



November 2, 2017

Via Electronic Mail

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov



SUBJECT: Comment Letter – Central Valley Pyrethroids

Dear Ms. Townsend:

The Central Valley Clean Water Association (CVCWA) and California Association of Sanitation Agencies (CASA) hereby submit comments regarding *Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Pyrethroid Pesticides Discharges* (Pyrethroid Amendment).

CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law.

CASA is an association of local agencies, engaged in advancing the recycling of wastewater into usable water, generation of renewable energy, biosolids, and other valuable resources. Through these efforts, we help create a clean and sustainable environment for Californians.

The comments provided here meet the requirements of the California Code of Regulations, title 23, section 3779, subdivision (f), as directed in the State Water Resources Control Board's (State Water Board) Notice of Opportunity to Comment. Specifically, our comments pertain directly to the final version of the Pyrethroid Amendment as adopted by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on June 8, 2017, and our comments were timely raised before the Central Valley Water Board.

In general, CVCWA and CASA submit this letter in support of the Central Valley Water Board's actions and encourages the State Water Board to approve the Pyrethroid Amendment as adopted by the Central Valley Water Board.

I. Conditional Prohibition Should Apply to the Receiving Water – Not the Discharge

Throughout this process, CVCWA, CASA and others have continually stated that the discharge prohibition and triggers should apply to the receiving water – not POTW effluent. To that end, CVCWA submitted proposed language in its March 24, 2017 letter to clarify application of the discharge prohibition. The Central Valley Water Board has been unwilling to make these changes declaring that it is more practical to have POTWs measure effluent rather than the receiving water.

In this case, we continue to recommend application of the discharge prohibition and triggers to the receiving water as it is the appropriate place of compliance.

II. Use of Numeric Triggers Rather Than Water Quality Objectives Is Appropriate

A central component of the Pyrethroid Amendment is the inclusion of numeric triggers for pyrethroid pesticides in the implementation provisions, rather than the adoption of water quality objectives for pyrethroids. We support this approach for a variety of reasons. Most importantly, as articulated in Provision 16 of Resolution R5-2017-0057, there is insufficient information available for the Central Valley Water Board to properly consider the factors established by Water Code section 13241. Before adopting any water quality objective, the Central Valley Water Board is required to consider the factors specified in Water Code section 13241. In the absence of information necessary to consider these factors, it is inappropriate for the Central Valley Water Board to adopt water quality objectives. Thus, rather than adopting improper water quality objectives, the Central Valley Water Board is proposing to use numeric values to “trigger” the need for further management actions.

Further, we support language within the Pyrethroid Amendment that directly states the triggers shall not be used to interpret narrative water quality objectives or be used in a reasonable potential analysis. For POTWs, this language is essential as it provides assurance that Central Valley POTWs will not receive water quality based effluent limitations for constituents for which they have no control.

III. Pyrethroid Concentration Goals Properly Use Fifth (5th) Percentile Values

As noted in the CVCWA March 24, 2017 comments, we support the use of 5th percentile concentration goals in the numeric trigger calculations. These values are conservative and include many conservative assumptions in their development. The Central Valley Water Board properly adopted the 5th percentile values for use in the concentration goal calculations rather than the 1st or 2.5th alternatives for several reasons. The 5th percentile values are appropriate, as they are consistent with U.S. EPA’s *Guidelines for Deriving Numerical Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses*; and, two of three peer reviewers noted that the 1st percentile values were overly conservative and that the 5th percentile values were protective. When the Central Valley Water Board

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reviews the triggers in the future, as required in the Pyrethroid Amendment, they can then determine if there is a more appropriate value that should be used as a trigger or criteria at that time.

IV. Reliable Commercial Analytical Methods Are Needed for POTWs

A key issue of concern for the POTWs is the lack of reliable commercial analytical methods for the wastewater matrix, and the surveillance and monitoring requirements. CVCWA and CASA appreciate and support the Central Valley Water Board's efforts to continue to clarify that such methods will be considered in the Central Valley Water Board's evaluation of monitoring data. However, it is more appropriate to suspend monitoring requirements for POTWs until such time that reliable commercial analytical methods are available that apply to the wastewater matrix.

V. The Stakeholder Process Was Open and Transparent

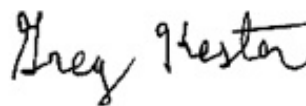
The POTWs actively participated in the Central Valley Water Board's stakeholder process. While such processes tend to take longer, the end result is typically better and more robust. The same holds true for the Pyrethroid Amendment. The Central Valley Water Board held numerous stakeholder meetings, and provided many opportunities for early comments during the development of the Pyrethroid Amendment. As a result, the Pyrethroid Amendment reflects input by many. For this, we thank the Central Valley Water Board and their staff for making the time and resource commitment to the stakeholder process.

In summary, we request State Water Board approval of the Pyrethroid Amendment as adopted by the Central Valley Water Board.

Sincerely,



Debbie Webster
CVCWA, Executive Officer



Greg Kester
Director of Renewable Resource Programs

cc: Bobbi Larson, Executive Director, CASA
Terrie Mitchell, Chair, CASA