

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2007-0018

RICE PESTICIDE PROGRAM - CONTROL OF RICE PESTICIDES IN 2007-2009

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 2006 DPR recommended 2006 permit conditions to the CACs, based on restrictions developed under the pesticide regulatory program and the 2006 Board Resolution No.R5-2006-0026; 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 December 2006 annual report (*CRC Report*), CRC provides monitoring data for the past rice season; and
15. The CRC Report recommends use of management practices that are essentially the same as those used during the past four years; and
16. The Regional Board concludes that based on the low levels of thiobencarb seen in 2006, the existing Program should continue to prevent discharges containing thiobencarb from exceeding the Basin Plan objective of 1 µg/l in drinking water supplies; and
17. Carbofuran is no longer available for use on rice fields; and
18. The Rice Pesticide Program concludes that there will be no adverse impacts to the environment and after reviewing the control program conducted in 2006, the Board agrees that the management practices should meet the performance goals and that there will be no significant impact on water quality; and

19. 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 2007-2009 Rice Pesticides Program, subject to the following conditions, as discussed in the December 2006 CRC Report:
 - a) Continuation of the management practices incorporated into the 2006 use permits, as recommended by DPR to the CACs in 2006, with modifications for 2007-2009 as discussed below.
 - b) A permit should not be issued unless the permit applicant, or his/her authorized representative, has attended a Thiobencarb Stewardship Meeting sponsored by the California Rice Commission.
 - c) Monitoring of thiobencarb and molinate will continue to include four monitoring sites (CBD5, CBD1, BS1 and SSB), as in 2006 monitoring, at all sites to focus on the period of heaviest pesticide use. If a severe storm occurs, the CRC will monitor storm-related releases from a closed system.
 - d) The CRC will continue to fund additional county surveillance at non-traditional hours at the same level as 2006.
 - e) If the water quality objective for thiobencarb is not met, the CRC, after consultation with DPR, will return before the Board with actions to be implemented to achieve the water quality objective for the following 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 pesticide use and enforcement data to the CRC by 1 December of each year to allow the CRC the opportunity to submit their annual report by 1 January; and
- 4) The CRC is requested to provide a written annual summary of the results of the Rice Pesticide Program by 1 January of year.

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 15 March 2007.

PAMELA C. CREEDON, Executive Officer