

**CWSS  
Santa Barbara, CA  
January 24, 2012**

**California  
Weed Science  
Society  
Annual Conference**  
 Santa Barbara, CA  
 January 24, 2012


**California's  
Aquatic  
Pesticide  
NPDES  
Permit:  
What Now?**

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**Today's Talk**


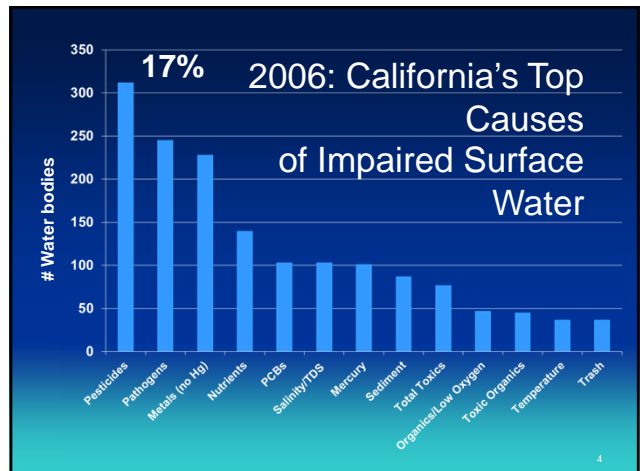
- What's the Problem?
- A Solution: NPDES
- Do I Need an NPDES Permit?
- The California NPDES Permit
- What Now?



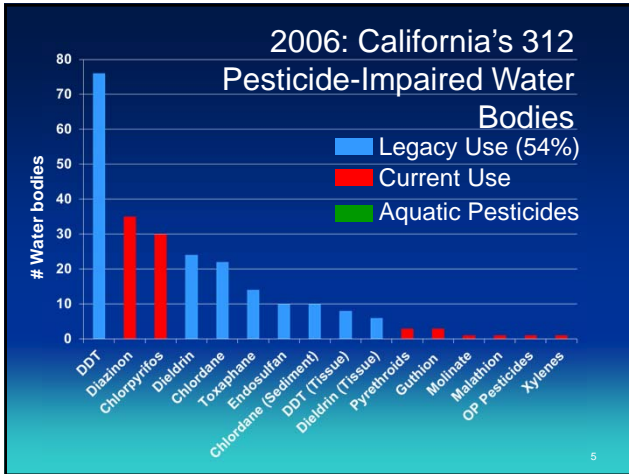
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**What's the Problem?**

- Pesticides and Water Quality
- 1996 Talent Irrigation District
  - leaking gate releases acrolein-treated water; 92K steelhead die
- On-going Clean Water Act 303(d) List





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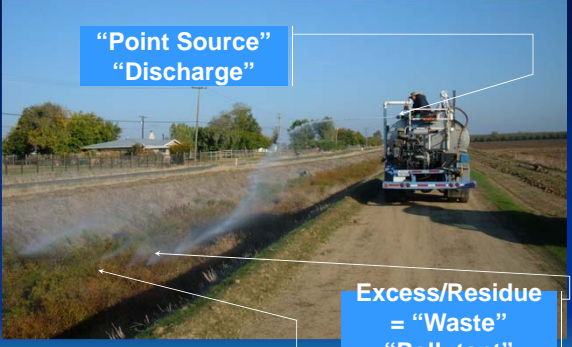
### What's a Solution? NPDES

- **N**ational **P**ollutant **D**ischarge **E**limination **S**ystem
- Part of the Federal Clean Water Act
- Typical Uses: stormwater, construction, industrial discharges
- Benefits:
  - Protect water quality
  - Allows discharge
  - Manages risk



### Do I Need an NPDES Permit?

- You "discharge" a "pollutant" to "Waters of U.S."
- Your pesticide application leaves a "residue"
- Your applications are to, over or near water
- Perceived CWA Violations and Subsequent Citizen Lawsuits Concern You

"Point Source"  
"Discharge"

"Waters of the US"

Excess/Residue = "Waste"  
"Pollutant"

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**Waters of the US**  
**“WOUS”**

- All interstate waters & wetlands used yesterday, today or tomorrow for interstate commerce;
- All other waters, including intrastate waters the use, degradation or destruction of which could affect interstate or foreign commerce
- Waters which are or could be used:
  - by interstate or foreign travelers for recreational or other purposes;
  - for industrial purposes by industries in interstate commerce
  - to take fish or shellfish and sold in interstate or foreign commerce; or

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**“Waters of the US”**

- Adjacent Wetlands and Ponds
- Tributaries
- Seasonally intermittent streams ultimately emptying into a WOUS

**Excludes:**

- Artificial lakes/ponds created by excavating/diking dry land to collect/retain water used exclusively for stock watering, irrigation, settling basins, or rice growing
- Above the “ordinary high water mark”

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**“Waters of the U.S.”**



**Ask: Could I Be Conected?”**

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**“Waters of the US”**

**Yes or No?**

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**The Existing Ca Aquatic Pesticide Permit**

- Still In Effect and Usable
- Submit Notice of Intent (NOI)
- Prepare and Execute an Aquatic Pesticide Application Plan (APAP)
- Report Annually



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**Who Enforces this ?**

- **Unlikely:**
  - SWRCB
  - RWQCB
  - Ag Commissioner
  - CDFG
- **Likely:**
  - Environmental Advocacy Groups



**What Now?**

*The California's Aquatic Weed Permit: 2012*

- **Key Potential Revisions:**
  - Toxicity testing ?
  - Group or Watershed Monitoring ?
  - Reduced pesticide monitoring ?
  - Other ?



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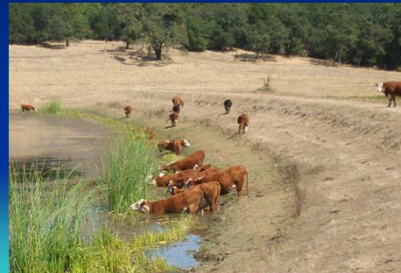
**The Future: Stay Informed**

- California Aquatic Pesticide Permit ("Weed Permit")
  - [http://www.waterboards.ca.gov/water\\_issues/programs/npdes/aquatic.shtml](http://www.waterboards.ca.gov/water_issues/programs/npdes/aquatic.shtml)
- Goby 11 Injunction
  - <http://www.epa.gov/oppfead1/endanger/litstatus/factsheet.html>
  - <http://www.epa.gov/oppfead1/endanger/litstatus/use-limitation.html>
- Red-Legged Frog Injunction
  - [http://www.cdpr.ca.gov/docs/endspec/r1\\_frog/index.htm](http://www.cdpr.ca.gov/docs/endspec/r1_frog/index.htm)
  - <http://www.epa.gov/espp/litstatus/redleg-frog/rif.htm>
- Salmonid Injunction
  - <http://www.epa.gov/espp/litstatus/wtc/maps.htm>



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**Breaking News:  
New Technique Requiring  
No Permit**



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**More Information**

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