

On March 7, 2001, the State Water Resources Control Board adopted a nonprecedential order issuing a national pollutant discharge elimination system (NPDES) permit to the Department of Boating and Waterways (Department) for discharges associated with its waterhyacinth control program. The permit regulates discharges of waste from the application of aquatic pesticides to waterways. The decision states that it does not establish precedent as to whether an NPDES permit is required for such discharges, but that it is issuing the permit because the Department requested the permit.

On March 12, 2001, the Ninth Circuit Court of Appeals ruled that it is necessary to obtain a NPDES permit for application of aquatic pesticides to waterways. (*Headwaters, Inc. v. Talent Irrigation District.*) This decision is controlling in California for nonagricultural applications of pesticides to waterways.