

US EPA ARCHIVE DOCUMENT

NPDES Pesticide General Permit 11/29/2012

On October 31, 2011, EPA issued a final NPDES Pesticide General Permit (PGP) for point source discharges from the application of pesticides to waters of the United States. This action was in response to a 2009 decision by the U.S. Sixth Circuit Court of Appeals (*National Cotton Council, et al. v. EPA*) in which the court vacated [EPA's 2006 Final Rule on Aquatic Pesticides](#) and found that point source discharges of biological pesticides, and chemical pesticides that leave a residue, into waters of the U.S. were pollutants under the Clean Water Act (CWA). As a result of the court's decision, NPDES permits are generally required for these types of discharges as of October 31, 2011. While the permit requirements must be met as of October 31, Operators will be covered automatically under the PGP without submitting a Notice of Intent (NOI) for any discharges before January 12, 2012. To continue coverage after January 12, 2012, those Operators who are required to submit NOIs will need to do so at least 10 days (or 30 days for discharges to National Marine Fisheries Service (NMFS) Listed Resources of Concern) prior to January 12. For the first 120 days that the permit is in effect, EPA will focus on providing compliance assistance and education of the permit requirements, rather than on enforcement actions.

The Agency's final PGP covers Operators that apply pesticides that result in discharges from the following use patterns: (1) mosquito and other flying insect pest control; (2) weed and algae control; (3) animal pest control; and (4) forest canopy pest control. The permit requires permittees to minimize pesticide discharges through the use of pest management measures and monitor for and report any adverse incidents. Some permittees are also required to submit NOIs prior to beginning to discharge and implement integrated pest management (IPM)-like practices. Record-keeping and reporting requirements will provide valuable information to EPA and the public regarding where, when, and how much pesticides are being discharged to waters of the U.S. Pesticide application use patterns not covered by EPA's Pesticide General Permit may need to obtain coverage under an individual permit or alternative general permit if they result in point source discharges to waters of the U.S.

This general permit will provide coverage for discharges in the areas where EPA is the NPDES permitting authority, which include six states (Alaska, Idaho, Massachusetts, New Hampshire, New Mexico, and Oklahoma), Washington, D.C., most U.S. territories and Indian country lands, and many federal facilities. In the remaining 44 states (and the Virgin Islands), the states are authorized to develop and issue the NPDES pesticide permits. Dischargers in areas not covered under EPA should contact their state environmental regulatory agency for more information on applicable permit requirements. **A directory of state agencies for NPDES pesticide permits is available at: www.epa.gov/npdes/pesticides/statecontacts.**

Webcasts on NPDES Permitting of Pesticide Discharges - EPA has begun hosting a series of webcasts to discuss the implications of the Sixth Circuit Court decision on Clean Water Act NPDES permitting requirements for pesticide discharges and the Pesticide General Permit. Visit www.epa.gov/npdes/trainings for more information.