Attachment J. California Pesticide Management Plan for Water Quality

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An Implementation Plan
for the Management Agency Agreement between

The Department of Pesticide Regulation
and
The State Water Resources Control Board

California Environmental Protection Agency

California Environmental Protection Agency
Department of Pesticide Regulation

State Water Resources Control Board

Pesticide Management Plan for Water Quality

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for the Management Agency Agreement between

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and
The State Water Resources Control Board

Prepared by an interagency workgroup from the Department of Pesticide Regulation
and the State Water Resources Control Board

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ACKNOWLEDGMENTS

The workgroup expresses appreciation for careful review and thoughtful comments by an advisory committee composed of County Agricultural Commissioners and Regional Water Quality Control Board

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Pesticides are substances intended to be used for preventing or controlling pest problems, for defoliating plants, or for regulating plant growth. They are used in a variety of ways that benefit society. Agricultural production, public health and safety programs, structural pest control, ornamental landscapes, and exotic pest control programs all rely to some degree on the availability and use of

However, pesticides can also have detrimental effects, including offsite movement to surface water at concentrations that can adversely affect aquatic organisms and human health. Responsible pesticide use maximizes the benefits of use while minimizing the adverse effects that pesticides can cause.

The Food and Agricultural Code (FAC) authorizes DPR to register pesticides for sale and use in the State. The FAC also authorizes DPR and the Commissioners to regulate the sale, storage, handling, and use of pesticides, and states that one of the purposes of the pesticide regulatory program is to protect the environment from environmentally harmful pesticides. The California Water Code (CWC) states that the State and Regional Boards are the principal state agencies with primary responsibility for the coordination and control of activities related to water quality. The result is that the FAC and the CWC provide overlapping authorities for protecting water quality from pesticides. This can lead to duplication

A. Education and Training Programs

The objective of the Education and Training Programs of the Plan is to increase awareness among pest control advisers, pest control businesses, growers, farm managers, homeowners, and other pesticide users in agricultural and nonagricultural situations regarding water quality issues and reduced-practices so that they can help prevent water quality problems. There are several options that DPR with

-page fact sheet for the general public that discusses pesticide use and water protection.

6. The Commissioners can provide information and training when they issue restricted material permits, and operator identification numbers, or register structural and agricultural pest control operators, maintenance gardeners, and pest control advisers. This outreach and training would target urban, rural, The Commissioners also conduct training sessions, meet with interested citizens, groups, and the regulated community.

B. Public Information Programs

The purpose of the Public Information Programs is to ensure public awareness and coordinate responses

1. Notify the general public concerning water quality issues through news releases and public service announcements from State and Regional Boards, DPR, and Commissioners.

2. Inform interested parties about upcoming meetings and changes in regulations and policy through trade journals, newsletters, and other professional publications. This information shall be posted in all offices (including districts) which license holders, permit holders, and at other locations stakeholders are

3. Distribute a one-page "fact sheet" designed to inform people about water quality issues and where to get additional information concerning water quality data, watershed planning, and status of ongoing

4. Distribute information about public meetings, hearings and changes in laws, regulations and policies

5. Compile water quality issues, standards, management options, responses to the public, and other

-adopted plan is the Bay-Delta Plan. Work is underway to develop a new Inland

E. Water Quality Objectives

A water quality objective is the limit or level of a water quality constituent or characteristic established for the reasonable protection of beneficial uses of the water or the prevention of a nuisance in a specific area [CWC section 13050(h)]. Thus, the designated beneficial uses to be made of the water result in objectives based upon sound scientific rationale to protect the designated beneficial uses.

Factors to be considered in establishing water quality objectives shall include, but not be limited to, all

1. Past, present, and probable future beneficial uses of water.

2. Environmental characteristics of the hydrographic unit under consideration, including the quality of

3. Water quality conditions that could reasonably be achieved through the coordinated control of all

4. Economic considerations.

5. The need for developing housing within the region.

6. The need to develop and use recycled water.

Water quality objectives can be either numerical values based upon CWA guidance [section 304(a)] or other scientifically defensible methods or narrative objectives with which compliance is evaluated through methods such as biomonitoring or chemical analysis. Water quality objectives must support the most sensitive of the designated beneficial uses (40 CFR 131.11).

F. Water Quality Standards

The CWA requires states to develop water quality standards for all surface waters. In California, water quality standards are established through the basin planning process. Water quality standards consist of the designated beneficial uses and water quality objectives of the Statewide and Basin Plans. Water quality standards shall protect the public health or welfare, enhance the quality of water, and serve the purposes of the CWA. Such standards must take into consideration the use and value of water for:

and propagation of fish, shellfish, and wildlife; (3) recreation in and on the water; and (4) agricultural, industrial, and other purposes including navigation [CWA section 303(c)].

G. Antidegradation Policy

Water quality standards must also conform to federal regulations covering antidegradation (40 CFR Section 131.12) and State Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California." Application of the antidegradation provisions to the standard setting process requires supporting documentation and appropriate findings whenever a standard (beneficial use and water quality objective) would allow a reduction in water quality below currently existing water quality or below higher water quality which may have existed since 1968. The federal antidegradation regulation does not absolutely bar reductions in water quality in surface waters. Rather, the regulation requires that reductions in water quality be justified to accommodate important social and economic development as long as instream beneficial uses are not impaired and the water quality of any waters constituting an outstanding national resource is maintained and protected. Under -16, which applies to all waters of the State, the State and Regional Boards must adopt findings that show that the change is for the maximum benefit of the people of the

H. Implementation

The State and Regional Boards ensure that water quality objectives are achieved through various implementation programs including issuance of waste discharge requirements, monitoring, compliance inspections, and enforcement actions such as issuance of cleanup and abatement orders, cease and desist orders, and administrative civil liability orders.

V. GROUND WATER PROTECTION PROGRAM

In 1985, California enacted the Pesticide Contamination Prevention Act (PCPA) (Division 7, Chapter 2, Article 15, FAC). The purpose of the PCPA is to prevent further pesticide pollution of ground water from legal agricultural use of currently registered pesticides. Pollution as used in this act is defined in section 13142(j) as meaning the introduction into the ground waters of the state of an active ingredient, other specified product, or degradation product of an active ingredient of an economic poison above a level, with an adequate margin of safety, that does not cause adverse health effects. This act has been incorporated into DPR's overall ground water protection program and provides a mechanism for identifying and tracking pesticides with the potential to pollute ground water.

A. Pollution Prevention Program

The PCPA requires DPR to identify pesticidal active ingredients with the potential to pollute ground water by leaching based on their specific chemical and physical properties and specific uses. These chemicals are placed on the Ground Water Protection List in regulation and are monitored by DPR in ground water. The PCPA (FAC section 13149 and 13150) establishes procedures for reviewing and modifying the use of pesticides found in ground water or in soil under certain conditions as a result of legal agricultural use. These use modifications are designed to prevent pesticides from reaching ground water at concentrations that would be considered pollution.

As part of its pollution prevention program, DPR yearly conducts a statewide educational program that is required for those pesticide advisors who write the ground water protection advisories that are required before certain pesticides can be used in designated areas sensitive to ground water pollution by pesticides. It is intended that this program will promote reduced-risk practices in these sensitive areas for users of pesticides on the 6800(a) portion of the Ground Water Protection List. This list contains pesticides that have the potential to pollute ground water based either on their detection in ground water due to agricultural use or on their physical, chemical, and use characteristics.

DPR evaluates the effect of climate, soil type, product formulation, method and rate of application of pesticides, timing and method of irrigation, seasonal timing of application of pesticides, and other factors affecting the movement of the pesticides to ground water. From this evaluation, DPR develops -risk practices to minimize movement of pesticides to ground water. To identify areas sensitive to ground water pollution by pesticides, DPR uses a model based on climate and soil type.

The County Agricultural Commissioners and Sealers Association has accepted a stewardship program for wellhead protection that may be adopted at the discretion of each Commissioner. The program consists of guidelines and management practices to prevent pesticide contamination of ground water from wells. The general guidelines for wellhead protection are:

1. No well should serve as a catchment or receiving basin for surface water runoff containing pesticide -siphoning during mixing, rinsing, or chemigation.

2. Storage, handling, and disposal of pesticides (including mixing, loading, and cleaning practices) should not occur in the immediate vicinity of a wellhead.

3. Pest control around a wellhead should be achieved, whenever possible, by nonchemical means.

-applied pesticides should be avoided when chemical controls must be considered around a

The following regulations enable DPR and the Commissioners to better regulate the handling of pesticides to prevent pollution of ground water:

1. 3 CCR section 6610 requires that each service rig and piece of application equipment that handles pesticides and draws water from an outside source shall be equipped with an air-gap separation, reduced pressure principle backflow prevention device, or double check valve assembly. Backflow protection must be acceptable to both the water purveyor and the local health department.

2. 3 CCR section 3142 specifies the proper disposal of legally rinsed pesticide containers.

3. 3 CCR section 3143 specifies the proper disposal of pesticides and unrinsed pesticide containers.

B. Monitoring of Ground Water

Monitoring is an important component of DPR's ground water protection program. DPR conducts four

1. Ground water protection list monitoring to determine whether pesticides identified as having the potential to pollute ground water have moved to ground water.

1. An active ingredient of a pesticide is found at or below specified soil depths.

2. An active ingredient of a pesticide is found in the ground waters of the state.

3. The degradation products or other specified ingredients of a pesticide that pose a threat to public health are found under either conditions (1) or (2).

If DPR verifies a detection and determines that it is the result of a legal agricultural use, DPR is required to immediately notify the registrant of the determination and of the registrant's opportunity to request a hearing [FAC section 13149(b)]. If the registrant requests a hearing, DPR schedules a hearing of a PREC subcommittee of consisting of one member each representing DPR, the Office of Environmental Health and Hazard Assessment, and the State Board. If the registrant does not request the hearing within 30 days after the notice is issued, DPR shall cancel the registration of the economic poison [FAC section 13149(c)]. The subcommittee is authorized to make one of the following findings:

1. That the ingredient found in the soil or ground water has not polluted and does not threaten to pollute,

2. That the agricultural use of the pesticide can be modified so that there is a high probability that the pesticide would not pollute the ground water of the state.

3. That the modification or cancellation of the agricultural use of the pesticide would cause a severe economic hardship to the agricultural industry. In this case, the subcommittee recommends a level of the pesticide that does not significantly diminish the margin of safety recognized by the subcommittee to not

DPR notifies the State Board and other members of the PREC of pesticides that are under review for

3. Surveillance Monitoring

Surveillance monitoring is used to help identify potential problems before direct evidence of impairment of water quality is available. DPR and the State Board, in consultation with the Regional Boards and Commissioners, will develop sampling protocols for monitoring sites with the highest potential for the

presence of pesticides. Sites will be selected based on activities and natural characteristics within the watershed including, but not limited to, pesticide use and application methods, crop production characteristics, and irrigation and rainfall patterns. Biotoxicity monitoring, toxicity identification evaluations, and chemical analyses will be performed using protocols (e.g., American Society for Testing and Materials (ASTM), U.S. EPA) and other methods approved by DPR and the State Board. DPR and the State Board will monitor these sites as resources allow. Data from surveillance monitoring activities will be evaluated as described below.

B. Submission of Monitoring Data

DPR will describe the desired format for submissions of pesticide detections. Analytical data contained in such submissions should include the following:

1. Sampling party

2. Date of sample

3. Location of sampling site (including latitude and longitude if available)

4. Method of collection

5. Chemical analyzed

6. Analytical method

7. Dates of extraction and analysis

8. Limits of quantitation

9. Individual sample concentration and

10. Quality assurance and quality control (QA/QC) statement

If biotoxicity monitoring data are included with such submissions, the data will be assessed using

DPR, Commissioners, and the State and Regional Boards will exchange information on monitoring and QA/QC procedures and lists of laboratories currently used for analyzing pesticides in water. DPR will accept for consideration all data indicating the presence of pesticides in surface water. DPR, Commissioners, and the State and Regional Boards will share such data on at least a quarterly basis. A computerized database for surface water monitoring data is being developed by DPR.

C. Evaluation of Monitoring Data

1. Determination of Valid Data

DPR will evaluate monitoring data and determine their validity based on completeness and quality. If deficiencies are noted, DPR will notify the reporting party and request upgrading if possible.

2. Primary Evaluation of Valid Data

DPR will provide secondary evaluations to the State and Regional Boards and to Commissioners for review. DPR will periodically report to the PREC on activities relating to secondary evaluations.

1. Detections Resulting from Illegal Use

DPR will refer detections determined to be from illegal uses to Commissioners and may provide technical and legal assistance to properly penalize responsible parties. The State and Regional Boards

2. Detections Resulting from Legal Use

After secondary evaluations conclude that detections of pesticides are the result of legal use of the pesticide, DPR may solicit participation of local interested parties in an advisory group. Advisory groups help identify issues, goals, mitigation options, and monitoring requirements. If the pesticides are detected in more than one region, more than one advisory group may be appropriate. Membership in advisory groups will include DPR and appropriate Regional Boards and Commissioners; other members will represent industry interests and public agencies as appropriate.

Management strategies for protecting surface water from pesticide problems may be included in four stages (as described previously), arranged in order of regulatory severity: Stage 1-- education (preventive), Stage 2-- -regulating (response), Stage 3--regulatory (DPR and Commissioners), and Stage 4--regulatory (State and Regional Boards). Stages 2, 3, and 4 are used to mitigate pesticide problems in surface water after secondary evaluations conclude that detections of pesticides are the result of legal use of the pesticide. These three stages and a procedure for developing interim water quality goals for Stage 2 and Stage 3 activities (QRLs) are described below. Stage 2 and stage 3 activities will not be delayed while QRLs are developed.

Quantitative Response Limits are numerical values used during Stage 2 and Stage 3 activities to help determine whether pesticide concentrations are in conformity with narrative water quality objectives in the absence of numerical objectives. QRLs are not intended of themselves to be enforceable standards but rather may be used as measures of success for mitigation efforts.

DPR will develop QRLs after repeated valid detections of pesticides for which there are no numerical objectives in surface water. The number of detections, water bodies affected, identity and concentrations of the pesticides, and recommendations of the State and Regional Boards will be considered when

QRLs are developed after a review of the following:

a. U.S. EPA health advisories, federal and California Maximum Contaminant Levels, and other levels

b. Water quality criteria for protecting aquatic species.

c. Biotoxicity monitoring data.

d. Other relevant toxicological data.

QRLs will be reviewed at least once every three years and updated toxicological information will be considered. Adjustments to the QRLs will be made as necessary. If federal water quality standards or numerical water quality objectives are established, such standards or objectives will replace the QRLs as

When developing QRLs and when QRLs are adjusted, DPR will seek concurrence from the State and Regional Boards and will consult with other appropriate agencies. Additional information will be sought

(10) Sources of funding, if any, for Stage 2 activities, including monitoring.

DPR will review the plan in consultation with Commissioners and the Regional Boards and notify the sponsor of the outcome. If the plan is rejected, DPR will indicate elements that were not adequately addressed and establish time lines the sponsor must meet for resubmittal to DPR for review. If DPR agrees with the plan, DPR will report to the PREC.

After a plan is approved, the sponsor must submit a progress report to DPR annually. DPR may recommend reevaluating mitigation options with the advisory group if progress is unsatisfactory in meeting timetables for implementing management practices and improving water quality. DPR will report to the PREC the outcome of the review of the progress report.

If there are no sponsors forthcoming to implement the self-regulation stage, other measures will be taken, such as Stage 3 or Stage 4.

--Regulatory Approach Using DPR's Authority

DPR and the State Board will meet at least annually to discuss existing and proposed projects, evaluate the effectiveness of the MAA and Plan, to discuss DPR and State Board priorities, and consider changes to the MAA and Plan. The Commissioners and Regional Board staff are encouraged to attend and to submit items for the agenda. Prior to each meeting, an agenda will be mailed to every Regional Board and Commissioners. Meeting summaries which recap the issues and outcome of any evaluations will be provided in writing to each Regional Board and Commissioner.

Decisions and information from these meetings will be publicized and distributed by State Board and DPR to their respective interested parties mailing list.

C. Other Information

DPR, Commissioners, and the State and Regional Boards will exchange other information as follows:

1. To the fullest extent possible, DPR, Commissioners, and State and Regional Boards will exchange records, reports, material, and any other information relating to water, water rights, water pollution or quality, or any areas of mutual concern to the end that unnecessary duplication of efforts may be

2. Written protocols or workplans on monitoring projects addressing nonpoint surface or ground water quality and pesticides prior to monitoring activities.

3. Data from pesticide use reporting as soon as they are available.

4. DPR and State Board will update information used in the Water Quality Assessment.

5. Final reports on projects of mutual interest.

6. On the local level, information can be shared between DPR, the Commissioners, and State and Regional Boards through the quarterly Commissioner's meeting required by the FAC.

As required by CWC section 13163 (c), any agency shall submit to the State Board plans for and results of all investigations that relate to or have an effect upon water quality for review and comment.

D. Procedures to Protect Proprietary Information

These procedures are described in DPR's policy document contained in Appendix VI.

VIII. DISPUTE AND CONFLICT RESOLUTION PROCEDURES

A. Informal Procedures

It is the desire of both agencies to establish a speedy, efficient, and informal method for resolving interagency conflicts. If a conflict arises at any point in implementing activities described in the Plan, the party or parties identifying the conflict will discuss it first with the MAA coordinators. The MAA coordinators will verbally or in writing discuss and resolve interagency procedure conflicts by a specified time. When appropriate, a representative of the Regional Board(s) and a representative of the

If these attempts do not successfully resolve the conflict, then formal procedures will be followed.

B. Formal Procedures

The MAA coordinators will provide a description of the conflict simultaneously to the State Board's to DPR's Assistant Director for the Division of Enforcement, Environmental Monitoring, and Data Management. If the conflict cannot be resolved by a specified time, it will be referred to the State Board's Executive Director and DPR's Director. Each Director will appoint one staff member to assist in resolving conflicts. If the conflict cannot be resolved by a specified time at this level, then it may be referred to the Secretary of the California Environmental Protection

-risk practices: least disruptive of natural controls, least hazardous to human health, least toxic to nontarget organisms, least damaging to the environment, most likely to produce a permanent reduction in the supportive environment for the target pest(s), and most -effective considering both short- -term objectives.

6. Establish and maintain an accurate record-keeping system to catalog monitoring information and document management procedures.

7. Evaluate the effectiveness of the IPM program and make adjustments as needed.

forces of leaching and runoff, e.g., schedule soil applications after large irrigations for frost protection, leaching of salts, or replenishing deep soil moisture. Allow at least a 12-hour time interval between pesticide application and predicted runoff events.

7. Reduce drift:

a. Apply pesticides only when wind speed is less likely to result in drift.

b. Use low delivery pressure and nozzles that do not create ultra-small droplets that can easily drift off-

c. Use spray adjuvants that enhance penetration of leaf and soil surfaces.

8. Equip each service rig and piece of application equipment that handles pesticides and draws water -gap separation, a reduced pressure principle backflow prevention device, or a double check valve assembly. Backflow protection must be acceptable to both the water purveyor and the local health department (3 CCR, section 6610).

9. Mix, load, and store pesticides at least 100 feet away from water sources, pumps, well heads and sink holes. Store pesticides in a secure and dry site.

10. Properly rinse spray equipment and use closed mixing systems in compliance with 3 CCR, section 6746 to facilitate a triple rinse of the empty pesticide container in compliance with 3 CCR, section 6684 and safely apply the rinsate to the target field or dispose of safely.

11. Use returnable, refillable liquid pesticide containers when available. Properly dispose of pesticide containers in compliance with 3 CCR, sections 6670-

12. Prepare an emergency spill and response plan for each chemical tank truck.

D. Water and Soil Conservation

Minimize water, soil, and sediment losses from treated sites.

1. Improve irrigation system uniformity, and manage irrigation timing and amount to minimize deep

2. Use crop rotations, crop residue management, cover crops, conservation tillage, vegetative filter strips, grade stabilization structures, or sediment basins to minimize soil erosion and runoff velocity from rainfall and irrigation and allow sediment deposition.

3. Install irrigation tailwater return systems to reduce runoff, allowing more time for pesticide

4. For control of urban runoff from new development and construction, avoid conversions of areas particularly susceptible to erosion and sediment loss and/or establish development guidance that identifies these areas and protects them from erosion and sediment loss. These areas are characterized by steep slopes, highly erodible soils, periods of intense rainfall, and inability to revegetate once disturbed.

E. Drainage and Disposal of Surface Water Runoff

Prevent the transport of runoff from treated areas to surface waters and wetlands and to sites that may serve as pathways for ground water contamination, including production water wells, dry wells, and

(3) Wherever practicable, maintain peak runoff rates at predevelopment levels.

2. Sites that may serve as pathways for ground water contamination.

a. Production water wells.

(1) Divert the flow of runoff from treated areas to bypass entirely the area where a production water wellhead is located. Where this is not possible, protect the well by sealing or repairing the wellhead or

(2) Properly seal new wells, add safeguards to old wells, and properly destroy abandoned wells.

b. Infiltration drainage structures and sites.

(1) Alter drainage design where necessary to divert runoff from treated areas away from dry wells, infiltration basins, and other infiltration sites.

(2) Properly destroy unused, nonfunctional, improperly constructed or improperly located dry wells and infiltration basins. Dry wells and infiltration basins that are not constructed with the proper setback distance from the water table (in compliance with local ordinances) or are located in areas of shallow ground water may present a pathway for ground water contamination.

FIFRA section 26(a) authorizes a state to have primary enforcement responsibility for federal use

1. Has adopted adequate pesticide use laws and regulations.

2. Has adopted and is implementing adequate procedures for the enforcement of such laws and

3. Will keep the records and make reports showing compliance with 1 and 2 above.

U.S. EPA has determined that DPR qualifies under these standards and has primary enforcement responsibility for pesticide use violations in California.

FIFRA section 11(2) authorizes states to certify applicators of federal restricted use pesticides if states submit a plan for U.S. EPA approval. DPR has submitted a plan and is authorized by U.S. EPA to

6. To encourage the development and implementation of pest management systems, stressing application of biological and cultural pest control techniques with selective pesticides when necessary to achieve acceptable levels of control with the least possible harm to nontarget organisms and the environment.

FAC section 12753 defines "economic poison" as any of the following:

1. Any spray adjuvant.

2. Any substance, or mixture of substances that is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in section 12754.5, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever.

As defined in section 12754.5, "pest" means any of the following that is, or is liable to become, dangerous or detrimental to the agricultural or nonagricultural environment of the state:

1. Any insect, predatory animal, rodent, nematode, or weed.

2. Any form of terrestrial, aquatic, or aerial plant or animal, virus, fungus, bacteria, or other microorganism (except viruses, fungi, bacteria, or other microorganisms on or in living man or other

3. Anything that the Director, by regulation, declares to be a pest.

-Cologne Act applies to both surface and ground waters, point and nonpoint sources, and waste discharges to land.

It is the intent of the Porter-Cologne Act to create a water quality control program administered regionally within a framework of statewide coordination and policy. The State Board provides program guidance and oversight to the Regional Boards through adoption of statewide regulations, plans, policies, and administrative procedures. The State Board and Regional Boards carry out their water

-Cologne Act provides Regional Boards with additional enforcement powers to address unauthorized discharges, discharges violating WDRs or prohibitions of discharge,

violations of reporting or monitoring requirements, or other activities that threaten water quality. The State Board may use its water rights authority to enforce requirements for the protection of water

The State Board has authority to administer all financial assistance programs administered by the State pursuant to the CWA. Additional water quality authority provided by the Porter-Cologne Act includes provisions for grants and loans for waste water treatment facilities, a State water pollution cleanup and abatement account, regulation of reclaimed water use, sewage treatment plant operator certification, regulation of water wells, monitoring wells and cathodic protection wells, and regulation of waste

Chapter 5.5 of the Porter-Cologne Act authorizes regulation of point source discharge of pollutants to surface waters through WDRs, which also serve as National Pollutant Discharge Elimination System (NPDES) permits required under the federal CWA. Chapter 5.5 also authorizes regulation of sewage sludge use and disposal, disposal of pollutants into wells, and pretreatment of waste.

In addressing nonpoint source problems, the State Board and Regional Boards generally use three management approaches: (1) voluntary implementation of best management practices (BMPs), (2) -based encouragement of BMPs implementation, and (3) effluent requirements. It will generally be up to the Regional Boards to decide which option(s) to use to address particular problems. The Regional Boards generally refrain from imposing effluent requirements on dischargers who implement BMPs in accordance with a State Board or Regional Board's formal action.

In some cases, BMPs developed through a nonpoint source management program may be implemented through the NPDES program. Activities commonly thought of as nonpoint sources may result in point source discharges in specific cases where the discharge happens to occur through a pipe, ditch, or other confined and discrete conveyance. Moreover, an NPDES permit may impose BMPs on an industrial facility to control nonpoint sources of discharge of toxic or hazardous pollutants from ancillary

2. Specific Programs

a. Aboveground Petroleum Storage

-liner and leachate collection system, and requires closure of all nonexempt sites. TPCA construction standards essentially mirror existing prescriptive standards for Class I surface impoundments in Chapter 15 (CCR Title 23, Division 3), regulations for discharge of waste to land. The TPCA also requires the facility owner or operator to submit a hydrogeological assessment report to the

Uses of the waters of the State (any water, surface or underground within the boundaries of the State) that may be protected against quality degradation include, but are not limited to, domestic, municipal, agricultural, and industrial supply; power generation; recreation; esthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

Best Management Practices

Methods, measures, and practices selected by an agency to meet its nonpoint source pollution control needs. These include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of water.

County Agricultural Commissioner.

reduced risk practices. If adequate protection cannot be achieved by Stage 2, DPR and the county agricultural commissioners will implement Stage 3. In Stage 3, reduced-risk practices will be implemented based on restricted material use permit requirements, regulations, and other regulatory authority used by DPR and the county agricultural commissioners. If Stage 4 is necessary, the State and Regional Boards will use water quality control planning programs or other appropriate regulatory measures consistent with applicable authorities and the provisions of the Nonpoint Source Management Plan approved by the State Board. These four stages may not be implemented in sequential order, but

Ground Water Protection List monitoring

Conducted to determine whether residues of suspected leachers listed in 3 CCR 6800(b) occur in ground

Management Agency Agreement

Agreements between government agencies to coordinate water quality issues.

The term mitigation as used for the MAA and Plan means to moderate or eliminate an existing condition -risk practices as noted in Appendix II of the Plan. It does not include remediation, provide other water supplies, or create wetlands.

Nonpoint Source Pollution

Pollution that originates from diffuse sources.

Nonpoint Source Management Plan

Adopted by the State Board in 1988, the Plan outlines three management approaches in addressing nonpoint source problems, including pesticide runoff:

Adopted by the State Board to address water quality concerns for surface waters that overlap Regional Board boundaries, are statewide in scope, or are otherwise considered significant.

Water quality objectives

The limit or level of a water quality constituent or characteristic established for the reasonable protection of beneficial uses of the water or the prevention of a nuisance in a specific area [CWC Section 13050 (h)]. Thus, the designated beneficial uses to be made of the water result in objectives based upon sound scientific rationale to protect the designated beneficial uses.

Factors to be considered in establishing water quality objectives shall include, but not be limited to, all

1. Past, present, and probable future beneficial uses of water.

2. Environmental characteristics of the hydrographic unit under consideration, including the quality of

3. Water quality conditions that could reasonably be achieved through the coordinated control of all

4. Economic considerations.

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Water quality objectives can be either numerical values based upon CWA guidance [section 304(a)] or other scientifically defensible methods or narrative objectives with which compliance is evaluated through methods such as biomonitoring methods. Water quality objectives must support the most sensitive of the designated beneficial uses (40 CFR 131.11).

Water Quality Standards

Established through the basin planning process. Water quality standards consist of the designated beneficial uses and water quality objectives of the Statewide and Basin Plans. Water quality standards shall protect the public health or welfare, enhance the quality of water, and serve the purposes of the CWA. Such standards must take into consideration the use and value of water for: (1) public water supplies; (2) the protection and propagation of fish, shellfish, and wildlife; (3) recreation in and on the water; and (4) agricultural, industrial, and other purposes including navigation [CWA section 303(c)].

APPENDIX V. Abbreviations.

BMP	Best Management Practice
	County Agricultural Commissioners and Sealers Association
	California Environmental Protection Agency
CCR	California Code of Regulations
	Title 3, California Code of Regulations
CFR	Code of Fenderal Regulations
CWA	Clean Water Act of 1972
DPR	Department of Pesticide Regulation
	Department of Toxic Substances Control
	Environmental Monitoring and Pest Management
FAC	Food and Agriculture Code
	Federal Insecticide, Fungicide and Rodenticide Act
IPM	Integrated Pest Management
	Integrated Waste Management Board
	Leaking Underground Storage Tank Information System
MAA	Management Agency Agreement

MCL	Maximum Contaminant Level
MOU	Memorandum of Understanding
	National Oceanic and Atmospheric Administration
	National Pollutant Discharge Elimination System
	Pesticide Contamination Prevention Act
PMZ	Pesticide Management Zone
	Pesticide Registration and Evaluation Committee
	Quality Assurance and Quality Control
QRL	Quantitative Response Limit
RCD	Resource Conservation District
	Resource Conservation and Recovery Act
	Safe Drinking Water Act
	Solid Waste Assessment Test
TIE	Toxicity Identification Evaluation
	Toxic Pits Cleanup Act
	United States Department of Agriculture
UST	Underground Storage Tank
	United States Environmental Protection Agency
WDR	Waste Discharge Requirements

The library staff will also apply these procedures to the control of data packages which have not completed the evaluation process, when they are made available for review in the library during that

2. The Chief of the PRB or a designated alternate will be responsible for:

a. Approving additions to the list of PREC who are authorized to review data on a continuing basis.

4. Library staff will be responsible for:

a. Providing guidelines and orientation as to the procedures to be followed by individuals in all categories who may require access to pesticide data.

b. Verifying the identity and authorization of all individuals who request access to data.

c. Maintaining a permanent file of individuals in category 1 who are/were authorized to review data and

d. Maintaining a record of data circulated to DPR staff.

e. Providing printouts of study titles to individuals in all categories so that the data volumes to be

f. Retrieving requested data volumes for review in the library or other appropriate area.

g. Maintaining a permanent register of individuals in categories 2 through 6 who visit the library to
-year record of the data volumes reviewed, and a file of the appropriate

h. Providing a secure means for disposing of duplicate copies of registrant-submitted data which may contain trade secret information.

5. DPR employees will check out all data taken from the library and will be responsible for its security

G. Company Authorized Review

1. Company representatives (category 5) will contact their assigned registration specialist for an appointment to review data, providing adequate lead time for library staff to assemble the desired material from their company's files and to arrange for a location at which the data may be reviewed.

2. When an individual in category 6 has authorization to see only certain items in a company's data volumes, copies will be made of those specific items for the purpose of the review. These copies will be retained in the library with the company's written authorization for the review, the approved Data Reference/Review Request, and the individual's Affirmation of Status.

H. Notes and Photocopies

Individuals in categories 2, 3, 4 and 6 may make notes from the data volumes they are authorized to review, subject to the provisions of California Government Code, section 6254.2, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), section 10.

Photocopies of data, including evaluation memos which may contain extracts from data, may be

-up letter is sent to inquire whether the material was received. If no response is received within 30 days of the date of this letter, the file is closed.

-up request is received, the registration specialist notifies the registrant who submitted the specific items of data that a request for release has been received. The requester receives copies of all such correspondence. Copies of title pages or other appropriate identifying material are supplied to the registrant to assist in the identification of the specific studies being requested. The registrant has 30 days from the date of receipt of this letter, which is sent certified mail/return receipt requested, to respond.

7. a. If no response is received from the registrant, the registrant is considered to have waived any objections to release of the requested data. A final notice is sent by the registration specialist indicating that the data will be released. The data is released 15 days after the receipt date of the final notice

b. If the registrant submits a justification for its claim of confidentiality, that justification is reviewed by the legal staff in consultation with appropriate division staff and the Chief of PRB. Legal staff makes the final determination as to trade secret status. The registration specialist then sends a final notice to the registrant indicating which, if any, data is exempt from release. The data are released upon the receipt of a payment for duplication, with any exempted portions deleted, no sooner that 15 days after mailing of

8. The requester receives a copy of the final notice sent to the registrant.

C. Retention of Library Copies

Once a study has been released following the trade-secret determination process, the library retains the record number of the released study in the database. Such studies may then be released in response to
-secret determination process.