

# The Dreaded NPDES PERMIT

A saga of woe for weed managers

# State Fact Sheet

- “On March 12, 2001, the Ninth Circuit Court of Appeals ruled that discharges of [...] aquatic pesticides to waters of the United States require coverage under an NPDES permit (Headwaters, Inc. v. Talent Irrigation District).
- The Talent decision was issued just prior to the major season for applying aquatic pesticides.”

- “Because of the serious public health, safety, and economic implications of delay in such applications, [the State developed a General Permit] on an emergency basis in order to provide coverage for broad categories of aquatic pesticide use in California.”

- Coverage under this General Permit is available to public entities for discharges of pollutants to [...] water bodies associated with the application of aquatic pesticides for resource or pest management

# The Point?

- It was supposed to be easy!



# WHAT HAPPENED?



# What's Going to Happen?

- ISP will submit a NOI and fee to cover all ISP Projects
- ISP will develop a rigorous monitoring program
- RWQCB will approve the monitoring program, allowing work under the permit
- Control Projects authorized as “ISP Projects” will be covered under the permit

# Timeline for NPDES

- File NOI as soon as Pilot Projects selected  
(It can be modified later if projects are added)
- March-April – Work with Monitoring Group to develop plan
- May – RWQCB approve monitoring plan
- ISP and Partners will implement monitoring at most control sites during the first year.

