

March 12, 2012

Jeanine Townsend, Clerk  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814  
Commentletters@waterboards.ca.gov  
*Sent via electronic mail*



**Re: Proposed Amendment to the Statewide NPDES Permit for Pesticide Discharges from Vector Control Applications**

Dear State Water Resources Control Board:

Thank you for accepting the following comments submitted on behalf of San Francisco Baykeeper (“Baykeeper”) and our 2,300 members. Baykeeper is a 501(c)(3) non-profit organization with the mission of protecting and enhancing the water quality of the San Francisco Bay and its tributaries for the benefit of its ecosystems and surrounding communities. We are writing to express great concern over the proposed revisions to the Statewide NPDES Permit for Biological and Residual Pesticide Discharges to Waters of the United States from Vector Control Applications (“Vector Control Permit”). If approved, the proposed Permit would significantly increase pesticide discharges to waters that are already greatly impaired by toxic pesticide chemicals. Please address the following concerns to ensure that the Vector Control Permit adequately protects water quality, wildlife, and public health in the State of California and San Francisco Bay.

1. The Draft Vector Control Permit Unlawfully Removes “Or Any Pesticide in the Same Chemical Family” from Standard Provision 2 Without Adequate Justification.

The proposed changes to the Vector Control Permit make the Permit impermissibly narrow, threatening the existing protections for pesticide-impaired California waters. The State Board weakened the Vector Control Permit by removing the “or any pesticide in the same chemical family” clause from Standard Provision 2, which now states, “This General Permit does not authorize the discharge of biological and residual pesticides or their degradation by-products to waters of the US that are impaired by the same pesticide active ingredients [removed clause] included in permitted larvicides and adulticides listed in Attachments E and F.” Draft Permit, 19-20. This amendment would cause serious impacts to state waters – hundreds of California waterways, including the San Francisco Bay and its tributaries, are listed as impaired by pesticides under section 303(d) of the Clean Water Act.

This proposed revision constitutes impermissible backsliding of permit effluent limitations, and should not be allowed. Moreover, the addition of greater volumes of pesticides to state waterways, including waters that are impaired for pesticide toxicity, will seriously threaten water quality – yet the proposed permit revisions contain no anti-degradation analysis. Since this change will contribute to the further impairment of these waters, it is not permissible under the

Clean Water Act. Many San Francisco Bay tributaries are listed as impaired by pyrethroids, one of the pesticides families impacted by the proposed change, under section 303(d) of the Clean Water Act. Due to the extensive impairment already caused by this pesticide family, Baykeeper is concerned that the Proposed Permit would contribute to the decline of water quality, threatened and endangered species, and public health in the San Francisco Bay watershed.

2. The State Board Must Fully Study the Impacts of the Proposed Changes to the Vector Control Permit Before it Adopts the Draft Permit.

As explained above, the Draft Permit would adversely impact the toxicity of California waters. However, despite these major consequences, the State Board did not complete a study on how the proposed changes would impact water quality before it revised the Vector Control Permit to reflect the Vector Control Association's concerns. According to the Draft Permit and Adoption Hearing Notice, the State Board is funding a toxicity study conducted by the University of California in 2012 to assess whether mosquito control activities are causing or contributing to toxicity in water bodies, with results not expected until Spring 2013. Draft Permit, 22. This study is crucial to understanding the scope of the Draft Permit's impacts, so the Board should not consider adopting the proposed changes to the Vector Control Permit until the toxicity study is complete.

3. The Vector Control Permit Should Focus on Eliminating Larvae, Not Applying Adulticides.

Generally, adulticiding is not effective (and in fact often counterproductive, as mosquitoes can become resistant to the pesticides and/or more aggressive) and has major impacts on waterways. Therefore, the Permit's focus should remain on source reduction and eliminating larvae, not treating for adults.

Thank you for your careful consideration of these comments. If you have any questions, please feel free to contact me at (415) 856-0444, extension 109.

Sincerely,



Abigail Blodgett  
Legal Fellow, San Francisco Baykeeper