

## FEATURE I

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# THE NPDES Permit System: What Does It Mean to Our Industry?

*The National Pollution Discharge Elimination System will very shortly be part of our aquatic weed and algae control industry. Water pollution degrades surface waters making them unsafe for drinking, fishing, swimming, and other activities. As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. In most cases, the NPDES permit program is administered by authorized states. Since its introduction in 1972, the NPDES permit program is responsible for significant improvements to our Nation's water quality*

The Environmental Protection Agency (EPA) is under a court mandate to implement a nationwide NPDES permit system for the discharge from the application of pesticides, known as the Pesticide General Permit (PGP).

This permit system will cover all waters of the United States—both public and private. The EPA must have a final NPDES permit completed by the end of the 2010 calendar year. The states are required to complete and enact a state NPDES permit system of their own by April of 2011.

The NPDES permit system may have a dramatic effect to the aquatic plant management industry by significantly increasing costs to both sides of the industry (land owners and operators). This NPDES permit will track approximately 5.6 million applications made by 365,000 applicators using over 400 different pesticides in over 3500 product labels. These numbers estimate the use patterns of aquatic weed and algae control, mosquito and other

flying insect control, aquatic nuisance animal control and forestry canopy pest control – all use patterns that fall under the draft permit.

The current draft permit will require all aquatic weed and

algae control operators to comply with the "Pesticide General Permit" (PGP). The land owners that reach the annual treatment threshold will also be required to apply for a Notice of Intent (NOI) NPDES permit. The annual treatment threshold for aquatic weed and algae control is 20 treated acres annually. For example, applying pesticides twice a year to a ten-acre site will be counted as twenty acres of treatment area.

This is over the annual threshold

(20 acres for aquatic weeds and algae) and will require a permit. The NOI will be available online and will require some specialized knowledge and time to complete. The NOI form provides EPA with the information necessary to determine an operator's eligibility to discharge under this permit, and enables EPA to



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better match up permittees with other reporting requirements and to prioritize oversight activities.

The NPDES Permit is mandated by law and will be in effect in April 2011. As aquatic weeds and algae continue to grow, applications will need to be made to control these plants. There will be another step involved in order to comply with the permit process. It will be a fact of doing business in aquatics and impact the golf course industry. Aquatic plant and especially algae outbreaks will be more difficult to control because NOI permits will have to be in place ten (10) days prior to treatment where thresholds are exceeded. The economic impact is going to increase as the permitting process will take manpower resources not currently used by our industry. Some of these costs will be passed onto the landowner causing an increase in treatment fees.

Operators know the increased regulatory and permitting requirements will take a large portion of permittees time. All activities are regulated under the authority of the EPA and are subject to penalties of \$37,500/day or more. The public comment period has ended and the EPA intends to issue a final general permit by December of this year. When planning for treatments in 2011, know there may be some changes coming from up river.

Please take a look over the draft permit, ([epa.gov/npdes/agriculture](http://epa.gov/npdes/agriculture)) and familiarize yourself with what will most likely become law in 2011. **-OC**





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