

**PROPOSED CHANGES TO THE DRAFT STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR BIOLOGICAL AND RESIDUAL PESTICIDE DISCHARGES TO WATERS OF THE UNITED STATES FROM AQUATIC ANIMAL INVASIVE SPECIES CONTROL APPLICATIONS (AAIS CONTROL PERMIT)**

This Change Sheet covers revisions to the AAIS Control Permit, posted on the State Water Board website:

[http://www.waterboards.ca.gov/board\\_info/agendas/2011/mar/030111\\_7.pdf](http://www.waterboards.ca.gov/board_info/agendas/2011/mar/030111_7.pdf)

Changes in red underline: additional language proposed after February 4, 2011.

Changes in ~~red strikeout~~: language proposed to be removed after February 4, 2011.

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**AAIS Control General Permit**

**Limitations and Discharge Requirements**

**Section II.D. Fees, page 6**

The annual fee for enrollment under this General Permit shall be based on Category 3 in section 2200(b)(89) of Title 23, California Code of Regulations (CCR). This category is appropriate because pesticide applications incorporate best management practices (BMPs) to control potential impacts to beneficial uses, and this General Permit prohibits the discharge of residual pesticides causing exceedance of water quality objectives. The annual fee associated with this rating can be found in section 2200(b)(89) of Title 23, CCR, which is available at [http://www.waterboards.ca.gov/resources/fees/docs/fy10\\_11\\_fee\\_schedule.pdf](http://www.waterboards.ca.gov/resources/fees/docs/fy10_11_fee_schedule.pdf) and is payable to the State Water Board.

*Note: This change was also added to Attachment D, Section II.B and Attachment G, Section VIII – Fee.*

**Section III.L. Antidegradation Policy, page 12**

Given the nature of a General Permit and the broad range of beneficial uses to be protected across the state, data analysis of specific water bodies is infeasible. While surface waters may be temporarily degraded, water quality standards and objectives will not be exceeded. The nature of pesticides is to be toxic in order to protect human health. However, compliance with receiving water limitations and other permit requirements is required. ~~will ensure that degradation of the State's waters will be temporary and that the waters will be returned to pre-application conditions after project completion.~~ Therefore, this General Permit is consistent with State and federal antidegradation policies.

*Note: This change was also added to Attachment D, Section IV.C.4.*

**Section VII.B. Public Notice Requirements, page 15**

Every calendar year, prior to the first application of pesticides, the Discharger shall notify potentially affected governmental agencies and, if the Discharger has a website, post the notification at its website.

**Section VII.C. Aquatic Pesticide Application Plan (APAP), pages 16 - 17**

10. Description of the BMPs to be implemented. The BMPs shall include, at the minimum:
  - c. a plan to educate Discharger's staff and pesticide applicator on any potential adverse effects to waters of the U.S. from the pesticide application;
12. Examination of Alternatives. Dischargers shall continue to examine alternatives to pesticide use in order to reduce the need for applying pesticides.
  - a.

If there are no alternatives to pesticides, dischargers shall use the least ~~toxic~~ amount of pesticide necessary to effectively control the target pest.
14. If applicable, ~~S~~specify a website where public notices, required in Section VII.B, may be found.

**Attachment A – Definitions**

**Residual Pesticides**

Residual pesticides are those portions of the pesticides that remain in the water after the application and its intended purpose (elimination of targeted pests) have been completed. Residual pesticides include also include excess amounts of pesticides during and after application.

**Self Monitoring**

Sampling and analyses performed by a permittee to determine compliance with a permit or other regulatory requirements. All analyses must be conducted by a laboratory certified by the Department of Health Services.

**Attachment C – Monitoring and Reporting Program**

**Section I.A. General Monitoring Provisions, page C-2**

All samples shall be taken at the anticipated monitoring locations specified in the Discharger’s Aquatic Pesticide Application Plan (APAP), ~~unless otherwise specified.~~

**Section III.D. Toxicity Testing, page C-6**

1. Monitoring Frequency

For the first application, the Discharger shall collect one Background sample and one Post-Event sample in the application area for toxicity testing. If the Background sample result shows no toxicity, the Discharger shall continue taking only Post-Event samples until a total of six consecutive Post-Event sample results show no toxicity in the receiving water. Thereafter, no further testing for toxicity will be required for the active ingredient used at that representative site. When the Background sample shows toxicity, the Discharger must collect paired Background and Post-Event samples to determine whether the application is causing or adding toxicity to the Background receiving water.

**Section IV. Receiving Water Monitoring Requirements – Surface Water, pages C-11 through C-12**

**Table C-1. Monitoring Requirements**

Sample Type	Constituent/Parameter	Units	Sample Method	Minimum Sampling Frequency	Sample Type Requirement	Required Analytical Test Method
Visual	1. Monitoring area description (pond, lake, open waterway, channel, etc.) 2. Appearance of waterway (sheen, color, clarity, etc.) 3. Weather conditions (fog, rain, wind, etc.)	Not applicable	Visual Observation	<sup>1</sup> All applications at all application areas	Background, Event, and Post-Event Monitoring	Not applicable
Physical	1. Temperature <sup>12</sup>	°F	Grab <sup>34</sup>	<sup>45</sup>	Background, Event, and Post-Event Monitoring	<sup>56</sup>
	2. pH <sup>23</sup>	Number				
	3. Turbidity <sup>23</sup>	NTU				
	4. Electrical Conductivity <sup>23</sup> @ 25°C	µmhos/cm				
Chemical	1. Chlorine	µg/L	Grab <sup>34</sup>	<sup>45</sup>	Background,	<sup>56</sup>

**3/1/11 BD MEETING – ITEM #7  
STAFF CHANGE #1 (CIRCULATED 2/28/11)**

Sample Type	Constituent/Parameter	Units	Sample Method	Minimum Sampling Frequency	Sample Type Requirement	Required Analytical Test Method
	2. Dissolved Oxygen <sup>23</sup>	mg/L			Event, and Post-Event Monitoring	
Toxicity	Toxicity	Pass/Fail	Grab <sup>34</sup>	See Section III.A.1.	See Section III.A.1.	<sup>56</sup>

<sup>1</sup> All applications at 10% of all application areas or six application areas, whichever is greater. If applying to less than six application areas, monitor at all application areas.

<sup>2</sup> Field testing.

<sup>23</sup> Field or laboratory testing.

<sup>34</sup> Samples shall be collected at three feet below the surface, or mid-depth if water body is less than six feet deep.

<sup>45</sup> If applying six or more times a year, collect six samples for each active ingredient in each environmental setting (agricultural, urban, or wetland). If applying less than six times a year, collect a sample during each application for each active ingredient in each environmental setting (agricultural, urban, or wetland).

<sup>56</sup> Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. Part 136.