

INSTRUCTIONS FOR

Form NOI – Notice of Intent for Pesticide Application (MTG870000)

IMPORTANT:

As per the federal Sixth Circuit Court of Appeals decision of January 2009, the application of pesticides in or over surface water is a discharge of a pollutant from a point source which requires a surface water discharge permit. The Department of Environmental Quality permits discharges to state surface water under the Montana Pollutant Discharge Elimination System (MPDES) program.

ARM 17.30.1304(16) "*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 any "indirect discharger," such as stormwater runoff or spray drift.

ARM 17.30.1304(41) "*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.

ARM 17.30.602(33) and ARM 17.30.702 (23) "*Surface waters*" are any water on the earth's surface including, but not limited to, streams, lakes, ponds, and reservoirs and irrigation drainage systems discharging directly into a stream, lake, pond, reservoir, or other water on the earth's surface. Water bodies used solely for treating, transporting, or impounding pollutants, such as wastewater treatment lagoons, are not considered surface water.

The Pesticide General Permit (PGP) is available to any owner or operator who discharges to state surface waters through the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (collectively "pesticides") in state surface waters when the application is for one of the following pesticide use patterns provided below. The requirements of the PGP are separated into two categories:

- Tier I - Requirements for all owner/operators.
- Tier II – Additional requirements for owners/operators that apply pesticides to an area greater than the treatment area annual threshold identified below.

#	Pesticide Use Pattern	Treatment Area Annual Threshold ^{1,2}
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.	Larvae chemical control	100 acres
4b.	Chemical adulticide	1000 acres
4c.	Biological control	6,400 acres
5.	Research & Development	10 acres
6	Other not classified	1000 acres
<p>1. Calculations should include the area of the applications made to: (1) state surface waters <i>that contain water at the time of pesticide application</i> and (2) conveyances with a hydrologic surface connection to state surface water <i>at the time of pesticide application</i>. 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.</p> <p>2. Any pesticide discharge into waterbodies classified A-closed has a threshold of > 0 acres and is therefore subject to Tier II requirements.</p>		

Calculations for determining annual pesticide application area should include all applications made to state surface waters. 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.

The Pesticide Notice of Intent Form (NOI form) is to be completed by the owner/operator of a pesticide activity to or over surface water that is eligible for coverage under the Department's *Pesticide General Permit (PGP)* as described above. The PGP and the owners/operators authorized under the PGP are on a five-year cycle for renewal, and the information must be adequate to include application areas for the life of the authorization –otherwise, a modification or additional NOI form will be required. PGP documents and related forms are available on the MDEQ website at: <http://www.deq.mt.gov> or from the Department at (406) 444-3080.

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 ITEM 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 your pesticide water coverage area annual amount will be “Less than Threshold” (Tier I) or “Greater than Threshold” (Tier II) as shown in the above table; and
2. Then decide if you want coverage within the boundaries of a single county, or under multiple counties (up to 20 contiguous counties).

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. The Department will assign a permit number when the NOI is submitted. The permit number is a 9-digit code beginning with ‘MTG87.’

Existing Project

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

- If the Department 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 it is (a) less than the threshold or greater than the threshold, and (b) for a single county or multiple counties.
- If the Department 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.

Section B – Site (Pesticide Activity) Information:

A site is the general area of pesticide application to water, within the confines of a single county. Identify the name of the site or what the pesticide activity project will be called (examples: the name of the county; the irrigation district; the watershed; or a water treatment plant’s supply water). 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 each additional site locations (i.e., counties) in Section D.

If the area to be treated is consistent year to year (for example, only in one specific lake) then the boundaries of the pesticide application can be the extent of coverage and the center location is for that body of water. If the area to be treated may vary (for example invasive species control), the center of the county should be identified as the site location.

The site location may be a physical mailing address, a description of how the site may be accessed, or the Township/Range/Section (T/R/S) of the center of the pesticide application area (PO boxes are not acceptable). Locational Sources include GPS, a USGS topographic map, and/or “Topofinder” from <http://nris.mt.gov/interactive.html>.

Section C – Applicant (Owner/Operator) Information:

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(s) described in Section B and Section D of this NOI form. **The permit will be issued to the entity identified in this section (Section C).** The owner or operator assumes all liability for discharges from the site and compliance with the terms and conditions of the General Permit. If the owner or operator is other than a person or government entity, it must be registered with the Montana Secretary of State’s office.

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 or project and with the facts reported in this form, and who can be contacted by the Department for additional information. Those facilities with periodic changes in the contact person may provide only 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 (and conversions from the newer North American Industry Classification System (NAICS)) can be obtained from the Internet at <http://www.census.gov/epcd/www/naics.html>, in paper form from the document entitled “Standard Industrial Classification Manual”, Office Management and Budget, 1987, or at <http://www.osha.gov/pls/imis/sicsearch.html>.

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. The multiple counties must all be contiguous (either located within a general area or a linear project). Indicate if any pesticide activity in this district will occur within the boundaries of an Indian Reservation (please note that the USEPA regulates these wastewater discharges).

NOI TIER II Supplemental Information

Section E - Pesticide Activity Location Information

Every Tier II owner/operator must complete a Section E for every county that needs authorization under the PGP. An identification number corresponding to the site locations listed in Section D should be assigned for each Section E. For example, if there were nine counties requested, the 3rd location listed in Section D should be identified as “#3 of 9” at the top of this form (in shading).

Identify the name of the county.

Pesticide Use Patterns for this Establishment:

Check the box for each use pattern that may apply to your operations within that county, and provide an estimate of the annual water treatment area (in acres) for each. **Note that the projection is an estimate of annual treatment area each year for 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.) Indicate the location of the pesticide application for each Pattern Use. You may use the center (centroid) location for that pesticide use pattern, or provide a beginning and end point.

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 only in discrete locations, outline those locations.

Receiving Surface Water:

Every potential receiving surface water body for the next five years must be identified, as requested. The owner/operator can request all waters within the county, all waters within the county except certain waters, or identify specific water bodies. **Please be aware that discharge to a waterbody that is not identified in the NOI is prohibited, and would require the owner/operator to submit a modification or a new NOI.**

Section F - Certification

For all owner/operators (both Tier I and Tier II). The NOI form certification must be completed by a signatory for the owner/operator who is responsible for the authorization as identified under Section C. The requirement for a signatory is described 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.