



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER BUREAU

### **What is the Aquatic Nuisance Control (ANC) Program?**

In Michigan, the chemical control of nuisance aquatic plants, algae and swimmer's itch is regulated by the ANC Program, part of the Michigan Department of Environmental Quality's (MDEQ) Water Bureau. We issue permits pursuant to Part 33, Aquatic Nuisance Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); Part 31, Water Resources Protection, of the NREPA; and the administrative rules promulgated thereunder.

### **Are the aquatic pesticides safe for public health and the environment?**

The aquatic pesticides that we permit are registered by the United States Environmental Protection Agency and the Michigan Department of Agriculture. They also undergo toxicological review by the MDEQ. If the pesticides are applied according to label instructions and permit requirements, these chemicals should pose no danger to public health and the environment.

### **Will the aquatic pesticides affect swimming or fishing in the lake?**

There is a 24 hour swimming restriction only in the treatment area. This restriction is in place primarily so that swimmers are not dispersing the product into areas where it is not permitted. There are no fishing restrictions required by the aquatic pesticide labels and, if properly used, the pesticides will not directly affect the fish.

### **How do we request a public hearing or notification of the treatment on our lake?**

Unlike other sections of NREPA, Part 33 does not contain a provision for a public hearing regarding a permitting decision.

In terms of pre-treatment notifications, each permit normally requires that the permittee notify, in writing, an owner of any waterfront property within 100 feet of the area of impact, not less than 7 days and not more than 45 days before the initial pesticide treatment. Written notification includes contact information for the permittee, a list of pesticides to be used with the corresponding water use restrictions, and approximate treatment dates. On the day of treatment, the permittee (or his/her contracted applicator) is required to post signs along treated areas to identify the locations and provide information about the treatment.

## **Can I prevent my neighbor from putting aquatic pesticides in my lake?**

You generally cannot prevent your neighbor from treating their own property under a valid permit. In Michigan, waterfront property owners typically own the bottomlands in wedge shape out to the center of the lake. Just as your neighbor has a right to maintain or fertilize their lawn, they also have the right to control aquatic vegetation associated with their bottomlands, install a seawall, etc. as long as they have a permit from the MDEQ.

## **Will the pesticides contaminate wells?**

Most registered aquatic pesticides break down quickly and are not a threat to contaminate wells. Due to the potential for persistence and mobility in the environment, granular aquatic pesticides containing either 2,4-D (e.g., Navigate, Aquacide) or endothall (e.g., Aquathol Super K, Hydrothol 191 Granular) require extra precautions when used near active drinking water wells. When these products are proposed for use, we impose setback distances (or “no-treatment” zones) as follows:

- Wells less than 30 feet deep: do not apply the pesticide within 250 feet of the well.
- Wells more than 30 feet deep: do not apply the pesticide within 75 feet of the well.

The setback distance must be measured from the well, not the shoreline.

Prior to using the above aquatic herbicides, the user should develop a comprehensive well log. The well log should be reviewed on a regular basis to confirm that the information is accurate. Over time, wells may be abandoned (often in favor of municipal connections) and/or new wells may be constructed. A well log can include the following:

- Names, addresses, and phone numbers for all property owners within and adjacent to the treatment area.
- Well information for each parcel – the distance from the shoreline, the depth, and whether the well is actively used.
- Map showing the waterbody, parcel boundaries, and well locations. Use the map scale to draw the “no-treatment zones” around the wells.

The permittee is required to obtain information on wells prior to applying any of these products. The MDEQ may ask the permittee to submit well log information on any waterbody where granular endothall or 2,4-D is permitted.

### **What if there are threatened or endangered species that nest/live on my lake?**

To assess whether a waterbody contains a threatened or endangered species or its habitat, the ANC Program coordinates with the Michigan Department of Natural Resources, Natural Heritage Program. The Natural Heritage Program will review its waterbody data for rare species occurrences and will provide its assessment to the ANC Program during the application review period. If there is a protected species present, ANC Program staff will work with our counterparts in the Natural Heritage Program, as well as the applicant and other waterbody stakeholders, to minimize impacts of the treatment activity to the threatened or endangered species.

### **What if my lake has wetlands adjacent to the shoreline?**

The ANC application requires that “known wetlands” be identified on the treatment map(s). We use multiple resources to verify wetlands during our review process. Sometimes, areas that appear to be wetlands are not. For example, the presence of a few cattails along the shoreline does not necessarily mean that an area is considered wetland. We do not typically permit treatment of native plants adjacent to wetlands and/or along other types of undeveloped shoreline. For additional guidance on identifying wetlands, including regulatory information, contact the MDEQ’s Land and Water Management Division at 517-373-1170.

### **What if my lake only has native vegetation?**

We do permit treatment of both native and non-native aquatic vegetation. Treatment of native vegetation is typically restricted to areas with the highest recreational usage – along developed shoreline from shore to 5 feet deep or no greater than 300 feet from shore, whichever is closer. Treatment of non-native vegetation is typically allowed anywhere in the lake, provided it can be conducted in a selective manner (by virtue of the herbicide active ingredient, dosage, seasonal timing, treatment frequency, etc.).