



Board Agenda Item 28.1

DATE: December 17, 2024
TO: Board of Supervisors
SUBMITTED BY: Paul Nerland, County Administrative Officer
SUBJECT: 2024 Annual Integrated Pest Management Progress Report

RECOMMENDED ACTION(S):

- 1. Receive County of Fresno's Annual Integrated Pest Management (IPM) Progress Report for 2024.**
- 2. Direct the County's IPM Coordinator to submit such Annual IPM Progress Report directly to the State of California Central Valley Regional Water Quality Control Board (Central Valley Water Board).**

Your Board's adopted County IPM Plan, section 4.1, states that a County annual progress report is to be submitted as follows:

The [State's] Pyrethroid Control Program requires an annual progress report to be developed to document the management practices that have been implemented, evaluate pyrethroid concentrations with respect to the pyrethroid triggers, and identify effective actions to be taken in the future. Accordingly, the Permittees [e.g., the County] will prepare and submit a progress report by October 1 each year in conjunction with the annual report submittal for the Region-wide Permit. Pending approval of this Pyrethroid Management Plan, the first progress report is anticipated to be submitted in 2024, after a full year of plan implementation.

This Annual IPM Progress serves the foregoing purpose. This is the County's first Annual IPM Progress Report.

Normally, the County would be expected to submit the County's Annual IPM Progress report to the Fresno Metropolitan Flood Control District (FMFCD), who will then submit all of the Co-Permittee's (i.e., FMFCD, County of Fresno, City of Clovis, and City of Fresno) Annual IPM Progress Reports to the Central Valley Regional Water Quality Control Board (Central Valley Water Board). But the other Co-Permittees have not completed their own Annual IPM Progress Reports for 2024.

To avoid delay for the County's reporting, Staff recommend that your Board approve the recommended actions. If approved, the FMFCD will be given a copy of the County's Annual IPM Progress Report for 2024, which the County has submitted to the Central Valley Water Board. The County will notify the FMC that the County has submitted its Annual IPM Progress Report for 2024 directly to Central Valley Water Board.

On October 20, 2023, the Central Valley Water Board approved the County's Pyrethroid Management Plan, which, among other things, requires this Annual Report. The Central Valley Water Board ordered the County's implementation of that Pyrethroid Management Plan commencing November 19, 2023.

ALTERNATIVE ACTION(S):

There is no alternative action. It is important that your Board receive and direct the County's IPM Coordinator to submit this Annual IPM Report to, as approved by the IPM Plan, directly to the Central Valley Water Board for 2024 to avoid delay.

FISCAL IMPACT:

The recommended action has no fiscal impact.

DISCUSSION:

1. State regulatory agencies.

The Central Valley Water Board and the State Water Resources Control Board (State Water Board) regulate water quality through water quality control plans called Basin Plans and State policies for water quality control.

The Fresno-Clovis Metropolitan Area is regulated by the State Water Board's Inland Surface Waters, Enclosed Bays, and Estuaries Plan and through the Central Valley Water Board's San Joaquin River Basin and Tulare Lake Basin Plans.

2. Key governing laws.

The California Water Code sections 13241 through 13243 authorize the Central Valley Water Board and State Water Board to set water quality objectives, develop implementation plans to achieve water quality objectives, and specify certain conditions or areas where discharges will not be permitted.

The California Water Code section 13267 gives the Central Valley Water Board authority to require dischargers to furnish technical and monitoring reports for an investigation into the quality of waters within the state. Relatedly, California Water Code section 13383 gives the Central Valley Water Board authority to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. Basin plans such as the San Joaquin River Basin Plan must be approved by the Central Valley Water Board and Office of Administrative Law before the plan can be implemented.

3. The State's Basin Plan Amendment.

On June 8, 2017, the Central Valley Water Board adopted Resolution R5-2017-0057, which adopted the Basin Plan Amendment (BPA) for the Control of Pyrethroid Pesticide Discharges. This Resolution also established a total maximum daily load (TMDL) for the control of Pyrethroid Pesticide discharges in the Sacramento and San Joaquin River Basins. The BPA was subsequently approved by the State Water Board on July 10, 2018, and by the Office of Administration Law on February 19, 2019.

The BPA established a Pyrethroid Control Program that included a conditional prohibition of discharges, as well as requiring monitoring. The Pyrethroid Control Program required baseline monitoring for one year to determine whether municipal stormwater discharges exceeded the pyrethroid prohibition trigger. Moreover, as part of the Pyrethroid Control Program, if prohibition triggers are exceeded, permittees (such as the County) must prepare a pyrethroid management plan and conduct trend monitoring.

Put simply, the requirements of the BPA established, among other things, a conditional prohibition for pyrethroid discharges in exceedance of numeric triggers for the San Joaquin River Basin water bodies with aquatic life beneficial uses and monitoring requirements to assess baseline conditions as well as continue trend monitoring.

Of three sampling events during the 2021/22 monitoring year, the pyrethroid prohibition trigger was exceeded during the October 25, 2021, first-flush event. Therefore, due to an exceedance of the pyrethroid

prohibition trigger, the permittees submitted their Pyrethroid Management Plan in compliance with the Pyrethroid Control Program.

4. Requirement for monitoring of stormwater discharges.

On July 13, 2020, the Central Valley Water Board issued an Order, pursuant to California Water Code section 13267 and California Water Code section 13383, requiring the Co-Permittees to submit technical and monitoring reports and conduct baseline monitoring for one year to determine whether municipal stormwater discharges exceeded the pyrethroid prohibition trigger.

5. The County of Fresno is a Co-Permittee.

The Fresno-Clovis Stormwater Management Program consists of the Fresno Metropolitan Flood Control District (District), the cities of Fresno and Clovis, the County of Fresno, and California State University, Fresno, collectively called Co-Permittees.

Permittees who are subject to the Resolution must prepare a pyrethroid management plan and conduct trend monitoring if prohibition triggers are exceeded. The Co-Permittees notified the Central Valley Water Board of exceedance of the pyrethroid prohibition trigger on October 25, 2021.

6. Requirement for the Plan and Policy; prior Board actions.

As required by the Pyrethroid Control Program and the Central Valley Water Board's Order dated July 13, 2020, the Co-Permittees, including the County, had to submit a Pyrethroid Management Plan to the Central Valley Water Board by October 25, 2022.

On October 25, 2022, your Board approved the Fresno-Clovis Stormwater Quality Management Program, Pyrethroid Management Plan (Plan), dated October 2022, including an attached draft form of an Integrated Pest Management Policy (Draft Policy). Your Board also authorized the Director of Public Works and Planning, the Director of Internal Services, and the Agricultural Commissioner, including their respective designees, to take any and all other necessary or appropriate actions, that each of them determines to be in the County's best interest in order to work with the other Co-Permittees and the Central Valley Water Board, and any other interested parties, for a successful implementation of the Plan and the forthcoming final Policy. The last recommended action in that item directed the Director of Public Works and Planning, after conferring with the Central Valley Water Board and Co-Permittees, to return the Board in the future with the final Integrated Pest Management Policy for the Board's consideration and adoption thereof.

On September 19, 2023, your Board approved the final version of the Policy with the added caveat that the Policy was no longer a "Draft" rather a final version of the Policy. All previous mentions of the term "Draft" and the "Draft" watermarks were removed from the Policy that was included in the previously approved Plan. Your Board also authorized the Director of Public Works and Planning to submit the IPM Policy to Fresno Metropolitan Flood Control District, who would then submit all of the Co-Permittees' IPM Policies to the Central Valley Water Board.

7. Central Valley Water Board's Responses to the Plan and Draft Policy, final Policy, and approval letter.

After its initial review of the initial Board approved Plan and Draft Policy passed on October 25, 2022, the Central Valley Water Board submitted a response letter (response letter) dated February 15, 2023. This letter indicated a there could be no "Draft" IPM Policies submitted within the Pyrethroid Management Plan before the Co-Permittees submit the Plan and IPM Policy on or before November 1, 2023 to comply with the Pyrethroid Control Program and the Central Valley Water Board's February 15, 2023 Order.

On October 18, 2023, the Fresno Metropolitan Flood Control District, City of Fresno, City of Clovis, and the County of Fresno, as Co-Permittees, submitted a Pyrethroid Management Plan to the Central Valley Water Board that included final and adopted IPM Policies to comply with the requirements established by the Pyrethroid Control Program and the July 13, 2020 Order to submit technical and monitoring reports pursuant to California Water.

On October 20, 2023 the Central Valley Water Regional Board approved the Pyrethroid Management Plan for all Permittees and provided the approval letter attached (approval letter). Such approval triggered the need for the County of Fresno to implement the Pyretheroid Management Plan by November 19, 2023.

8. IPM Policy; IPM Coordinator

The IPM Policy is now approved and is in the implementation process. Staff discussed this IPM Policy with the Central Valley Water Board and the Fresno Metropolitan Flood Control District and it is an active document that continues to be worked on by designated staff within Public Works and Planning, the Agriculture Department, Internal Services Department, and the County Administrative Office through their designees.

The key points of the IPM Policy are summarized as follows:

- a. Purpose: The purpose of the IPM Policy is to effectively manage the use of pesticides as part of County operations and on County facilities, landscaped areas, and rights-of-ways that may adversely impact water quality.
- b. Scope: The IPM Policy governs County employees, contractors hired by the County, and persons acting under the authority of the County in the maintenance of County facilities, landscaped areas, and rights-of-way.
- c. Policy: The IPM Policy includes effectively managing the use of pesticides in the County including, but not limited to: identifying, evaluating, and minimizing or eliminating conditions that encourage pest problems; reviewing and considering non-chemical options; monitoring and assessment of pest problems by designated personnel; compliance with all applicable local, State, and Federal regulations for pesticide use and reporting; maintaining records on IPM methods considered and used to control pests; and educating and training County staff in the IPM program, practices, and policy.
- d. Implementation: Affected County departments will individually implement the IPM Policy. The IPM Policy also calls for the designation of an IPM Coordinator. The IPM Coordinator will serve as the primary educator and trainer on IPM approaches; provide guidance and oversight for Departments regarding development of their individual IPM policies; and keep records and documents to show compliance with the IPM Policy. The Departmental IPM Plan is attached as a guideline of what the Departmental Designees have been working on alongside the Co-Permittees to best practice implementation at a departmental level.
- e. The Principal Administrative Analyst from the County Administrative Office will be the County's IPM Coordinator for the Plan and the Policy.

9. Annual IPM Progress Report

The County's 2024 Annual IPM Progress Report was prepared by the County's IPM Coordinator.

Pursuant to section IV of the County IPM Plan that was adopted on September 19, 2023 by your Board, an Annual IPM Report will be prepared for the Board of Supervisors regarding the implementation of the IPM Policy. After such submission, normally, the County would be expected to submit the Annual IPM Progress

Report to the Fresno Metropolitan Flood Control District (FMFCD), who will then submit all of the Co-Permittee's (i.e., FMFCD, County of Fresno, City of Clovis, and City of Fresno) Annual IPM Progress Reports to the Central Valley Water Board. But the other Co-Permittees have not completed their own 2024 Annual IPM Progress Reports. To avoid delay for the County, Staff recommend that your Board approve the recommended action.

On December 6, 2024 FMFCD verified that no IPM Annual Progress Report was submitted from any of the Co-Permittees, only the annual work plan for 2024. They indicated through email that they would be working with the Valley Water Board to create a template to be used by all Co-Permittees to submit the first Annual IPM Progress report. The County is submitting this Annual Progress Report to show its intent of keeping compliant to the order from the Valley Water Board. Future progress reports will be compiled in a timely fashion to submit to the Valley Water Board at the same time as the Annual Work Plan before October 1st.

Outlined in the Annual Report for the year 2024 is the following:

a. Management practices that have been implemented

Creation of a Departmental IPM Plan

The Co-Permittees and the assigned Designees from the County of Fresno from the Department of Public Works and Planning (PWP), the Agriculture Department (AG), the Internal Services Department (ISD), and the County Administrative Office (CAO) are drafting a Departmental IPM plan that will be implemented within the County for pesticide application on County facilities. The Departmental IPM Plan is Attachment A within the IPM Annual Progress Report

The Departmental IPM Plan includes Standard Operating Procedures (SOPs) that assist in identifying, evaluating, minimizing, and eliminating pests without the immediate use of pyrethroids. Nonchemical options to remove certain pests are also provided. The SOPs also have identification information so that County staff can be accurate when reporting out to ISD for a pesticide work order request through FAMIS and preventive effort guidelines to reduce the number of pests before it leads to requiring pesticide usage.

The Departmental IPM Plan will be provided to all County Staff once the PWP, AG, and ISD Department Heads have approved the final version and is expected to be provided out by the CAO's Office January 2025

Centralization of Pest Control

The County of Fresno, on May 21, 2024, entered into an agreement (A-24-223) with Orkin, LLC to have them become the only pest management vendor utilized for County facilities. Previously the County held a master agreement with multiple contractors utilized for pest management services. Within the agreement signed into by Orkin and the County, it was specifically stated that Orkin would have to document the pesticide usage, costs, and areas serviced in the Annual Pyrethroid Report format which was completed for the period of January 2023 - September 2024 as their annual report (Attachment B within Annual Progress Report). County staff has been instructed to not utilize any pesticide themselves without submitting a work order request to ISD through FAMIS.

ORKIN, LLC

Orkin was selected for their expertise regarding IPM methodology and they are not only a US Green Building Council Member Education Provider but also are GreenPro Certified through the National Pest Management Association.

b. Evaluated pyrethroid concentrations with respect to the pyrethroid triggers

Gallon Usage

Within the provided report by Orkin, the County noticed that areas that utilized higher than 5 gallons of Pyrethroids usually were in facilities within Rural areas (JJC facilities on American Ave., Area 4 facilities in Biola, Area 5 facilities in Caruthers, etc.) or have specialized activities that attract Pests (Fresno Humane Society facility).

The Orkin Annual Report is Attachment B within the Annual Progress Report. The Annual Report was provided by the County's authorized Pest Management vendor, Orkin LLC, and documents all the County Facilities that had Pyretheroid Pesticides utilized. No other Pyrethroids should be utilized either in County facilities or County Right-of-Ways by County staff.

c. Effective actions to be taken in the future

Monitor and Observe

This is the first year the County has the provided gallon usage amounts utilized for facilities. The IPM Coordinator will keep track of facilities that utilize more than 5 gallons per the Orkin report and determine if there are any preventative efforts that may be conducted to reduce the overall usage at these specific facilities. After the first year the County will re-evaluate what facilities have utilized more or less gallons per facility.

A focus for the County will be to clean and set up preventative efforts in areas that utilized more than 5 gallons per facility. An initial walkthrough with the IPM Coordinator, the ISD Designee, and an Orkin representative of each identified facility (higher than 5 gallons) will be conducted, and notes taken on the area and possible preventative measures that can be taken. These notes can be provided in next year's Annual Progress Report to determine if measures were effective.

The walkthroughs mentioned above will be completed between January and April. Each January-April will produce walkthroughs and documentation on preventative efforts for facilities with higher than 5 gallons utilized on premises. Data will be compared each October upon receiving the Orkin Annual Report.

Preventative Efforts

A list of available preventative efforts for County staff are:

- Cleanliness
- Adequate Storage
- Water Control
- Sealing Entry Points
- Outdoor Maintenance

d. Supplemental Information: Costs and Area Covered

Costs

Total Money Spent on Pyrethroid Pesticides, January 2023 - September 2024: \$205,844.19

Total Pesticides Utilized:

Total Pyrethroid Pesticides utilized, January 2023 - September 2024: 723.9 Gallons

Total Area Covered:

Total Estimated Sq. Foot covered, January 2023 - September 2024: 2,705,411 Sq. Ft

Total Facilities Covered:

Currently Orkin LLC, has documented over 190 facilities that require Pyretheroid usage, an assigned Building No. and address are provided in Attachment B (Orkin Annual Report).

e. County IPM Policy Approach

The County's IPM approach is a comprehensive strategy that prioritizes environmentally friendly pest management practices when possible. It emphasizes education and training, preventive measures, pesticide reduction, monitoring and record-keeping, regulatory compliance, science-based decision-making, and collaboration with the Co-Permittees. By adopting these principles, the County aims to effectively manage pest problems while also attempting to manage the safe use of Pyrethroids.

Steps taken in regard to the management process of the IPM Policy, the cost of Pyrethroid pesticide usage for the months between January 2023 and September 2024, amount of pesticides utilized during this time frame and square feet of area covered. The reason for reporting on the time frame January 2023 - September 2024 was this was the first year after adopting the IPM Policy that the CAO's Office is reporting out to the BOS. Future reports will cover October 1 to October 1 annually. The amounts and report provided within the IPM Annual Progress Report were also submitted to the Fresno Metropolitan Flood Control District (FMFCD) to submit in their National Pollutant Discharge Elimination System (NPDES) Annual Report to the Water Control Board that is due October 1st every year.

The Annual IPM Progress Report attached also lists each County Building serviced by the County's only Pesticide Applicator with addresses and building name also stated for reference (Attachment B within the Progress Report).

OTHER REVIEWING AGENCIES:

Fresno Metropolitan Flood Control District (FMFCD) provided the base for the Departmental Plan through their consultant, Larry Walker Associates (LWA).

REFERENCE MATERIAL:

BAI #35, May 21, 2024
BAI #58, September 19, 2023
BAI #65, October 25, 2022

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - County of Fresno Annual IPM Progress Report (2024)

On file with Clerk - Central Valley Regional Water Board Letter (Feb. 15, 2023)

On file with Clerk - Central Valley Regional Water Board Approval Letter (Oct. 20, 2023)

CAO ANALYST:

Salvador Espino