



Jeanine Townsend, Board Clerk
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814-2000
commentletters@waterboards.ca.gov
Sent via electronic mail



Re: Comments on the Revised Caltrans MS4 Permit

Dear Ms. Townsend:

Thank you for the opportunity to comment on the revised State of California Department of Transportation (“Caltrans”) Municipal Separate Storm Sewer System (“MS4”) Permit, NPDES Permit No. CAS000003 (“Revised Permit”). San Francisco Baykeeper (“Baykeeper”) submits these comments on behalf of our approximately 2,300 members that live, work, and recreate in and around the San Francisco Bay. Baykeeper is a 501(c)(3) non-profit organization with the mission of protecting and enhancing the water quality of the San Francisco Bay for the benefit of its ecosystems and surrounding communities. In addition to our brief comments on pesticide minimization, we also support and fully incorporate by reference the comments submitted by the California Coastkeeper Alliance.

Baykeeper is generally supportive of the Revised Permit and is pleased to see that some of the provisions deemed necessary for a successful MS4 program have been incorporated into the Permit. In particular, we commend the State Board for including an additional provision that prohibits the discharge of biological pesticides, residual pesticides, and their breakdown products into impaired waters. Revised Permit, 18.

However, the Revised Permit still does not address many of the problems described in Baykeeper’s original comment letter. The Permit revisions do not contain adequate provisions to reduce pesticide discharges to the maximum extent practicable (“MEP”) because they are weaker than the Statewide General NPDES Permit for Residual Pesticide Discharges to Waters of the United States from Spray Applications (“Spray Permit”). To improve the Revised Permit, the State Board should draw from the pesticide planning and minimization processes required by the Spray Permit. For example, the Revised Permit should require Caltrans to 1) implement buffer zones that prevent the drifting of targeted pesticide applications into nearby waterways, 2) perform evaluations of whether pesticide use is appropriate, and 3) prepare and maintain a Pesticide Application Log to verify that applications comply with the appropriate management plans. See Spray Permit, C.9, 14-16. These suggestions are merely examples. Ultimately, we ask the State Board to carefully review the “Pesticide Use Requirements” section of the Spray Permit, and revise the Caltrans MS4 Permit to be at least as detailed and protective. At the same time, the State Board should require Caltrans to implement site-specific plans for their pesticide planning and monitoring, rather than generalized statewide plans.



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Thank you for considering Baykeeper's comments. If you have any questions, please feel free to contact Abigail Blodgett at (415) 856-0444, extension 109.

Sincerely,

/s/ Abigail Blodgett

Legal Fellow, San Francisco Baykeeper

/s/ Jason Flanders

Staff Attorney, San Francisco Baykeeper