

Pesticide General Permit MTG870000 Program Overview

**MONTANA MPDES
MTG870000**

Effective: 11-1-2011

**Permit coverage
required before
pesticide applied to or
over surface water**

**USEPA regulates within
boundaries of Indian
Reservations**

*At least one responsible
party will need to be
identified as the
owner/operator for permit
coverage*

**Coverage is not required
for spray drift or
applications “near” but
not into or over surface
water.**

Background

Beginning November 1, 2011, the Montana Pesticide General Permit (PGP) is the permitting mechanism for **anyone** who applies pesticides into or over state surface water. Everyone -- from an individual homeowner to a federal agency - with responsibility for pesticide application to or over surface water is subject to this requirement, although the US EPA regulates the application of pesticides to surface water located within the boundaries of an Indian Reservation.

The PGP is not a pesticide permit - it is a **wastewater discharge permit** regulated under the Montana Department of Environmental Quality (DEQ) Montana Pollution Discharge Elimination System (MPDES) program. Discharge of pollutants to state water without a permit is a violation of the Montana Water Quality Act in 75-5-605, Montana Code Annotated (MCA). The PGP program replaces the DEQ's existing 308 Authorization program. It will be renewable on a five-year basis.

The Montana Department of Agriculture maintains responsibility for all other pesticide certification, licensing, aquatic weed management plans, and enforcement and compliance considerations.

Applicability

At least one responsible party will need to be identified as the owner/operator for permit coverage prior to pesticide application to or over surface water. The responsible party can be the entity with control over the financing, decision-making, or day-to-day control such as pesticide applicators. Although there can be multiple parties involved with pesticide application projects, **there needs to be at least one party identified as the owner/operator** - through contractual or other arrangements.

Surface waterbodies include streams & rivers, ponds & lakes, wetlands attached to other waterbodies, irrigation canals, and other surface waters. However, the regulations include exceptions for discharge to such as non-returning irrigation canals where the water is used up and cannot reach other state waters, which is clarified in the PGP. In addition, only direct application of pesticides to or over water is required to obtain coverage. The PGP clarifies that “spray drift” and applications made “near” (but not in or over) state surface waters are not regulated under the PGP. And of course a pesticide that is not labeled for use in water cannot be permitted!! Lastly, permit coverage is not required for pesticides that reach surface waters only through storm water discharge.

Permit Coverage under the PGP

“Once a complete NOI package is submitted, the owner/operator is covered under the PGP until the five year renewal or until they terminate coverage.”

The main requirement in the PGP for all owner/ operators is to comply with FIFRA and MDA pesticide label requirements.

The responsible party must submit a complete Notice of Intent (NOI) package prior to conducting the regulated activity. There is no waiting period for a “permit review” or “permit authorization.” The NOI process is an administrative tool that allows the party to notify the DEQ of their potential regulated activities and certify the party’s intent to comply with the PGP. The DEQ administers this program, including sending a confirmation letter acknowledging receipt of a complete NOI package. Once a complete NOI package is submitted, the owner/operator is covered under the PGP and subject to annual fees, until the five year renewal or until they terminate coverage.

Since there is no “one size fits all,” the DEQ has organized the NOI Form and fee structure to reflect two unique criteria:

- (1) Single county vs. multi-county (up to 20 contiguous counties); and
- (2) Under threshold (Tier I) vs. over threshold (Tier II) annual treatment area for the NOI submitted.

The annual treatment area within the NOI-permitted area should be estimated for the five year life of the permit coverage. While the number of applications to a water body are considered additive under this program, the applications under different pesticide use patterns are not. As an example, if a county mosquito and weed control district anticipated 60 acres of treatment for mosquitoes and 50 acres for weeds in any given year, they remain below the 100 acre threshold for each and would be classified as a single county under threshold.

Tier I - an NOI for pesticide application areas that remain below the threshold for all pesticide use patterns. The main requirement in the PGP for all owner/operator is to comply with FIFRA and MDA pesticide label requirements.

Tier II an NOI for pesticide application areas that may be above the threshold for any pesticide use pattern. In addition to the basic Tier I requirements, these larger pesticide applications are required to develop a pesticide discharge management plan, conduct additional recordkeeping, and submit an annual report. The NOI Form contains a table on page 3 that requests the anticipated annual treatment area - in acres of surface water - for each pesticide use pattern for a Tier II NOI (by county).

For Application submittals and additional information, please contact:

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