



Focus on **National Pollutant Discharge Elimination System (NPDES) Permits for Aquatic Pest Control**

Water Quality Program, Watershed Management Section

National Discharge Permits Issued in 2002

In 2002, the Washington Department of Ecology (Ecology) developed six National Pollutant Discharge Elimination System (NPDES) permits for the use of aquatic pesticides in lakes, rivers and estuaries in Washington state. Aquatic pesticides include a wide assortment of chemicals that kill, attract, repel or otherwise control the growth of aquatic pests. The permits provide coverage under the federal Clean Water Act for aquatic pesticide applications.

Without the pesticide treatments, mosquitoes may threaten people's health and invasive colonies of aquatic noxious weeds can harm water quality, reduce fish habitat, block domestic and agricultural water supplies and interfere with boating and swimming.

Ecology developed these permits in response to a federal Ninth Circuit District Court decision (Talent Irrigation District versus Headwaters, Inc.). The March 12, 2001, federal court decision affects the application of aquatic pesticides to surface waters in nine western states, including Washington. Traditionally, discharge permits have been issued for industrial discharges, treated effluent from sewage treatment plants and stormwater discharges. The court decision means that national discharge permits will now be required for aquatic pesticide uses. In the spring and summer of 2002, Ecology issued two individual and four general permits for various aquatic pest control applications.

For more than 20 years, Ecology issued administrative orders for short-term water quality standards modifications when pesticides were applied in or near waterways. The short-term modifications were based on human health and environmental impact risk assessments or similar evaluations that supplement the information needed for a pesticide manufacturer to obtain a pesticide label under the U.S. Environmental Protection Agency's FIFRA program. The FIFRA program implements the Federal Insecticide, Fungicide and Rodenticide Act. Now, due to the Ninth Circuit Court decision, applications of aquatic pesticides will be regulated under federal Clean Water Act permits as well as FIFRA.

National Discharge Permit Conditions

For all discharge permits, the State Water Pollution Control Act (Chapter 90.48.520 RCW) and subsequent regulations (WAC 173-220-130) require analysis of all known, available and reasonable prevention, control and treatment methods (AKART) for discharges of waste or pollutants to waters of the state. Ecology has determined that all known, available and reasonable treatment methods include opportunities for source control, especially for toxic pollutants.

Permits were developed for:

- Aquatic plant management in irrigation ditches;
- Mosquito larva control in surface waters;
- Burrowing shrimp control on oyster beds;
- Noxious weed control in lakes, rivers, wetlands and shorelines;
- Nuisance plant management in lakes and rivers; and
- Fish management in lakes.

The permits require monitoring for some or all treatments. Integrated pest management (IPM) plans or other conditions are also required to assure water quality is protected. Ecology is taking the lead on the development of a statewide IPM plan required under the general mosquito control permit to assist the efforts of local governments and others applying for coverage under the permit as a result of the arrival of the West Nile virus. Ecology will also track mosquito control efforts and assess impacts, especially to salmonids, of the expected sharp increase of insecticides being applied to surface waters.

Public Process Used for Permit Development

Even though Ecology made initial determinations of AKART and other permit conditions, developing national discharge permits utilized an extensive public process. For each new permit, Ecology convened an advisory committee comprised of potential permit holders, agencies with jurisdiction in aquatic pest control, environmental groups, tribes and interested citizens. The committees advised and commented on the permit documents, including Ecology's determination of AKART, monitoring and conditions to assure protection of water quality. The public review concluded with informational workshops and hearings across the state.

Permit Fees

Permit fees are required for all NPDES permits. The Legislature set fees for aquatic pest control at \$300 for fiscal year 2003 (July 1, 2002 to June 30, 2003) and \$310 for fiscal year 2004 (July 1, 2003 to June 30, 2004). For updated information see:

www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm

For More Information

For further information about aquatic pesticide permits, please contact:

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Permit Website: www.ecy.wa.gov/programs/wq/pesticides/index.html

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