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Department of Pesticide Regulation



Paul Helliker
Director

MEMORANDUM

Arnold Schwarzenegger
Governor

TO: Craig J. Wilson, Chief
TMDL Listing Unit
Division of Water Quality
State Water Resources Control Board

FROM: Paul Helliker *Paul Helliker*
Director
(916) 445-4000

DATE: February 17, 2004

SUBJECT: COMMENTS ON THE PROPOSED POLICY FOR DEVELOPING
CALIFORNIA'S CLEAN WATER ACT SECTION 303(d) LIST

FEB 19 2004
HELLIKER/DWZ
RECEIVED
FEB 24 2004
DIVISION OF
WATER QUALITY

Thank you for the opportunity to comment on the State Water Resources Control Board's proposed *Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List* (policy).

The Department of Pesticide Regulation's (DPR's) comments are presented below.

With the adoption last year of DPR's *Process for Responding to the Presence of Pesticides in Surface Water*, we rely on regional water quality control boards (regional boards) to determine when water quality objectives are exceeded for reasons related to pesticide use. Then, DPR and the regional boards work collaboratively to identify the best responses that will result in attainment and maintenance of water quality objectives. At the core of this process is high quality monitoring data and rigorous evaluations on which the regional boards will base their determinations. The data will help DPR and the regional boards describe temporal and spatial characteristics of the pesticide pollutant, identify sources, and recognize important data gaps, all critical for development of effective remediation.

As proposed, the policy appears to preserve flexibility for the regional boards to work with stakeholders to obtain and evaluate high quality data and to discuss findings in an open, public process. We encourage you to ensure that such flexibility is preserved in your policy so that determinations on exceedences of water quality objectives are based on a broad array of information and on sound science. In that regard, your policy should promote a wide variety of investigative strategies and avoid the appearance that it endorses or prescribes specific procedures, such as the proposed application of the binomial distribution. Regional boards should have the

Craig J. Wilson
February 17, 2004
Page 2

discretion to consider all data and interpretations that they and stakeholders deem appropriate as part of a comprehensive, weight-of-evidence approach for determining water quality impairments.

Thank you for your consideration. If you have any comments, please contact John S. Sanders, Ph.D., of my staff, at 324-4100 or <jsanders@cdpr.ca.gov>.

cc: John S. Sanders
Celeste Cantú, State Water Resources Control Board Executive Director

ASSIGNMENT ROUTE SLIP

DPR ASSIGNMENT # 03-0151

CORRESPONDENCE AUTHOR: Irvin, Debbie (SWRCB)

SUBJECT: Public Hearing on Clean Water Act--Request for Comments

CORRESPONDENCE DATE: 12/2/2003

DATE RECEIVED 12/8/2003

ASSIGNED TO: <u>DOKumura</u>	BY (INITIAL): <u>PHelliker</u>	DATE ASSIGNED: <u>12/10/200</u>
ASSIGNED TO: <u>JSanders</u>	BY (INITIAL): <u>DOKumura</u>	DATE ASSIGNED: <u>12/12/03</u>
<u>Kam Joh/Marshall</u>	<u>JSL</u>	<u>12/12/03</u>

INSTRUCTIONS:

- Memo/ Letter / E-mail for signature of: Paul Helliker
- Phone/Fax reply
- Review/Recommendations/Comments only
- cc to: approp. staff
- bcc to: approp. staff
- Coordinate with: _____

Written instructions or background, such as previous correspondence, conversations, meetings, legislation, if available: (see attached)

Please note that if we have any comments, they are due no later than February 11, 2004.

Marshall, et al. - can you let me know why you don't think the binomial distribution criterion is appropriate? - I'll e-mail you on this

DIRECTION:

- Depth of Response: Brief Moderate Detailed
- Position of Department: Support Oppose Your Recommendation Other _____

Draft Review for Content	Requested:	Due Date	Initials/Date	Proofreader/Date
	Branch Chief	_____	_____	_____
	Assistant Director	_____	_____	_____
Final Due Date to:	Branch Chief	1/27/2004	<u>PH 2/4/04</u>	_____
	Assistant Director	1/29/2004	<u>JSL 2/4/04</u>	_____
	Other:	_____	_____	_____
	Chief Deputy Director	_____	_____	_____
	Director	2/2/2004	<u>PH 2/17/04</u>	<u>JL 2/13</u>
Due to Agency:	_____)		Governor:	_____ (# _____)
Completion Date:	<u>2/17/04</u>			