

Howard Backer, MD, MPH
Interim Director

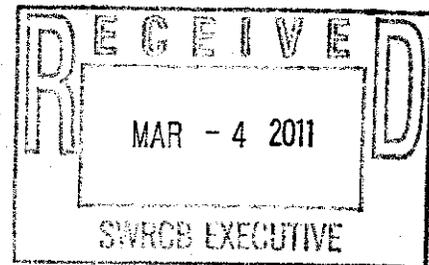
State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

March 4, 2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street 24th floor
Sacramento, CA 95814



Dear Mrs. Townsend:

Subject: Tentative Order No. 2011-XX-DWQ, Waste Discharge Requirements for State of California Department of Transportation.

The Vector-Borne Disease Section of the California Department of Public Health (CDPH) is responsible for assisting local public agencies in preventing and controlling the spread of vectors and vector-borne diseases as described in the California Health and Safety Code (Section 116110). Between 1999 and 2011, CDPH staff worked collaboratively with the California Department of Transportation's (Caltrans) Storm Water Program to decrease the potential for mosquito production in structural stormwater Best Management Practices (BMPs) installed in compliance with NPDES requirements. Extensive monitoring studies have shown that mosquitoes opportunistically breed in BMPs which hold standing water even for a short period of time, thus creating a potential public health concern and increasing the burden on local vector control agencies that are mandated to inspect for and abate vectors within their jurisdictional boundaries. A variety of general and specific criteria to minimize the potential for mosquito production within these structures were developed and evaluated.

We recommend the Board consider the addition of specific and concise language to Tentative Order No. 2011-XX-DWQ that draws attention to the potential unintended consequences associated with BMP implementation (i.e., mosquito production) and recommends Caltrans minimize the potential for mosquito production to the maximum extent practicable. Our studies have repeatedly shown that mosquito habitat in BMPs can be minimized through careful design, construction, and maintenance, while having negligible effects on the capacity of the BMP to provide water quality improvement as intended. Requiring Caltrans to consider mosquito production as part of the permitting process ensures that public health and safety of Californians remains a top priority. If implemented, taxpayers would benefit by reducing the need and associated costs for ongoing vector surveillance and control as well as costs associated with legal vector abatement.

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Because NPDES stormwater permits regulate discharges for the benefit of public health, we feel the Board has the responsibility of ensuring that no unintended public health concerns emerge as a result of the permit requirements. Although we understand that this is not an issue the Board is required to enforce, notifying the permittee within the permit of the potential to create other public health violations when complying with this permit should be acceptable and fall under your purview. Since 2001, many regional water quality control boards in California have adopted vector-related language to local MS4 permits similar to that proposed below. We respectfully request you strongly consider adding the following language to Tentative Order No. 2011-XX-DWQ.

Findings, Page 11, please insert a new item between numbers 19 and 20:

Potential Unintended Public Health Concerns Associated with Mosquito Production

As part of the aforementioned comprehensive, multi-component storm water monitoring program conducted by the Department, more than 120 structural BMPs statewide were monitored for mosquito production. The data revealed that certain BMPs may unintentionally create habitat suitable for mosquitoes and other vectors. Numerous factors related to BMP design, construction, maintenance, and location that affected the propensity for a BMP to produce mosquitoes were identified. The California Health and Safety Code prohibits landowners from knowingly providing habitat for or allowing the production of mosquitoes and other vectors, and gives local vector control agencies broad inspection and abatement powers. This Order does not exempt the Department from meeting all requirements of the California Health and Safety Code. The Department is responsible for establishing communication, coordination, cooperation, and collaboration with local mosquito and vector control agencies and/or the California Department of Public Health to develop solutions to minimize the potential for vector production in BMPs or other structures capable of holding water for more than 96 hours, and regularly provide these agencies an updated inventory list of installations.

We appreciate the opportunity to comment on the draft Tentative Order and look forward to working with you to ensure that these vector concerns are resolved. If you have any questions, please contact Marco Metzger, Ph.D. at Marco.Metzger@cdph.ca.gov or (909) 937-3448.

Sincerely,



Vicki Kramer, Ph.D., Chief
Vector-Borne Disease Section