

INSTRUCTIONS FOR Form NOI-87 – Notice of Intent for Pesticide Application (MTG870000)

OVERVIEW:

The application of pesticides **into or over surface water** is regulated as a discharge of a pollutant which requires a surface water discharge permit. The Department of Environmental Quality (DEQ) permits discharges to state surface water under the Montana Pollutant Discharge Elimination System (MPDES) program. Relevant definitions under the Administrative Rules of Montana (ARM) 17.30.1304 include:

"Discharge of a pollutant" means any addition of any pollutant or combination of pollutants to state waters from any point source. This term does **not** include an addition of pollutants by **stormwater runoff or spray drift**.

"State waters" means any body of water, irrigation system, or drainage system...The term does not apply to ponds or lagoons used solely for treating, transporting, or impounding pollutants; or irrigation waters or land application disposal waters when the waters are used up within the irrigation ...

"Point source" means any discernible, confined, or discrete conveyance ... from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Any owner or operator who applies (1) biological pesticides, or (2) chemical pesticides that leave a residue (collectively "pesticides") to state surface waters must have MPDES permit coverage (there is no *de minimus* in Montana).

The PGP is available to owner/operators to cover pesticide applications that meet one of the following pesticide use patterns. If the total surface water treatment area for any given pesticide use pattern is over the threshold for any of the pesticide use patterns, the activity will be considered a Tier II 'greater than threshold' source and additional requirements will apply.

- Universal requirements for all owner/operators (Tier I).
- Additional requirements for owner/operators with an annual treatment area over a threshold for a Tier II category (Tier II).

Table 1: Pesticide Use Pattern – Tier II Annual Threshold		
#	Pesticide Use Pattern	Tier II Treatment Area Annual Threshold
1	Piscicides and Other Nuisance Animals (i.e. zebra mussels)	10 acres
2	Weeds and Algae	100 acres
3	Aerial Pest Control (i.e. Forest Canopy)	1000 acres
4.	<i>Mosquito and Other Flying Insect Pests</i>	
4a.	Chemical larval control	100 acres
4b.	Chemical adulticide	1000 acres
4c.	Biological control	6,400 acres
5.	Research & Development	10 acres
6	Other not classified	10 acres

Calculations for determining annual pesticide application area should include applications made to state surface waters *contain water at the time of pesticide application*, and conveyances with a hydrologic surface connection to state surface water at the time of pesticide application.

For calculating annual treatment area totals, count each pesticide application activity as a separate activity. For example, applying pesticides twice a year to a ten acre site should be counted as twenty acres of treatment area. **Note that any pesticide discharge into waterbodies classified A-closed or a listed Outstanding Resource Water has a threshold of > 0 acres and is therefore considered “over threshold” and subject to Tier II requirements.** Waterbody classifications can be found at: <http://deq.mt.gov/Water/WQPB/CWAIC>.

You must provide all of the information requested in the NOI form to be complete, including submittal of specified fees and completed certification by the appropriate signatory. Please type or print legibly; applications that are not legible or are not complete will be returned. Responses must be self-explanatory and must not refer exclusively to attached maps, plans, or documents. You must maintain a copy of the PGP and completed NOI Form for your records. Mail the completed NOI Form and fee to:

Montana Department of Environmental Quality
Water Protection Bureau
PO Box 200901
Helena, MT 59620-0901

SPECIFIC INSTRUCTIONS

Section A – NOI Status and Application Fee

New Project

If this NOI is the first submitted for this project, it is considered a “new project.” Check the appropriate box, which is based on two independent decisions as follows:

1. First, decide if you want coverage under the PGP within the boundaries of a single county, or under multiple counties (up to 20 contiguous counties). [Note: If you are applying in a generally contiguous area *except* do not expect to apply pesticides to water in a ‘bridge’ county(ies), (i.e., the coverage is in a general area or linear project, but may ‘except’ a county) you may request multi-county and include the bridge counties in the NOI.]
2. Then, decide if your pesticide annual water coverage area for the NOI area that you are submitting will be “Less than Threshold” (Tier I) or “Greater than Threshold” (Tier II) as shown in the **Table 1**. Any application to A-closed waterbodies is classified as Tier II.

Since the permit coverage will be for a five year period (unless modified or terminated), you should ensure that the areas identified in the NOI are as broad as possible. DEQ will assign a site-specific authorization number when the NOI is submitted. The number is 9-digits beginning with ‘MTG87.’

Existing Project

Include the permit number that DEQ assigned on any correspondence regarding this site. Indicate which of the permitting actions you are now requesting:

- If DEQ has renewed the *Pesticide General Permit* (renewable on a 5-year basis), any owner/operator that wishes to continue coverage under this general permit must submit a NOI for renewal. Check whether you are requesting coverage for (a) less than the threshold or greater than the threshold, and (b) for a single county or multiple counties.
- If DEQ returned your NOI to you as deficient or incomplete, check Resubmitted.
- If there is a change in the facility or site information, check Modification.

Do not use this form to transfer permit coverage to a new owner or operator, you must use Form PTN.

Within boundaries of Indian Lands? Indicate if any pesticide activity covered under this NOI will occur within the boundaries of an Indian Reservation (please note EPA regulates wastewater discharges within Indian Reservations).

Section B – Site (Pesticide Activity) Information:

For the PGP, “site” means the general area of pesticide application to water, within the confines of a single county. If the owner/operator wishes to obtain coverage for multiple counties, pick one county as the primary site under Section B and complete information about the additional site locations (i.e., counties) in Section D.

Site Name / Pesticide Activity: Identify the name of the site or what the pesticide activity project will be called. This could be the name of the county and a brief description of the targeted pest, for example “Jefferson County Mosquito Control.”

Site Location (County Name): Provide the name of the county where pesticide application will be conducted.

Centroid (Latitude/Longitude): The centroid is the center of the county or center of the boundary of the future permitted pesticide activity. Locational sources include GPS, USGS topographic maps, GoogleMaps, or other references such as GIS maps available on DEQ’s website:

<http://svc.mt.gov/deq/dst/#/app/cwaic>

Section C – Applicant (Owner/Operator) Information:

Owner/Operator Name: Give the name, as it is legally referred to, of the person, business, public organization, or other entity that owns, operates, controls or supervises the site/activities described in Sections B and D. **The permit will be issued to the entity identified as the owner/operator.** The owner/operator assumes all liability for discharges from the site and compliance with the terms and conditions of the General Permit. Complete the contact information as requested. Give the name, title, work phone number, and email address (optional) of a person who is thoroughly familiar with the operation of the facility or site activity and with the facts reported in this form, and who can be contacted by DEQ for additional information. Those facilities with periodic changes in the contact person may provide the title for the contact person position instead of a person's name.

List the primary and secondary four-digit Standard Industrial Classification (SIC) Code(s) that best describe the business of the owner/operator. Also, provide a brief description in the space provided. At least one SIC code must be provided. See attached table for common SIC codes. A complete list of SIC Codes can be obtained from the Internet at <http://siccode.com/en/siccode/list/directory> or <http://www.census.gov/epcd/www/naics.html> (includes conversions from the newer North American Industry Classification System (NAICS)), or in paper form from the document entitled “Standard Industrial Classification Manual”, Office Management and Budget, 1987.

Section D– Additional Pesticide Activity Location Information (only for applicants with pesticide activity within multiple counties)

Section D must be completed by any owner/operator who is requesting authorization under the PGP for pesticide activity within more than one county. There is a limit of 20 counties that may be authorized under one NOI. The multiple counties must all be contiguous (either located within a general area or a linear project).

Section E - Pesticide Use Patterns

Check the box for each use pattern that may apply to your operations covered under the requested PGP authorization, and provide an estimate of the annual water treatment area (in acres) for each. **Note that the projection is an estimate of the maximum area of surface water treated in any year over the five-year permit cycle.** Also, please note that you need to count each pesticide application activity as a separate activity for the calculation. (For example, applying pesticides twice a year to a ten-acre site would be counted as twenty acres of treatment area.) Clarify what target pest(s) are included.

Section F - Pesticide Activity Location Information

A map (or maps) delineating the potential area(s) of pesticide discharge into water over the next five years is required. If work may occur within the entire county for one pattern use, outline the county. If the pesticide activity may occur somewhere within a known area, outline the area.

Receiving Surface Water:

Every potential receiving surface water body for the next five years must be identified. The owner/operator is required to request one of the following:

- “all” waters within the counties identified in Sections B& D,
- specific water bodies, or
- all waters within the counties identified in Sections B& D, except certain waters.

Please be aware that discharge to a waterbody that is not identified is not covered under the PGP, and would require the owner/operator to submit a modification or new application.

Waterbodies with Impairments:

The owner/operator is responsible for ensuring that all pesticide applications do not include any ingredient or breakdown product listed as a cause of impairment for that waterbody. For instance, copper sulfate algaecide cannot be used in a waterbody listed as impaired for copper. See CWAIC: <http://deq.mt.gov/Water/WQPB/CWAIC>.

Section G - Certification

All owner/operators (both Tier I and Tier II) must have a **responsible official** certify the NOI form. (The certification must be completed by a signatory for the entity identified as the owner/operator under Section C.) The requirement for a signatory is described on the form as well as in ARM 17.30.1323.

Common Standard Industrial Classification (SIC) Codes for Pesticide Applicators

Category	SIC	NAICS	Examples
Agricultural parties – general agricultural interests, farmers/producers, forestry, and irrigation	01 - 08	111 Crop Production	Producers of crops mainly for food and fiber
	0811	113110 – Timber Tract Operations	The operation of timber tracks for the purposes of selling standing timber
	0831	113210 – Forest Nurseries Gathering of Forest Product	Growing trees for reforestation and/or gathering forest products
Public Health Parties (includes mosquito or other vector control districts and commercial applicators that service these)	4971	221310 – Water Supply for Irrigation	Operating irrigation systems
	9431	923120 – Administration of Public Health Programs	Government establishments
Resource Management Parties (includes state departments of fish and wildlife, pesticide regulation, environmental agencies, and universities)	9511	924110 – Administration of Air and Water Resource and Solid Waste Management Programs	Government establishments
Public Health Parties	9431	923120 – Administration of Public Health Programs	Government Establishments
	9512	924120 – Administration of Conservation Programs	Government Establishments
Utility Parties	41 - 49	221 – Utilities	Provide electric power, natural gas, steam supply, water supply, and sewage removal through a permanent infrastructure of lines, mains, and pipes.