

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2017-XXXX-EXEC

### AMENDING

WATER QUALITY ORDER 2013-0002-DWQ  
(AS AMENDED BY ORDERS 2014-0078-DWQ, 2015-0029-DWQ, AND 2016-0073-EXEC)

GENERAL PERMIT NO. CAG 990005

### STATEWIDE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR RESIDUAL AQUATIC PESTICIDE DISCHARGES TO WATERS OF THE UNITED STATES FROM ALGAE AND AQUATIC WEED CONTROL APPLICATIONS

The State of California, Water Resources Control Board (hereafter State Water Board) finds:

1. The State Water Board is authorized to prescribe statewide general National Pollutant Discharge Elimination System (NPDES) permits for categories of discharges that involve the same or similar operations and the same or similar types of waste pursuant to the California Water Code section 13263(i).
2. On September 22, 1989, the U.S. Environmental Protection Agency (U.S. EPA) granted the State of California, through the State Water Board and the Regional Water Quality Control Boards, the authority to issue general NPDES permits pursuant to title 40 Code of Federal Regulations (C.F.R.) parts 122 and 123.
3. Section 122.28 of 40 C.F.R. provides for issuance of general permits to regulate a category of point sources if:
  - The sources involve the same or substantially similar types of operations;
  - The discharges are the same type of waste;
  - The discharges require the same type of effluent limitations or operating conditions to protect the beneficial uses of the receiving waters;
  - The discharges require similar monitoring and reporting; and
  - The discharges are more appropriately regulated under a general order rather than individual permits.
4. On March 5, 2013, the State Water Board adopted [Water Quality Order 2013-0002-DWQ](#), a Statewide NPDES Permit for Residual Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications (hereafter Weed Control Permit). The State Water Board amended Order WQ 2013-0002-DWQ through [Order WQ 2014-0078-DWQ](#) on May 20, 2014, [Order WQ 2015-0029-DWQ](#) on March 3, 2015, and Order

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WQ 2016-0073-EXEC on June 30, 2016. The Weed Control Permit regulates point source discharges of residual pesticides resulting from pesticide applications for aquatic weed control. The Weed Control Permit covers only pesticides that are approved for aquatic use by U.S. EPA and registered by the California Department of Pesticide Regulation (DPR) for aquatic applications in accordance with specific application rates.

5. The discharge of residual aquatic pesticides with the following active ingredients is permitted with coverage under the Weed Control Permit: 2,4-D, acrolein, calcium hypochlorite, copper, diquat, endothall, flumioxazin, fluridone, glyphosate, hydrogen peroxide, imazamox, imazapyr, penoxsulam, peroxyacetic acid, sodium carbonate peroxyhydrate, sodium hypochlorite, and triclopyr-based algaecides and aquatic herbicides, and adjuvants containing ingredients represented by the surrogate nonylphenol.
6. Through previous Order amendments, the State Water Board has granted short-term or seasonal exceptions to public agencies and mutual water companies that: (1) have satisfactorily completed the California Environmental Quality Act (CEQA) process, and (2) meet the criteria for exception from complying with limitations for active pesticide ingredients that are California Toxic Rule priority pollutants, per section 5.3 of the State Water Board *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP).
7. Section III.B of the Weed Control Permit provides delegation authority from the State Water Board to the Executive Director for the following actions:
  - Amend the permit to add new active ingredients currently registered by DPR for the control of aquatic weeds; and
  - Add Dischargers to the list of public agencies in Attachment G of the Order that have satisfactorily completed the California Environmental Quality Act (CEQA) process and are granted an exception from complying with California Toxic Rule priority pollutant limitations in accordance with section 5.3 of the SIP.
8. The South San Joaquin Irrigation District (District) has requested an exception from complying with receiving water limitations for the California Toxic Rule priority pollutants acrolein and copper. The District has satisfactorily completed the required CEQA process for exceptions to acrolein and copper receiving water limitations.

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9. The Madera-Chowchilla Water & Power Authority (Authority) has requested an exception from complying with receiving water limitations for the California Toxic Rule priority pollutant copper. The Authority has satisfactorily completed the required CEQA process for an exception to copper receiving water limitations.

**IT IS HEREBY ORDERED THAT:**

Pursuant to the authority delegated by Water Code section 13377, Resolution No. 2002-0104 and Order WQ 2015-0029-DWQ, Order WQ 2013-0002-DWQ is hereby amended to add the South San Joaquin Irrigation District and Madera-Chowchilla Water & Power Authority to Attachment G of Order WQ 2013-0002-DWQ, as shown in Attachment A of this Order, and is effective upon the Executive Director's Approval.

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Date

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Michael Lauffer  
Acting Executive Director

**ATTACHMENT A TO DRAFT ORDER WQ 2017-XXXX-EXEC**

GENERAL NPDES PERMIT FOR RESIDUAL  
AQUATIC PESTICIDE DISCHARGES FROM  
ALGAE AND AQUATIC WEED CONTROL APPLICATIONS

ORDER WQ 2013-0002-DWQ  
(AS AMENDED BY ORDERS WQ 2014-0078-DWQ,  
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**Attachment G – Exception List**

**LIST OF PUBLIC AGENCIES AND MUTAL WATER COMPANIES GRANTED AN  
EXCEPTION PURSUANT TO STATE WATER RESOURCES CONTROL BOARD POLICY  
FOR IMPLEMENTATION OF TOXICS STANDARDS FOR INLAND SURFACE WATERS,  
ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA (POLICY)**

The public entities and mutual water companies listed herein have prepared Initial Studies, Negative Declarations (ND), or Mitigated Negative Declarations (MND), and Notices of Determination for the discharge of algacides and aquatic herbicides in accordance with the California Environmental Quality Act (CEQA (Public Resources Code § 21000 et seq.)) to comply with the exception requirements of section 5.3 of the Policy. The boards of each public entity or mutual water company, as the lead agencies under CEQA, approved the Final ND/MND and determined that the discharge of algacides and aquatic herbicides in their respective projects would not have a significant effect on the environment. These public entities and mutual water companies have determined that the water quality or related water quality impacts identified in the environmental assessments of the ND/MND are less than significant.

In addition to submitting the CEQA documentation, these public entities and mutual water companies have also complied with the other exception requirements of section 5.3 of the Policy.

As required in section 15096 of the CEQA Guidelines, the State Water Resources Control Board (State Water Board), as a Responsible Agency under CEQA, considered the ND/MND approved by the board of each public entity or mutual water company and finds that the projects will have less than significant water quality impact if the waste discharge requirements in this General Permit are followed. Accordingly, the public entities and mutual water companies listed herein are hereby granted an exception pursuant to section 5.3 of the Policy.

1. Byron-Bethany Irrigation District
2. City of Antioch Department of Public Works
3. City of Sacramento
4. City of Poway
5. Contra Costa Water District
6. Contra Costa County Flood Control and Water Conservation District
7. Department of Food and Agriculture
8. Department of Water Resources
9. Fresno Irrigation District

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10. Friant Water Users Authority
11. Glenn-Colusa Irrigation District
12. Helix Water District
13. James Irrigation District
- 14. Madera-Chowchilla Water & Power Authority**
15. Madera Irrigation District
16. Maine Prairie Water District
17. Marin Municipal Water District
18. Merced Irrigation District
19. Metropolitan Water District of Southern California
20. Modesto Irrigation District
21. Nevada Irrigation District
22. North Marin Water District
23. Oakdale Irrigation District
24. Placer County Water Agency
25. Potter Valley Irrigation District
26. Princeton-Cordora-Glenn Irrigation District
27. Provident Irrigation District
28. Reclamation District 108
29. Reclamation District 1000
30. Reclamation District 1004
31. San Diego County Water Authority
32. Santa Cruz Water Department
33. Santa Fe Irrigation District
34. Solano Irrigation District
35. South Feather Water and Power Agency
- 36. South San Joaquin Irrigation District**
37. South Sutter Water District
38. Sweet Water Authority
39. Tehama Colusa Canal Authority
40. Turlock Irrigation District
41. Woodbridge Irrigation District
42. Yolo County Flood Control and Water Conservation District