

National Pollution Discharge Elimination System (NPDES) Permit Update

The NPDES Permit process continues its course with the finalization of the Federal Permit expected to be released in the next several weeks. State permits are in various stages of preparation, based on delegated authority to administer these permits, with several states not yet having released draft permits to those that have draft permits available for public comment. The following use patterns are to be covered under the draft permit(s): Mosquito and Other Flying Insect Pest Control, Aquatic Weed and Algae Control, Aquatic Nuisance Animal Control, and Forest Canopy Pest Control. Some states are considering an additional use pattern that could be termed Research and Development.

Meanwhile, there are several bills that have been introduced in the US Senate and the House of Representatives whose aim is to repeal the NPDES requirement. In addition, USEPA’s Draft NPDES permit is undergoing a routine procedural review by the US Office of Management and Budget (OMB). Several Senators have called on the OMB to carry out “substantial” scrutiny of the draft permit.

This NPDES Permit process is the result of the Sixth Circuit Court of Appeals holding that Clean Water Act permits are required for all biological and pesticide applications and chemical pesticide applications that leave a residue in water when such applications are made in or over, including near, waters of the US. For additional information about the Final Rule on Aquatic Pesticides, go to <http://cfpub.epa.gov/npdes/pesticides/aquaticpesticides.cfm>. To learn about the status of permits at the state level for the Western States, see the table below which provides information and links to the various agencies handling permits for each state.

	State	Agency	Link/info
1	Alaska	USEPA (Region 10)	http://cfpub.epa.gov/npdes/
2	Arizona	Arizona Department of Environmental Quality	http://www.azdeq.gov/environ/water/permits/
3	California	California State Water Resources Control Board	http://www.swrcb.ca.gov/water_issues/programs/
4	Colorado	Colorado Department of Public Health and Environment	http://www.cdphe.state.co.us/wq/permitsunit/
5	Hawaii	State of Hawaii Department of Health	To be posted after USEPA final version is becomes available at: http://hawaii.gov/health/environmental/water/
6	Idaho	USEPA (Region 10)	http://cfpub.epa.gov/npdes/home.cfm?program
7	Nevada	Nevada Department of Environmental Protection	http://ndep.nv.gov/bwpc/pesticide.htm#NVG870001
8	New Mexico	USEPA (Region 6)	http://cfpub.epa.gov/npdes/home.cfm
9	Montana	Montana Department of Environmental Quality	http://deq.mt.gov/wqinfo/mpdes/pesticides.mcp

10	Oregon	Oregon Department of Environmental Quality	http://www.oregon.gov/DEQ/
11	Utah	Utah Department of Environmental Quality	Status not known at time of newsletter preparation http://www.waterquality.utah.gov/permits/index.htm
12	Washington	Washington Department of Environmental Quality	http://www.ecy.wa.gov/programs/wq/pesticides/
13	Wyoming	Wyoming Department of Environmental Quality	http://deq.state.wy.us/wqd/wypdes_permitting/