- No Change: Due March 1 of each year.

**Non-Compliance Reporting**

- Adds State Water Board: Provide notification phone call to State & Regional Water Board within 24 hours of becoming aware of non-compliance;
- Provide written report describing non-compliance to State & Regional Water Board within 5 days of becoming aware of non-compliance.

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**Record Keeping &  
Biologist Certification**

**Application Log**

- Adds: Type & amount of pesticide used.

**Qualified Biologist Certification**

- No Change: Dischargers with SIP Exception shall provide certification by a qualified biologist after pesticide applications that beneficial uses of receiving waters have been restored.

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**SIP EXCEPTIONS**

- Grants short-term or seasonal exception from WQOs to public entities or mutual water companies
- Applicable to Copper and Acrolein = USEPA Priority Pollutants (PPs), California Toxics Rule (CTR) applies
- Discharge of PPs > Water Quality Objective (WQO) into receiving waters or in treatment area after treatment is complete is prohibited
- Can't meet these WQOs?
  - Apply for a State Implementation Policy (SIP) Section 5.3 Exception
  - Provide to the SWRCB:
    1. Description of the proposed action
    2. Schedule
    3. Monitoring plan
    4. CEQA documentation
    5. Contingency plan (if necessary)
    6. Get on SWRCB agenda for consideration during permit re-opening

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**Permit Processing Timelines & Streamlining Opportunities**

**Permit Processing Timelines**

- 90 Days from permit application submittal to receipt of Notice of Applicability (i.e., authorization/permit to apply pesticides)

**Streamlining Opportunities**

- Submit clean copy of revised APAP along with red-line markup copy to expedite State Water Board review.

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**PROGRAM CONTACTS & INFO**

Russell Norman, P.E.  
Statewide SSO & NPDES Programs  
State Water Resources Control Board  
[rnorman@waterboards.ca.gov](mailto:rnorman@waterboards.ca.gov)  
(916) 323-5598

California Aquatic Pesticide Permit ("Weed Permit"):  
[http://www.waterboards.ca.gov/water\\_issues/programs/npdes/aquatic.shtml](http://www.waterboards.ca.gov/water_issues/programs/npdes/aquatic.shtml)

List Serve Sign-Up:  
[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml)

Select: "Water Quality" and the "Pesticide Aquatic Weed" and/or "Pesticide Aquatic Weed APAP (Aquatic Pesticide Application Plan)" Lyris Lists to receive email notifications.

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