

State Water Resources Control Board

March 7, 2014

Mr. Patrick Akers
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
Integrated Pest Control Branch
3294 Meadowview Road
Sacramento, CA 95832

NOTICE OF APPLICABILITY; CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE; STATEWIDE GENERAL AQUATIC WEED CONTROL PERMIT

Dear Mr. Akers:

Thank you for your application package for coverage under the Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications (Aquatic Weed Control Permit), adopted by the State Water Resources Control Board (State Water Board) in June 2013. Effective December 1, 2013, the Aquatic Weed Control Permit regulates discharges of residues resulting from pesticide applications using the following ingredients:

- 2,4-D
- acrolein
- copper
- diquat
- endothall
- fluridone
- adjuvants containing ingredients represented by the surrogate of nonylphenol
- glyphosate
- imazamox
- imazapyr
- penoxsulam
- sodium carbonate peroxyhydrate
- triclopyr-based algaecides and aquatic herbicides

The Aquatic Weed Control Permit regulates discharges of algaecides and aquatic herbicides that are currently registered for use in California and contain the above-listed active ingredients. Users of products containing these ingredients are required to obtain coverage under the Aquatic Weed Control Permit prior to application to waters of the United States.

Notice of Applicability (NOA)

Based on the information submitted in the application package, including the Notice of Intent (NOI) and the Aquatic Pesticide Application Plan (APAP) dated December 12, 2013, the discharge as described below satisfies the conditions of the Aquatic Weed Control Permit. Staff has deemed the application package complete and has assigned an enrollee number of 5B34NP00004. This NOA implements regulatory coverage under the permit for the application described below, effective as of the date of this letter.

Discharge Description

The California Department of Food and Agriculture (Department) administers the Hydrilla Eradication Program to protect waterways throughout California from invasive aquatic weeds including *Hydrilla verticillata*. To control invasive aquatic weeds, the Department proposes to discharge the aquatic pesticide active ingredients copper, endothall, fluridone, glyphosate, imazamox, imazapyr, penoxsulam, sodium carbonate peroxyhydrate, and triclopyr-based algaecides and aquatic herbicides. The Department uses surfactants and/or adjuvants labelled for aquatic use when applying these pesticide active ingredients.

General Permit Requirements

To comply with the Aquatic Weed Control Permit, the Department shall:

- a. Provide a copy of the NOI, APAP, and all other related materials to the aquatic pesticide applicators.
- b. Ensure that all entities receiving regulatory coverage under this NOA understand the terms and conditions of the permit.
- c. Take all necessary steps to minimize or prevent pesticide spills, pesticide residue contaminated water, and other pollutants from entering waters of the United States, which may violate the permit.
- d. Review and update the effectiveness and adequacy of the control measures and Best Management Practices (BMPs). Documentation of all changes to the BMPs, APAP, or other information on file with our office shall be submitted to the State Water Board for review and comment.
- e. Submit all information required in this NOA to the following address:

State Water Resources Control Board
Division of Water Quality
Attention: Russell Norman
1001 I Street, 15th Floor
Sacramento, CA 95814

Discharge Monitoring and Reporting Requirements

To comply with the monitoring and reporting requirements of the Aquatic Weed Control Permit, the Department shall:

- a. Timely inspect the receiving waters, control measures, and BMPs to detect any conditions which may cause violations of the receiving water limitations and other requirements in the Aquatic Weed Control Permit.
- b. Conduct monitoring and reporting in compliance with the provisions and requirements in Attachment C of the Aquatic Weed Control Permit.
- c. Include the following certification in all monitoring reports:

"I certify under penalty of law that this document and all enclosures were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

If you have any questions regarding this NOA or the Aquatic Weed Control Permit, please contact Mr. Russell Norman in the NPDES Wastewater Unit of the Division of Water Quality at (916) 323-5598 or russell.norman@waterboards.ca.gov.

Sincerely,



Victoria A. Whitney, Deputy Director
Division of Water Quality

cc: Pascal Mues
NPDES Permits Office
U.S. EPA Region 9, WTR-5
75 Hawthorne Street
San Francisco, CA 94105

Charles Andrews, Associate Director
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