



November 10, 2023

California Environmental Protection Agency
Department of Pesticide Regulation

Submitted online via DPR Public Comment Portal:

<https://cdpr.commentinput.com/?id=693bMd8pu>

**SUBJECT: SACRAMENTO STORMWATER QUALITY PARTNERSHIP
COMMENTS ON DEPARTMENT OF PESTICIDE REGULATION'S
DRAFT 2024-2028 STRATEGIC PLAN**

To Whom It May Concern:

The Sacramento Stormwater Quality Partnership (Partnership) member municipal separate stormwater system (MS4) agencies jointly implement stormwater management programs to manage local water resources and protect water quality¹. The Partnership identified several urban use pesticides as priority water quality constituents (PWQC) that are directly addressed through the Partnership's management programs. One of the most important components of the Partnership management strategies is coordination with the California Department of Regulation (DPR). Local MS4 agencies do not have the authority to restrict pesticide use within their jurisdictions beyond what DPR and the United States Environmental Protection Agency (USEPA) establish through the pesticide registration programs. The Partnership appreciates ongoing collaboration and engagement with DPR as the Partnership continues to use DPR resources such as the Pesticide Use Reports and evaluation tools.

The Partnership appreciates this opportunity to provide comments on the DPR 2024-2028 Strategic Plan. The Partnership has reviewed and supports the comments provided by the California Stormwater Quality Association (CASQA)². In addition to the CASQA comments, the Partnership's review of the 2024-2028 Strategic Plan identified two additional comments that would further improve our programs and more efficiently address pesticide control in surface waters.

Goal 1.2: Improve timeliness and transparency of science-based evaluation and registration of pesticide products.

The Partnership supports the elements of the proposed goal. However, the proposed goal components do not specifically address what was previously referred to as harmonization, the effort to derive a common effects characterization methodology for use in water quality standard assessments of chemicals by USEPA to meet the mandates of the Clean Water Act

¹ The Partnership is comprised of the County of Sacramento and the incorporated municipalities that are permittees in the municipal separate storm sewer system (MS4) National Pollutant Discharge Elimination System General permit (Order No. R5-2016-0142, MS4 General Permit).

² CASQA is a nonprofit corporation that advances sustainable stormwater management protective of California water resources. With approximately 2,000 members, our membership is comprised of a diverse range of stormwater quality management organizations and individuals, including cities, counties, special districts, federal agencies, state agencies, ports, universities and school districts, wastewater agencies, water suppliers, industries, and consulting firms throughout the state. Collectively, CASQA represents over 34 million people in California.

The Sacramento Stormwater Quality Partnership is a joint program of the County of Sacramento and the Cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova, and Sacramento.

(CWA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Partnership MS4s are regulated by the CWA, however when FIFRA registration does not adequately protect water quality, receiving waters downstream from Partnership jurisdictional areas may exceed water quality objectives defined by the CWA and impair beneficial uses. There are more than one hundred current use pesticide impairments in the Central Valley based on pesticides that DPR registers through FIFRA authority granted by USEPA. In Sacramento County, the Sacramento River, Lower American River, Arcade Creek, Chicken Ranch Slough, Elder Creek, Morrison Creek, Strong Ranch Slough, and an unnamed tributary to Alder Creek are listed as impaired for a pyrethroid pesticide. Several of these water bodies in Sacramento County are also listed as impaired for diazinon, chlorpyrifos, fipronil, and imidachloprid.

The Partnership recommends that DPR directly identify the need to harmonize FIFRA registration authority with CWA protection of beneficial uses.

Goal 2.1: Enhance and modernize DPR’s collection of information and data to improve program policies, procedures, and priorities.

The Partnership supports the elements of the proposed goal. However, the goal does not include specific engagement with MS4s, the State Water Resources Control Board (State Board) or Regional Water Boards on implementation of CWA programs to monitor and manage pesticides and related impairments. In the Central Valley, the regionwide Pyrethroid Control Program³ requires monitoring and control actions from more than one hundred agencies that could be replaced by a more efficient centralized effort, regionally consistent control measures or monitoring programs.

The Partnership recommends that the goal include specific elements to enhance collaboration with MS4s and the Central Valley Regional Water Quality Control Board to resolve pesticide-based impairments. For example, this goal could result in DPR programs directly supporting MS4 pesticide monitoring and control programs through funding or development of statewide monitoring and assessment programs that replace CWA requirements for MS4s (and others).

The Partnership recognizes that DPR does critical work to regulate pesticides in California and we hope to continue collaboration between our agencies in the future to meet common goals. Thank you again for the opportunity to comment on the 2024-2028 Strategic Plan. Please contact Bryan Mahoney (916-808-1914) or Matthew Keene (916-874-3768) if you have questions about our comments.

Sincerely,

(On behalf of the Sacramento Stormwater Quality Partnership)



Lisa Moretti, P.E.
City of Sacramento
Department of Utilities



Ken Ballard (Nov 8, 2023 13:29 PST)

Ken Ballard
County of Sacramento
Department of Water Resources

³ Central Valley Regional Water Quality Control Board. Resolution R5-2017-0057. *Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Pyrethroid Pesticide Discharges*. June 2017.

cc:

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