



# Extension FactSheet

School of Natural Resources, 2021 Coffey Road, Columbus, OH 43210-1085

## Notifying the Ohio EPA Prior to Applying Aquatic Herbicides in Ponds

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Chemical control (herbicide) is a commonly used method to control algae, submerged plants, as well as emergent plants. What may not be commonly known is that whenever an herbicide is applied to some Ohio surface waters, notification to the Director (or his designee) of the Ohio Environmental Protection Agency (Ohio EPA) may need to be done prior to application. The purpose of this fact sheet is to provide a better understanding of what situations require notification to the Ohio EPA and to provide guidelines and an example for submitting a notification form. Please note that the example form is not an official form of the Ohio EPA.

### Who Needs to Submit an Application?

OEPA statute 3745-1-01(E)(1) states that “Whenever chemicals are applied for control of aquatic plants or animals, notice must be given to the Director of Ohio EPA before chemicals are applied. The Director, upon receiving such notice, may order that chemicals not be applied if he/she concludes that the proposed application would pose an unreasonable danger to human or aquatic life.” The application of pesticides registered under the Federal Insecticide, Fungicide, and Rodenticide Act are permitted **without notification** to the Director when:

The pesticide is applied consistent with label instructions, and:

- (i) The application is to a pond with a surface area equal to or less than five acres; and
- (ii) The application is not within one mile upstream of a public water supply intake or within one mile of a reservoir public water supply intake; and
- (iii) The application is not to any wetland, borrow pit, quarry, or water body used for public swimming.

Thus, the only aquatic herbicide applications exempt from the notification process are ponds less than five acres, provided they are not within one mile upstream of a public water supply intakes, are not borrow pits or quarries, and no public swimming occurs. It is **important** to note that individuals applying herbicides to stream or riverbanks and township or county maintained drainage ditches must continue to notify the Ohio EPA. They are not exempted from this statute as it only applies to ponds.

Some pond owners may not be comfortable with applying herbicide to their pond themselves and decide to commercially contract the application. The commercial applicator should file the notification form with the Ohio EPA. Remember, choose a commercial applicator that is licensed by having gone through the pesticide application certification program offered by the Ohio Department of Agriculture.

### Where is the Notification Sent?

In most instances, your form will be sent to Ohio EPA, Water Quality Planning and Assessment, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049. The exceptions are if the planned treatment may affect public drinking water supplies (i.e, herbicide will be applied directly to waters used for public water supplies, within 1 mile of a river/stream public water supply intake, or along the shore of a public drinking water supply reservoir). If these apply, the applicator will need to request the form “Application for Approval of Pesticide Materials for Use in or Near a Potable Water System” from the Ohio EPA’s Division of Public Drinking Water. Provide the requested information and return to the Division of Public Drinking Water.

## When to Apply

Because developing the form and having it reviewed takes time, it is advisable that the applicator consider their needs well in advance and submit the form sometime before May 1st of each year. In ponds with annual vegetation problems, the owner (or applicator) can easily anticipate the plant control needs, submit the notification early, and thereby be ready to apply at the proper time. *Remember, notifying the Ohio EPA does not obligate you to apply herbicides.* If for some reason no herbicide application is needed, simply do not apply the product.

It is not unusual for a pond or lake that has had no prior aquatic plant problem to suddenly develop an excessive plant assemblage that may require chemical control for the first time. In this instance, it is recommended that a herbicide application notification form be submitted as soon as possible. The applicator should wait several weeks to give the Ohio EPA time to review and contact you if need be.

## Pre-Application Considerations

Prior to submitting a herbicide notification form, it is wise to educate oneself on aquatic vegetation control. Items to be considered are what plant(s) need to be controlled, what are the water uses of the pond or lake, what is the effective application rate, and when will the application be performed. The Ohio State University (OSU) Extension program has three fact sheets available that may be useful: Fact Sheet A-3-98 *Controlling Filamentous Algae in Ponds*, Fact Sheet A-4-98 *Chemical Control of Aquatic Weeds*, and Fact Sheet A-2-98 *Pond Measurements*. These are available from each county Extension office as well as downloadable at <http://ohioline.osu.edu>. OSU Extension conducts pond management clinics throughout Ohio and can be an effective venue to get answers to questions as well as learn of alternatives to chemical use. Another important source of information is the labels on the containers of the various aquatic herbicides legally approved for use. A visit to the local store handling these products is time well spent. **Pay special attention to all safety recommendations and usage restrictions associated with product being considered for use.** With these materials in hand, the applicator or pond owner can develop the herbicide notification form.

## What to Submit

The Ohio EPA currently does not have a standard form for notification of administering pesticides to ponds. The following guidelines have been developed to assist the pond owner or applicator in submitting a clear, effective notification form to the Ohio EPA. Also, the question is frequently asked “If I own multiple ponds requiring

notification, do I need to submit multiple notification forms?” The answer is yes because they are distinct bodies of water. However, feel free to send them all in together as a packet.

### A. The Cover Letter

It is recommended that a cover letter accompany the notification. The purpose of the cover letter is to assure the Ohio EPA that (1) all product labeled safety requirements and water use restrictions will be followed and (2) Ohio EPA’s post-application posting requirements will be followed. The cover letter also provides a return address and e-mail address with which the Ohio EPA can contact the applicator if need be. It is encouraged that commercial applicators include their license number in the cover letter. An example cover letter is provided in Figure 1.

### B. The Notification Form

Figure 2 is an example of a suggested notification form filled out with data from a fictitious pond.

**Applicator Information** – Provide the name and address of the applicator that will apply the herbicides. This can either be the pond owner or the name and address of the commercial applicator. If a commercial applicator, again include the license number provided by the Ohio Department of Agriculture.

**Client(s) Address(es)**– If a commercial applicator is submitting the notification request, the pond owner’s name and address appears here. If the form is submitted by the pond owner, simply provide his/her name.

**Name / Location** – Provide the name of the water body. If unnamed, simply list it as “pond located on the property of \_\_\_\_\_.” Describe the location as an estimated distance from a nearby road intersection (Figure 2). This allows Ohio EPA to check topographic maps for watershed locations should they so desire.

**Site Description** – Describe your pond in terms of size and how it was constructed (dam or simple excavation). If dammed, provide the name of the stream/ river that pond overflow flows into.

**Target Aquatic Species** - Provide either common or scientific names of plant species to be controlled.

**Non-Target Aquatic Organisms (threatened and/or endangered species)** - Identify any known Ohio or Federal threatened or endangered species within 300 feet of the proposed treatment area. If none, simply state so. A list of Federal endangered and threatened species

**Figure 1. Example Cover Letter to Accompany Pesticide Application Notification Form.**

John Doe  
 9999 Harriott Road  
 Marysville, OH 43040  
 Phone & email

July 31, 2003

Dr. John Estenik  
 Ohio EPA, Division of Water Quality Planning  
 Lazarus Government Center  
 P.O. Box 1049  
 Columbus, OH 43216-1049

Dear Dr. Estenik:

Enclosed is my notification form to apply aquatic herbicides to a private pond located on my property for the purpose of controlling excessive submerged vegetation and algae. All safety instructions provided on the product labels will be followed. Additionally, the pond will be posted using the Ohio EPA guidelines provided in The Ohio State University Extension Fact Sheet A-13-04 *Notifying the Ohio EPA Prior to Applying Aquatic Herbicides in Ponds*. Posted information will include names of chemicals used as well as restrictive information on drinking, water contact, fish consumption, and irrigation. Please do not hesitate to contact me at 614-333-5432 if you need additional information. Thank you for your time in considering my request.

Sincerely,

John Doe

can be obtained at <http://endangered.fws.gov/wildlife.html>. Simply click on the region three index icon. A list of Ohio endangered and threatened species can be obtained from any of the five Ohio Division of Wildlife District headquarters. District headquarters are located in Columbus, Findley, Xenia, Akron, and Athens.

**Surface Water Intake** - Indicate whether there is a potable drinking water intake within one mile downstream of the treatment area. If the answer is yes, you need to obtain the appropriate form from the Ohio EPA's Division of Public Drinking Water.

**Primary Contact Usage** – Indicate whether there is primary contact usage (swimming, canoeing etc.) within the treatment area. If yes, list the human activities that have occurred in the treatment area in the past. This information should be critical in selecting an appropriate herbicide to use in each situation.

**Requested Chemical(s) / Application Rate / Desired Concentration** - List all the aquatic herbicides that may be used, the application rate and the desired concentration. The product labels can provide this information. Express application rate as gal. or lbs per surface acre or acre-ft.

**Restrictions** – List all restrictions associated with each product to be used. This information can be found on product labels. Manufacturers of herbicides are required to include this information on their labels.

**Approximate Application Dates** – For each product, indicate the approximate application dates. If a product is to be used periodically throughout the growing season, please indicate as so. The application and concentration rates provided on the form are to indicate the rates for each periodical application, not the combined amount to be used for the entire year.

Figure 2. Sample Herbicide Application Notification Form.

<h2>Aquatic Herbicide Notification Form</h2>		
<b>Submitted to:</b>		
<b>Ohio Environmental Protection Agency</b>		
<b>Division of Water Quality Planning and Assessment</b>		
<u>Applicator Name and Address:</u>	Pond Management Inc. (License # 111111) 3456 State St. Cityville, OH 44444 614-333-5432	
<u>Client Information:</u>	Mr. John Doe 9999 Harriott Rd. Marysville, OH 43040 614-873-xxxx	
<u>Location:</u>	Doe Pond. 1 mile north of US42 and US 33 Intersection	
<u>Site Information:</u>	2.5 acres. Pond formed by damming of intermittent tributary to Mill Creek.	
<u>Target Aquatic Species:</u>	Filamentous Algae, Curly Pondweed, Watermilfoil	
<u>Non-target Aquatic Organisms:</u>	No known threatened or endangered species within 300 ft of treatment area.	
<u>Surface Water (Potable Drinking) Intake:</u>	Yes ( <input type="checkbox"/> )    No ( <input checked="" type="checkbox"/> )	
<u>Primary Contact Usage:</u>	Yes ( <input checked="" type="checkbox"/> )    No ( <input type="checkbox"/> ) If yes, list types of contact: Swimming and canoeing	
<u>Requested Chemical(s)</u>	<u>Application Rates</u>	<u>Desired Concentrations</u>
Copper Sulfate	2.7 lbs / acre-ft	0.25 ppm or less
Aquathol K	2 gal / acre -ft	2.0 – 3.0 ppm
<u>Water Use Restrictions:</u>	<u>Copper Sulfate</u>	<u>Aquathol K</u>
Drinking	0 days	25 days
Swimming	0 days	1 day
Fish Consumption	0 days	3 days
Irrigation / Livestock	0 days	25 days
<u>Approximate Application Date (s):</u>	Copper Sulfate: Periodically during June 1 – Sept. 30 Aquathol K:    June 15 – July 15	
<u>Additional Information:</u>	Small map is attached.	

**Additional Information** – Provide any information the applicator feels needs to be included in the application. The Ohio EPA requires a map illustrating treatment areas be included, so indicate that a map is attached. In small ponds where the entire water area is to be treated, provide a map showing the location of the pond to nearby properties (including owner) and state entire pond to be treated. In larger lakes where small areas will be treated, indicate on the map the areas to be treated. A neatly hand-drawn map will suffice. County maps are excellent for showing pond locations.

## Posting Requirements

The Ohio EPA requires that any body of water treated with herbicides be posted for as long as use restrictions provided on the product label are in effect.

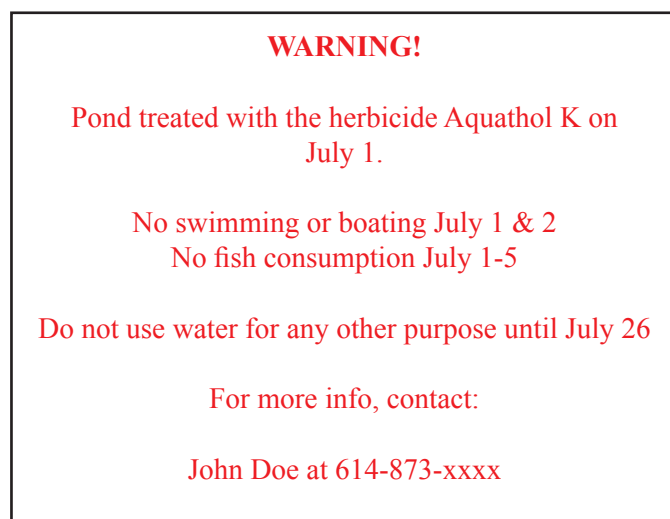
**Signs**- Signs can be made of any material, but it is recommended they be able to withstand typical weather conditions. They need to be at least 9 inches by 12 inches in size and should be at a height of 4 to 5 feet off the ground for easy reading. They must be made of highly visible colors with the written information in a contrasting color. A good choice is red lettering on a white background. Be sure the written information is waterproof, such as a permanent marker.

**Posted Information**- The following information is required by Ohio EPA on the sign:

- Warning that water has been treated with a herbicide
- Chemicals used
- Treatment date
- Days for restricted contact, e.g. swimming
- Days for restricted water use (watering etc)
- Days for restricted fishing
- Other information required by the product label
- Name and telephone number of owner.

An example sign is illustrated in Figure 3.

**Where to Post** - For multi-owner private waters treated with herbicides having time-related use restrictions, the area must be posted once on each private lot adjacent to the treatment area and any other private lots within 150 feet of the treated area. For a pond completely contained within a single property and with no nearby private property, a single posting is sufficient. It is recommended this posting be placed facing the direction in which



**Figure 3. Example warning sign**

people typically see or approach the pond. In situations where there are adjacent properties within 150 feet, place additional signs on the property line facing the direction of the other properties.

In small lakes with many property owners (homeowner association lakes), notification signs must also be posted at the usual points of public entry, such as beaches, boat docks, parks, and picnic areas. If only small areas within the lake are treated, signs must be placed (in addition to general access areas) at the treatment area and at 150 feet either side of the treated area. If the entire lake is treated, it is recommended each property owner receive written notice of the application, including the same information provided on posted signs.

## Summary

The Ohio EPA requires prior notification before the application of aquatic herbicides, a regulation which many pond owners are unaware. The only aquatic herbicide applications exempt from the notification process are to ponds less than five acres, provided they are not within one mile upstream of a public water supply intakes, are not borrow pits or quarries, and no public swimming occurs. The obligations of the pond owner are simply (1) notify Ohio EPA prior to application, (2) apply the herbicide in a safe manner, following the product label guidelines, (3) and post the treated area until all use restrictions expire. This fact sheet is intended to help the pond owner achieve steps 1 & 3. We have provided samples of a cover letter, a herbicide application notification form, and a warning sign. We encourage applicators and pond owners to follow these samples as it will allow Ohio EPA to quickly review the request and determine if they need to contact the applicator / pond owner prior to application.

## Additional Pond Management Information

*Placing Artificial Fish Attractors in Ponds and Reservoirs*; Ohio State University Extension Fact Sheet A1

*Pond Measurements*; Ohio State University Extension Fact Sheet A2

*Controlling Filamentous Algae in Ponds*; Ohio State University Extension Fact Sheet A3

*Chemical Control of Aquatic Weeds*; Ohio State University Extension Fact Sheet A4

*Muddy Water in Ponds*; Ohio State University Extension Fact Sheet A6.

*Understanding Pond Stratification*; Ohio State University Extension Fact Sheet A7.

*Winter and Summer Fish Kills in Ponds*; Ohio State University Extension Fact Sheet A8.

*Planktonic Algae in Ponds*; Ohio State University Extension Fact Sheet A9.

*Fish Species Selection for Pond Stocking*; Ohio State University Extension Fact Sheet A10.

*Cattail Management*; Ohio State University Extension Fact Sheet A11.

*Ohio Pond Management*. Ohio State University Extension Bulletin 374

Controlling Weeds in Ohio Ponds. 41 minute videotape. VT50.

Visit your county office of Ohio State University Extension for copies of these resources.

### Disclaimer

This publication contains recommendations that are subject to change at any time. These recommendations are provided only as a guide. It is always the pesticide applicator's responsibility, by law, to read all current label directions for the specific pesticide being used. Because of constantly changing labels and product registration, some of the recommendations given in this publication may no longer be legal by the time you read them. If any information in these recommendations disagrees with the label, the recommendation must be disregarded. No endorsement is intended for products mentioned, nor is criticism meant for products not mentioned. The authors and Ohio State University Extension assume no liability resulting from the use of these recommendations.

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TDD No. 800-589-8292 (Ohio only) or 614-292-1868

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