



California Stormwater Quality Association®

Dedicated to the Advancement of Stormwater Quality Management, Science and Regulation

May 20, 2014

Ms. Jeanine Townsend
Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: Proposed TMDL for Toxicity and Pesticides in the Santa Maria Watershed

Dear Ms. Townsend and Members of the Board:

On behalf of the California Stormwater Quality Association (CASQA¹), thank you for giving us the opportunity to provide input into the State Water Board's review of the proposed TMDL for toxicity and pesticides in the Santa Maria Watershed. Although CASQA does not normally comment on regional TMDLs, this particular TMDL includes elements of statewide significance. It is the first California Water Board TMDL since the mid-2000s to address pesticides that are currently used in California's urban areas.

CASQA is concerned about pesticides because, on a recurring basis, the use of U.S. EPA and DPR-approved pesticides has resulted in adverse impacts to water quality and aquatic life in receiving waters, potentially leading to violations of NPDES stormwater permits. In recent years, numerous studies have documented the presence of pesticides and pesticide-caused toxicity in both water and sediment of California's urban waterways. According to the State Water Board, toxicity is widespread in California watersheds—and is almost exclusively caused by currently used pesticides.² As the staff report recognizes, the presence of pyrethroids in the Santa Maria River watershed is not unique. Last summer, CASQA compiled pyrethroids monitoring data from California urban areas and found that water and sediment toxicity is widespread in urban waters, with pyrethroids almost always identified as the apparent cause.³ These findings were not really news to us, as CASQA has long recognized the serious challenge posed by pesticide pollution in urban watersheds.

CASQA supports the overall framework for the urban pyrethroids portion of the proposed TMDL, which builds on collaborative efforts that CASQA embarked on many years ago in cooperation with California Water Boards.

¹ CASQA is comprised of stormwater quality management organizations and individuals, including cities, counties, special districts, industries, and consulting firms throughout California. Our membership provides stormwater quality management services to more than 22 million people in California.

² Hunt, J., Markiewicz, D., and Pranger, M. (2010) *Summary of Toxicity California Watersheds, 2001-2009*. Prepared for the California State Water Resources Control Board Surface Water Ambient Monitoring Program.

³ Ruby, A. (2013). *Review of Pyrethroid, Fipronil and Toxicity Data from California Urban Watersheds*. Prepared for the California Stormwater Quality Association (CASQA) by Armand Ruby Consulting

CASQA long ago determined that proactive engagement with pesticide regulators was the best means to achieve the goal of ensuring that currently registered pesticides do not impair urban receiving waters. For many years, CASQA has collaborated with the Water Boards in a coordinated statewide effort to address urban pesticides water pollution. This unique collaboration between Water Boards (including the Central Coast Region) and dischargers is called the Urban Pesticides Pollution Prevention Partnership or “UP3 Partnership.” Our collaborative work with the California Department of Pesticide Regulation (DPR) has resulted in significant changes in pesticide regulation. The pyrethroids application regulations⁴ that DPR adopted in 2012—specifically to protect California’s urban watersheds—provide strong evidence of the success of our collaboration.

DPR has committed to continued collaboration with Water Boards and CASQA to solve pesticide water pollution problems in urban areas. Based on this commitment, and DPR’s recognition that state law prevents municipal regulation of pesticide use, we expect that DPR will continue to take the lead for addressing future urban pesticide water pollution, as it has already been doing for pyrethroids.

We support the TMDL’s integration of the collaborative statewide UP3 Project approach in both the staff report and the proposed Basin Plan amendment. We particularly appreciate that the staff report explicitly recognizes that State and Federal pesticide regulators—not municipalities—have the authority and primary responsibility to end urban pesticide water pollution. The proposed Basin Plan Amendment contains two critical elements to integrate the collaborative approach:

1. For urban water bodies, full implementation of pesticide regulators’ authorities can be the primary mechanism for addressing pyrethroids impairments.
2. TMDL implementation monitoring for urban areas can be linked with the DPR-Water Board monitoring programs that are currently underway to assess the effectiveness of DPR’s pyrethroids regulations. Tremendous opportunities exist to improve California’s disjointed programs for pesticides monitoring in urban watersheds. CASQA, the Water Boards, and DPR are just beginning discussions of how we can better coordinate and potentially collaborate on a broader basis to improve the effectiveness our pesticides monitoring programs.

The TMDL anticipates a future of continued collaboration among the Water Boards, CASQA, and DPR toward ending pyrethroids water pollution in California urban areas. CASQA agrees with and supports this vision. We look forward to continuing to work with your staff and with local municipalities on ending pyrethroids water pollution and on preventing future urban pesticides water pollution.

⁴ California Code of Regulations, Title 3. Food and Agriculture. Division 6. Pesticides and Pest Control Operations, Chapter 1. Pesticide Regulatory Program. Section 6970. Effective July 2012.

Thank you for your consideration of our comments. If you have any questions, please contact Dave Tamayo, CASQA Pesticide Subcommittee Co-Chair, at (916) 874-8024 (tamayod@SacCounty.net); or CASQA Executive Director Geoff Brosseau at (650) 365-8620.

Sincerely,



Gerhardt Hubner, Chair
California Stormwater Quality Association

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