

National NPDES - Bill Meredith

- 1) <http://cfpub.epa.gov/npdes/>
- 2) Background
 - a) Lawsuits
 - i) Talent (Oregon)
 - (1) Herbicide application
 - (2) FIFRA violation
 - (3) End result - fish kill
 - (4) Environmentalists brought a lawsuit against the Talent Irrigation District and won
 - ii) Forsgren (Northwest)
 - iii) Several mosquito control cases
 - iv) NYC/No-Spray Coalition
 - b) EPA asked to make a rule concerning a need for a permit
 - i) Nov 2006 - "Final Rule" issued
 - ii) No NPDES permit required
 - c) Environmentalists brought multiple lawsuits to the circuit courts
 - d) Lawsuits consolidated into the 6th Circuit Court
 - e) Farm groups got worried and asked for a rule to confirm their exemption from the CWA
 - f) 6th Circuit Court vacated the EPA "Final Rule" in Jan 2009
 - g) EPA refused to appeal that decision
 - i) Essentially were asking the new administration to support a "Bush" ruling
 - ii) Asked for a 2-year stay to develop a permit
 - iii) Pesticide user groups did appeal but case was refused
 - h) FIFRA problems
 - i) No IMM requirement
 - ii) No reporting requirement
- 3) NPDES permit
 - a) Problems
 - i) Costly
 - ii) Labor-intensive
 - iii) Disruptive
 - iv) Subject to citizen lawsuits
 - b) Permit required by 9 April 11
 - c) Final EPA PGP was to be issued in Dec 2010
 - i) No final permit is as of yet available
 - ii) States waiting for EPA before finalizing their own permits
 - iii) Joint ASWPCA, AAPCO, NASDA letter to EPA sent 2/11/11 asking EPA to ask for a 6-month extension
 - iv) Will 6th Circuit Court grant an extension? Probably
 - d) Legislative side
 - i) Letter sent to the House of Representatives from 34 major pesticide user groups
 - ii) Urging Congress to intervene
 - iii) New Bill

- (1) This rose jointly in two committees having oversight of FIFRA and the CWA
- (2) Propose no NPDES permits are needed for pesticide applications covered under FIFRA

Delaware NPDES Update - Bill Meredith

- 1) Not ready
 - a) Water Resources Regulator is new
 - b) Water Resources Director is resigning
- 2) 2 meetings on NPDES issue
 - a) 1st meeting - 6 people
 - b) 2nd meeting - 10 people
- 3) Programs will have to continue spraying regardless
- 4) Expect that the environmental groups will begin taking action starting April 10th