

**STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY ORDER 2022-0056-EXEC**

AMENDING

**WATER QUALITY ORDER 2013-0002-DWQ
(AS AMENDED BY ORDERS 2014-0078-DWQ, 2015-0029-DWQ, 2016-0073-EXEC,
2017-0015-EXEC, AND 2020-0037-EXEC)**

**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**

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 United States Environmental Protection Agency 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 parts 122 and 123.
3. Section 122.28 of title 40 Code of Federal Regulations 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 (Aquatic Weed Control Permit). The State Water Board amended Water Quality Order 2013-0002-DWQ through Water Quality Order 2014- 0078-DWQ on May 20, 2014, Water Quality Order 2015-0029-DWQ on March 3, 2015, Water Quality Order 2016-0073-EXEC on June 30, 2016, Water Quality Order 2017-0015-EXEC on September 1, 2017, and Water Quality Order 2020-0037-EXEC on November 25, 2020. The

Aquatic Weed Control Permit regulates point source discharges of residual pesticides resulting from pesticide applications for aquatic weed control. The Permit covers only pesticides that are approved for aquatic use by the United States Environmental Protection Agency and registered by the California Department of Pesticide Regulation 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 Aquatic 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 permit 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 an 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 (State Implementation Policy).
7. Section III.B of the Aquatic 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 CEQA process and are granted a categorical exception from complying with California Toxic Rule priority pollutant limitations in accordance with section 5.3 of the State Implementation Policy.
8. The Central California Irrigation District, Firebaugh Water District, and Henry Miller Reclamation District have requested a categorical exception from complying with receiving water limitations for the California Toxic Rule priority pollutant, copper. The districts have satisfactorily completed the required CEQA process to obtain a categorical exception for copper receiving water limitations.

IT IS HEREBY ORDERED THAT:

Pursuant to the authority delegated by California Water Code section 13377, Resolution No. 2002-0104, and Water Quality Order 2015-0029-DWQ, Water Quality Order 2013-0002-DWQ is hereby amended to add the Central California Irrigation District, the Firebaugh Canal Water District, and the Henry Miller Reclamation District to Attachment G of Water Quality Order 2013-0002-DWQ, as shown in Attachment A of this Order, and is effective upon approval.

August 24, 2022

Date



Eileen Sobeck
Executive Director

ATTACHMENT G TO DRAFT WATER QUALITY ORDER 2022-0056-EXEC

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NPDES NO. CAG990005

Attachment A – Exception List

**LIST OF PUBLIC AGENCIES AND MUTUAL 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 algaecides 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 algaecides 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. Central California Irrigation District
3. Chowchilla Water District
4. City of Antioch Department of Public Works
5. City of Sacramento
6. City of Poway
7. Contra Costa Water District
8. Contra Costa County Flood Control and Water Conservation District

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9. Department of Food and Agriculture
10. Department of Water Resources
11. Firebaugh Canal Water District
12. Fresno Irrigation District
13. Friant Water Users Authority
14. Glenn-Colusa Irrigation District
15. Helix Water District
16. Henry Miller Reclamation District
17. James Irrigation District
18. Madera-Chowchilla Water & Power Authority
19. Madera Irrigation District
20. Maine Prairie Water District
21. Marin Municipal Water District
22. Merced Irrigation District
23. Metropolitan Water District of Southern California
24. Modesto Irrigation District
25. Nevada Irrigation District
26. North Marin Water District
27. Oakdale Irrigation District
28. Placer County Water Agency
29. Potter Valley Irrigation District
30. Princeton-Cordora-Glenn Irrigation District
31. Provident Irrigation District
32. Reclamation District 108
33. Reclamation District 1000
34. Reclamation District 1004
35. San Diego County Water Authority
36. Santa Cruz Water Department

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37. Santa Fe Irrigation District
38. Solano Irrigation District
39. South Feather Water and Power Agency
40. South San Joaquin Irrigation District
41. South Sutter Water District
42. Sweetwater Authority
43. Tehama Colusa Canal Authority
44. Turlock Irrigation District
45. Woodbridge Irrigation District
46. Yolo County Flood Control and Water Conservation District