"Incongruities among controlling statutes may result in pesticide regulatory programs that do not always protect water quality standards." Mr. Okumura suggests that the problem of pesticide-related toxicity in urban creeks is caused by differences in law—that the Department of Pesticide Regulation and the Water Boards are simply implementing separate laws, and gaps exist. It is true that there are incongruities among controlling statutes; however, nothing prevents USEPA and the California Department of Pesticide Regulation from restricting pesticide applications sufficiently to ensure attainment of water quality standards. California Food and Agricultural Code § 14102 states, "The director [of the Department of Pesticide Regulation] shall prohibit or regulate the use of environmentally harmful materials…," which can include pesticides used such that their runoff violates or poses a reasonable potential to violate water quality standards. (See our response on page 20.) In our view, incongruities among statutes may have inadvertently lead to gaps in pesticide regulatory program implementation, but better coordination can protect water quality. No change in applicable laws is necessary.

**Page S-2, paragraph 1, sentence 3**

Mr. Okumura reiterates his concern about connecting pesticide manufacture, formulation, distribution, and sales with pesticide runoff. Our response is on page 22.

**Page S-2, paragraph 3, sentence 3**

Mr. Okumura notes that pesticide degradation is a fate process, not a transport mechanism. We agree and have changed the Staff Report as follows:

> Degradation, evaporation and deposition, and sediment transport are relevant pesticide <u>fate and</u> transport mechanisms.

Likewise, we have changed the Staff Report (page 71) as follows:

- Degradation, evaporation and deposition, and sediment transport are important pesticide <u>fate and</u> transport mechanisms.

**Page S-3, paragraph 2, last sentence**

Mr. Okumura refers to a previous comment regarding how the Water Board will require those responsible for overseeing pesticide use to implement the actions proposed for them. Our response is on page 24.

**Page A-3, paragraph 4**

Mr. Okumura refers to a previous comment regarding how the diazinon target was derived. Our response is on page 22.

**Page A-6, last paragraph (resumes on page A-7), last sentence**

Mr. Okumura cites the Department of Pesticide Regulation's authority under the Food and Agricultural Code to determine when pesticides should be considered environmentally harmful materials. We recognize this authority. However, we note that the Department of Pesticide Regulation currently has no definition of "environmentally harmful." Among Mr. Okumura's previous comments, he asserts that the Department of Pesticide Regulation is not obligated to consider violations of water quality standards to be environmental harm (see his comment regarding Staff Report page 31 and our response on page 20). Therefore, we see a clear need for the Water Board, which is the authority on the Region's water quality, to provide recommendations to the Department of Pesticide Regulation regarding what, in the Water Board's view, should be considered environmentally harmful from the water quality perspective. We see nothing in federal or state law that prohibits the Department of Pesticide Regulation from restricting pesticide applications sufficiently to ensure attainment of water quality standards. Indeed, the Department of Pesticide Regulation has agreed to ensure that water quality standards are met (CDPR et al. 1997). For clarity, we have changed the Basin Plan Amendment as follows:

> …When the California Department of Pesticide Regulation evaluates whether to register a pesticide product, it must give special attention to the potential for environmental damage, including interference with attainment of water quality standards. The California Department of Pesticide Regulation is mandated to protect water quality from environmentally harmful pesticide materials~~. The Water Board considers~~, which should include pesticides used such that their runoff violates ~~or poses a reasonable potential to violate~~ water quality standards ~~to be environmentally harmful materials~~. The California Department of Pesticide Regulation should also recognize pesticides used such that their runoff poses a reasonable potential to violate water quality standards to be potentially harmful and take preventive action to address foreseeable risks. The Water Board will assist the California Department of Pesticide Regulation in identifying pesticides that could harm water quality.

**Page A-7, paragraph 1, sentence 1**

This comment refers to the first full paragraph on Basin Plan Amendment page A-7. Mr. Okumura asks that we delete "existing or reasonably foreseeable pesticide-related violations of water quality standards" as an example of adverse effects that endanger the environment. He states that the Department of Pesticide Regulation does not equate "unsubstantiated violations" of water quality standards with environmental endangerment. We agree that assertions not supported by evidence cannot be considered environmental endangerment. However, situations where a violation can be reasonably assumed to exist or is reasonably foreseeable but not yet confirmed with in-creek monitoring should be equated with environmental endangerment because these situations call for mitigation to avoid violations of water quality standards. Water quality standards never allow for pesticide-related toxicity. Therefore, we call on the Department of