

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION R5-2014-XXXX

AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR  
THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS FOR  
THE CONTROL OF DIAZINON AND CHLORPYRIFOS DISCHARGES

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds that:

1. In 1975 the Central Valley Water Board adopted the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan), which has been amended occasionally.
2. The Basin Plan may be amended in accordance with the Water Code section 13240, et seq.
3. Water Code section 13241 authorizes the Central Valley Water Board to establish water quality objectives and Water Code section 13242 sets forth the requirements for a program for implementation for achieving water quality objectives.
4. Water Code section 13243 authorizes the Central Valley Water Board to specify certain conditions or areas where the discharges of certain types of waste will not be permitted.
5. The federal Clean Water Act section 303 requires the Central Valley Water Board to develop water quality objectives that are sufficient to protect beneficial uses designated for each water body found within its region. (33 U.S.C. § 1313.)
6. The Clean Water Act section 303 requires the Central Valley Water Board to review the Basin Plan at least every three years and, where appropriate, modify water quality objectives or beneficial uses in the Basin Plan.
7. The following 43 water body segments, which are located below the major dams in the Sacramento and San Joaquin River Basins, have been identified under the Clean Water Act section 303(d) as impaired due to elevated concentrations of diazinon and/or chlorpyrifos:

Ash Slough (Madera County); Bear Creek (San Joaquin and Calaveras Counties); Bear River, Lower (below Camp Far West Reservoir); Berenda Creek (Madera County); Berenda Slough (Madera County); Butte Slough; Colusa Basin Drain; Coon Creek, Lower (from Pacific Avenue to Main Canal, Sutter County); Deadman Creek (Merced County); Del Puerto Creek; Dry Creek (tributary to Tuolumne River, Stanislaus County); Duck Creek (San Joaquin County); Duck Slough (Merced County); French Camp Slough (confluence of Littlejohns and Lone Tree Creeks to San Joaquin River); Gilsizer Slough (from Yuba City to downstream of Township Road); Harding Drain; Highline Canal (from Mustang Creek to Lateral No 8, Merced and Stanislaus Counties); Ingram Creek (from confluence with San Joaquin River to confluence with Hospital Creek); Jack Slough; Live Oak Slough; Lone Tree Creek; Main Drainage Canal (Butte County); Merced River, Lower (McSwain Reservoir to San Joaquin River); Mormon Slough (from Stockton Diverting Canal to Bellota Weir); Morrison Slough (Sutter County); Mustang Creek (Merced County); Natomas East Main Drainage Canal (aka Steelhead Creek, downstream of confluence with Arcade Creek); Newman Wasteway; Orestimba Creek (above Kilburn Road); Orestimba Creek (below Kilburn Road); Pixley Slough (San Joaquin County); Sacramento Slough; Salt Slough; Sand Creek (tributary to Marsh Creek, Contra Costa County); Spring Creek (Colusa County); Stanislaus River, Lower; Stony Creek; Tuolumne River, Lower (Don

Pedro Reservoir to San Joaquin River); Ulatis Creek (Solano County); Wadsworth Canal; Westley Wasteway (Stanislaus County); Winters Canal (Yolo County); Yankee Slough (Placer and Sutter Counties).

8. The available data demonstrate that the following eleven water body segments that are currently 303(d)-listed for diazinon and/or chlorpyrifos now have concentrations of diazinon and chlorpyrifos that do not exceed water quality standards, and therefore these listings should be considered for removal from the Clean Water Act section 303(d) list the next time it is updated:  
  
Ash Slough, Butte Slough, Duck Slough (Merced County); Harding Drain; Highline Canal (from Mustang Creek to Lateral No 8, Merced and Stanislaus Counties), Mustang Creek, Natomas East Main Drainage Canal (aka Steelhead Creek, downstream of the confluence with Arcade Cree), Newman Wasteway; Sacramento Slough; Sand Creek (tributary to Marsh Creek, Contra Costa County); Stony Creek.
9. The Proposed Amendment modifies Basin Plan Chapter III (Water Quality Objectives) to establish numeric objectives for diazinon and chlorpyrifos in the thirty-two water body segments that are listed in provision 7 above but are not listed in Provision 8, and for all water bodies with existing or designated WARM and/or COLD aquatic life beneficial uses, below the major dams, in the Sacramento and San Joaquin River Basins.
10. The thirty-two water body segments specified in Provision 9 for which water quality objectives would be established support aquatic life consistent with the WARM and/or COLD beneficial use designations.
11. Pursuant to Clean Water Act section 303(d), total maximum daily loads (TMDL)s are generally required to bring impaired water bodies into compliance with water quality standards. Under EPA regulations, if the Board can demonstrate that other pollution control requirements will successfully address an impairment, then a TMDL is not required. The segments where such a demonstration can be made are classified in the Clean Water Act section 303(d)/305(b) Integrated Report as "category 4b listings". Moving an impairment on the 303(d) list to a "category 4b listing" is a change to the State's 303(d) list that requires USEPA approval. USEPA has provided guidance stating their expectations for what should be included in "category 4b demonstrations" in order to demonstrate that impairments will be addressed by existing pollution control requirements.
12. The Proposed Amendment modifies Basin Plan Chapter IV (Implementation) to include a pesticide control program for the Sacramento and San Joaquin River Basins below the major dams to achieve the diazinon and chlorpyrifos water quality objectives established in the Proposed Amendment, including the water body segments specified in Provision 9.
13. With adoption of the Proposed Amendment, the Board will have established pollution control requirements that will address all of the diazinon and chlorpyrifos impairments for the thirty-two water body segments impaired by diazinon and/or chlorpyrifos described in Provisions 9 and 10. The staff report includes a "Category 4b demonstration" which documents how the Board's programs meet USEPA expectations for category 4b demonstrations.
14. The Proposed Amendment modifies Basin Plan Chapter V (Surveillance and Monitoring) to include monitoring requirements that will allow the Central Valley Water Board to assess progress in reducing diazinon and chlorpyrifos discharges and preventing toxicity due to pesticide runoff.
15. The Proposed Amendment requires dischargers of diazinon and chlorpyrifos to develop and implement plans to ensure the water quality objectives for diazinon and chlorpyrifos are not exceeded.

16. To ensure that water quality objectives for diazinon and chlorpyrifos are not exceeded, the Proposed Amendment also includes a prohibition that prohibits the discharge of chlorpyrifos and/or diazinon at concentrations that exceed water quality objectives under certain circumstances.
17. The Central Valley Water Board has established water quality objectives and implementation programs for diazinon and chlorpyrifos for the Sacramento, Feather, and San Joaquin Rivers and the Delta.
18. The Basin Plan currently requires the Central Valley Water Board to review the allocations and implementation provisions for diazinon and chlorpyrifos discharges to the Sacramento and Feather Rivers by 30 June 2013. The Basin Plan also states that the Central Valley Water Board intends to review the allocations and implementation provisions for diazinon and chlorpyrifos discharges to the San Joaquin River at least once every five years, beginning no later than 31 December 2009, and for the Delta at least once every five years, beginning no later than 31 December 2010.
19. The Central Valley Water Board has assessed the current Basin Plan allocations and implementation provisions for diazinon and chlorpyrifos runoff into the Sacramento and Feather Rivers, San Joaquin River and the Delta and found them to be achievable and effective in controlling these discharges in order to meet water quality objectives
20. The Central Valley Water Board has considered the factors set forth in Water Code section 13241, including economic considerations, in developing the Proposed Amendment. The costs of implementing the Proposed Amendment are reasonable relative to the water quality benefits to be derived from implementing the Proposed Amendment, considering the size of the geographic area affected by the Amendment, and considering that the estimated costs of compliance with this Amendment duplicate to some extent the costs of complying with existing Basin Plan water quality objectives, the waivers and waste discharge requirements adopted by the Central Valley Water Board to regulate discharges from irrigated lands, and pesticide use regulations from the Department of Pesticide Regulation.
21. The Proposed Amendment includes an estimate of the cost of the proposed implementation program to agriculture and identifies potential sources of financing, as required by Water Code section 13141.
22. The scientific portions and scientific basis of the Proposed Amendment are based on source material that has already been peer reviewed in accordance with Health and Safety Code section 57004. The Proposed Amendment is itself just a new application of earlier adequately peer reviewed work products. The Proposed Amendment does not depart from the scientific approach of the other Basin Plan Amendments from which it is derived (R5-2005-0138 and R5-2006-0061).
23. The Central Valley Water Board finds that the scientific portions of the Basin Plan Amendment are based on sound scientific knowledge, methods, and practices in accordance with Health and Safety Code section 57004.
24. The Central Valley Water Board finds that the Proposed Amendment is consistent with existing policies of the Central Valley Water Board and the State Water Resources Control Board, including State Water Board Resolution 68-16, Statement of Policy with Respect to Maintaining High Quality of Water in California (*Antidegradation Policy*), as described in the Staff Report. The Central Valley Water Board also finds that the Proposed Amendment is consistent with the federal Antidegradation Policy. (40 C.F.R. § 131.12.) The Proposed Amendment requires actions to be taken to implement management practices to ensure compliance with water quality objectives. Such actions are of maximum benefit to the people of the state. Control of discharges of diazinon and chlorpyrifos is necessary to protect beneficial uses. The Proposed Amendment will not

unreasonably affect present and anticipated beneficial uses nor result in water quality less than described in applicable policies because the Amendment is intended to result in compliance with water quality objectives. The actions to be taken are not expected to cause other impacts on water quality.

25. The regulatory action proposed meets the "Necessity" standard of Government Code section 11353(b).
26. The Central Valley Water Board is the Lead Agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and is responsible for evaluating potentially significant environmental impacts that may occur as a result of the Proposed Amendment. The Secretary of Resources has determined that the Board's Basin Planning Process qualifies as a certified regulatory program pursuant to Public Resources Code section 21080.5 and California Code of Regulations, title 14, section 15251(g). This determination means that the Board may prepare Substitute Environmental Documentation, which includes the Staff Report and an Environmental Factors Checklist, instead of preparing an environmental impact report. The Substitute Environmental Documentation satisfies the requirements of State Water Board's regulations for the implementation of CEQA for exempt regulatory programs. (Cal. Code Regs., tit. 23, §§ 3775 et seq.)
27. The Central Valley Water Board staff held CEQA scoping meetings on 23 May 2006 and 15 February 2007 to receive comments on the draft Amendment and to identify any significant issues that must be considered.
28. Central Valley Water Board staff has prepared a draft Amendment and a Staff Report dated March 2013 and circulated that draft for public comment.
29. In response to the comments received on the March 2013 Draft Staff Report and Proposed Amendment, Central Valley Water Board staff prepared a second draft Staff Report and Proposed Amendment dated January 2014, which included responses to comments received on the March 2013 draft and circulated that second draft staff for public comments.
30. The January 2014 Staff Report included a description of the Proposed Amendment and analysis of reasonable alternatives to the Proposed Amendment. The Staff Report included an analysis of the reasonably foreseeable environmental impacts of the methods of compliance and an analysis of the reasonably foreseeable alternative methods of compliance with the Proposed Amendment. Some potential impacts were identified based on the analysis of the reasonably foreseeable methods of compliance. While these potential impacts can be mitigated, some of these mitigations are outside the jurisdiction of the Central Valley Water Board; therefore these are considered potentially significant impacts.
31. Central Valley Water Board staff completed an environmental checklist that concluded that the Proposed Amendment has the potential to cause significant adverse impacts upon the environment primarily due to the potential loss of agricultural lands to implement management measures and the potential loss of runoff from affected lands causing loss of habitat that is associated with the runoff. There are also potentially significant impacts to air quality, cultural resources, and greenhouse gas emissions for which mitigation measures have been identified which would substantially reduce the potentially significant adverse impacts; however, these mitigation measures are not within the jurisdiction of the Central Valley Water Board. Therefore, staff has prepared a Statement of Overriding Considerations.
32. The Proposed Amendment fulfills legal requirements imposed on the Central Valley Water Board by the federal Clean Water Act. Implementation of the Proposed Amendment will improve water

quality for aquatic habitat and drinking water. To the extent significant adverse environmental effects could occur, the Central Valley Water Board has balanced the economic, legal, social, and other benefits of the Amendment against the potentially unavoidable environmental risks and finds that specific economic, legal, social, and other benefits of the Amendment outweigh the potentially unavoidable adverse environmental effects, such that those effects are considered acceptable.

33. Central Valley Water Board staff has circulated a Notice of Public Hearing, Notice of Filing, a written Staff Report, response to public comments documents, and environmental checklist, and a draft Amendment to interested individuals and public agencies, including persons having special expertise with regard to the environmental effects involved with the Proposed Amendment, for review and comment in accordance with state and federal environmental regulations (Cal. Code Regs., tit. 23, § 3775, 40 C.F.R. § 25, and 40 C.F.R. § 131.)
34. The Central Valley Water Board held a public hearing on 12 April 2013, for the purpose of receiving testimony on the draft Basin Plan Amendment. Notice of the public hearing was sent to all interested persons and published in accordance with Water Code section 13244.
35. The Central Valley Water Board held a public hearing on 28 March 2014, for the purpose of receiving testimony and considering approval of on the second draft Basin Plan Amendment. Notice of the public hearing was sent to all interested persons and published in accordance with Water Code section 13244.
36. Based on the record as a whole, including a draft Basin Plan Amendment, the environmental document, accompanying written documentation, and public comments received, the Central Valley Water Board concurs with staff's conclusion that some actions to comply with the Amendment may result in significant impacts and the Central Valley Water Board concurs with the Statement of Overriding Considerations. The Central Valley Water Board finds that the record as a whole and the procedures followed by staff comply with applicable CEQA requirements. (Cal. Code Regs., tit. 23, § 3775 et seq, Pub. Resources Code, §§ 21080.5, 21083.9, and 21159, Cal. Code Regs. tit. 14, § 15250.).
37. A Basin Plan Amendment must be approved by the State Water Board, Office of Administrative Law (OAL), and the United States Environmental Protection Agency (USEPA). The Proposed Amendment becomes effective under state law after OAL approval and becomes effective under the federal Clean Water Act after USEPA approval.
38. The Central Valley Water Board finds that the Amendment to the Basin Plan was developed in accordance with Water Code section 13240, et seq.

**THEREFORE BE IT RESOLVED:**

1. Pursuant to section Water Code section 13240, et seq., the Central Valley Water Board, after considering the entire record, including oral testimony at the hearing, hereby approves the Substitute Environmental Documentation and Staff Report and adopts the Amendment to the Basin Plan as set forth in Attachment 1.
2. The Executive Officer is directed to forward copies of the Basin Plan Amendment to the State Water Board in accordance with the requirements of Water Code section 13245.
3. The Central Valley Water Board requests that the State Water Board approve the Basin Plan Amendment in accordance with the requirements of sections 13245 and 13246 of the Water Code and forward it to OAL and the USEPA for approval. The Central Valley Water Board

specifically requests USEPA approval of all Basin Plan Amendment provisions that require USEPA approval.

4. If during its approval process the Central Valley Water Board staff, State Water Board or OAL determines that minor, non-substantive corrections to the language of the Amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Central Valley Water Board of any such changes.
5. The Central Valley Water Board hereby approves and adopts the CEQA substitute environmental documentation, which was prepared in accordance with Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187.

Following approval of the Basin Plan Amendment by the OAL, the Executive Officer shall file a Notice of Decision with the Secretary for Resources in accordance with Public Resources Code section 21080.5, subsection (d)(2)(E), and California Code of Regulations, title 23, section 3781.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 28 March 2014.

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PAMELA C. CREEDON, Executive Officer

Attachments: Attachment 1: Amendment to Basin Plan for the Control of Diazinon and Chlorpyrifos Discharges

# RESOLUTION R5-2014-Xxxx

## ATTACHMENT 1

### AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS FOR THE CONTROL OF DIAZINON AND CHLORPYRIFOS DISCHARGES

The proposed changes to the Basin Plan are as follows. Text additions to the existing Basin Plan language shown in underlined text. Text deletions to existing Basin Plan language are shown in strikethrough.

#### Changes to Chapter III, Water Quality Objectives

*Modify Table III-2A as follows:*

TABLE III-2A

#### SPECIFIC PESTICIDE OBJECTIVES

PESTICIDE	MAXIMUM CONCENTRATION AND AVERAGING PERIOD	APPLICABLE WATER BODIES
Chlorpyrifos	0.025 µg/L ; 1-hour average (acute) 0.015 µg/L ; 4-day average (chronic) Not to be exceeded more than once in a three year period.	San Joaquin River from Mendota Dam to Vernalis (Reaches include Mendota Dam to Sack Dam (70), Sack Dam to Mouth of Merced River (71), Mouth of Merced River to Vernalis (83), Sacramento River from Shasta Dam to Colusa Basin Drain (13) and the Sacramento River from the Colusa Basin Drain to I Street Bridge (30). Feather River from Fish Barrier Dam to Sacramento River (40). Delta Waterways listed in Appendix 42.  <u>Bear Creek (San Joaquin and Calaveras Counties), Bear River (43), Lower (below Camp Far West Reservoir), Berenda Creek (Madera County), Berenda Slough (Madera County), Colusa Basin Drain (29), Coon Creek, Lower (Sutter County), Deadman Creek (Merced County), Del Puerto Creek, Dry Creek (tributary to Tuolumne River at Modesto, E Stanislaus County), Duck Creek (San Joaquin County), French Camp Slough, Gilsizer Slough, Ingram Creek, Jack Slough, Live Oak Slough, Lone Tree Creek, Main Drainage Canal (Butte County), Merced River, Lower (McSwain Reservoir to San Joaquin River) (81), Mormon Slough (from Stockton Diverting Canal to Bellota Weir), Morrison Slough (Sutter County), Orestimba Creek, Pixley Slough (San Joaquin County), Salt Slough, Spring Creek (Colusa County),</u>

Diazinon                    0.16 µg/L ; 1-hour average (acute)  
                                   0.10 µg/L ; 4-day average (chronic)  
                                   Not to be exceeded more than once in a  
                                   three year period.

Stanislaus River, Lower (Goodwin Dam to San Joaquin River) (90), Tuolumne River, Lower (Don Pedro Dam to San Joaquin River) (86), Ulatis Creek (Solano County), Wadsworth Canal, Westley Wasteway (Stanislaus County), Winters Canal (Yolo County), Yankee Slough (Placer and Sutter Counties)

Waters with designated or existing<sup>1</sup> WARM and/or COLD beneficial uses that are not upstream of the major dams in Table III-2B.

~~San Joaquin River from Mendota Dam to Vernalis (Reaches include Mendota Dam to Sack Dam (70), Sack Dam to Mouth of Merced River (71), Mouth of Merced River to Vernalis (83)), Delta Waterways listed in Appendix 42, Sacramento River from Shasta Dam to Colusa Basin Drain (13) and the Sacramento River from the Colusa Basin Drain to I Street Bridge (30). Feather River from Fish Barrier Dam to Sacramento River (40). As noted above for chlorpyrifos~~

*Add a new Table III-2B as follows:*

TABLE III-2B

MAJOR DAMS DEMARKING THE UPSTREAM EXTENT OF THE WATER BODIES WITH DIAZINON AND CHLORPYRIFOS WATER QUALITY OBJECTIVES

<u>Dam</u>	<u>Associated Reservoir</u>	<u>River System</u>
<u>Monticello Dam</u>	<u>Lake Berryessa (55)</u>	<u>Putah Creek</u>
<u>Black Butte Dam</u>	<u>Black Butte Reservoir (26)</u>	<u>Stony Creek</u>
<u>Camanche Dam</u>	<u>Camanche Reservoir (62)</u>	<u>Mokelumne River</u>
<u>Camp Far West Dam</u>	<u>Camp Far West Reservoir</u>	<u>Bear River</u>
<u>Cache Creek Dam</u>	<u>Clear Lake (53)</u>	<u>Cache Creek</u>
<u>New Don Pedro Dam</u>	<u>Don Pedro Reservoir (85)</u>	<u>Tuolumne River</u>
<u>Buchanan Dam</u>	<u>Eastman Lake (Buchanan Reservoir) (76)</u>	<u>Chowchilla River</u>
<u>Folsom Dam</u>	<u>Folsom Lake (50)</u>	<u>American River</u>
<u>Englebright Dam</u>	<u>Harry L. Englebright Reservoir</u>	<u>Yuba River</u>

<sup>1</sup> Existing as defined in Title 40 of the Code of Federal Regulations, section 131.3(e)

<u>Hidden Dam</u>	<u>Hensley Lake (Hidden Reservoir) (73)</u>	<u>Fresno River</u>
<u>Keswick Dam</u>	<u>Keswick Reservoir</u>	<u>Sacramento River</u>
<u>New Exchequer Dam</u>	<u>McClure Lake (Exchequer Reservoir) (79)</u>	<u>Merced River</u>
<u>Friant Dam</u>	<u>Millerton Lake (68)</u>	<u>San Joaquin River</u>
<u>New Hogan Dam</u>	<u>New Hogan Reservoir (65)</u>	<u>Calaveras River</u>
<u>Oroville Dam</u>	<u>Lake Oroville (39)</u>	<u>Feather River</u>
<u>San Luis Dam</u>	<u>San Luis Reservoir (91)</u>	-
<u>Scotts Flat Dam</u>	<u>Scotts Flat Reservoir</u>	<u>Deer Creek</u>
<u>Goodwin Dam</u>	<u>Tulloch Reservoir (89)</u>	<u>Stanislaus River</u>
<u>Whiskeytown Dam</u>	<u>Whiskeytown Reservoir (14)</u>	<u>Clear Creek</u>

## ***Changes to Chapter IV, Implementation***

### ***Under “Regional Water Board Prohibitions” on Page IV-23.00***

*Add the following new prohibition:*

#### 7. Diazinon and Chlorpyrifos Discharges

Dischargers are prohibited from discharging chlorpyrifos and/or diazinon at concentrations that exceed water quality objectives to waters with designated or existing<sup>2</sup> WARM and/or COLD beneficial uses unless:

- The discharge is regulated under a waiver of waste discharge requirements or individual or general waste discharge requirements, or
- The discharge is upstream of one of the dams listed in Table III-2B.

### ***In “Pesticide Discharges from Nonpoint Sources” on Page IV-33.31***

*Change the Section heading as follows:*

#### **Pesticide Discharges from Nonpoint Sources**

*Add the following sentence to the paragraph currently starting with the words “To ensure the best possible program” in the first column of Page IV-34.00:*

“The Board recognizes that implementation of the authorities of agencies that regulate pesticide use, including CDPR, USEPA Office of Pesticide Programs, and County Agricultural Commissioners, should be one of the primary mechanisms for addressing pesticide-caused water quality impairments. To ensure the best possible

<sup>2</sup> Existing as defined in Title 40 of the Code of Federal Regulations, section 131.3(e)

program, the Board will coordinate its pesticide control efforts with other agencies and organizations. Wherever possible, the burdens on pesticide dischargers will be reduced by working through the DFA (*now C DPR*) or other appropriate regulatory processes.”

*Add the following new Subsection:*

**Diazinon and Chlorpyrifos Discharges**

1. The diazinon and chlorpyrifos discharge control program shall:
  - a. Ensure compliance with water quality objectives for diazinon and chlorpyrifos in the Sacramento and San Joaquin River Basins through the implementation of management practices;
  - b. Ensure measures that are implemented to reduce discharges of diazinon and/or chlorpyrifos do not lead to an increase in the discharge of other pesticides to levels that cause or contribute to exceedances of applicable water quality objectives.
  - c. Encourage implementation of measures or practices by all dischargers that result in concentrations of chlorpyrifos and diazinon in all discharges that are below the water quality objective concentrations.
2. Dischargers are responsible for ensuring that their pesticide discharges to surface water and groundwater, including discharges of pesticides used as alternatives to diazinon and/or chlorpyrifos do not cause or contribute to exceedance of applicable water quality objectives.
3. Except as otherwise stated in the Basin Plan, compliance with water quality objectives for diazinon and chlorpyrifos shall be as soon as practicable. The Regional Board shall establish time schedules for compliance with such objectives in Waste Discharge Requirements or waivers in accordance with existing laws and policies. Where no existing law or policy directs the length of the compliance schedule, discharges shall be reduced to ensure compliance with the proposed water quality objectives not later than [10 years from the effective date of this Amendment].

The Board will ensure that dischargers will comply with diazinon and chlorpyrifos water quality objectives by modifying existing waste discharge requirements and existing waivers (where provisions necessary for implementation are not already in place), by adopting new waste discharge requirements or waivers, or by enforcing the diazinon and chlorpyrifos discharge prohibition. If necessary, the Board will ensure that existing waste discharge requirements and waivers will be modified as soon as possible, but no later than [five years from the effective date of this Amendment].
4. The Central Valley Water Board intends to review the diazinon and chlorpyrifos implementation provisions in the Basin Plan no later than [7 years from the effective date of this Amendment].
5. The water quality objectives for diazinon and chlorpyrifos represent a maximum allowable level and shall be considered additively as defined by the Policy for Application of Water Quality Objectives (IV-16.00 – 18.00). The Board shall require additional reductions in diazinon or chlorpyrifos levels if such reductions are necessary to account for additive or synergistic toxicity effects or to protect beneficial uses.
6. The Executive Officer shall require agricultural dischargers that discharge diazinon and/or chlorpyrifos to water bodies listed in Table III-2A Applicable Water Bodies that are not attaining the diazinon and/or chlorpyrifos objective(s) to submit management plans. These management plans shall consider the watershed of the water body that is not attaining the objective(s) and must describe actions that the agricultural discharger will take to meet applicable diazinon and chlorpyrifos water quality objectives by the required compliance dates. Management plans must describe:

- a. The causes of the nonattainment of objectives;
- b. The actions that the discharger will take to reduce diazinon and/or chlorpyrifos discharges in order to meet the diazinon and/or chlorpyrifos water quality objectives as soon as practicable but no later than [ten years from the effective date of this Amendment.]
- c. A schedule for the implementation of those actions;
- d. A monitoring plan to track effectiveness of pollution controls; and
- e. A commitment to revise pollution controls, as necessary.

Management plans for water bodies not attaining the water quality objective(s) as of [Effective date of amendment] are due no later than [one year from the effective date of this amendment.] Management plans that address diazinon and/or chlorpyrifos exceedances and that have already been submitted can be used to fulfill this requirement, provided that they contain all the required elements 6a through 6e described above.

After [effective date of this Amendment], if the Executive Officer determines that a water body listed in Table III-2A Applicable Water Bodies is exceeding an applicable diazinon and/or chlorpyrifos water quality objective, the Executive Officer shall require that dischargers that discharge diazinon and/or chlorpyrifos to that water body submit a management plan to the Board. Management plans are due within one year after the discharger receives notification that such a determination has been made.

If a water body that is exceeding the diazinon and/or chlorpyrifos objective(s) is being used by a discharger to represent water quality conditions in multiple water bodies, the Executive Officer shall require the submittal of a management plan that addresses all of the represented water bodies.

Management plans may include actions required under state and federal pesticide laws and regulations. Management plans must include documentation of the relationship between the actions to be taken and reductions in diazinon and/or chlorpyrifos discharges that are reasonably likely to attain compliance with diazinon and chlorpyrifos water quality objectives. The Executive Officer may allow individual dischargers or a discharger group or coalition to submit management plans. The management plan must comply with the provisions of any applicable waste discharge requirements or waiver. Management plans may address discharges to multiple downstream water bodies for which discharge reductions are required. The Executive Officer may require revisions to the management plan if compliance with applicable water quality objectives is not attained.

7. Any waste discharge requirements or waivers that govern the control of pesticide discharges to Table III-2A Applicable Water Bodies, must be consistent with the policies and actions described in paragraphs 1-6 of this section.

## ***Under “Estimated Costs of Agricultural Water Quality Control Programs and Potential Sources of Financing” on Page IV-38.00***

*Add the underlined text shown below:*

### **Diazinon and Chlorpyrifos Discharges**

The costs estimated in this section were calculated in consideration of the requirements for diazinon and chlorpyrifos discharges only. Most of these compliance costs likely already exist due to other Board Requirements under the Irrigated Lands Regulatory Program, and the requirements for diazinon and chlorpyrifos in the Sacramento and Feather Rivers, the San Joaquin River Basin, and the Sacramento-San Joaquin Delta.

The total estimated costs for management practices to meet the diazinon and chlorpyrifos objectives in the Sacramento and San Joaquin River Basins range from \$5 to \$21.6 million/year (2010 dollars). The estimated

costs for agricultural discharger compliance monitoring, planning, and evaluation range from \$1.6 to \$6.0 million/year (2010 dollars). The estimated annual costs range from \$6.6 to \$27.6 million (2010 dollars).

Potential funding sources include:

1. Those identified in the San Joaquin River Subsurface Agricultural Drainage Control Program and the Pesticide Control Program.

## ***Changes to Chapter 5, Surveillance and Monitoring***

*Add the following new Section:*

### **Diazinon and Chlorpyrifos Discharges**

The Central Valley Water Board will ensure that there will be a focused monitoring effort to monitor pesticide discharges in the Sacramento and San Joaquin River Basins.

The Board will require those that discharge diazinon and chlorpyrifos to provide information to the Board. This information may come from the dischargers' monitoring efforts; monitoring programs conducted by state or federal agencies or collaborative watershed efforts; or from special studies that evaluate the effectiveness of management practices. To be used in determining compliance with the water quality objectives, diazinon and chlorpyrifos concentration data must be from analysis with limits of quantification (reporting limits) at or below the water quality objective concentrations.

### **Agricultural Discharge Monitoring**

The monitoring and reporting program for any waste discharge requirements or waiver of waste discharge requirements that address agricultural pesticide discharges to Table III-2A Applicable Water Bodies must be designed to collect the information necessary to:

1. Determine compliance with established water quality objectives applicable to diazinon and/or chlorpyrifos;
2. Determine the extent of implementation of management practices to reduce off-site migration of diazinon and/or chlorpyrifos;
3. Determine the effectiveness of management practices and strategies to reduce off-site migration of diazinon and/or chlorpyrifos;
4. Determine whether alternatives to diazinon and/or chlorpyrifos are being discharged at concentrations which have the potential to cause or contribute to exceedances of applicable water quality objectives; and
5. Determine whether the discharge causes or contributes to a toxicity impairment due to additive or synergistic effects of multiple pollutants.

Representative monitoring may be used to determine compliance with the water quality objectives. Monitoring shall be representative of all Table III-2A Applicable Water Bodies, either directly or through a representative monitoring program. Changes in monitoring requirements may be required if pesticide use data, management practices, runoff potential, or other information indicates additional or less monitoring, including discontinuation of monitoring for diazinon and/or chlorpyrifos is needed to meet the monitoring requirements.

**Municipal Storm Water and Municipal and Domestic Wastewater Monitoring**

The monitoring and reporting program for any waste discharge requirements that address discharges to Table III-2A Applicable Water Bodies from

- municipal storm water
- municipal or domestic wastewater, or
- other non-agricultural sites where diazinon or chlorpyrifos are applied,

must be designed to collect the information necessary to:

1. Determine whether the discharge causes or contributes to an exceedance of water quality objectives for diazinon and/or chlorpyrifos;
2. Determine whether the discharge causes or contributes to a toxicity impairment due to additive or synergistic effects of multiple pollutants; and
3. Determine whether alternatives to diazinon and/or chlorpyrifos are being discharged at concentrations with the potential to cause or contribute to exceedances of water quality objectives.

With Executive Officer approval, representative monitoring programs, including coordinated regional monitoring programs, may be used to meet the monitoring goals listed above. Regular monitoring for diazinon and chlorpyrifos can be discontinued upon a showing by a discharger that such pesticides are not found in the effluent at concentrations with the potential to cause or contribute to exceedances of water quality objectives. In developing the monitoring and reporting programs for specific dischargers, the Board will, in coordination with DPR assist the discharger in identifying diazinon and chlorpyrifos alternatives for which monitoring may be necessary.