

Agri-Business / Cropland. EPA's issues 2 year stay regarding additional aquatic NPDES permits (Release 6/12/2009 10:00AM)

Cecil Tharp (MSU Pesticide Education Specialist)

According to the January 7th, 2009 ruling by the 6th Circuit Court, clean water permits (NPDES permits) will be required for all pesticide or biological applications to control pests directly to water, over water, or near water. See previous MSU Pesticide News story at <http://www.pesticides.montana.edu/News/Miscellaneous/agalertaquaticpesticidepermits.pdf>.

On April 9th, 2009 the Department of Justice filed a 24 month motion of stay to provide EPA enough time to provide structure to support this ruling. This would include time to develop and deliver a National Pollutant Discharge Elimination System (NPDES; <http://cfpub.epa.gov/npdes/>) permit for these applications, and to allow states time to develop permits, and time for outreach and education for applicators.

This 2 year motion of stay was granted by the 6th Circuit Court of appeals. We can expect more information regarding the permitting process for NPDES permits in the next 24 months from the EPA. Applicators can proceed with business as usual, but should be aware of changes that are coming in the next 2 years.

*** EPA will update NPDES status online at <http://cfpub.epa.gov/npdes>.*

FOR FURTHER INFORMATION CONTACT: For more information see the EPA Final Rule on Aquatic Pesticides website (http://cfpub.epa.gov/npdes/home.cfm?program_id=41). If you have further questions contact the MSU Pesticide Education Program office (Cecil Tharp, 406-994-5067, ctharp@montana.edu).