

1. **Q. Are there new permits required for 2010?**

A. No, there are no new permitting requirements for 2010 for mosquito control or aquatic applications. However that will change for 2011.

2. **Q. What is NPDES and how is it going to affect mosquito control or aquatic habitat applications in 2011?**

A. NPDES stands for National Pollutant Discharge Elimination System. After a circuit court challenge in 2009 that ruled Public Health applications are no longer exempt from the Clean Water Act regulations, a permit will be required to make such applications. The enforcement of this permitting will fall under the responsibility of the EPA and its Office of Wastewater Management that oversees NPDES. That oversight then transfers in most cases to the states for final implementation.

3. **Q. Why are mosquito control applications included under the Clean Water Act, CWA?**

A. The Clean Water Act was established to help prevent water pollution that degrades surface waters making them unsafe for drinking, fishing, swimming, and other activities. Since larvicide and adulticide applications can reach waters that ultimately discharge into public waters of the U.S. they fall under the regulations of the Clean Water Act.

4.

**Q. What is the timing of this permitting? When do customers have to be in compliance?**

A. The EPA Draft of the NPDES Permit program issued **June 3, 2010**. The 30-day comment period ends **July 2, 2010**. The *final* EPA permit is to be issued in December.

Most states have independent authority over this type of permitting and will modify the EPA draft *with their own draft*. States may elect to use the EPA permit guidelines as written. It is assumed most states will use the EPA draft *as a base template*. Therefore **it is extremely important for customers to comment on the EPA draft once issued in late May**. *Clarke will encourage customers to respond and will provide guidelines on how to respond to these drafts.*

By April of 2011, each state is responsible for issuing NPDES permits. **So beginning April 2011 or before any 2011 season application can be made, a permit will be required.**

It is undetermined at this time if each municipality will be the permit applicant/holder or if the contractor OR abatement district making the applications will be required to hold the permit. Stay tuned.

5. **Q. Will my program need a permit?**

A. Mosquito & aquatic habitat control programs will need permit if they exceed the following application treatment areas in the course of a season. The current draft defines permit requirements for the following four use patterns:

<b>Pesticide Use Pattern</b>	<b>Treatment Acreage Threshold</b> (If your program application will EXCEED these acreages, you will need to apply for a permit)
Mosquitoes and other aquatic nuisance insets	640 acres
Aquatic weeds & algae - Waters of the U.S. - Conveyances to Waters of the U.S.	160 acres or 10 linear miles along waters of the U.S., 50 linear miles for conveyances TO waters of the U.S.
Area wide pests - Ditch banks - Forestry/other area-wide applications (including mosquito adulticide application)	50 linear miles of ditchbanks 160 forestry or other wide area acreage
Aquatic nuisance animals	160 acres

6. **Q. Where do I get or file for the permit?**

A. An agency within each state will be responsible for issuing NPDES permits. See our listing of state contacts on our website. We recommend that customers go to their state pesticide agency first for reference on this topic. (Google: NPDES permit (your state name)...the state may or may not have information posted on the topic yet.

7. **Q. What will a permit cost?**

A. This will vary by state – Some entities may even be exempt. Some current fee listings range from \$0 - \$500.

8. **Q. Do I need to get a permit every year?**

A. No. A permit is valid for 5 years. However, customers are responsible for updating any changes in their IPM plan and submitting those changes to the permitting agency.

9.

**Q. What type of records will customers need to keep as a result of this permit?**

**A.** In most cases, the plans and records required will be no more than what customers are likely currently maintaining. A documented Integrated Pest Management (IPM) program will be required. It will need to include auditable records of thresholds for treatment, equipment maintenance & calibration, application data, etc.

What will be required of each mosquito control program can vary by state. As each state defines how they will implement this, they will post on-line requirements. At this point in time, here is what we think the EPA draft will require:

- Documented pest management plan
- Standardization of recordkeeping (may vary by state)
- Annual report (may vary by state)