

The Clean Water Act and Mosquito Control: Past, Present, and Future - Joe Conlon

- a) History
 - i) Passed after the Cuyahoga River caught on fire
 - ii) 1972 - Restore and maintain chemical integrity of navigable waters
 - iii) 1973 - FIFRA defines navigable waters
 - iv) The government is currently seeking to remove the term “navigable waters”
- b) Comparing FIFRA and CWA
 - i) FIFRA
 - (1) Cost/benefit risk-based
 - (2) Fine - \$7000/incident
 - (3) No citizen suits
 - ii) CWA
 - (1) No cost/benefit
 - (2) Hazard-based
 - (3) Fine - \$37000 per day
 - (4) Citizen suits
- c) Pesticide General Permit (PGP)
 - i) Notice of Intent (NOI)
 - (1) Type or scale of application
 - (a) Feds have no idea what this will be
 - (b) Situation very fuzzy at the moment
 - (2) Identify the responsible entity
 - (a) Contact info
 - (b) Description of entity
 - (c) Type of discharge
 - (d) Receiving stream(s)
 - (3) 25(B) not exempt
 - ii) Technology-Based Effluent Limits (TBEL)
 - (1) IPM plan based on BMP
 - (2) Assumed to be best technology
 - iii) Water Quality-Based Effluent Limits (WQBEL)
 - (1) States that if TBELs are met, WQBELs are met
 - (2) Some very fuzzy language included
 - iv) Monitoring
 - (1) Required
 - (2) Visual??
 - (3) Enhanced??
 - (4) Frequency and timing
 - (5) No ambient water quality testing foreseen - yet
 - v) Annual reporting
 - (1) Required
 - (2) Accessible by the public
 - (3) Types, amounts, locations
- d) General NPDES permit
 - i) Based on writer’s best professional judgment

- ii) Open to public comment
- iii) EPA oversight
- e) Endangered Species Act will come into play
- f) Schedule
 - i) April/May 2010
 - (1) Draft permit
 - (2) Public comment
 - ii) Dec 2010 - final permit issues
 - iii) www.epa.gov/npdes/training
- g) State of Washington Draft Permit
 - i) Coverage not needed:
 - (1) Retention ponds if no discharge within 2 weeks
 - (2) >5 acres constructed water body
 - (3) Inland farm pond
 - (4) ...
 - ii) Surveys
 - (1) Larval dips
 - (2) Representative sampling
 - (3) Use of temephos restricted
 - iii) Notification
 - (1) Public notice in a newspaper ≥ 10 days before first application
 - (2) Must provide maps
 - (3) NWR - 24 hour notification
 - iv) Conditions for application
 - (1) Larvicide
 - (a) Must not cause long-term environmental harm
 - (b) 1 larva/pupa per 3 dips needed
 - (c) List of allowed larvicides
 - (2) Adulticide
 - (a) Not allowed for nuisance mosquito control
 - (b) Set season, April 1 - Oct 1
 - (c) ULV
 - (d) Follow label
 - (e) Authorized adulticides
 - (f) Do recognize need for resistance management
 - (3) Reporting
 - (a) File online
 - (b) Signed letter must be on file
 - (c) Keep records for 5 years
 - (4) Testing required
- h) BMP - AMCA
 - i) <http://www.mosquito.org/secure/upload/articles/BMPsforMosquitoManagement.pdf>
 - ii) Components
 - (1) Surveillance
 - (2) Mapping

- (3) Action thresholds
- (4) Physical control/source reduction
- (5) Biological control
- (6) Chemical control
- (7) Efficacy/resistance monitoring
- (8) Education and community outreach
- (9) Record keeping
- i) NPDES permit
 - i) This will be a nightmare as the environmental groups become involved
 - ii) One mosquito control agency has already been sued for spraying without a permit EVEN THOUGH NO PERMIT YET EXISTS
 - iii) Supreme Court has been petitioned about the 6th Circuit Court's decision
 - (1) If accepted, oral arguments by Oct
 - (2) If denied, mandate goes into effect 9 April 2011
 - iv) Bottom Line - we will have permits
 - (1) EPA will try to make permit as easy and unobtrusive as possible
 - (2) Environmental activities will begin filing appeals to shut down mosquito control