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 algaeicides 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
California Department of Pesticide Regulation
1001 I Street, 4th Floor
Sacramento, CA 95814

Matthew St. John, Executive Officer
North Coast Regional Water Quality Control Board
5550 Skyline Blvd., Suite A
Santa Rosa, CA 95403
Bruce H. Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Kenneth A. Harris, Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Pamela Creedon, Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Patty A. Kouyoumdjian, Executive Officer
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

Robert E. Perdue, Executive Officer
Colorado River Basin Regional Water Quality Control Board
73-720 Fred Waring Dr., Suite 100
Palm Desert, CA 92260

Kurt Berchtold, Executive Officer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

David W. Gibson, Executive Officer
San Diego Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108

Charles Reed, Water Resource Control Engineer
North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Farhad Azimzadeh, Water Resource Control Engineer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
Sheila Soderberg, Senior Engineering Geologist
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Gensen Kai, Water Resource Control Engineer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Gayleen Perreira, Senior Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Stacy Gotham, Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
364 Knolcrest Drive, Suite 205
Redding, CA 96002

Matthew Scroggins, Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
1685 E Street
Fresno, CA 93706-2007

Mary Fiore-Wagner, Environmental Scientist
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

John Carmona, Senior Water Resource Control Engineer
Colorado River Basin Regional Water Quality Control Board
73-720 Fred Waring Dr., Suite 100
Palm Desert, CA 92260

Gary Stewart, Senior Water Resource Control Engineer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

Kristin Schwall, Water Resource Control Engineer
San Diego Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108