

INSTRUCTIONS FOR

Form NOI-87 – Notice of Intent application for Montana Pollutant Discharge Elimination System General Permit 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 Montana 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.

The Pesticide General Permit (PGP) is available to owner/operators to cover pesticide applications that meet one of the pesticide use patterns found in **Table 1**. All owner/operators must fulfill universal requirements (Tier I). If the total surface water treatment area for any given pesticide use pattern is over the threshold for any of the pesticide use patterns, or meets specific requirements delineated below Table 1, the activity will be considered a 'greater than threshold' source, and additional requirements will apply (Tier II).

Table 1: Pesticide Use Pattern – Tier II Annual Threshold		
#	Pesticide Use Pattern	Tier II Treatment Area Annual Threshold (acres) ⁽¹⁾
1.	Piscicides and Other Nuisance Animals (i.e. zebra mussels)	10
2.	Weeds and Algae	100
3.	Aerial Pest Control (i.e. Forest Canopy)	1,000
4.	<i>Mosquito and Other Flying Insect Pests</i>	
4a.	Chemical larval control	100
4b.	Chemical adulticide	1,000
4c.	Biological control	6,400
5.	Research & Development	10
6.	Others no classified	10
⁽¹⁾ Any pesticide discharge into waterbodies classified A-Closed or Outstanding Resource Waters is automatically subject to Tier II requirements.		

Calculations for determining annual pesticide application area should include applications made to state surface waters *containing 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 (ORW) has a threshold of > 0 acres and is therefore considered "over threshold" and subject to

Tier II requirements. Waterbody classifications can be found in ARM sections 17.30.607-17.30.610, and further information on ORWs is provided on page 6 of these instructions.

Your NOI form must be complete and accurate, including specified fees and a 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 (electronic records are acceptable). 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 PGP coverage within the boundaries of a single county or under multiple counties (up to 20 contiguous counties).
2. Second, reference **Table 1** to decide if the pesticide annual water coverage area for your NOI submission area will be “Less than Threshold” (Tier I) or “Greater than Threshold” (Tier II). Any application to A-Closed or ORW 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 DEQ-assigned permit number on any correspondence regarding this site. Indicate which of the permitting actions you are now requesting:

- *Permit Authorization Renewal:* If DEQ has renewed the PGP (renewable on a five-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 (Tier I) or greater than the threshold (Tier II), and (b) for a single county or multiple counties.
- *NOI Resubmission:* If DEQ returned your NOI to you as deficient or incomplete, check Resubmitted.
- *Permit Authorization Modification:* If there is a change in the facility or site information, check Modification. Owner/operators requesting a modification to their permit authorization must submit a modification fee—this fee is the same as the renewal permit fee.

Do not use this form to transfer permit coverage to a new owner or operator; to transfer permit coverage, you must use the Permit Transfer Notification (PTN) Form available on DEQ’s website:

<https://deq.mt.gov/Portals/112/Water/Forms/PTN.pdf>.

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

Have a written Pesticide Discharge Management Plan (PDMP)? ‘Greater than threshold’ (Tier II) owner/operators must have an up-to-date PDMP before submitting their NOI.

Section B – Site (Pesticide Activity) Information:

For the PGP, “site” means the general area (within the confines of a single county) of pesticide application to water. If you wish to obtain coverage for multiple counties, pick one county as the primary site under Section B, and complete information about the additional 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, GIS, and GoogleMaps.

Spray additive/adjuvant usage: Indicate whether spray additives/adjuvants are planned for use in conjunction with the pesticide. Spray additive/adjuvants include products such as colorants (dyes), defoaming/antifoaming agents, drift control agents (or thickeners), surfactants, and thickeners. List what products will be used, if any. The additive/adjuvant usage must be used in conformance with the pesticide label requirements.

Section C – Applicant (Owner/Operator) Information:

Owner/Operator Name: Provide the legal name 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 authorization 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 PGP. DEQ typically requires the *operator* to be the responsible party when there are separate owners and operators. However, in the case of the PGP, DEQ recognizes that it could be either the financing/decision-maker (such as a mosquito control district) or the pesticide applicator’s role to be the primary responsible party. It will be up to the regulated community to determine, through contractual and other arrangements, whether it will be the owner (financial and/or decision-making control) or operator (pesticide applicator) who will carry primary responsibility.

Complete the contact information as requested. Provide the name, title, work phone number, and email address 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. 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 four-digit Standard Industrial Classification (SIC) and six-digit North American Industry Classification System (NAICS) 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 and one NAICS code must be provided. See attached table for common SIC and NAICS codes. A complete list of SIC Codes can be obtained from the Internet at <http://siccocode.com/en/siccocode/list/directory> or <https://www.naics.com/naics-to-sic-sic-to-naics-crosswalks/> (includes conversions from the newer 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). Should you require more space, attach additional pages as needed.

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:

You must include every receiving water body that you might apply pesticides over the next five years. 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.

Outstanding Resource Waters (ORWs) and A-Closed Waters:

The owner/operator is responsible for identifying whether any of the receiving surface waters are classified as A-closed or are listed as an ORW. **Note that any pesticide discharge into waterbodies classified A-closed or a listed ORW has a threshold of > 0 acres and is therefore considered “over threshold” and subject to Tier II requirements.** Waterbody classifications can be found in ARM sections 17.30.607-17.30.610, and further information on ORWs is provided on page 6 of these instructions.

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 in the most recent Final Integrated Report (See CWAIC: <https://deq.mt.gov/water/resources>). For instance, copper sulfate algaecide cannot be used in a waterbody listed as impaired for copper.

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) and North American Industry Classification System (NAICS) 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 environmental protection agencies, pollution control agencies, and sanitary engineering agencies)	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.

Outstanding Resource Waters (ORWs)

Outstanding resource waters (ORWs) refer to state surface waters located wholly within the boundaries of areas designated as national parks or national wilderness areas as of October 1, 1995, or other surface waters or groundwaters classified by the board under the provisions of MCA 75-5-316 and approved by the legislature.

The following are the Montana national parks and national wilderness areas whose surface waters fall under ORW classification:

National Parks:

Big Hole National Battlefield
Bighorn Canyon National Recreation Area
Fort Union Trading Post National Historic Site
Glacier National Park
Grant-Kohrs Ranch National Historic Site
Lewis & Clark National Historic Trail
Little Bighorn Battlefield National Monument
Nez Perce National Historical Park
Yellowstone National Park

List of Montana national parks can also be found online at <https://www.nps.gov/state/mt/list.htm>.

Wilderness Areas:

Absaroka-Beartooth Wilderness
Anaconda-Pintler Wilderness
Bob Marshall Wilderness
Cabinet Mountains Wilderness
Gates of the Mountains Wilderness
Great Bear Wilderness
Lee Metcalf Wilderness
Medicine Lake Wilderness
Mission Mountains Wilderness
Mission Mountains Tribal Wilderness
Rattlesnake Wilderness
Red Rock Lakes Wilderness
Scapegoat Wilderness
Selway-Bitterroot Wilderness
UL Bend Wilderness
Welcome Creek Wilderness

List of Montana wilderness areas can also be found online at <https://wildmontana.org/discover-the-wild/public-lands-101/wilderness-areas>.