



The MidSouth Aquatic Plant Management Society

September 28, 2009

Dear MSAPMS Members,

I would again like to thank those of you who were able to attend the recent 28th Annual Meeting of the Midsouth Aquatic Plant Management Society at Lake Guntersville State Park. I hope you found the meeting both informative and entertaining. I also hope that you were able to hear the Keynote Address provided by Mr. Jim Skillen, Director of Science and Regulatory Affairs for Responsible Industry for a Sound Environment (RISE).

In his address, Mr. Skillen explained the impacts that we as aquatic plant managers will face from the recent 6th Circuit Court decision in which the court vacated a 2006 EPA Clean Water Act (CWA) rule relating to aquatic pesticide use. The EPA rule in question had exempted pesticides applied near or into “waters of the U.S.” from National Pollutant Discharge Elimination System (NPDES) permits if those pesticides were applied in accordance with the FIFRA product label. The EPA is now under a court mandate to implement a general NPDES permit for applications that occur over or near US waters. Given the accelerated timetable EPA has set for establishing a permit system, it is believed that the agency will look to existing blueprints such as the State of Washington’s in developing a nationwide permit system. I have attached a copy of the State of Washington’s Aquatic Plant and Algae General Permit.

During the next several months, there will be opportunities to provide input to the EPA and state permit writers. During last week’s meeting, the MSAPMS Board of Directors met to determine the best way for the Society and its members to get involved in this process. It was determined that the EPA has very little data relating to the financial burden a general permit system will place on aquatic applicators.

On behalf of the Society, I am requesting your assistance in developing a “white paper” detailing the economic impacts a general permit system will have on aquatic applicators and aquatic resource managers throughout the MidSouth region. I understand that providing financial data related to your private business is a difficult thing to request therefore I am not asking that you provide any figures detailing your current operations. Only additional costs that you believe your company or program will incur to become compliant with a permit system of this type. The following list contains a few of the questions I would like for you to consider. This is just a sample of the additional requirements your business is likely to face so I encourage you to read the State of Washington’s permit for others.

- Do you know 60 days in advance where you are going to make an application? (S2.B.1)
- How many ads will you have to put into the paper? How much will that cost? (S2.C)
- What would be the cost of additional signage and postings as required by the permit, including posting buoys for many treatments? (S6)
- Will you need additional insurance to cover potential fines / non-compliance issues? (S6.3.A.a)
- How will you store treatment and notification information for 7 years? (S6.B.1.f)
- How much will monitoring (S7), sampling (S8), and reporting (S9) requirements cost?
- How much will it cost to become compliant with spill prevention requirements? (S10)
- Will you need additional employees to ensure compliance? How many?

I realize that finding time to read the permit and respond is difficult when you're trying to run a business or manage a program. I encourage you to provide as much information as possible in response to these questions and others so that we can help EPA develop a permit process that is financially feasible for resource managers. I also hope that this will give you a head start in preparing for the challenges that your business will face.

As I'm writing this letter, the EPA is preparing preliminary draft permits. Please respond no later than October 30th, 2009 by email to jcarlee@southernco.com or by mail to:

MidSouth Aquatic Plant Management Society
PO Box 822792
Vicksburg, MS 39182

Thank you for your prompt attention to this matter.

Sincerely,
Jason Carlee

Jason Carlee
President, MidSouth Aquatic Plant Management Society