



MAINE DEP FACT SHEET

Turf Management – Pesticides and Fertilizers

Date: November 2008 Contact: Bob Stratton (207) 287-3901 or
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Background – Discharges to Waters of the State

Even common materials require careful use to avoid unintended, illegal, and damaging impacts. Applicators and property owners need to be aware **that any discharge of pollutants, including pesticides and fertilizers, to waters of the State or in such a way that they enter a water of the State, first requires approval of the Maine Department of Environmental Protection (MEDEP).** Waters of the State include surface water bodies such as streams, rivers, lakes, ponds, marine waters, coastal and freshwater wetlands, and groundwater. The use of pesticides and fertilizers near slopes, drainage swales/features, or storm drains that lead to surface waters, or the use of materials that readily leach through soil, can cause unintended and illegal discharges to waters of the State, potentially damaging Maine's natural resources.

The Maine Department of Agriculture, Food and Rural Resources has established Standards For Water Quality Protection (Chapter 29) related to pesticide use. **However, compliance with the Chapter 29 regulations does not guarantee compliance with all state water quality laws.** The discharge of pesticides, fertilizers, or similar materials to a water of the State without a Waste Discharge License from the MEDEP is a violation of Maine law, 38 M.R.S.A., § 413(1) and is subject to enforcement action including, but not limited to, possible monetary penalties ranging from \$110 to \$10,000 for each day that a discharge occurs. Your diligence in these matters is important in order to avoid violations of state water quality law, serious impacts to aquatic life and resources, and potential enforcement action.

Though the Waste Discharge Licensing process is available for those discharges that ensure protection of non-target species, water quality standards, and designated uses, as demonstrated through ongoing monitoring and reporting requirements, the best approach is to adopt site specific treatment procedures to ensure no discharges to surface waters or groundwaters of the State. Please consider:

Impact Avoidance

Product selection for materials with low leaching potential, low solution runoff potential, low toxicity to humans and aquatic life, and short-term persistence. Use non-persistent pesticides and fertilizers that are rapidly absorbed or bound to plants and surface soils, thus containing those materials to small areas.

Avoid ground features and structures that increase the potential for discharges to waters of the State, outlined above. Treat only in areas with no standing water or physical connections to waters of the State during the material's active period. And, treat in appropriate weather conditions to prevent runoff and to allow for plant and soil up-take, thereby reducing the potential for runoff and discharge to other waters.

Establish appropriate buffer zones based on product properties, ground conditions, and the potential for discharge to waters of the State.

Other information

To discuss requirements for wastewater discharges to waters of the State or to obtain application materials, contact MEDEP's Division of Water Quality Management at (207) 287-3901 or toll free 1-800-452-1942. Also, visit www.maine.gov/dep/blwq/docstand/wastepage.htm to view applicable rules or permit application materials (click on *General Materials* for rules; *Municipal/Industrial*, then *Applications* for forms). For more information on pesticides and their regulation and use, including requirements for Commercial Pesticide Applicator's licenses and variance requirements near waters of the State, contact the Board of Pesticides Control at (207) 287-2731 or visit their website at: www.maine.gov/agriculture/pesticides.