

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2006-0026

RICE PESTICIDE PROGRAM - CONTROL OF RICE PESTICIDES IN 2006

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

1. In 1990 the California Regional Water Quality Control Board, Central Valley Region (hereafter the Regional Board), established performance goals and a conditional prohibition of discharge for five rice pesticides in the fourth edition of its Water Quality Control Plan (hereafter Basin Plan); and
2. The Basin Plan states that the discharge of irrigation return flows containing carbofuran, malathion, methyl parathion, molinate and thiobencarb is prohibited unless the discharger is following management practices approved by the Regional Board, and that implementation of these management practices must be expected to result in compliance with the performance goals; and
3. The Basin Plan contains the following rice pesticide performance goals applicable to all waters designated as freshwater habitat: carbofuran (0.4 µg/l), malathion (0.1 µg/l), methyl parathion (0.13 µg/l), molinate (10 µg/l) and thiobencarb (1.5 µg/l); and
4. The Basin Plan also contains a water quality objective of 1.0 µg/l thiobencarb in waters designated for municipal and domestic supply. This level is also the secondary maximum contaminant level (MCL) set by the Department of Health Services to prevent taste complaints in drinking water supplies; and
5. In 1983, in consultation with the Regional Board and other agencies, the California Department of Food and Agriculture established the Rice Pesticide Program to address fish toxicity and drinking water taste concerns related to rice pesticides; and
6. In 1991, the California Department of Pesticide Regulation (DPR) was established and assumed responsibility and oversight of the Rice Pesticide Program; and
7. DPR has assumed the lead regulatory role under the California Environmental Quality Act (CEQA) by developing the rice pesticide control effort pursuant to its certified program; and

8. DPR and the County Agricultural Commissioners (CAC) have established adequate restrictions on the use of rice herbicides to meet water quality standards and have made enforcement of these restrictions a priority; and
9. DPR and the CACs have established a communication and coordination mechanism with the Board regarding the Rice Pesticide Program; and
10. In 2003 the California Rice Commission (CRC), a commodity group representing California rice growers and handlers, took over responsibility for the documenting compliance with the Rice Pesticide Program, including monitoring and preparation of the annual report; and
11. On 20 March 2003, the Regional Board granted approval of management practices for the 2003 rice season with several new conditions including formation of a Storm Event Work Group, increased monitoring of thiobencarb, increased focus on seepage, prohibiting use of Bolero® 10G in the Sacramento Valley, new restrictions on the use of thiobencarb near rivers, and increased education efforts including CRC-hosted preseason mandatory stewardship meetings; and
12. In a letter on 28 March 2005 DPR recommended 2005 permit conditions to the CACs, based on the 2005 Board Resolution No.R5-2005-0051, which upheld the conditions put in place in 2003 with slight modifications; and
13. DPR provided the CRC with use reporting data and enforcement data for inclusion in the CRC's annual report by the 1 December due date set by the Board; and
14. In the 1 January 2006 annual report (*CRC Report*), CRC provides monitoring data for the past rice season; and
15. Monitoring data collected during the 2005 season showed a continuation of lower concentrations of thiobencarb in agricultural drains and the Sacramento River than seen in the 2002 season; and
16. The CRC, DPR and Regional Board staff met on 12 January 2006 to discuss recommendations which were formalized in a 27 January 2006 CRC memo *Rice Pesticide Program – 2006 Consensus Recommendations*, which recommends essentially the same conditions as the past three years; and
17. The Regional Board concludes that based on the low levels of thiobencarb seen in 2005, the existing Program, with slight modifications in language, should continue to prevent discharges containing thiobencarb from exceeding the Basin Plan objective of 1 µg/l in drinking water supplies; and
18. Carbofuran is no longer available for use on rice fields; and

19. The Rice Pesticide Program concludes that there will be no adverse impacts to the environment and after reviewing the control program conducted in 2005, the Board agrees that the management practices should meet the performance goals and that there will be no significant impact on water quality; and
20. The Regional Board held a public meeting in which it considered all comments regarding management practices to control the five rice pesticides;

THEREFORE BE IT RESOLVED:

- 1) The Regional Board approves the management practices for the 2006 Rice Pesticides Program, subject to the following conditions, as discussed in the 27 January 2006 CRC memo *Rice Pesticides Program – 2006 Consensus Recommendations*:
  - a) Continuation of the management practices incorporated into the 2005 use permits, as recommended by DPR to the CACs in the 28 March 2005 letter *Rice Pesticides Program 2005*, with modifications for 2006 as discussed below.
  - b) A permit should not be issued unless the permit applicant, or his/her authorized representative, has attended a 2006 Thiobencarb Stewardship Meeting sponsored by the California Rice Commission.
  - c) The use of Bolero<sup>®</sup> 10 G formulation is prohibited in the Sacramento Valley rice growing counties of Butte, Colusa, Glenn, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba.
  - d) No aerial applications shall be made or continued within ½ mile of the Sacramento or Feather rivers in the Sacramento Valley rice growing counties of Butte, Colusa, Glenn, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba unless there is a continuous positive airflow away from the river.
  - e) In the Sacramento Valley rice growing counties of Butte, Colusa, Glenn, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba, no aerial application shall be made or continued within ½ mile of the Sacramento or Feather Rivers when the wind speed exceeds seven (7) miles per hour.
  - f) In Sacramento and Yolo counties, no aerial applications shall be made or continued within ¼ mile of the Sacramento River unless they are made under the direct supervision of the commissioner's representative.
  - g) In Sacramento and Yolo counties, the maximum acres treated by air each day within ¼ mile of the Sacramento River shall not exceed 33% of the average acres treated per day by air within this area in each county during 2002.
  - h) The Communication Plan developed by the Storm Event Work Group in 2004 and updated in 2005 will be utilized in the event of a severe storm occurrence. The Storm Event Work Group will continue to meet as needed.
  - i) Monitoring of thiobencarb and molinate will continue to include four monitoring sites (CBD5, CBD1, BS1 and SR1), as in 2005 monitoring, at all sites to focus on the period of heaviest pesticide use. The fifth site, SS1, will change to the alternative location at Sacramento Slough Bridge (SSB). If a severe storm occurs, the CRC will monitor storm-related releases from a closed system.

- j) The CRC will continue to fund additional county surveillance at non-traditional hours at the same level as 2005.
  - k) If the water quality objective for thiobencarb is not met during the 2006 rice season, the CRC, after consultation with DPR, will return before the Board with actions to be implemented to achieve the water quality objective for the 2007 rice season.
- 2) Board approval will not be considered final until DPR submits documentation of transmittal of conditions to the CACs in a form essentially the same as that approved by the Board. The Executive Officer may ask that the Program be brought back to the Board for approval if the conditions are not accurately relayed; and
  - 3) The Regional Board encourages DPR to provide the 2006 pesticide use and enforcement data to the CRC by December 1 2006 to allow the CRC the opportunity to submit their annual report by 1 January 2007; and
  - 4) The CRC is requested to provide a written annual summary of the results of the Rice Pesticide Program by 1 January 2007.

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 17 March 2006.

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PAMELA C. CREEDON, Executive Officer