

## APPENDIX 5



# California Regional Water Quality Control Board

## Central Valley Region

Robert Schneider, Chair



Winston H. Hickox  
Secretary for  
Environmental  
Protection

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Governor

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**TO:** Paul E. Helliker, Director  
Department of Pesticide Regulation  
1001 I St, Sacramento 95812

**FROM:** Thomas R. Pinkos  
Acting Executive Officer

**SIGNATURE:** Thomas R Pinkos

**DATE:** 24 May 2002

**SUBJECT:** *RICE PESTICIDES PROGRAM*

Thank you for the annual report on your Department's Rice Pesticides Program.

As requested in your transmittal memo, the Board conducted a review of this report and a review of the management practices your Department proposes to meet the Water Quality Control Plan's performance goals for malathion, methyl parathion, molinate and thiobencarb. On 26 April 2002 the Board adopted Resolution No. R5-2002-0080 (enclosed) approving the management practices for the 2002 through 2003 rice seasons.

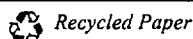
The resolution also addresses three aspects of the rice pesticides program: seepage, aerial drift, and trends in thiobencarb concentrations. The Board has concerns with each and I would like to summarize those concerns.

Seepage and aerial drift have been identified in your past annual report (1998) as the most significant sources of rice pesticides in surface waters. The resolution requests that widespread inspections for seepage continue and that efforts should be made to follow-up and rectify any continuing violations. Board staff should be notified of any sites where seepage continues to occur.

With respect to aerial drift, the Board has asked for you to provide an update on what additional measures you plan to take to reduce aerial drift. To address the Board's concern, information should be provided as soon as possible on the specific steps that are being taken and the dates by which these measures will be implemented. Additionally, a review of the proposed EPA drift guidelines should be conducted to determine if these guidelines would strengthen the existing Rice Pesticides Program drift management practices if they are implemented. The current approach of waiting for the release of the final EPA drift guidelines is delaying the development and implementation of further efforts to control drift where a problem has been documented.

Thiobencarb concentrations at the City of Sacramento intake have trended upward in recent years and in 2001 were higher than the trigger set by the Board when giving approval for the 2001 through 2003 rice seasons. As indicated in the resolution, the Board will again reevaluate the Program prior to the 2003

**California Environmental Protection Agency**



season if the thiobencarb concentrations at the City of Sacramento or City of West Sacramento drinking water intake exceed the respective maximum level detected in 2001.

The sustained efforts of your Department and the Agricultural Commissioners in conducting the Rice Pesticides Program are fully recognized and appreciated by the Board. We look forward to working with you and your staff on this and other programs and would like to acknowledge the assistance we received from John Sanders and KayLynn Newhart of your staff during our review of the proposed management practices.

If you have any questions regarding the Board's Resolution, please call me at 255-3039 or your staff may contact Amanda Smith at 255-6316.

Enclosures

Cc w/ enc: Interested Parties

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2002-0080

APPROVAL OF THE MANAGEMENT PRACTICES  
REQUIRED BY THE DEPARTMENT OF PESTICIDE REGULATION'S  
RICE PESTICIDE PROGRAM  
FOR THE 2002 AND 2003 RICE SEASONS

WHEREAS, in 1990 the California Regional Water Quality Control Board Central Valley Region (hereafter the Board) established performance goals and a prohibition of discharge for five rice pesticides in the fourth edition of its Water Quality Control Plan (hereafter Basin Plan); and

WHEREAS, the Basin Plan states that the prohibition of discharge of return flows containing carbofuran, malathion, methyl parathion, molinate and thiobencarb, can be waived where Board-approved management practices are in use. Implementation of these management practices must be expected to result in compliance with the performance goals; and

WHEREAS, the Basin Plan contains the following rice pesticide performance goals applicable to all waters designated as freshwater habitat: carbofuran (0.4 µg/l), malathion (0.1 µg/l) methyl parathion (0.13 µg/l), molinate (10 µg/l) and thiobencarb (1.5 µg/l); and

WHEREAS, carbofuran is no longer used on rice fields due to regulatory action taken by the United States Environmental Protection Agency; and

WHEREAS, in 1983, in consultation with the Board, the California Department of Food and Agriculture established the Rice Pesticide Program to address fish toxicity and drinking water taste concerns related to rice pesticides; and

WHEREAS, in 1991, the California Department of Pesticide Regulation (DPR) was established and took over responsibility and oversight of the Rice Pesticide Program; and

WHEREAS, DPR acts as the lead agency under the California Environmental Quality Act (CEQA) by developing the rice pesticide control effort pursuant to its certification program; and

WHEREAS, on 16 March 2001 the Board granted conditional approval to the DPR Rice Pesticide Program for their proposed management practices for the 2001 through 2003 rice seasons; and

WHEREAS, in giving their approval, the Board stipulated that they would reconsider management practices if the concentration of thiobencarb at either the City of Sacramento or City of West Sacramento's drinking water intakes exceeded the highest detected level during the 1998 through 2000 seasons at the City of Sacramento drinking water intake (0.34 µg/l); and

WHEREAS, that level was exceeded three times during the 2001 rice season: on 21 May, 0.59 µg/l was detected at the City of West Sacramento intake and on 29 May, thiobencarb was detected at the Sacramento intake (0.38 µg/l) and West Sacramento intake (0.45 µg/l); and

RESOLUTION NO. R5-2002-0080  
APPROVAL OF MANAGEMENT PRACTICES REQUIRED BY  
DEPARTMENT OF PESTICIDE REGULATION'S  
RICE PESTICIDE PROGRAM FOR 2002 and 2003

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WHEREAS, in the 31 December 2001 report *Information on Rice Pesticides submitted to the California Regional Water Quality Control Board*, DPR provides monitoring data for the past season and proposes management measures for the 2002 rice season; and

WHEREAS, monitoring data collected during the 2001 season show that the management practices were not completely effective in meeting the performance goals; and

WHEREAS, in their 1992 submittal, DPR acknowledged that aerial drift may pose a significant source of rice pesticides in surface water; and

WHEREAS, DPR has also recognized that seepage may contribute significantly to concentrations found in receiving waters; and

WHEREAS, DPR has not proposed any major regulatory changes to its program for the 2002 rice season; and

WHEREAS, the Board approved the 2001 – 2003 management practices on the condition that a study would be conducted by 1 January 2002 on the feasibility of holding all water on molinate and thiobencarb-treated fields in the Colusa Basin watershed until 15 June to minimize discharges and peak concentrations at times when seepage and aerial drift enter surface water; and

WHEREAS, on 5 February 2002, DPR submitted their analysis to the Board, with the conclusion that extension of present thiobencarb and molinate holding times until 15 June would not result in a significant improvement in surface water concentrations. Furthermore, negative consequences of a hold time extension may result in increased salinity, water temperature, weed control operations and additional hidden costs; and

WHEREAS, the California Rice Commission has committed to taking additional measures to improve the Rice Pesticide Program in 2002 including additional funding for drift and spill surveillance, establishment of voluntary stewardship program to direct use of a new, reduced-dust thiobencarb formulation in sensitive areas, and development of a rice pesticides spray drift communications outreach program; and

WHEREAS, DPR will conduct monitoring of rice pesticides listed in the Basin Plan; and

WHEREAS, DPR concludes there will be no adverse impact to the environment and, after reviewing the proposed program for 2002, the Board agrees there will be no significant impact on water quality; and

WHEREAS, annual reviews of the DPR program are not necessary if progress is made in reducing discharges; and

WHEREAS, the Board held a public meeting in which it considered all comments regarding management practices to control the five rice pesticides; therefore be it

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RESOLVED, that the Board approves the management practices required by the Department of Pesticide Regulation Rice Pesticide Program for the 2002 and 2003 seasons; and

BE IT FURTHER RESOLVED, that staff is directed to schedule Board reconsideration of the management practices if concentrations of thiobencarb at the intake to the City of Sacramento or the City of West Sacramento drinking water supplies exceed the maximum level detected at these sites in 2001; and

BE IT FURTHER RESOLVED that DPR is requested to continue widespread inspections for seepage and to notify the Board of any sites where seepage continues to occur; and

BE IT FURTHER RESOLVED that DPR is requested to notify the Board on any actions it plans to take to address aerial drift including the extent to which proposed drift regulations by the USEPA will add to the existing drift management practices in the Rice Pesticide Program; and

BE IT FURTHER RESOLVED that by 1 January 2003 DPR is requested to provide the Board with a written summary, including monitoring results, of the 2002 Rice Pesticide Control Program.

I, THOMAS R. PINKOS, Acting Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 26 April 2002.



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THOMAS R. PINKOS, Acting Executive Officer