

The Division has been monitoring the pesticide permit development process including actions taken by the Courts and Congress during the past 4 years. In January 2009 after the U.S. Sixth Circuit Court of Appeals Vacated EPA's November 2006 Pesticides rule, the Division determined that it would be unable to issue a Colorado Discharge Permitting System (CDPS) pesticide permit without statutory change and direction to collect fees and obtain the resources necessary to implement a pesticide permitting program in Colorado. In April 2010, in response to requests from pesticide operators, the Division revised its position and chose to issue a short term pesticide permit to provide coverage for discharges from the application of pesticides to waters of the state. The Division has continued to monitor the permit development process to date including EPA's October 31, 2011 issuance of a final pesticide permit. For issuance of the CDPS final pesticide permit, the Division determined that the fundamental approach taken in WQCD's January 2011 draft permit, including the permitting process used and the reliance on EPA's permit as a model, remained appropriate. Notable changes to the EPA permit, such as a 2-year permit term, no application requirement and no annual report requirement were also carried through from the draft permit. In October 2012, the Division obtained sufficient funding to support one position, operating at 70%, which will expire in September 2013. Additional, permanent, funding is currently being evaluated by the Colorado State legislature. Until such time as the position is extended or terminated, the current position holder ([john.nieland@state.co.us](mailto:john.nieland@state.co.us)) will be working with stakeholders to help them navigate the requirements outlined in the Pesticide General Permit. He is available for questions, limited speaking engagements, complaint receipt and follow-up and compliance assistance. Due to the uncertainty surrounding the sustainability of the position, the Division intends to rely on outreach materials developed by EPA, and will post information to this web site regarding state-specific questions as responses are developed.