



submitted via email

Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670
Tessa.Fojut@waterboards.ca.gov
Daniel.McClure@waterboards.ca.gov

March 24, 2017

RE: Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Pyrethroid Pesticide Discharges

Dear Staff and Board members:

The Center for Biological Diversity (“Center”) submits the following comments on the Proposed Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Pyrethroid Pesticide Discharges. The Proposed Amendments would establish controls for the discharges of pyrethroid pesticides into selected surface waters in the Sacramento and San Joaquin River Basin.

The Center urges the Central Valley Regional Water Quality Control Board (“Central Valley Water Board”) to adopt an alternative that is tied to specific numeric limits because the Proposed Alternative 8 would result in future listings and separate Total Maximum Daily Load requirements, or other control methods, when pyrethroids continue to violate water quality standards. We also urge the Central Valley Water Board to apply the proposed control program for pyrethroids to all water bodies in the Sacramento and San Joaquin River Basins in order to avoid cumulative or synergistic impacts that will continue to lead to water quality impairments for downstream water bodies.

The Center for Biological Diversity is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center for Biological Diversity has over 1.2 million members and supporters throughout the United States, including California and the Central Valley.

Pyrethroid pesticides are highly toxic to aquatic ecosystems and the Central Valley Water Board should assure that the water quality standards and limitations established by the Proposed Amendments do not allow continued exceedances of the water quality standards required under the Clean Water Act. 33 U.S.C. 1251 *et seq.* The Sacramento and San Joaquin Bay-Delta ecosystem is incredibly stressed by a range of factors including pyrethroids. Strong action by the Central Valley Water Board to reduce pyrethroids and improve water quality for drinking water

Alaska • Arizona • California • Florida • Minnesota • New York • Oregon • Vermont • Washington • Washington, DC

Jonathan Evans, Environmental Health Legal Director & Senior Attorney
1212 Broadway, Suite 800, Oakland, CA 94612
tel: (510) 844-7100 x318 fax: (510) 844.7150 email: jevans@biologicaldiversity.org
www.BiologicalDiversity.org

supplies, endangered species, and commercial fisheries is critical to its mission and mandate under the Clean Water Act.

The Center is encouraged by the actions in the Proposed Amendment to assure continued coordination and recommendations for agencies that regulate the use of pesticides including the U.S. Environmental Protection Agency (“EPA”) and California Department of Pesticide Regulation (“DPR”). As part of this coordination and recommendation process the Central Valley Water Board must assure that staff and staff time will be dedicated to comments, coordination, and communication on new and renewed pesticide registrations and uses by EPA and DPR. This coordination must emphasize restrictions on registrations and use, must limit use by the general public and certified applicators, establish riparian buffers, prohibit urban and agricultural uses in watersheds exceeding water quality standards, prohibit application in the wet season or when storms are expected, require Integrated Pest Management practices before more hazardous pesticides can be used, and limit uses that will unintentionally contaminate water bodies.

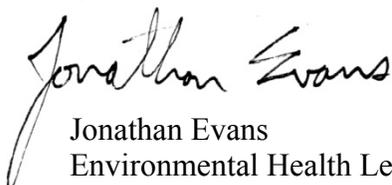
While this coordination is important it should not be a substitute for strong prohibitions enacted by the Central Valley Water Board and it must assure that the prohibitions, Total Maximum Daily Loads, and pollution control requirements are numerically based, measurable, and enforceable. The Basin Plan states that no individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses, and discharges shall not result in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses. Enforceable standards must achieve this requirement.

We emphasize that the Central Valley Water Board must assure that its analysis of the cumulative effects of introduction of these various chemicals on water quality is included in the basin amendment documents in order to assure that the cumulative and synergistic affects of pesticides and other non-point and environmental factors are properly considered.

Finally we encourage the Central Valley Water Board to rely upon the most environmentally protective pyrethroid concentration goal. Given the highly impacted status of the Sacramento and San Joaquin Bay-Delta ecosystem and that pyrethroids are identified as a likely cause of that decline, the pyrethroids targets should be well below toxic thresholds to ensure pyrethroids are not contributing to the further decline of aquatic life and endangered fish in the Delta. The unknowns related to additive and temperature impacts should not be dismissed, but lead the board to choose the most protective alternative.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Evans". The signature is written in a cursive, flowing style.

Jonathan Evans
Environmental Health Legal Director