

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

JUL 16 2008

Rebecca M. Horton Consultant for Lilly Miller Brands Registrations by Design, Inc. 118 ½ East Main Street, Suite 1 Salem, VA 24153-3805

Subject: Label Notification(s) for Pesticide Registration Notice 98-10 and 2007-4

Dear Ms. Horton:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 and 2007-4 dated June 9, 2008 for:

EPA Registration 83190-1

Aqua-Tec

The Registration Division (RD) has conducted a review of this request for applicability under PRN 98-10 and 2007-4 and finds that the label change(s) requested falls within the scope of PRN 98-10 and 2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by nonnotification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-8893.

Sincerely,

Linda Arrington

Notifications & Minor Formulations Team Leader Registration Division (7505P)

Office of Pesticide Programs



CERTIFIED MAIL #7007 0710 0002 1185 5897 June 9, 2008

1181/2 East Main Street Suite 1 Saiem, VA 24153-3805 phone 540.375.8826 fax 540.375.8827

Document Processing Desk (NOTIF) Office of Pesticide Programs/Reg. Div. (7505P) U.S. Environmental Protection Agency Ariel Rios Bldg. 1200 Pennsylvania Ave., NW Washington, DC 20460

Re:

NOTIFICATION FOR COMPLIANCE WITH PR NOTICE 2007-4 & revised warranty statement

EPA Reg. No. 83190-1, Aqua-Tec

Attn:

Linda Arrington

Notifications & Minor Formulations Team Leader

On behalf of Blue Water Chem Group of Ft. Wayne, Indiana, enclosed is notification for compliance with PR Notice 2007-4 & revised warranty statement for the above-referenced product.

The following documents are enclosed:

1) EPA Form #8570-1, Application for Pesticide – Notification (2 copies)

2) Copy of the revised label with revisions highlighted in blue.

If further action or information is required on Blue Water Chem Group's behalf, please advise.

Best regards,

Rebecca M. Horton

Consultant/Agent for

BLUE WATER CHEM GROUP

e-mail: hortonb@ntelos.net

BMH/sjh

Enclosures



Consultant/Agent for Blue Water Chem Group

June 9, 2008

Rebecca M. Horton

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Rebecca M. Horton

Form Approved, OMB No. 2070-0060, Approval expires 2-28-95

	Registration
	Amendment
7	Other

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P.O. Box 11384			to	: PA Reg. N	o		NOTIF	ICATION	
Ft. Wayne, IN 46857	s is a new address		P	roduct Nar	ne			1 6 2008	
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. Contact Point /Complete	items directly below f	for identification	of individual	to be contac	ted, if nece	ssary, to pro	cess this	application.)	
_{lame} Rebecca M. Horton		1	Chem G	ant/Agent fo Froup	or Blue W	ater ·	Telephone 540-375-8	Ne(include Area Co 826 •	ode)
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June 9, 2008

NOTIFICATION

Aqua-Tec_{TM}

JUL 16 2008

ALGAECIDE / HERBICIDE

RESIDUAL CONTROL

FOR USE IN: LAKES; POTABLE WATER RESERVOIRS; SWIMMING AREAS; FARM, FISH, INDUSTRIAL, GOLF COURSE, ORNAMENTAL AND IRRIGATION PONDS; CROP AND NON-CROP IRRIGATION CONVEYANCE SYSTEMS; CANALS, DITCHES, AND LATERALS; FISH HATCHERIES.

Treats Livestock Water Supplies

FOR LISTED ALGAE & WEED CONTROL

Water treated with Aqua-Tec may be used for swimming, fishing, drinking, livestock watering, and irrigation immediately after treatment.

Active Ingredient:

*Copper Sulfate Pentahydrate		19.8%
Other Ingredients		80.2%
*Metallic copper equivalent 5.04%	Total	100.0%

KEEP OUT OF REACH OF CHILDREN DANGER

See back/side/other panel(s) [and insert] for Additional Precautionary Statements.

FIRST AID

If in Eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

If Swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

If Inhaled: Move person to fresh air. If person is not breathing call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.

If on Skin or Clothing: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. [You may also contact 1-800-255-3924 for emergency medical treatment information.]

NET CONTENTS: 2.5 GALLONS (9.46 LITERS)

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS DANGER

Corrosive: Causes irreversible eye damage. Do not get in eyes or on clothing. Wear goggles or safety glasses when handling. Harmful if swallowed, inhaled, or absorbed through skin. Contact with skin may cause allergic skin response. Avoid contact with skin. Wash thoroughly with soap and water after handling. As with all chemical applications, apply best management practices to avoid unnecessary contact with concentrate or spray mixture. For 24-hour assistance or information regarding spill, leak, fire, or exposure to this product, please call Chem-Tel at 1-800-255-3924.

ENVIRONMENTAL HAZARDS

Fish and Aquatic Organisms: This product may be toxic to Trout, Koi, and other species of fish at application rates recommended on this label, especially in soft or acidic waters. Fish toxicity is directly correlated with water hardness and generally decreases as the hardness of the water increases. If the carbonate hardness is below 50 ppm, do not use this product in waters containing susceptible fish species without consulting Cheltec, Inc. or local authority prior to treatment. Direct application of Aqua-Tec to water may cause a significant reduction in populations of aquatic invertebrates, plants, and certain species of fish. Do not treat more than one-half of a lake or pond at one time in order to avoid depletion of oxygen from decaying vegetation. Allow 1 to 2 weeks between treatments for oxygen levels to recover.

Do not contaminate water when disposing of equipment wash waters (See disposal instructions). Consult your local State Fish and Game Agency before applying this product to public waters. Permits may be required before treating such waters.

<u>Endangered Species Restrictions</u>: It is a violation of Federal laws to use any pesticide in a manner that results in the death of an endangered species or adverse modification of their habitat. The use of this product may pose a hazard to certain Federally designated endangered species known to occur in specific areas within the following counties:

STATE	SPECIES	BULLETIN NO.	COUNTY
CALIFORNIA	Solano Grass	EPA/ES-85-13	Solano
TENNESSEE	Slackwater Darter	EPA/ES-85-04	Lawrence Wayne Hancock
	Freshwater Mussels	EPA/ES-85-07	Claiborne Hawkins Sullivan
ALABAMA	Slackwater Darter	EPA/ES-85-05	Lauderdale Limestone Madison

VIRGINIA	Freshwater Mussels	EPA/ES-85-06	Grayson
			Smyth
			Scott
			Washington
			Lee

*** PLEASE NOTE*** Before using this product in the above counties, you must obtain the EPA bulletin specific to your area. This bulletin identifies areas within these counties where the use of this pesticide is prohibited, unless specified otherwise. The EPA bulletin is available from either your County Agricultural Extension Agent, the Endangered Species Specialist in your State Wildlife Agency Headquarters, or the appropriate Regional Office of the U.S. Fish and Wildlife Service.

THIS BULLETIN MUST BE REVIEWED PRIOR TO PESTICIDE USE.

<u>Potable Water</u>: Do not allow water containing in excess of 1 ppm copper derived from Aqua-Tec to flow into any water to be used as potable water.

<u>Terrestrial Plants</u>: Do not apply this product in its concentrated form directly to any crop plants, grass, or ornamental plants as injury may result.

APPLICATION AND HANDLING

This product is corrosive to cotton fabrics. Do not allow clothing to come in contact with concentrate or dilution. Application, handling, or storage equipment MUST consist of fiberglass, PVC's, polypropylenes, viton, most plastics, or stainless steel. Never use mild steel, nylon, brass, or copper around full strength **Aqua-Tec**. Wash spray equipment after each application.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Permits for the use of this product in public water may be required. Check with local authorities.

[Commercial/Agricultural Use]

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

Pesticide Storage: Aqua-Tec is a concentrate and must be stored in its original container or handled and stored as outlined above (please see "APPLICATION AND HANDLING"). Do not allow Aqua-Tec to freeze; freezing may cause product separation. Seller makes no warranty for performance of the product that has been frozen.

Keep container closed when not in use. In case of a spill, neutralize with limestone or baking soda before disposal. May deteriorate concrete.

Pesticide Disposal: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

Container Disposal: [For Containers ≤ 5 Gal] Nonrefillable container. Do not reuse or refill this container. Triple rinse all containers prior to disposal and then offer for recycling, if available, or puncture and dispose of in an approved manner, or dispose by incineration if allowed by local and state authorities. If disposal is by incineration, stay out of smoke. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Container Disposal: [For Containers > 5 Gal] Nonrefillable container. Do not reuse or refill this container. Triple rinse all containers prior to disposal and then offer for recycling, if available, or puncture and dispose of in an approved manner, or dispose by incineration if allowed by local and state authorities. If disposal is by incineration, stay out of smoke. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water. Recap and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

[Residential Use]

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

Pesticide Storage: Aqua-Tec is a concentrate and must be stored in its original container or handled and stored as outlined above (please see "APPLICATION AND HANDLING"). Do not allow Aqua-Tec to freeze; freezing may cause product separation. Seller makes no warranty for performance of the product that has been frozen.

Keep container closed when not in use. In case of a spill, neutralize with limestone or baking soda before disposal. May deteriorate concrete.

Pesticide Disposal: If partly filled – Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

Container Disposal: If empty – Nonrefillable container. Do not reuse or refill this container. Place in trash or offer for recycling if available.

GENERAL INFORMATION

Aqua-Tec is effective in controlling a broad range of algae including; Chara, Spirogyra, Cladophora, Ulothrix, and Oscillatoria.

In addition, **Aqua-Tec** is effective in controlling rooted and floating aquatic plants such as *Hydrilla*, *Potomogeten sp.*, and Water Hyacinth.

The formulation of Aqua-Tec protects against the precipitation of copper with carbonates and bicarbonates in the treated water and results in increased time of exposure for true residual activity. In addition, this formulation allows for application at any time - including overcast/cloudy conditions as well as during night-time hours.

Water treated with Aqua-Tec may be used for swimming, fishing, drinking, livestock watering, and irrigation immediately after treatment. For best results, apply when livestock water consumption is low or watering area is not in use. Aqua-Tec effectively

EPA Reg. No. 83190-1 June 9, 2008 – Notification (revised) controls Chara, Spirogyra, Cladophora, Ulothrix and Oscillatoria; algae growth commonly found in livestock watering tanks, troughs, and ponds.

ALGAECIDE APPLICATION

Aqua-Tec can be applied by simply pouring into the water, as a surface spray, or by injection. For effective control, the proper chemical concentration should be maintained for a minimum of three hours duration to assure adequate uptake. The application rates in the chart below are based on static or low flow conditions. When significant dilution occurs from inflow of untreated waters within the three-hour period the chemical may need to be metered. (See drip system application)

- Identify the algae growth present as one of the following: planktonic, filamentous, or *Chara*.
- Determine the surface area and average depth to be treated.
- Refer to the chart below to determine gallons of Aqua-Tec to apply per surface acre.

CHART 1

Application Rates Gallons per Surface Acre

Algae Type	ppm Copper	Ave	Average Depth in Feet			
		1 ft.	2 ft.	3 ft.	4 ft.	
Planktonic	0.2	1.0 gal.	2.2 gal.	3.2 gal.	4.3 gal.	
Filamentous	0.2	1.0 gal.	2.2 gal.	3.2 gal.	4.3 gal.	
Chara	0.4	2.2 gal.	4.3 gal.	6.5 gal.	8.6 gal.	

For planktonic algae and free floating filamentous algal mats, application rates should be based on treating the upper 3 - 4 feet of water where the algae is growing. If fish population is present and algae growth is heavy in treatment area, treat only 1/2 to 1/3 of the water body at a time to avoid potential fish kill by oxygen depletion. In areas of heavy growth, plan your treatment to avoid trapping fish in coves or enclosed areas. Before application, dilute the **Aqua-Tec** with sufficient water to ensure even application to the affected area. For quickest results, apply when conditions are calm and sunny. However, this product can be applied whenever weather allows or **during night time hours**. A hand or power sprayer may be used. Treat shoreline areas first and then continue treatment, as needed, into main water body.

For algaecide application in waters used for livestock and other agricultural uses: For water holding or storage tanks, stock watering ponds, tanks, and troughs, apply ¼ fluid ounce of **Aqua-Tec** per 250 gallons of water (8 milliliters per 1,000 liters) to achieve the desired 0.4 PPM (mg/L) of copper for algae control. Product can be simply added to the water column (body of water) as the residual control will allow for even distribution throughout the water column. Where existing algae mats are present at time of treatment, most effective control will be obtained by breaking up mats and/or evenly dispersing diluted **Aqua-Tec** over the algae mats. Apply **Aqua-Tec** as needed to control and

prevent algae growth; more frequent applications may be needed in times of higher water temperatures.

DETERMINE VOLUME OF TANK, TROUGH OR POND WATER TO BE TREATED. Measure length (L), width (W), and average depth (D) in feet (ft.) or meters (m) and calculate volume using one of the following formulas:

*For square or rectangular tanks, troughs and ponds:

 $L(ft.) \times W(ft.) \times D(ft.) \times 7.5 = Gallons$

 $L(m) \times W(m) \times D(m) \times 1000 = Liters$

*For circular or elliptical tanks, troughs and ponds:

 $L(ft.) \times W(ft.) \times D(ft.) \times 5.9 = Gallons$

 $L(m) \times W(m) \times D(m) \times 786 = Liters$

HERBICIDE APPLICATIONFor rooted and submerged plants

Control of many rooted and submerged plants such as *Hydrilla* and *Potomogeton* can be obtained from use of **Aqua-Tec** to give copper concentrations at 0.4 - 1.0 ppm. Choose the application rate dependent upon the density and stage of growth and the water depth from the chart below.

Application Rates Gallons per Surface Acre

Growth stage	ppm	Ave	erage Depth in	Feet	
Relative Density	Copper	1	2	3	4
(Low Density)					
Early Season	0.4	2.2	4.4	6.6	8.8
(Moderate Density)					
Mid Season	0.7	3.8	7.6	11.4	15.2
(Heavy Density)					
Late Season	1.0	5.4	10.8	16.2	21.6

Application rates for depths greater than 4 feet may be obtained by adding the rates above to give the proper depth. Do not exceed a copper concentration of 1.0 ppm copper in the treated water.

FOR WATER HYACINTH CONTROL

The following mixture can be used as a **control** method for water hyacinth and other floating aquatic vegetation (Effective eradication requires stronger rates and/or mixtures with other herbicides - please call for specific information).

Mix 1 gallon of **Aqua-Tec** per 7 gallons of water. Apply this solution as a coverage spray to thoroughly wet all exposed vegetation. In areas of heavy infestation, multiple applications may be required. Applications may be repeated after 7-day intervals. Nonionic adjuvants should be used with this product to improve dispersion and/or adhesion.

DRIP SYSTEM APPLICATION FOR FLOWING WATER

Aqua-Tec should be applied as soon as algae or plants begin to interfere with normal or desired water uses. Heavy infestations and flows may cause poor chemical distribution resulting in unsatisfactory control. Under these conditions, continuous feed systems offer advantage.

Prior to treatment, it is important to determine the water flow rates. In the absence of weirs or flow determining devices for this information, water flow may be estimated as shown below.

Avg. Width X Avg. Depth X Velocity in feet/sec. X 0.9 = CFS(Cubic Feet/Second)

Velocity is the time it takes for a floating object to move a given distance. This measurement should be made as the average of at least three determinations taken at the treatment location.

Calculate the drip rate of Aqua-Tec from the chart below (based on heavy algae growth).

Water Flow Rate		Aqua-Tec drip rate			
CFS	Gal./Min.	Qts./Hr.	ML/Min.	Fl. Oz./Min.	
1	450	3.6	58	2.0	
2	900	7.2	116	4.0	
3	1350	10.8	170	6.0	
4	1800	14.4	226	7.6	
5	2250	18.0	284	10.0	

Calculate the amount of Aqua-Tec needed to maintain the drip rate for a period of 4 hours by multiplying Qts./Hr. by 4, Ml/Min. by 240, or Fl. Oz/Min. by 240. This dosage will maintain the copper level at 2.0 ppm for 4 hours (to be used as a general reference rate to control heavy algae growth). Effective control of most algae species can be obtained with copper levels between .5 - 1.8 ppm maintained for 4 - 6 hours. The chemical must be introduced at a point of turbulence.

Place the required amount of **Aqua-Tec** into a tank equipped with a needle valve and set the drip rate as required using a stop watch and a measuring tube. Readjust as required if flows change. Distance of control will vary. Treatment points should be determined in the field and placed at the required intervals for control. Periodic maintenance treatments may be required.

For Drip-system Use in Livestock Watering Tanks: Tanks fed by a continuous flow of spring or well water may be equipped with a chemical drip system designed to meter-in **Aqua-Tec** based upon water flow rates. Systems should be adjusted to maintain a concentration of 0.4 PPM (mg/L) copper in incoming stock water. Pre-dilute **Aqua-Tec** 100:1 with water (a 1% solution) and calibrate metering valve to establish a drip rate of 1 fl. oz./min. per 10 gal./min. water flow rate or 40 ml/min. per 50 L/min. water flow rate. Treat continuously or as needed to control and prevent algae regrowth.

GENERAL TREATMENT NOTES

The following suggestions apply to the use of **Aqua-Tec** as an algaecide or herbicide:

• The product works best at temperatures at or above 60 degrees F.

EPA Reg. No. 83190-1 June 9, 2008 – Notification (revised)

- Treat when growth first appears or nuisance is first noted.
- Apply in a manner to insure even distribution in the treatment area.
- Retreat as required. Allow 1 to 2 weeks between treatments.
- Formula for water-column treatment: Gallons of Aqua-Tec needed X 50,000 ppm

= Gallons of water to be treated X Desired ppm of treatment (from chart)

Conversion factors: cubic feet X 7.48 = gallons

one acre/foot = 326,000 gallons (one acre = 43,560 square feet)

To calculate number of gallons or liters:

For square or rectangular bodies of water: $L(ft.) \times W(ft.) \times D(ft.) \times 7.5 = Gallons$

 $L(m)\cdot x W(m) \times D(m) \times 1000 = Liters$

For circular or elliptical bodies of water: $L(ft.) \times W(ft.) \times D(ft.) \times 5.9 = Gallons$

 $L(m) \times W(m) \times D(m) \times 786 = Liters$

WARRANTY

Read and follow all package directions carefully. To the extent consistent with applicable law, purchaser and user assume all risks associated with improper use, or application or other factors beyond Blue Water Chem Group's control. Blue Water Chem Group warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose referred to in the directions for use subject to the risks referred to above. BLUE WATER CHEM GROUP MAKES NO AND THE LAW SHALL NOT FIND ANY EXPRESSED OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE.

Purchaser's and user's sole remedy against Blue Water Chem Group for any cause of action related to the handling or use of this product shall be for damages, the amount of which shall not exceed the price paid for the product that causes the alleged loss, damages, injury or other claim. To the extent consistent with applicable law, in no event shall Blue Water Chem Group be liable for special indirect, incidental or consequential damages or expenses.

By purchasing or using this product purchaser or user accept the foregoing conditions of sale and limitation of warranty, liability and remedies.

Blue Water Chem Group P.O. Box 11384 Fort Wayne, IN 46857

[Batch Code to be added at production.]

is it important to know which type sof algae or weed is in my pond?

YES: Certain types of algae require a more concentrated treatment than others it is important to know exactly which type of algae you are treating to ensure that you do not over treat or under treat your pond. Examples of the different types of algae can be found below. Refer to this label and attached insert for appropriate use rates.



PLANKTONIC ALGAE: Microscopic growth often visible as a greenish tinge suspended in the upper few feet of water. Severe blooms may resemble peas soup and actually thicken the water.



FILAMENTOUS ALGAE: Individual filaments a series of cells joined end to end that five a thread-like appearance. Often referred to as pond scum or moss. Forms surface "mats". Growth begins at the bottom and rises to the surface as a bubble-filled mass. May also form fur-like growths on logs and rocks at the bottom.



CHARA ALGAE (Chara vulgaris): Leaf-like structures whorled around hollow stem. Dense growth attached, but not rooted to bottom. May "carpet" large areas of a lake or pond bottom. Strong musky odor when crushed. May have a gritty texture due to mineral deposits on the surface. Do not confuse with higher weeds.



HYDRILLA (Hydrilla verticillata): Leaves whorled in groups. Hydrilla leaves have a serrated edge. Whorls of leaves are compact near the growing tips. Spacing between whorls increases further down the stem.



PONDWEED (Potamogeton species): Leaves are stiff, narrow and thread like. Stems branched with leaves alternately attached. Spreading leaves resemble a fan with an overall bushy appearance. Nutlets appear like beads on a string. Tiny green flower appears on a spike along with nutlets above the water surface.