
From: Greg Reed <agreed@rhgid.org>
To: 'Daniel Sussman' <DSussman@waterboards.ca.gov>, 'Madonna Dunbar' <madonn...>
Date: 10/27/2011 12:49 PM
Subject: RE: Request for Public Comment: Pesticide Amendment, Lahontan Water Board

Hi All:

I pulled this off the AWWA website this morning. I believe this should be included in the language for the basin plan amendment, if it hasn't been already. I would also hope that the requirements would be for individual NPDES permits and not a general permit. Please let me know if you have any questions.

Thanks,
Greg

NPDES permits needed for pesticide applications to US waters

10/21/2011

The U.S. Environmental Protection Agency and state Clean Water Act primacy agencies will require National Pollutant Discharge Elimination System permits as of October 31 for applications of pesticides to, over or near waters within their jurisdiction. Individual permits will be required if a general permit is not available.

This [permit requirement](#) stems from a 2009 decision by the Sixth Circuit Court of Appeals (*National Cotton Council, et al. v. EPA*) that vacated EPA's 2006 Final Rule on Aquatic Pesticides. Under that rule, NPDES permits were not required for applications of pesticides to U.S. waters.

This action is relevant to permit requirements for water system activities such as the application of algacides to reservoirs, the application of herbicides to control aquatic plant growth, and the application of pesticides adjacent to water bodies where pesticides residuals enter the water.

EPA plans to finalize a general permit for pesticides on October 31 and post it on the agency website (it will later be published in the *Federal Register*). The general permit will be effective only where EPA is the NPDES permitting authority. Forty-four states have primacy for NPDES permitting and are responsible for issuing NPDES permits for pesticide discharges in their respective jurisdictions.

At this time, AWWA understands 36 states expect to have a NPDES pesticide permit structure in place by October 31. Individual states are responding to this court decision differently. Water systems should contact their state agencies responsible for NPDES permitting to understand state-specific requirements.

ROUND HILL GENERAL IMPROVEMENT DISTRICT

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