cdfa CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE
Karen Ross, Secretary

February 17, 2011

Mr. Charlie Hoppin, Chair
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, California 95814

Dear Mr. Hoppin:

Thank you for the opportunity to comment on the revised Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Pesticide Discharges to Waters of the United States from Spray Applications. Program staff reviewed the revised NPDES and have made several comments, the majority of which were discussed and agreed to between the California Department of Food and Agriculture (CDFA) and State Water Resources Control Board staff at a meeting on February 11, 2011. Comments are enclosed per your direction.

CDFA is confident that the Draft NPDES with CDFA comments incorporated will provide a comprehensive and equitable Statewide NPDES Permit for Residual Pesticide Discharges from Spray Applications.

Thank you for your consideration in this matter. If you have any questions regarding these comments, please contact Victoria Hornbaker at 916-654-0768 or vhornbaker@cdfa.ca.gov.

Sincerely,

Michele Dias

Michele Dias
Acting Chief Legal Council

Enclosure

cc. Mr. Nathan Dechoretz, Deputy Secretary
Dr. Robert Leavitt, Director, Plant Health and Pest Prevention Services

As we have previously stated, new pest species are discovered in California. When this occurs CDFA must quickly take action. Recently we have noticed an increased pressure from invasive palm weevils, therefore we need to add a section for a Palm Weevil Program. The text below should be added to Attachment D.

An example of a palm weevil that would be include in this program would be the red palm weevil (RPW), scientific name *Rhynchophorus ferrugineus*. The RPW is considered the most destructive pest of palms worldwide. RPW is a native of Southeast Asia; its discovery in a residential planting in Laguna Beach in the Fall of 2010 is the first time this weevil has been found in the United States. The presence of the RPW in California represents a serious threat to palms, many of which are highly valued as landscaping plants. The sale of palms generates approximately $70 million in nursery plant sales in California annually. Palm trees are also used for producing crops and marketable agricultural commodities including coconuts, dates and oils. In California, date palm growers harvest an annual crop worth approximately $30 million. The vast majority of these farms are in the Coachella Valley region.

Female red palm weevils bore into a palm tree to form a hole into which they lay eggs. Each female may lay an average of 250 eggs, which take about three days to hatch. Larvae emerge and tunnel toward the interior of the tree, inhibiting the tree's ability to transport water and nutrients upward to the crown. After about two months of feeding, larvae pupate inside the tree for an average of three weeks before the reddish-brown adults emerge. Adults live for two to three months, during which time they feed on palms, mate multiple times and lay eggs.

Adult weevils are considered strong fliers, venturing more than a half-mile in search of host trees. With repeated flights over three to five days, weevils are reportedly capable of traveling nearly four-and-a-half miles from their hatch site. They are attracted to dying or damaged palms, but can also attack undamaged host trees. Feeding symptoms of the weevil and the larval holes are often difficult to detect because these sites can be covered with offshoots and tree fibers. Careful inspection of infested palms may show holes in the crown or trunk, possibly along with oozing brown liquid and chewed fibers.

A Technical Working Group comprised of scientific experts on RPW has been formed by USDA, and treatment options are being evaluated at this time. Preliminary recommendations include a drench/foliar spray with Merit 2F® (active ingredient: imidacloprid), and/or a trunk spray/foliar spray with Safari® 20 SG (active ingredient: dinotefuran) and/or a crown foliar treatment with Sevin® SL (active ingredient: carbaryl). Timing of these treatments has not been decided. As an example of what might be decided upon, treatment for RPW in other countries can involve an imidacloprid drench applied twice a year, with the other treatments applied at least once, or more often as needed.

Page 18. If there are no alternatives to pesticides, dischargers shall use the least toxic pesticide

Proposed alternative Language: "If there are no efficacious alternatives to pesticides, the discharger will diligently seek out and use a pesticide product that will provide acceptable efficacy and minimal environmental toxicity."
Other language my include "least intrusive" or "method of application that reduces toxicity, or dose amount."

Page 19. Section E. Pesticide Application Log
4. The names of the water bodies treated
We were thinking either change the word "treated" to "impacted" or remove this entire sentence

Attachment A – Definitions

From DPR Glossary http://www.epa.gov/pesticides/glossary/index.html

biological pesticide - A chemical which is derived from plants, fungi, protozoa, bacteria, or other non-man-made synthesis and which can be used for pest control. These agents usually do not have toxic effects on animals and people and do not leave toxic or persistent chemical residues in the environment.

EPA NPDES Glossary http://cfpub.epa.gov/npdes/glossary.cfm#R

Discharge Monitoring Report - The form used (including any subsequent additions, revisions, or modifications) to report self-monitoring results by NPDES permittees. DMRs must be used by approved states as well as by EPA.

Self Monitoring - Sampling and analyses performed by a permittee to determine compliance with a permit or other regulatory requirements.

Receiving Water - The "Water of the United States" as defined in 40 CFR 122.2 into which the regulated stormwater discharges.

Please note: Phil and Jenny you may want to revise the receiving water definition to better fit this permit.

Page B-3 all original strip chart recordings for continuous monitoring instrumentation,
Please delete this portion, it does not apply to CDFA activities

D-11 Please add the following language to the beginning of Asian Citrus Psyllid section:

The Asian citrus psyllid (ACP), an aphid-like insect, is a serious pest of all citrus and closely-related plants because it can transmit the disease huanglongbing (HLB) when it

feeds on the plants' leaves and stems. HLB is the most devastating disease of citrus in the world. Symptoms of HLB include yellow shoots, leaf mottle, small upright leaves and lopsided fruit with a bitter flavor. Infected trees decline in health, produce inedible fruit and eventually die. There is no cure for the disease and infected trees must be removed and destroyed to prevent further spread of HLB. Establishment of ACP and HLB would cause economic losses via direct damage to citrus plants and quarantine restrictions designed to mitigate the spread of ACP. California has a $1.88 billion citrus industry. If the ACP begins to transmit the disease HLB, the entire industry could be at risk. In one recent study in Florida, the presence of HLB increased citrus production costs by 40%

Page D-13 &14 The CDFA control and suppress strategy is to delimit and contain LBAM populations and is expected to take 3-5 years to achieve. The strategy will require ongoing monitoring of the infestation, suppression at the edges of the populations, and population reduction in areas with a higher LBAM population density. The control and suppression strategy will require both ground and aerial application of several control techniques: mating disruption (using pheromones), insecticide treatments, sterile insects, and other techniques such as biological control (biocontrol) (USDA 2008a[1]). Products containing the following active ingredients are used in the LBAM eradication program: spinosad A and D, and Btk.

Delete aerial application, no aerial application for LBAM

Page D-44 **Pheromones Light Brown Apple Moth (LBAM) Pheromone Blend**
Please incorporate the following changes

d. Pheromones

Light Brown Apple Moth (LBAM) and European Grapevine Moth (EGVM) Pheromone Blends

LBAM and EGVM pheromone blends consists of two synthetic straight chained lepidopteran pheromones (SCLPs). Lepidoptera is a large order of insects that includes moths and butterflies. The SCLPs are pheromones (including identical or substantially similar synthetic compounds) produced by a member in the order Lepidoptera.

The LBAM and EGVM pheromones are used to disrupt mating ~~of LBAMs~~ by a non-toxic mode of action.

According to 40 C.F.R. §158.2050, toxicology and environmental data for SCLP manufacturing products are not required. In addition, 40 C.F.R. §158.2060 states that toxicology and environmental data requirements for end use products are greatly reduced.

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[1] United States Department of Agriculture (USDA). 2008a. Treatment program for light brown apple moth in California. Environmental Assessment, February 2008. 46 pp.

USEPA's reviews during the SCLP product registration process confirmed that no risks to human health are expected from the use of SCLPs based on the low toxicity in animal testing and the expected low exposure to humans. Furthermore, adverse effects on non-target organisms are not expected because these pheromones are released in very small quantities in the environment and act on a select group of insects, such as LBAMs. Appropriate precautionary labeling of end use products will further minimize potential exposure and mitigate risk to non-target organisms.

a. **Based on the above considerations, this General Permit does not contain a Receiving Water Monitoring Trigger and does not require monitoring for LBAM or EGVM pheromone blends.**

Attachement E

See Attached table with track changes for clarification.

Note additions of Merit 2F and Safari 20SG for the Weevil program and Merit 0.5 G and Coretect Tree and Shrub Tablets need to be added for the ACP and Beetle programs.

ATTACHMENT E – LIST OF PESTICIDE PRODUCTS

Product Name/ Trade Name	Active Ingredient	Manufacturer	EPA Number
Insecticides			
DiPel DF Biological Insecticide	Bacillus thuringiensis kurstaki	Valent Biosciences Corp ~~USA~~	73049-39-~~AA~~
DiPel **Pro** DF Biological Insecticide Dry Flowable	Bacillus thuringiensis kurstaki	Valent USA Biosciences Corp	73049-39-~~ZA~~
Entrust ~~Naturalyte Insect Control~~	Spinosad Factor A&D	Dow AgroSciences LLC	62719-282
TM Biocontrol	Douglas-fir tussock moth nuclear polyhedrosis virus	Espro, Inc.	27586-1
Fyfanon ULV AG	Malathion	Cheminova, Inc.	67760-35~~Fyfanon ULV AG~~
Dibrom Concentrate	Naled	AMVAC Chemical Corporation	5481-480 used with SLN CA-860005-~~AA~~
GF-120 NF Naturalyte Fruit Fly Bait	Spinosad A and D	Dow AgroSciences LLC	62719-498-~~AA~~
Pyganic Crop Protection EC 5.0 II	Pyrethrins	McLaughlin Gormley King Company~~MGK McLaughlin Gormley~~	1021-1772
Sevin SL Carbaryl Insecticide	Carbaryl	Bayer Environmental Science	432-1227-~~ZA~~
~~Splat LBAM HP~~	~~(E)-11-Tetradecen-1-yl acetate and (E,E)-9,11-Tetradecadien-1-yl acetate~~	~~ISCA Technolgies, Inc.~~	~~80286-6-AA~~

Isomate-LBAM Plus	(E)-11-Tetradecen-1-yl acetate and (E,E)-9,11-Tetradecadien-1-yl acetate	Pacific Biocontrol Corporation	53575-33
Isomate-EGVM*	(E,Z)-7,9-Dodecadien-1-yl Acetate	Pacific Biocontrol Corporation	53575-36
Success ~~Naturalyte Insect Control~~	Spinosad A and D~~Bacillus Thuringiensis Kurstaki~~	Dow AgroSciences LLC	62719-292
Tristar 30 SG Insecticide	Acetamiprid	~~Nippon Soda Co., Ltd.~~Cleary Chemical Corporation	8033-94-1001
~~Tristar 70 WSP Insecticide~~	~~Acetamiprid~~	~~Nipon Soda Company, Ltd/Cleary Chemical Corp.~~	~~8033-22-1001~~
Safari 20 SG Insecticide	Dinotefuran	Valent USA Corporation	33657-16-59639
CoreTect Tree and Shrub Tablets	Imidacloprid	Bayer Environmental Science	432-1457
Merit 0.5 G	Imidacloprid	Bayer Environmental Science	432-1328
Merit 2F	Imidacloprid	Bayer Environmental Science	432-1312
Merit 75 WSP Insecticide	Imidacloprid	Bayer Environmental Science	432-1318-~~AA~~
Merit 75 WSP	Imidacloprid	Bayer Environmental Science	432-1314
Tempo 20 WP Insecticide	Cyfluthrin	Bayer ~~Environmental Science~~Healthcare LLC	432-1302-~~AA~~
Tempo SC Ultra Insecticide	Cyfluthrin	Bayer Environmental Science	432-1363-~~AA~~
Tempo Ultra WP Insecticide	Cyfluthrin	Bayer Environmental Science	432-1304~~227~~

Herbicides			
Roundup Pro Concentrated Herbicide	Glyphosate, Isopropylamine salt	Monsanto Company~~rporation~~	524-529-~~AA~~
Arsenal Herbicide Applicators Concentrate	Imazapyr	~~Helena Chemical Company~~BASF Corporation	241-299-~~ZA~~
Milestone	Aminopyralid	Dow AgroSciences LLC~~Dow Agrochemicals~~	62719-519-~~AA~~
Milestone VM	Aminopyralid	Dow AgroSciences LLC~~Dow Agrochemicals~~	62719-537-~~AA~~
Milestone VM Plus	TIPA salt of aminopyralid and Triclopyr triethylamine salt of 3,5,6-dichloropyridin-2-carboxylic acid	Dow AgroSciences LLC~~Dow Agrochemicals~~	62719-572-~~AA~~
Transline herbicide	Clopyralid	Dow AgroSciences LLC~~Dow Agrochemicals~~	62719-259-~~AA~~
DuPont Telar XP Herbicide	Clorsulfuron	E.I. Du Pont de Nemours and Co., Inc.~~Company~~	352-654-~~AA~~
Roundup weather Max Herbicide	Glyphosate, Potassium salt	Monsanto ~~Technology LLC~~Company	524-537-~~AA~~
Telar DF	Chlorsulfuron	E.I. DuPont de Nemours & Co., Inc.~~Company~~	352-522-~~ZA~~
Garlon 4	Triclopyr Butoxyethyl Ester	Dow AgroSciences LLC~~The Dow chemical Company~~	62719-40-~~ZB~~