



**American Water Works  
Association**

## Utility Member Benefit

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## Regulatory Alert

**TO: AWWA Section Government Affairs Contacts  
All Utilities**

**FROM: AWWA Government Affairs Office**

**DATE: March 3, 2011**

**What: EPA Requests Extension on Clean Water Act Permit Requirement for  
Pesticide Discharges**

**Who: US Environmental Protection Agency**

**When: Public Statement Released TODAY, March 3**

The US Environmental Protection Agency today announced that it is requesting an extension to allow more time for pesticide operators to obtain permits for pesticide discharges into U.S. waters. EPA is requesting that the deadline be extended from April 9, 2011 to Oct. 31, 2011. During the period while the court is considering the extension request, permits for pesticide applications will not be required under the Clean Water Act.

This action is relevant to permit requirements for such water system activities as the application of algacides to reservoirs, the application of herbicides to control aquatic plant growth, and the application of pesticides adjacent to water bodies where pesticide residuals enter the water.

**Note:** Individual states will respond to this EPA action differently. Water systems should contact their relevant state agencies to understand state-specific implications.

EPA requested the extension request to allow sufficient time for:

- EPA to engage in Endangered Species Act consultation
- EPA to complete the development of an electronic database to streamline requests for coverage under the agency's general permit (MA, NH, NM, ID, OK, AK, DC, most U.S. territories and Indian country lands, and many federal facilities).
- Authorized states to finish developing their state permits and permitting authorities to provide additional outreach to stakeholders on pesticide permit requirements.

This EPA action is the latest step in the agency's response to a decision by the Sixth Circuit Court of Appeals (National Cotton Council, et al. v. EPA). The court vacated EPA's 2006 rule

that said NPDES permits were not required for applications of pesticides to U.S. waters. For more information: <http://www.epa.gov/npdes/pesticides>.

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