

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
APRIL 5, 2011**

ITEM 4

SUBJECT

CONSIDERATION OF A RESOLUTION TO ALLOCATE \$500,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO FUND THE PESTICIDE PERMIT TOXICITY IMPACTS PROJECT (PROJECT)

DISCUSSION

The Division of Water Quality is requesting \$500,000 from the CAA to fund the Project. The purpose of the request is to fund a study to determine if pesticide applications to control invasive species and vectors are causing toxicity in receiving waters as specified in the Statewide General National Pollutant Discharge Elimination System Permit (NPDES) for Aquatic Animal Invasive Species Control Applications, Spray Applications, and Vector Control Applications, which the Board adopted on March 1, 2011.

BACKGROUND

Vector control districts throughout California use a combination of larvicides and adulticides to control mosquito populations. Because pesticides used in these activities have the potential to cause toxicity to non-target organisms in receiving waters, the State Water Resources Control Board (State Water Board) requires that monitoring be conducted as part of a NPDES General Use permit. The current project is designed to evaluate the potential for aquatic toxicity associated with pesticides applied during vector control activities.

SCOPE OF WORK

Monitoring will include a combination of aquatic toxicity tests and chemical analyses to determine whether larvicides and adulticides have the potential to cause toxicity in receiving waters. Because of differences in the physico-chemical properties and toxicities of the different pesticides used by Mosquito Vector Control (MVC) districts, a combination of water and sediment toxicity test protocols will be used. In all cases, samples will be collected before and after MVC spray activities. Because of the potential for other (non-MVC) chemicals to confound interpretation of toxicity test results, pre- and post-spray event sampling will be conducted as close to MVC applications as possible.

The Project will include, but may not be limited to, the following tasks:

Task 1: Project Design and Monitoring Coordination

Coordination with MVC district staff on sampling and sample timing; University of California-Davis researchers will coordinate individual sampling through the spring and summer season; monitoring will be conducted over two years; a final interpretive report will be completed.

Task 2: Sampling and Toxicity Testing

Monitoring will be conducted for each chemical used for a total of six spray events.

Task 3: Data Management

All toxicity and chemistry data will be compiled in a format compatible with the Surface Water Ambient Monitoring Program; statistically-significant toxicity of all test results will be determined using the Test of Significant Toxicity following United States Environmental Protection Agency procedures.

Task 4: Final Report

A final interpretive report will be compiled to determine the potential for toxicity caused by MVC pesticides. The report will consider toxicity contributions by parent compounds and breakdown products of all chemicals used during MVC activities, as well as the potential for toxicity caused by non-MVC chemicals.

The requested allocation is consistent with the purposes of Water Code Section 13442. Section 13442 provides that the State Water Board may order monies to be paid from the CAA to a public agency with the authority to cleanup or abate the effects of a waste in order “to assist it in cleaning up the waste or abating its effects on the waters of the state.”

POLICY ISSUE

Should the State Water Board approve funding of \$500,000 from the CAA to the Project?

FISCAL IMPACT

As of December 7, 2010, the uncommitted CAA balance is estimated to be no less than \$9 million according to the most current data.

REGIONAL BOARD IMPACT

No.

STAFF RECOMMENDATION

The State Water Board should approve funding of \$500,000 from the CAA to the Project.

State Water Board action on this item will assist the Water Boards in reaching Goals 3, 4, and 5 of the Strategic Plan Update: 2008-2012, to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030;; to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California’s water planning processes; and to improve transparency and accountability by ensuring that Water Board goals and actions are clear and accessible, by demonstrating and explaining results achieved with respect to the goals and resources available, by enhancing and improving accessibility of data and information, and by encouraging the creating of organizations or cooperative agreements that advance this goal.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2011-

TO ALLOCATE \$500,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO
FUND THE PESTICIDE PERMIT TOXICITY IMPACTS PROJECT (PROJECT)

WHEREAS:

1. The State Water Board Division of Water Quality is requesting \$500,000 from the CAA to fund the Project;
2. The purpose of the request is to fund a study to determine if pesticide applications to control invasive species and vectors are causing toxicity in receiving waters;
3. The State Water Board adopted the Statewide General National Pollutant Discharge Elimination System Permit (NPDES) for Aquatic Animal Invasive Species Control Applications, Spray Applications, and Vector Control Applications on March 1, 2011;
4. Vector control districts throughout California use a combination of larvicides and adulticides to control mosquito populations;
5. Pesticides used in these activities have the potential to cause toxicity to non-target organisms in receiving waters, the State Water Board requires that monitoring be conducted as part of a NPDES General Use permit;
6. Monitoring will include a combination of aquatic toxicity tests and chemical analyses to determine whether larvicides and adulticides have the potential to cause toxicity in receiving waters;
7. A combination of water and sediment toxicity test protocols will be used. In all cases, samples will be collected before and after Mosquito Vector Control (MVC) spray activities;
8. The potential exists for other chemicals to confound interpretation of toxicity test results; therefore, pre- and post-spray event sampling will be conducted as close to MVC applications as possible; and
9. The requested allocation is consistent with the purposes of Water Code Section 13442. Section 13442 provides that the State Water Board may order moneys to be paid from the CAA to a public agency with authority to cleanup or abate the effects of a waste "to assist it in cleaning up the waste or abating its effects on the waters of the state."

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves funding \$500,000 from the CAA to the Division of Water Quality for the Project; and

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2. Shall revert any unexpended funds to the CAA as of June 30, 2014, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension. The funds will be available until June 30, 2014.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on April 5, 2011.

Jeanine Townsend
Clerk to the Board