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Public Hearing (10/19/10)  
 Vector Control Permit  
 Deadline: 11/2/10 by 12 noon

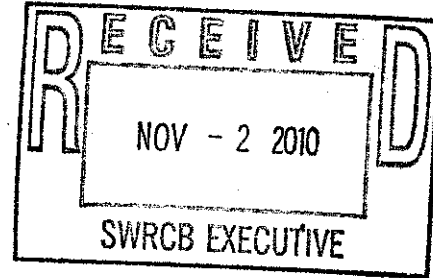
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**ORANGE COUNTY WATER DISTRICT**  
 ORANGE COUNTY'S GROUNDWATER AUTHORITY

November 2, 2010

Jeanine Townsend  
 Clerk to the Board  
 State Water Resources Control Board  
 1001 I Street, 24<sup>th</sup> Floor  
 Sacramento, CA 95814



**Subject:** Draft Statewide National Pollutant Discharge Elimination System (NPDES)  
 Permit for Residual Pesticide Discharges to Waters of the United States from  
 Vector Control Applications

Dear Ms. Townsend:

The Orange County Water District (OCWD) appreciates the opportunity to submit comments on the Draft NPDES permit for Residual Pesticide Discharges to Waters of the U.S. from Vector Control Applications.

OCWD was established by the State of California in 1933 to manage the Orange County Groundwater Basin. Water produced from the basin is the primary water supply for approximately 2.5 million residents in Orange County. OCWD maintains and operates facilities in the Cities of Anaheim and Orange to recharge Santa Ana River water into the groundwater basin. OCWD also owns approximately 2,000 acres of land located behind Prado Dam in Riverside County, which includes a 465-acre system of constructed treatment wetlands. Non-chemical, physical methods are and will continue to be the first priority for control of vectors. OCWD, when necessary, through a permit issued by the Santa Ana Regional Water Quality Control Board, uses larvicides and adulticides for vector control in the vicinity of recharge facilities and wetlands.

Portions of the draft permit as written are confusing and ambiguous. It is difficult to understand, for example, which of the permit requirements apply to all the pesticides listed in Section II A and which apply only to 'residual pesticides of control', what elements constitute a complete Pesticide Application Plan, and who is responsible for satisfying the requirements set forth in the Monitoring and Reporting Program.

This permit applies both to entities that apply vector control chemicals individually and also to vector control districts acting as a coalition. In some cases, the permit language

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appears to direct and/or require actions of a coalition of vector control districts rather than individual entities but the permit language does not state this directly. Please clarify if certain of the monitoring programs or other permit provisions are intended to be carried out by a coalition and not by individual entities that are not part of a coalition. OCWD is not a member of the Mosquito and Vector Control Association of California and applies a larvicide or adulticide on an occasional basis, usually less than once a year. For example, implementing the monitoring program as described in Attachment C for an occasional pesticide application would be resource intensive and costly to implement, especially to conduct toxicity testing. Collection of a minimum of six samples per year for a once a year pesticide application as required by the monitoring protocols in Table C-1 and C-2 would be neither reasonable nor effective.

Specific comments on the draft General Permit are as follows.

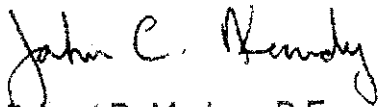
- The General Permit regulates the point source discharge of pesticide residues from direct and spray applications for vector control. Section II.A. lists the vector control larvicides and adulticides that are regulated under this General Permit. However, Section II. H. sets receiving water monitoring triggers and Instantaneous Maximum Receiving Water Monitoring Triggers only for "residual pesticides of concern." Although the term "residual pesticides of concern" is not defined in the permit, it seems that these pesticides are limited to those listed in Table 3 on page 14 (adulticides and one larvicide- temephos). Please clarify in the permit language that this is a correct interpretation of the intent of the General Permit. Please state definitively which sections of the permit apply to all pesticide applications and which are limited to applications of "residual pesticides of concern".
- Section VIII.C. lists the elements that must be included in a Pesticide Application Plan (PAP). This appears to be a complete list of elements. However, the Monitoring and Reporting Program (MRP) in Attachment C seems to require additional elements that would be required in order to answer the two questions listed in Attachment C. For an individual pesticide applicator to determine whether a pesticide residue including inert ingredients and breakdown by-products causes or contributes to an exceedance of the "no toxics in toxic amount" narrative toxicity objective is onerous and perhaps impossible to determine. Is the intent of the MRP to set the long-term monitoring objectives of a vector control coalition rather than for each individual discharger? If this is the case, please clarify the language in this section.

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- Section VIII.D. Describes the Best Management Practices (BMPs) that "the Discharger shall develop." This appears to apply to all dischargers; however, the language in this section seems to be directed at vector control agencies acting as a coalition. Subsection D.1. lists requirements for "each vector management unit" although this term is not defined in the permit. One of the requirements, to establish densities for larval and adult vector populations, would be reasonable for a vector control district but not for an individual, occasional applicator.
- It is not clear if the MRP is required for all pesticide applications covered by the General Permit or only for those "residual pesticides of concern." It appears from the language in the General Permit that the intention is for the MRP to apply only to the "residual pesticides of concern" and, therefore, applications of larvicides, with the exception of temephos, are not required to satisfy the provisions in the MRP. If only temephos and adulticides have specified monitoring requirements in Attachment C, Section IV.C., please explicitly state so in the permit language.
- Attachment C Section IV.C.1. states that "monitoring locations for larvicides (temephos) must include..." The meaning of this sentence is not clear. Does this requirement apply to all larvicides or just to temephos? In Table C-1, footnote 6 states that the active ingredient required to be tested is temephos. If the intent of the permit as directed in Table C-1 is to apply only to those products containing temephos, the language should clearly state this to be the case.
- The General Permit contains a list of pesticides covered under this permit. How will a chemical that is not listed in Attachment E. be regulated?

OCWD appreciates the opportunity to submit comments on the draft Vector Control Permit. Thank you.

Sincerely,



for Michael R. Markus, P.E.  
General Manager