

State Water Resources Control Board

OCT 3 1 2011

Dr. Robert Leavitt, Director
Plant Health and Pest Prevention Services
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814

Dear Dr. Robert Leavitt:

NOTICE OF APPLICABILITY OF WATER QUALITY ORDER NO. 2011-0004-DWQ, GENERAL PERMIT NO. CAG 990007, STATEWIDE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR BIOLOGICAL AND RESIDUAL PESTICIDE DISCHARGES TO WATERS OF THE UNITED STATES FROM SPRAY APPLICATIONS (SPRAY APPLICATIONS PERMIT), CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)

The State Water Resources Control Board (State Water Board) adopted the Spray Applications Permit on March 1, 2011 to regulate discharges of biological and residual pesticides resulting from spray applications for pest control using insecticides and herbicides containing the following active ingredients: acetamiprid, aminopyralid, *Bacillus thuringiensis kurstaki*, carbaryl, chlorsulfuron, clopyralid, cyfluthrin, dinotefuran, glyphosate, imazapyr, imidacloprid, malathion, naled, nuclear polyhedrosis virus, pheromone, pyrethrins, Spinosad A and D, triclopyr butoxyethyl ester, and triclopyr triethylamine salt. Users of products containing these active ingredients are required to obtain coverage under the Spray Applications Permit prior to application to waters of the United States. The Spray Applications Permit only covers the discharge of biological and residual pesticides that are currently registered in California.

Permit Application

State Water Board staff has reviewed your application for coverage under the Spray Applications Permit. The application included the Notice of Intent and Pesticide Application Plan (PAP) dated August 3, 2011 and the \$1452 filing fee. You have been assigned an enrollee number of SWBRP000001.

Discharge Description

CDFA is tasked with protecting California's food supply from the devastating impact of exotic pests throughout California and protecting the environment and natural resources from direct pest impacts and increased pesticide use. CDFA proposes to use the pesticides shown in Tables 1 and 2 of the enclosure.

Monitoring Requirements

The Spray Applications Permit requires that dischargers comply with the Monitoring and

Reporting Program that is incorporated as Attachment C of the permit. The goal of the Monitoring and Reporting Program is to answer these two key questions:

Question No. 1: Does the biological or residual pesticide from applications cause an exceedance of receiving water limitations or monitoring triggers?

Question No. 2: Does the biological or residual pesticide, including active ingredients, inert ingredients, and degradation by-products, in any combination cause or contribute to an exceedance of the "no toxics in toxic amount" narrative toxicity objective?

It is important that CDFA comply with the Monitoring and Reporting Program. NPDES permit holders are subject to mandatory minimum penalties for incomplete, missing, or late monitoring reports. Monitoring reports are required to include the following certification (40 CFR 122.22(l)(4)):

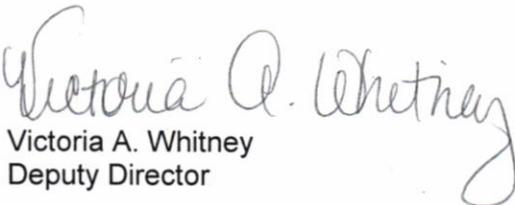
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage 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.

Notice of Applicability

Based on the information submitted in the application package, the discharge as described above satisfies the general and specific conditions of the Spray Applications Permit. This Notice of Applicability implements coverage under the permit.

If you have any questions regarding the Spray Applications Permit, please contact Jenny Chen at (916) 341-5570 or hjchen@waterboards.cagov. You may also contact Phil Isorena, Chief of NPDES Unit, at (916) 341-5544 or pisorena@waterboards.ca.gov.

Sincerely,


Victoria A. Whitney
Deputy Director

Enclosure

cc: See next page

cc: Ms. Victoria Hornbaker
Integrated Pest Control Branch
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street, Suite 2290
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Table 1
California Department of Food and Agriculture
Insecticides

Product Name	Registration Number
DiPel DF Biological Insecticide	73049-39
DiPel Pro DF Biological Insecticide Dry Flowable	73049-39
Entrust	62719-282
TM Biocontrol	27586-1
Fyfanon ULV AG	67760-35
Dibrom Concentrate	5481-480
GF-120 NF Naturalyte Fruit Fly Bait	62719-498
Pyganic Crop Protection EC 5.0 II	1021-1772
Sevin SL Carbaryl Insecticide	432-1227-ZA
Isomate-LBAM Plus	80286-6AA
Isomate-EGVM	53575-33
Success	62719-292
Tristar 30 SG Insecticide	8033-94-1001
Safari 20 SG Insecticide	33657-16-59639
Merit 2F	432-1312
Merit 75 WSP Insecticide	432-1318
Merit 75 WP	432-1314
Tempo 20 WP Insecticide	432-1302
Tempo SC Ultra Insecticide	432-1363
Tempo Ultra WP Insecticide	432-1304

Table 2
California Department of Food and Agriculture
Herbicides

Product Name	Registration Number
Roundup Pro Concentrate Herbicide	524-529
Arsenal Herbicide Applicators Concentrate	241-299
Milestone	62719-519
Milestone VM	62719-537
Milestone VM Plus	62719-572
Transline herbicide	62719-259
DuPont Telar XP Herbicide	352-654
Roundup weather Max Herbicide	524-537
Telar DF	352-522
Garlon 4	62719-40