



Environmental Utilities Department
Stormwater Management Program
2005 Hilltop Circle
Roseville, California 95747

Mr. Danny McClure
Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

February 18, 2014

**RE: Comments on Proposed Amendments to the Basin Plan for the Control of
Diazinon and Chlorpyrifos Discharges**

Dear Mr. McClure

The City of Roseville (City) received notice of the Central Valley Regional Water Quality Control Board's (Central Valley Water Board) proposal for *Amendments to the Water Quality Control Plan for the Sacramento and San Joaquin Basins for the Control of Diazinon and Chlorpyrifos Discharges* (BPA) on January 4, 2014. The City provides the following written comments on the proposed BPA and supporting Staff Report prior to the February 18, 2014 deadline.

The City has actively participated as an interested stakeholder through various iterations of the BPA under consideration today. The proposed BPA impacts the City in multiple ways, principally through its operation of the Dry Creek and Pleasant Grove Wastewater Treatment Plants (WWTP) as well as the City's municipal stormwater management (MS4) program. The City is concerned regarding several implementation provisions within the proposed BPA, as well as the economic analysis prepared by staff. The City's specific concerns are detailed below.

Definition of Limit of Quantification

While the City understands the BPA's intent that all monitoring be conducted with analytical methods providing limits of quantification at or below the Basin Plan objectives for chlorpyrifos and diazinon, the City requests that "limit of quantification" be more explicitly defined. Laboratories may use different methods of determining their quantification limits. If it is the Central Valley Regional Board's intent that "limit of quantification" mean "reporting limit", as defined in the State Implementation Policy for Toxics Control (SIP), the BPA should state this.

Investigation into Pesticide Alternative and Surveillance and Monitoring Program Provisions

The BPA continues to include a provision that dischargers (the City understands this to mean both point and non-point dischargers) of diazinon and chlorpyrifos "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 an exceedance of applicable water quality objectives" (*emphasis added*). This provision is further developed in the Surveillance and Monitoring Program Provisions:

“The monitoring and reporting program for any waste discharge requirements.....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.

Similar to previous comments on these provisions, City again respectfully disagrees that this requirement is *not* overly burdensome and exceedingly difficult to implement. The City has no authority over the use of any pesticide outside of its own municipal applications. This authority resides with the California Department of Pesticide Regulation. It should not be, and cannot be the responsibility of the City, or any other stormwater or wastewater discharger, to research the use of pesticides and research the interaction (i.e. additivity and synergism) of these pesticides in the environment. Yet the BPA places this “responsibility” on the discharger, and requires assurance from the discharger that exceedances of water quality objectives will not occur.

The City is accustomed to achieving reductions of pollutants in its stormwater discharges “to the maximum extent practicable” (MEP). The City achieves MEP through implementation of best management practices (BMPs) that include such elements as physical infrastructure to settle and filter particular matter, infiltrate runoff prior to entering receiving waters, as well as programmatic activities such as public outreach and education. While the City can evaluate the effectiveness of its stormwater management program in controlling the discharge of chlorpyrifos and diazinon to the MEP standard, the City is the inappropriate entity to bear responsibility for investigating and evaluating emerging contaminants such as insecticide alternatives and the additivity and synergism of those alternatives. Moreover, without any uniform basis (i.e. numeric water quality objective) upon which to evaluate alternative insecticides, determination of “cause and contribute” will vary wildly across the Central Valley Region. Again, the BPA places the responsibility of assurance on the discharger, and will leave individual dischargers in the position of independently interpreting the Basin Plan’s narrative pesticide and toxicity objectives in light of their own research. These dischargers do not have the expertise or resources to make these decisions in a scientifically defensible manner.

In summary, these provisions for each discharger to evaluate alternatives and evaluate additivity and synergism will have disastrous consequences for BPA implementation. The City requests the following revisions be made to the specific language of the proposed BPA:

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.

And

“The monitoring and reporting program for any waste discharge requirements.....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.~~

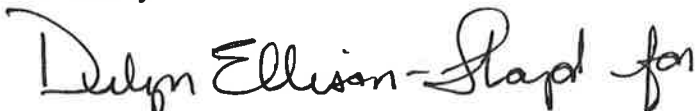
Economic Analysis for NPDES Permittees

While the economic analysis is vastly improved in this latest iteration of the proposed BPA, it accounts primary for monitoring costs. It does not adequately account for the costs associated with planning and developing an adequate monitoring program necessary to assess pesticide alternatives and their additivity and synergism. The economic analysis assumes \$5,000 for a monitoring plan and quality assurance plan. Again, the requirement to determine whether a discharge is causing or contributing to toxicity from synergism or additivity as well as the requirement to determine if pesticide alternatives are causing or contributing to water quality exceedances involves research. Typical research grants are in the realm of hundreds of thousands of dollars. Evidence for this can be found on the Department of Pesticide Regulations website as well as the Central Valley Water Boards own research expenditures. Short of doing this research, monitoring efforts will be misguided and monitoring expenses will be wasted.

The BPA's current statement that "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" is inadequate to justify not accounting for this individual discharger research costs. A much stronger statement beyond that of offering "assistance" through coordination with an independent regulatory agency would be necessary to fully justify the omission of necessary research costs. To fully justify the omission of these research costs, the Board would need to provide all necessary direction with regard to constituents, toxicity tests, and monitoring for an individual discharger basis such that the discharger is responsible only for sampling, analysis, quality assurance, and reporting. The provisions that the discharger be ultimately "responsible" for "ensuring" and "determining" are absolute, rendering the BPA's offer of Board assistance one a discharger cannot rely on. As is, the current economic analysis omits this major cost to a discharger, and therefore is inadequate.

The City wishes to thank staff of the Central Valley Water Board for the opportunity formally comment on the proposed BPA and Staff Report. Please contact Delyn Ellison-Lloyd at (916) 746-1748 if you have questions or concerns regarding this comment letter.

Sincerely



Kelye McKinney, PE
Engineering Manager
City of Roseville
Environmental Utilities Department