

STAFF REPORT

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**THE CITY OF
NOVATO
CALIFORNIA**

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MEETING

DATE: September 16, 2014

TO: City Council

FROM: Dave Meyers, Maintenance Superintendent
Felicia Newhouse, Senior Management Analyst

PRESENTER: Felicia Newhouse, Senior Management Analyst

SUBJECT: **CONSIDERATION OF A RESOLUTION TO ADOPT AN INTEGRATED
PEST MANAGEMENT POLICY**

CEQA

DETERMINATION:

Exempt from the California Environmental Quality Act (CEQA) pursuant to
CEQA Guidelines Sections 15307 and 15308

REQUEST

Consider adopting a resolution approving the City of Novato Integrated Pest Management Policy.

RECOMMENDATION

Adopt resolution.

BACKGROUND

On February 5, 2013, the State Water Resources Control Board adopted the Phase II Small Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System Permit, Water Quality Order No. 2013-0001-DWQ, General Permit No. CAS000004 ("Phase II Stormwater Permit"). The effective date of the permit was July 1, 2013, and the requirements are phased in during the permit term.

The City of Novato is named as a Small MS4 permittee in the Phase II Stormwater Permit. The Phase II Stormwater Permit regulates discharges from Small MS4s and requires permittees to implement a stormwater management program. The City implements its stormwater management program both locally and in coordination with Marin County Stormwater Pollution Prevention Program (MCSTOPP). MCSTOPPP has notified all Marin County public agencies, that in order to remain in compliance with the Phase II Stormwater Permit, the City must adopt an Integrated Pest Management (IPM) policy.

Novato City Council Agenda Staff Report Date: _____ File No. _____

DISCUSSION

The purpose of the proposed IPM Policy is to reduce reliance on and minimize the use of pesticides that threaten water quality. The City recognizes that pesticides are potentially hazardous to human health, wildlife, and the environment, and the City shall give preference to available, safe, and effective non-pesticide alternatives and cultural practices when considering options for pest management on City-owned property.

The IPM Policy outlines how the City of Novato will perform its pest management program. In addressing pest management, the City shall focus on long-term prevention and ongoing suppression of pest problems, including consideration of a “no action” approach to minimize or preclude the need to use chemical pest control methods. In order to be in compliance with the Phase II Stormwater Permit requirements, the City of Novato IPM Policy must be adopted. A copy of the proposed City of Novato IPM Policy is attached.

CEQA DETERMINATION

Staff recommends that the adoption of the IPM Policy is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City of Novato Environmental Review Guidelines pursuant to CEQA Guidelines Section 15307, *Actions by Regulatory Agencies for Protection of Natural Resources*, and Section 15308, *Actions by Regulatory Agencies for Protection of the Environment*.

The IPM Policy establishes standards and procedures for the selection and use of pesticides in City operations and on City property which are intended to protect natural resources and the environment by reducing reliance on pesticides and giving preference to non-pesticide alternatives for pest management. The adoption and implementation of the IPM Policy is a regulatory action that will avoid or minimize potential impacts to natural resources and the environment. Implementation of the IPM Policy will have a beneficial effect on natural resources and the environment.

FISCAL IMPACT

For years, staff has been adhering to an unofficial Integrated Pest program that minimizes the use of pesticides and protects water quality. Staff believes that the draft Policy as presented to Council is consistent with the City’s own current best practices and that no additional staff resources will be required to implement the adopted program.

ATTACHMENTS

1. Resolution
2. Draft Policy

CITY COUNCIL OF THE CITY OF NOVATO

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NOVATO APPROVING AN INTEGRATED PEST
MANAGEMENT POLICY AND ADOPTING A
CATEGORICAL EXEMPTION PURSUANT TO THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the City is covered by and must comply with the State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (hereafter Phase II Permit); and

WHEREAS, the Phase II Permit incorporates the *Urban Creek Diazinon and Pesticide Toxicity* Total Maximum Daily Load (Pesticide TMDL) requirements, originally adopted by the San Francisco Bay Regional Water Quality Control Board through Resolution No. R2-2005-0063); and

WHEREAS, the Pesticide TMDL requires the adoption of an Integrated Pest Management (IPM) Policy or Ordinance applicable to all the City's operations and property (owned, leased and maintained) and consistent with the TMDL implementation plan requirements; and

WHEREAS, the Novato City Council has been presented with a draft IPM Policy for consideration; and

WHEREAS, said IPM Policy contains procedures, rules, policies and suggested practices applicable to the use of pesticides, among other things; and

WHEREAS, the Phase II Permit requires the IPM Policy to be formally approved by the City Council and implemented by City staff pursuant to the IPM Policy's terms and conditions; and

WHEREAS, the City recognizes that pesticides are potentially hazardous to human health, wildlife, water quality, and the environment; and

WHEREAS, the IPM Policy will reduce reliance on and minimize the use of pesticides (as defined in Section 12753 of Chapter 2 of Division 7 of the California Food and Agricultural Code) that threaten human health, wildlife, water quality, natural resources, and the environment in City operations and on City property; and

WHEREAS, the City, as stipulated in the IPM Policy, shall give preference to available, safe, and effective non-pesticide alternatives and cultural practices when considering options for

pest management in City operations and on City property, which would avoid or minimize potential impacts to human health, wildlife, water quality, natural resources, and the environment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Novato resolves as follows:

1. The City Council finds that the adoption of the IPM Policy is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City of Novato Environmental Review Guidelines pursuant to CEQA Guidelines Section 15307, *Actions by Regulatory Agencies for Protection of Natural Resources*, and Section 15308, *Actions by Regulatory Agencies for Protection of the Environment*. The IPM Policy establishes standards and procedures for the selection and use of pesticides in City operations and on City property which are intended to protect natural resources and the environment by reducing reliance on pesticides and giving preference to non-pesticide alternatives for pest management. The adoption and implementation of the IPM Policy is a regulatory action that will avoid or minimize potential impacts to natural resources and the environment. Implementation of the IPM Policy will have a beneficial effect on natural resources and the environment.
2. The IPM Policy attached hereto as *Exhibit A* is hereby approved and the City Manager is directed to implement and oversee the implementation of said IPM Policy in accordance with its terms and conditions.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting thereof, held on the 16th day of September, 2014, by the following vote, to wit:

AYES: Councilmembers
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers

Sheri Hartz, City Clerk

Approved as to form:

City Attorney of the City of Novato

Exhibit A
City of Novato Integrated Pest Management Policy

A. CITY OF NOVATO’S COMMITMENT TO INTEGRATED PEST MANAGEMENT (IPM)

It is the purpose and intent of this Integrated Pest Management Policy (IPM Policy) to decrease reliance on and minimize use of pesticides (as defined in Section 12753 of Chapter 2 of Division 7 of the California Food and Agricultural Code) that threaten water quality in City Novato’s operations and on City property.

It is also the purpose and intent of this IPM Policy to outline how City departments are to perform pest management and to ensure compliance with the City’s IPM Policy. In addressing pest management needs, the City shall focus on long-term prevention or ongoing suppression of pest problems, including consideration of a “no action” approach to minimize or preclude the need to use chemical pest control methods. The City recognizes that pesticides are potentially hazardous to human health, wildlife, and the environment and the City shall give preference to available, safe, and effective non-pesticide alternatives when considering options for pest management on City property.

In addition, by adopting this IPM Policy, the City will comply with the 2013 Phase II Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System Permit¹ (Phase II Permit). Phase II Permit Attachment G outlines Total Maximum Daily Load (TMDL) requirements under the *Urban Creek Diazinon and Pesticide Toxicity TMDL* (State Water Resources Control Board Resolution No. R2-2005-0063). The pesticide TMDL requires the adoption of an IPM Policy or Ordinance applicable to all the City’s operations and property and consistent with the TMDL implementation plan requirements.

The Phase II Permit requires the City to implement a landscape design and maintenance program to reduce the amount of water and pesticides used during City operations and activities. The City must evaluate pesticide use and application activities performed and then implement practices that reduce the discharge of pesticides. By implementing the IPM Policy the City will comply with the pesticide-related landscape management measures.

B. CITY POLICY

It is the policy of the City of Novato that:

1. Departments performing pest management will comply with the City’s IPM Policy. This policy will apply to all property and grounds owned, leased, or managed by the City, including all City departments.
2. Departments will require contractors providing pest management services on all property owned, leased, or managed by the City to comply with the City’s IPM Policy.
3. The City’s IPM program will include the following components:
 - a) Educate and train City staff in the IPM program, practices and policy.

¹ Order No. 2013-0001, adopted February 5, 2013

- b) Require City pesticide application contractors to implement the IPM Policy on all property and grounds owned, leased, or managed by the City, inside and outside and to report the types and amounts of pesticides used by the contractor on City property.
- c) Reduce, to the maximum extent practicable, the use of pesticides.
- d) Consider taking a “no-action” approach in addressing certain pest control issues.
- e) Review and consider available non-chemical options before using a chemical pesticide.
- f) Identify least toxic methods to control pests.
- g) Identify, evaluate, and minimize or eliminate conditions that encourage pest problems.
- h) Conduct careful and efficient inspection, monitoring, and assessment of pest problems by designated personnel or contractor knowledgeable of IPM methods.
- i) Maintain records by City departments on IPM methods considered and used to prevent and control pests.
- j) Comply with all applicable state and federal regulations, including pesticide use and reporting.
- k) Provide open public access to all IPM program information and records.
- l) Conduct decision-making based on the best available science and data.
- m) Refer residents and pest control operators to the Marin County Parks Department Integrated Pest Management Program, the Marin County Stormwater Pollution Prevention Program, and the University of California Cooperative Extension for information on less toxic methods of pest control.
- n) Keep the County Agricultural Commissioners informed of water quality issues related to pesticides and of violations of pesticides regulations (e.g., illegal handling) associated with storm water management.

C. DESIGNATION OF INTEGRATED PEST MANAGEMENT COORDINATOR

The City will designate an Integrated Pest Management Coordinator (IPM Coordinator). The IPM Coordinator will be primarily responsible for implementing the IPM Policy and coordinating efforts to adopt IPM techniques. The IPM Coordinator will communicate goals and guidelines to the City of Novato Public Works Director, staff and personnel. The IPM Coordinator will provide staff training, track pesticide use and ensure that related information is available to the public. The IPM Coordinator, will, at the discretion of the City Council present an annual report to the Council evaluating the progress of the IPM Policy implementation (IPM Program).

D. EDUCATION AND TRAINING OF IPM COORDINATOR AND PESTICIDE APPLICATORS

City staff who work with or are potentially exposed to hazardous materials will receive training in Integrated Pest Management, Hazard Communication Standards and the safe use of those hazardous materials in their workplace. Whenever a new pesticide is introduced, additional training will be provided, prior to the initial use. In addition, regular safety meetings will be used to review the information presented in the initial training.

E. EDUCATION AND TRAINING OF STAFF AND APPOINTED PERSONNEL

Education and training of appointed personnel is critical to the success of the IPM Program. Staff, including custodial staff, landscape maintenance staff, building maintenance staff and other pest managers, will be educated in the least toxic, IPM policies and procedures. Training of the objectives of the IPM Program will be updated and reviewed periodically. Education will include formal classroom training, on-site training, and informal meetings with those employees responsible for providing pest control, and will occur at least once a year. Training will be verbal and in person. No pesticides may be used at City sites, except in accordance with the City's IPM Policy.

F. IPM POLICY GENERAL REQUIREMENTS

1. Eliminate pesticides classified as Toxicity Category I and Category II by the United States Environmental Protection Agency (US EPA).
2. Minimize the use of pesticides classified as Toxicity Category III and Category IV by the United States Environmental Protection Agency (US EPA).
3. Eliminate the use of pesticides that are classified by government agencies as known probable or possible carcinogens, reproductive toxicants (teratogens, mutagens), endocrine disruptors, carbamates, organophosphates, or ground water contaminants.
4. Use pesticides only when necessary and select a pesticide that is both effective and least toxic.
5. Designate playground and picnic table areas on City property as pesticide-free.
6. Comply with the Phase II Permit by implementing the following landscape maintenance and design practices:
 - a) Use native and/or climate appropriate plants as well as mulching and other bay-friendly landscaping principles and practices to reduce the amount of water, pesticides and fertilizers used.
 - b) Prevent application of pesticides and fertilizers during irrigation or within 48 hours of predicted rainfall with greater than 50% probability as predicted by National Oceanic and Atmospheric Administration (NOAA) 20.
 - c) Limit or replace pesticide use with alternatives such as conducting manual weed and insect removal.
 - d) Prohibit application of pesticides as required by the regulations DPR 11-004 Prevention of Surface Water Contamination by Pesticides enacted by the Department of Pesticide Regulation.
 - e) Minimize irrigation run-off by using an evapotranspiration-based irrigation schedule and rain sensors.

G. IPM APPLICATIONS AND GUIDELINES

Only persons specifically authorized by the IPM Coordinator as pesticide applicators will be permitted to bring or use pesticides on City property. Use of pesticides by pesticide applicators is limited to those products on the Approved Use or Limited Use Product list. Pesticide applicators

must follow regulations and label precautions. Applicators will have training in IPM and must comply with the City's "Components of an IPM, Least Toxic Program".

H. METHODS AND PRODUCT SELECTION AND PRODUCT USE APPROVAL

It is the policy of the City to use least-toxic IPM principles to manage pest populations. Except for pesticides granted an emergency exemption, the City will not use any products on the banned use product list below. If it is determined that an EPA registered pesticide must be used, then the least-toxic material will be chosen.

Products will be divided into three classifications: Approved Use List, Limited Use List and Banned Use List. If the use of a material not on either the Approved Use List and the Limited Use List is deemed necessary, the IPM Coordinator may apply for an emergency exemption.

I. APPROVED USE, LIMITED USE AND BANNED USE PRODUCTS LISTS

The IPM Coordinator shall maintain a list of all pesticides that have been approved for use by the Public Works Director along with any restrictions for such use. This list shall be referred to as the Approved Use Products List.

1. The Approved Use Products List shall include, but not be limited to:
 - a) Insecticides, non-SGAR rodenticides, bats, and traps
 - b) Caulking agents and crack sealants
 - c) Borates, silicates and diatomaceous earth
 - d) Soap based products
 - e) Natural products on the FIFRA's 25 (b) list (40 CFR part 152.25 (g) (I))
 - f) Natural products on the California Certified Organic Farmers list
 - g) EPA GRAS-generally recognized as safe products pursuant to federal EPA standards
 - h) Cryogenics, electronic products, heat and lights
 - i) Biological controls, such as parasites and predators
 - j) Microbial pesticides
 - k) Insect growth regulators
 - l) Physical barriers
2. Limited Use Products. On a quarterly basis, the IPM Coordinator may submit a written recommendation to the Public Works Director for approval that a particular pesticide(s) not on the Approved List be approved for use for a specific and limited purpose. The Limited Use Products may be allowed to be used for a short and defined exemption period, not to exceed one year. The request must be reviewed by the Public Works Director and signed by the IPM Coordinator. The Public Works Director may grant a limited use exemption upon a finding that the City department or pesticide applicator has:
 - a) Identified a compelling need to use the pesticide
 - b) Made a good-faith effort to find alternatives to the particular pesticide

- c) Demonstrated that effective, economic alternatives to the particular pesticide do not exist for the particular use; and
 - d) Developed a reasonable plan for investigating alternatives to the banned pesticide during the exemption period.
3. Banned Use Products List. The following high health-risk pest management products are completely banned from use on City property:
- a) Pesticides on the California’s Proposition 65 list (the Safe Drinking Water and Toxic Enforcement Act of 1986, materials known to the State to cause cancer or reproductive or developmental toxicity)
 - b) Pesticides classified as Toxicity Category I and Category II by the United States Environmental Protection Agency (USEPA)
 - c) Organophosphates, organochlorines, or carbamates listed by the United States Environmental Protection Agency (Office of Pesticides Programs, Document 735-F-99-14, May 1999), or California Environmental Protection Agency, Department of Pesticide Regulation Chemical Inquiries Database
 - d) A known carcinogen, probable carcinogen, or possible carcinogen identified by the United States Environmental Protection Agency per “List of Chemicals Evaluated for Carcinogenic Potential”
 - e) Any known endocrine disruptor listed by the United States Environmental Protection Agency or the European Union, Endocrine Disruptors website
 - f) Foggers, bomb, fumigants or sprays that contain pesticides identified by the State of California as potentially hazardous to human health (CFR 6198.5)

J. BANNED USE AREAS

Except in the case of an emergency, no pesticides will be applied on the following City properties:

- 1. Playgrounds
- 2. Picnic table areas

K. NOTIFICATION OF PESTICIDE APPLICATIONS

The City shall provide the public and its employees with notification of pesticide applications through the use of signs, voice mail, and the City website.

- 1. Signs should be posted at all regular public and employee points of entry to the treated area pursuant to state and/or federal law, City IPM Policy, and according to product label instructions.
- 2. When required by labeling directions, signs shall be posted in advance of application and remain in place until no longer required following the application as required by the manufacturer’s product label.
- 3. Signs shall contain the name and active ingredient(s) of the pesticide product, the target pest, signal word indicating the toxicity category of the pesticide product, date of application, the re-entry interval as determined by the product label or regulation, the name

and contact number for the City department responsible for the application, and the web address of the City website.

4. Signs should be of a standardized design that is easily recognizable to the public and employees.
5. For every building and site where pesticide baits are used, signs shall be posted at a conspicuous location and include information as outlined above in Section K.3. Departments shall not be required to post signs in right-of-way locations that the general public does not use for recreation or pedestrian purposes, such as median strips. However, notification of pesticide applications in right-of-way locations shall be available upon request.
6. At least four days prior to the application of a pesticide, the department seeking to apply the pesticide shall provide the IPM Coordinator with all relevant notification information and the IPM Coordinator shall post that information to the City website as soon as possible.
7. City departments may obtain authorization from the IPM Coordinator to apply a pesticide without providing a one to four day advance notice if there is a compelling need to use the pesticide, such as a threat to public health, safety, City property, or substantial economic detriment. Signs meeting the requirements as outlined above shall be posted as soon as possible prior to application, and remain posted following the application as required.

L. PEST CONTROL AND RECORD KEEPING OF PESTICIDE APPLICATIONS

The City shall maintain records of all pesticide applications and exemptions to City property for a period of four (4) years, and shall make the information available to the public upon request. Each application record shall include the following information:

1. All the information listed below will be documented on an official Pest Control Recommendation and be supplied by either a Pest Control Applicator or the licensed Qualified Applicator prior to any pest control operation. The form will include:
 - a) Name of the entity responsible
 - b) Specific site of the application
 - c) The target pest
 - d) The date the pesticide was used and re-entry period if applicable
 - e) Date of expiration of the PCA recommendation
 - f) Schedule, timing and conditions
 - g) The name and active ingredient of the pesticide to be applied and EPA registration number
 - h) The pesticide signal word
2. The IPM Coordinator or Pest Control Applicator (PCA) will prepare a follow up record to include:
 - a) The effectiveness of the pesticide or management action
 - b) Prevention and other non-chemical methods of control used

- c) If application was undertaken in a pest control emergency, provide explanation of circumstances of the emergency
3. The IPM Coordinator shall maintain all records and provide an annual report to the Public Works Director. Such report shall also be presented to the City Council as requested. The annual report shall include a review and summary of the City's pesticide use, cultural practices and non-chemical pest control activities, exemptions granted, training offered, any proposed modifications to the City's pesticide list and any suggestions for amendments or resources needed for effective implementation of the IPM policy.

M. ALTERNATIVE PEST CONTROL METHODS

The City is fully committed to the use of pesticide alternatives whenever practicable. The City uses mulch materials to discourage weed growth and encourage plant health. Mulch material is used as a first line of defense against proliferation of weeds. The City has coordinated with the Hungry Owl Project to place owl boxes at strategic locations throughout the City to help naturally control gopher populations. In addition, the City now traps gophers rather than using pesticide based vector control methods.

When the IPM Coordinator, in coordination with the PCA, determines a need for applying a non-herbicidal pesticide, a recommendation and request shall be made to the Maintenance Superintendent for approval. The Superintendent shall approve such requests only if the IPM Coordinator has documented in writing:

1. A compelling need to use the pesticide
2. A good faith effort to find alternatives to the particular pesticide
3. That effective, economic alternatives to the particular pesticide do not exist for the proposed use, and
4. That the recommended pesticide is the least toxic pesticide available to control the target pest.

N. EMERGENCY EXEMPTION PROCESS

The IPM Coordinator will make a recommendation to the Public Works Director to allow staff or an outside landscape contractor to apply a pesticide not on the Approved Product Use List or Limited Use List based upon a finding that the protection of public health requires the use of that pesticide due to an emergency. The City Council intends that such exemptions shall be granted on a per-case basis and shall apply to a specific pest problem for a limited time with selection of pesticides conforming to the spirit and intent of this policy as is deemed practicable. The IPM Coordinator may grant emergency exemptions if action is required before the next meeting of the City Council. The IPM Coordinator shall report all such emergency exemptions to the City Council for review. To the greatest extent practicable, the notification requirements apply in an emergency situation.