



August 1, 2014

VIA EMAIL and US MAIL

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814  
commentletters@waterboards.ca.gov

Re: Comment Letter – Draft Utility Vaults Permit (GENERAL PERMIT NO. CAG990002).

Dear Ms. Townsend:

The Orange County Vector Control District appreciates the opportunity to provide comments on the proposed Draft Utility Vaults Permit (GENERAL PERMIT NO. CAG990002). We advise that this permit recognize that standing water in utility vaults can be significant mosquito breeding sources. Mosquitoes have been shown to breed, rest, and travel in subsurface infrastructure (Metzger, 2004). Mosquitoes access water in vaults through small holes, grates, or gaps. Vault water, if allowed, can become a public nuisance under the definition in Section § 2002 of the California Health and Safety Code (HSC).

A public nuisance is in the HSC Section § 2002 is defined as:

(j) *“Public nuisance” means any of the following:*

- (1) Any property, excluding water that has been artificially altered from its natural condition so that it now supports the development, attraction, or harborage of vectors. The presence of vectors in their developmental stages on a property is prima facie evidence that the property is a public nuisance.*
- (2) Any water that is a breeding place for vectors. The presence of vectors in their developmental stages in the water is prima facie evidence that the water is a public nuisance.*
- (3) Any activity that supports the development, attraction, or harborage of vectors, or that facilitates the introduction or spread of vectors.*

Therefore, “the person or agency claiming ownership or title, or right to property or who controls the diversion, delivery, conveyance, or flow of water shall be responsible for the abatement of a public nuisance that is caused by, or as a result of, that property or the diversion, delivery, conveyance, or control of that water (HSC, Section § 2060 Article 5 (b)). Failure to adequately address these issues may result in enforcement actions to violators levied by mosquito control agencies which can involve civil fines of up to \$1000/per day (HSC, Sections § 2060).

In order to minimize the opportunity for mosquito breeding in utility vaults, we recommend the use of best management practices that specifically detour mosquitoes in subsurface infrastructure which can be found in the California Department of Public Health's *Best Management Practices for Mosquito Control in California* guidance manual, <http://www.cdph.ca.gov/HealthInfo/discond/Documents/BMPforMosquitoControl07-12.pdf>. A reference to this document should be incorporated in to the following section of this draft order.

Add underlined:

Section C. 3.c.iv., Page 16

*iv. Pollution Control Measures*

*Each Discharger covered by this Order shall develop a description of BMPs appropriate for their site(s) and operations and implement such BMPs. The appropriateness and priorities of BMPs in a PLAN must reflect identified potential sources of pollutants described in section above. In addition, the Discharger should discuss the advantages and limitations of each BMP. If relevant, include a flow diagram describing the conditions under which specific pollution control measures and/or BMPs will be deployed. The description of pollution control measures and/or BMPs shall address the following minimum components:*

*(a) Good Housekeeping. The Discharger shall identify and discuss good housekeeping BMPs which can be adopted to prevent or control the discharge of pollutants. Examples of best practices that should be considered by each Discharger include, but are not limited to, the following:*

*(1) Maintain areas surrounding the utility vault and underground structure so that they are kept clean and orderly prior to dewatering activities so as to minimize the presence of pollutants in discharges.*

*(2).....*

*(5) Maintain vault or underground structure free of mosquitoes by incorporating appropriate specific mosquito exclusion or reduction strategies as outlined in the California Department of Public Health's Best Management Practices for Mosquito Control in California guidance manual.*

*<http://www.cdph.ca.gov/HealthInfo/discond/Documents/BMPforMosquitoControl07-12.pdf>*

Section C. 4., Page 19

*Dischargers shall dispose of solids removed from liquid wastes in accordance with applicable federal, state and local laws, regulations, and ordinances.*

*Utility vaults have been found to hold water and provide conditions conducive to the breeding of mosquitoes. Close collaboration and cooperative efforts among Permittees, local mosquito and vector control agencies, Water Board staff, and the State Department of Public Health are necessary to minimize potential nuisances and public health impacts resulting from vector breeding.*

Coordination with the appropriate mosquito and vector control agency with jurisdiction is necessary to establish a protocol for notification of installed utility vaults. This should include, on an annual basis, a list of newly installed (installed within the reporting period) utility vaults to the local mosquito and vector control agency and the Water Board.

Pursuant to Section § 2040 of the California Health & Safety Code, a mosquito and vector control agency may take any and all actions necessary to prevent the occurrence of vectors and vectorborne diseases. Routine inspection and possible treatment of utility vaults is necessary to prevent the breeding of mosquitoes. Permittees shall coordinate with local mosquito and vector control agencies to develop conditions of approval or other legally enforceable agreements or mechanisms that require the granting of site access to representatives of local mosquito and vector control agency staff, and Water Board staff, for the sole purpose of performing O&M inspections of the installed utility vault(s).

Thank you for considering our comments on the Draft Utility Vaults Permit. Please note that reference to this important public health guidance document has been successfully incorporated into other State and Regional Water Board issued permits including, most recently, the National Pollutant Discharge Elimination System (NPDES) Permit for the discharge of storm water from Phase II Small Municipal Separate Storm Sewer Systems. These minor revisions will help ensure that we can meet the goals of improving water quality and protecting the public health of California's citizens.

Thank you for your time and consideration.

Most sincerely,

Michael Hearst  
General Manager  
Orange County Vector Control District

David Heft  
General Manager  
Turlock Mosquito Abatement District

Craig Downs  
General Manager  
Contra Costa Mosquito & Vector Control District

Metzger, M. E. 2004. Managing mosquitoes in stormwater treatment devices. University of California Division of Agriculture and Natural Resources, Publication 8125. Available for free download from the UC ANR Communication Services Web site at <http://anrcatalog.ucdavis.edu>.

