

PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

In response to a 2009 decision by the U.S. Sixth Circuit Court of Appeals [*National Cotton Council, et al. v. the U.S. Environmental Protection Agency (EPA)*], EPA has developed and issued the final National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit (PGP) that will regulate point source discharges from the application of pesticides to waters of the United States and provide coverage for discharges that impact District waterways.

Effective Thursday, January 12, 2012, all operators who discharge effluent with residues from biological pesticides or chemical pesticides to waters of the United States must comply with the requirements of the PGP.

Pesticide application use patterns not covered under the PGP require an individual or alternative general permit if the use patterns result in point source discharges to waters of the United States. The following usages of pesticides are eligible for coverage under the PGP:

- (1) **Mosquito and Other Flying Insect Pest Control** – to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water.
- (2) **Aquatic Weed and Algae Control** – to control invasive or other nuisance weeds and algae in water and at water's edge, including irrigation ditches and/or irrigation canals.
- (3) **Aquatic Nuisance Animal Control** –to control invasive or other nuisance animals in water and at water's edge. Aquatic nuisance animals include, but are not limited to fish, lampreys, and mollusks.
- (4) **Forest Canopy Pest Control**– aerial application of a pesticide over a forest canopy to control the population of a pest species (e.g., insect or pathogen) where to target the pests effectively a portion of the pesticide unavoidably will be applied over and deposited to water.

Operators meeting the eligibility provisions, as identified in the table below, and whose discharges are not subject to the requirement to submit an NOI are automatically authorized to discharge in compliance with the requirements of this permit.

Table 1. Annual Treatment Area Thresholds for Submission of NOI

| Pesticide Use | Annual Threshold |
|---|---|
| 1. Mosquitoes and Other Flying Insect Pests | 6400 acres of treatment area |
| 2. Aquatic Weed and Algae Control: | |
| - In Water | 80 acres of treatment area |
| - At Water's Edge: | 20 linear miles of treatment area at water's edge |
| 3. Aquatic Nuisance Animal Control: | |
| - In Water | 80 acres of treatment area |
| - At Water's Edge | 20 linear miles of treatment area at water's edge |
| 4. Forest Canopy Pest Control | 6400 acres of treatment area |

To obtain authorization in the District of Columbia the operator must:

1. Visit EPA's website at <http://cfpub.epa.gov/npdes/pesticides/prtool.cfm> to determine your eligibility for the permit;
2. Prepare a Pesticide Discharge Management Plan (PDMP). Instructions on how to prepare a PDMP are available in the PGP;
3. Submit the PDMP to DDOE for review and approval;
4. Once approval is granted, submit NOI to EPA and a copy to DDOE if the operator is required to submit an NOI;
5. Get approval or permit to discharge from EPA; and
6. Follow all permit requirements including monitoring and reporting to both EPA and DDOE.

For additional information about the permit please visit the EPA's website at http://cfpub.epa.gov/npdes/home.cfm?program_id=410.

If you have any questions or need further information on how to comply with this pesticide general permit, please contact Adion Chinkuyu at adion.chinkuyu@dc.gov.