

**STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY ORDER ~~2026-XXXX-EXEC~~**

AMENDING

WATER QUALITY ORDER 2016-0041-DWQ

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

The State of California, Water Resources Control Board (hereafter State Water Board) finds:

1. The State Water Board is authorized to prescribe statewide general National Pollutant Discharge Elimination System (NPDES) permits for categories of discharges that involve the same or similar operations and the same or similar types of waste pursuant to the California Water Code section 13263(i).
2. On September 22, 1989, the United States Environmental Protection Agency granted the State of California, through the State Water Board and the Regional Water Quality Control Boards, the authority to issue general NPDES permits pursuant to title 40 Code of Federal Regulations parts 122 and 123.
3. Section 122.28 of title 40 Code of Federal Regulations provides for issuance of general permits to regulate a category of point sources if:
 - The sources involve the same or substantially similar types of operations;
 - The discharges are the same type of waste;
 - The discharges require the same type of effluent limitations, operating conditions, or standards to protect the beneficial uses of the receiving waters;
 - The discharges require similar monitoring and reporting; and
 - The discharges are more appropriately regulated under a general order rather than individual permits.
4. On March 1, 2016, the State Water Board adopted Water Quality Order 2016-0041-DWQ, a Statewide NPDES Permit for Biological Pesticide and Residual Chemical Pesticide Discharges to Waters of the United States from Aquatic Animal Invasive Species Control Applications (Aquatic Animal Invasive Species Control Permit). The Aquatic Animal Invasive Species Control Permit regulates point source discharges of biological pesticides and residual chemical pesticides resulting from pesticide applications for aquatic animal invasive species. The Permit covers only pesticides that are approved for aquatic use by the United States Environmental Protection Agency and registered by the California Department of Pesticide Regulation for aquatic applications in accordance with specific application rates.

5. The Aquatic Animal Invasive Species Control Permit regulates the discharge of biological pesticides and residual chemical pesticides with the following active ingredients: copper, sodium hypochlorite and *Pseudomonas fluorescens* strain CL145A cells and spent fermentation media (Pf CL145A-S).
6. In March 2000, the State Water Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy, SIP) which sets standards for priority pollutants. Section 5.3 of the SIP allows exceptions to the standards in certain situations.
7. In accordance with State Implementation Policy Section 5.3 and Order 2016-0041-DWQ, the State Water Board may grant short-term or seasonal exceptions to public agencies and mutual water companies that: are performing pest management and that have submitted the documentation required by the State Implementation Policy, which includes a California Environmental Quality Act review.
8. Section III.P of the Aquatic Animal Invasive Species Control Permit provides delegation authority from the State Water Board to the Executive Director for the following actions:
 - Amend the permit to add new active ingredients currently registered by California Department of Pesticide Regulation for the control of invasive aquatic animals; and
 - Add dischargers to State Implementation Policy and Ocean Plan exception list.
9. The Casitas Municipal Water District has requested a categorical exception from complying with receiving water limitations for the pollutant copper (i.e. a SIP exception).
10. On October 16, 2019, the Casitas Municipal Water District provided letters of notification to the following tribal groups regarding the District's Initial Study and Mitigated Negative Declaration per CEQA: The Barbereno/Ventereno Band of Mission Indians, San Gabriel Band of Mission Indians, Torres Martinez Desert Cahuilla Indians, Chumash Council of Bakersfield, Coastal Band of the Chumash Nation, Northern Chumash Tribal Council, San Luis Obispo County Chumash Council, Santa Ynez Band of Chumash Indians, and yak tityu yak tilhini Northern Chumash Tribe.
11. The Casitas Municipal Water District has satisfactorily complied with section 5.3 of the State Implementation Policy and completed the required CEQA process to obtain an exception for copper receiving water limitations.
12. The State Water Board anticipates that adding the Casitas Municipal Water District to the Aquatic Animal Invasive Species Control Permit will result in a short-term increase in concentrations of copper in water quality in the Casitas Municipal Water District service area, which includes disadvantaged and tribal communities, due to the application of approved active ingredients for invasive aquatic animal species control.

13. There are measures available, within the scope of the State Water Board's authority, and included in this permit's requirements to address the impacts of the permitted activity in a disadvantaged or tribal community. Specifically, in accordance with section VII.C of the permit, the Casitas Municipal Water District is required to implement best management practices to prevent aquatic pesticide spills and contamination, fish kills, and other adverse impacts to water quality. In addition, Casitas Municipal Water District is required to submit information consistent with the State Implementation Policy to obtain a seasonal exception for copper receiving water limitations. Outside the approved exception period, Casitas Municipal Water District is required to comply with the applicable receiving waters limitations. Without the application of aquatic molluscicides, invasive mussels will adversely affect the water treatment infrastructure and native wildlife habitat present in Lake Casitas.

IT IS HEREBY ORDERED THAT:

Water Quality Order 2016-0041-DWQ is hereby amended to add Attachment G and list Casitas Municipal Water District as a mutual water company granted an exception pursuant to the State Implementation Policy. The changes are shown in Attachment A of this Order and are effective upon approval.

Date

Eric Oppenheimer
Executive Director

**ATTACHMENT A
TO WATER QUALITY ORDER 2026-XXXX-EXEC**

Attachment G – Exception List

LIST OF PUBLIC AGENCIES AND MUTUAL WATER COMPANIES GRANTED AN EXCEPTION PURSUANT TO STATE WATER RESOURCES CONTROL BOARD POLICY FOR IMPLEMENTATION OF TOXICS STANDARDS FOR INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA (POLICY)

The public entities and mutual water companies listed herein have prepared Initial Studies, Negative Declarations (ND), or Mitigated Negative Declarations (MND), and Notices of Determination for the discharge of aquatic pesticides in accordance with the California Environmental Quality Act (CEQA (Public Resources Code § 21000 et seq.)) to comply with the exception requirements of section 5.3 of the Policy. The boards of each public entity or mutual water company, as the lead agencies under CEQA, approved the Final ND/MND and determined that the discharge of residual pesticides for the control of aquatic animal invasive species in their respective projects would not have a significant effect on the environment. These public entities and mutual water companies have determined that the water quality impacts identified in the environmental assessments of the ND/MND are less than significant.

In addition to submitting the CEQA documentation, these public entities and mutual water companies have also complied with the other exception requirements in section 5.3 of the Policy.

As required in section 15096 of the CEQA Guidelines, the State Water Resources Control Board (State Water Board), as a Responsible Agency under CEQA, considered the ND/MND approved by the board of each public entity or mutual water company and finds that the projects will have less than significant water quality impact if the waste discharge requirements in this General Permit are followed. Accordingly, the public entities and mutual water companies listed herein are hereby granted an exception pursuant to section 5.3 of the Policy.

1. Casitas Municipal Water District