



MVCAC
Mosquito and Vector Control Association of California

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Hydro International
94 Hutchins Drive
Portland, Maine 04102

March 16, 2020

Dear Mr. Scott,

Thank you for the submission of the Downstream Defender for review by the Mosquito and Vector Control Association of California pursuant to the SWRCB Trash Treatment Control Device Application Requirements. The Association has reviewed the conceptual drawings for the Downstream Defender and verifies that provisions have been included in the design that allow for full visual access to all areas for presence of standing water, and when necessary, allows for treatments of mosquitoes.

While this verification letter confirms that inspection and treatment for the purpose of minimizing mosquito production should be possible with the Downstream Defender as presented, it does not affect the local mosquito control agency's rights and remedies under the State Mosquito Abatement and Vector Control District Law. For example, if the installed device or the associated stormwater system infrastructure becomes a mosquito breeding source, it may be determined by a local mosquito control agency to be a public nuisance in accordance with California Health and Safety Code sections 2060-2067.

“Public nuisance” means any of the following:

1. Any property, excluding water, that has been artificially altered from its natural condition so that it now supports the development, attraction, or harborage of vectors. The presence of vectors in their developmental stages on a property is prima facie evidence that the property is a public nuisance.
2. Any water that is a breeding place for vectors. The presence of vectors in their developmental stages in the water is prima facie evidence that the water is a public nuisance.

3. Any activity that supports the development, attraction, or harborage of vectors, or that facilitates the introduction or spread of vectors. (Heal. & Saf. Code § 2002 (j).)

Declaration of a facility or property as a public nuisance may result in penalties as provided under the Health and Safety Code. Municipalities and the vendors they work with are encouraged to discuss the design, installation, and maintenance of stormwater trash capture devices with their local mosquito control agency to reduce the potential for disease transmission and public nuisance associated with mosquito production.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Achermann', with a long horizontal flourish extending to the right.

Bob Achermann,
MVCAC Executive Director