

Pesticide General Permit (PGP) – Q&A:

Q: Will I need both a 308 Authorization as well as PGP coverage for pesticide application to water?

A: No, the new PGP coverage supersedes the old 308 Authorization program for pesticide applications.

Q: Do I need PGP coverage if my pesticide is labeled for use in water, even if I don't apply it to water?

A: No. You are only required to obtain coverage if you apply pesticide directly into state surface water, or apply pesticide over the water so that it is unavoidable discharged into the water. You do not need to obtain PGP coverage just because the pesticide is labeled for use in water.

Q: Would an aerial applicator need PGP coverage if the pesticide is not labeled for use in water, but the application targets a pest (ex. spruce bud worm) in trees that might be above water?

A: Yes – if your pesticide use is in accordance with Montana Department of Agriculture (MDA) requirements. However, if you are applying pesticides contrary to the label and MDA requirements then DEQ is not authorizing such a use through the PGP process.

Q: Am I required to obtain coverage for pesticide treatment of flood irrigation?

A: Not if the irrigation waters will ultimately be used up and are not returned to state waters [75-5-103(34), MCA]. However, you will need coverage if the irrigation waters will return to state waters.

Q: Is mono-molecular film regulated as a larval chemical control?

A: At this time it is. 'Chemical pesticides' are defined as all pesticides not otherwise classified as biological pesticides which would fit this pesticide. According to "*Efficacy of Aquatain™, a Monomolecular Surface Film, against the Malaria*," Tullu Bukhari and Bart G. J. Knols, 2009, all pest stages that come in contact with the water surface (e.g., eggs, larvae, pupae, emerging adults, and ovipositing females) are affected by the lowered surface tension caused by such (film) layers. As a result, these layers can provide the combined benefits of larval and adult control. As the purpose of the mono-molecular film is best classified as controlling pest larvae, this pesticide is best regulated under the pesticide use pattern 4.a. Larval Chemical Control with a 100-acre threshold.

Q: As a for-hire applicator, I may have operations across the state. Can I submit just one Notice of Intent (NOI) for state-wide coverage?

A: No. You must identify every county in your NOI submittal prior to any pesticide application to water in that county. You can do that individually or in a multi-county authorization. The maximum number of counties allowed in one NOI is twenty (20) and the counties must be contiguous.

Q: If I exceed an annual threshold state-wide, but am below the thresholds in all of the counties individually, how am I characterized?

A: You have a choice. If you have less than 20 counties located in the same general vicinity you can submit one NOI for multi-county greater than threshold. (If the counties are not all touching you can add a county(ies) to create a contiguous area.) However, you can also choose to submit any number of NOIs for single-county less than threshold.

Q: If I exceed an annual threshold county-wide, but have unique project areas that are each below the thresholds, how am I classified?

A: The Department allows you to separate into individual NOI 'less than threshold' submittals by project area, even if you have two or more projects in the same county.

Q: As a for-hire applicator, would I be required to submit an NOI if my employer is already covered (example a county weed control district)?

A: No, only one entity is required to maintain permit coverage. If the county was *not* already covered under the PGP, one of you would need to be identified as the owner/operator prior to any applications to or over water. If both of you have permit coverage, you will need to determine who is the applicable owner/operator for the project, or ensure that the required records are kept by both parties.

Q: I oversee our county mosquito district as well as noxious weed control. Can I obtain just one county-wide permit for both pesticide pattern uses?

A: Yes, as long as there is one responsible party for both uses that will be identified as the owner/operator.

Q: Who is the owner/operator and who should be the responsible party to sign for a mosquito district (or weed control district)?

A: In Montana, the County is the logical owner/operator, since the county commissioners control the mosquito and weed control budgets and can make decisions on hiring pesticide applicators. In this case the signatory would be the Board Chairman. If the county makes an agreement with a for-hire applicator to submit the NOI, the applicator would be the owner/operator and the responsible corporate official for the applicator's company would be the signatory.

Q: If I am classified as 'Greater than Threshold' for one pesticide use pattern I am required to prepare a Pesticide Discharge Management Plan (PDMP). Do I need to include the other pesticide use patterns that are 'Less than Threshold' in the plan?

A: No, you only need to include those pest use patterns that are over the treatment area annual thresholds in Part I.B of the General Permit in the PDMP.

Q: Will we need to submit annual reports?

A: Only if you are 'Greater than Threshold.'

Q: Things may change in the future. What is the process for modifying my NOI status?

A: You need to submit an updated NOI form, modified to reflect the new status. All the required information throughout the form needs to be updated.

In order to clearly convey the change for processing at DEQ, you need to indicate your new classification as follows: in Section A, indicate "Existing" with the NOI number that was assigned to you, and check the appropriate box below for your new category (cross off the word "renewal" and indicate "modification"). You will need to pay the fee associated with your new category as the application fee.