



Missouri Pesticide General Permit

June 7, 2011

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Water Protection Program



2009 6th Circuit Federal Court Decision

- *National Cotton Council vs. EPA, 6th Cir., 2009* -

Nov 2006 - EPA issued final rule exempting pesticides from NPDES

Jan 2009 - 6th Cir Court vacated EPAs 2006 NPDES pesticide rule

June 2009 - Court granted EPA a 2-year stay on the decision.

March 2011 - EPA requests and granted 6 month extension to stay.

October 31, 2011 - EPA Permit coverage deadline



Proposed DNR Rulemaking

PURPOSE: Propose to amend permit regulation addressing the exemption for application of pesticides.

(1) Permits—General.

(B) The following are exempt from permit regulations:
1,2,3....

9. The application of pesticides in order to control pests (e.g., any insect, rodent, nematode, fungus, weed, etc.) in a manner that is consistent with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Missouri Pesticide Use Act unless such application is made directly into or onto waters of the state in which case the applicator shall apply for a general permit.



MDNR Permit Schedule:

May 27, 2011 - MDNR Public Notice start date

July 1, 2011 - MDNR Public Notice end date

July 30, 2011 - EPA to issue their "final" pesticide permit

August 31, 2011 - MDNR to issue "final" pesticide permit

October 31, 2011 - Effective date of MDNR permit

October 30, 2016 - Expiration date of MDNR permit



Overview of Draft Permit

- Issued as a 5-year general permit
- Provides NPDES coverage
- MDNR will administer the permit,
- General permit fee \$150/year; \$60 after first renewal
- DNR Form E to apply,
- DNR will mail letter of confirmation.



Activities Covered:

- ✓ Control of weeds/algae in, over or adjacent to lakes, rivers, streams.
- ✓ Control of animal pests like fish or mussels in waters of the state.
- ✓ Insect control in forest canopies over waters of the state.
- ✓ Control of mosquitoes/vectors in over or adjacent to waters of the State.
- ✓ Control of pests/plants grown in waters of the state.



Who must obtain permit coverage?

- Any operator with control over a treatment area for one of four pesticide use categories:
 - 1) Mosquito/flying insects
 - 2) Aquatic weed/algae control
 - 3) Aquatic animal control
 - 4) Forest canopy insect control

AND

- Annual treatment area under its control exceeds one of the four use thresholds.



The permit excludes:

- ✓ Any land based (terrestrial) application.
- ✓ Agricultural stormwater runoff (even if it contain pesticide residue).
- ✓ Other non-ag stormwater runoff (stormwater permit *or* non-point source).
- ✓ Irrigation return water.
- ✓ Spray drift.
- ✓ Waste treatment systems or man-made storm water control structures (see waters of the state def in PART III).



Flying Insects Threshold

6,400 acres or more

- ❖ This number is calculated by summing the treatment acres of actual surface water for each application event in a calendar year.
- ❖ In other words, a given one acre of water may receive ten treatments each year so this would be ten acres total for the year.



Aquatic Weed/Algae/Animal Control “In Water” Threshold

80 acres or more

- ❖ This number is calculated based on the area of actual direct surface water treatment (not water conveyances) in a given year.
- ❖ Unlike the mosquitoes, multiple treatments are not summed; a given area is only counted once per year regardless how many times it’s treated.



Aquatic Weed/Algae/Animal Control “At Waters Edge” Threshold

20 linear miles or more

- ❖ Treatment linear miles is calculated by measuring the “stream miles” treated in a given year.
- ❖ This is not a cumulative count; a given length of stream channel should only be counted once per year if treated.
- ❖ In addition, do not count each side of the steam individually, just the linear feet of the stream channel regardless of whether each side is treated.



Forest Canopy Insect Control Threshold

6,400 acres or more

- ❖ This number is calculated by summing the treatment acres of forest canopy for each application event in a calendar year.
- ❖ In other words, a given one acre of canopy may receive ten treatments each year so this would be ten acres total in a year.



Permit Requirements

- ❖ Effluent Limitation Guidelines
 - 1) Use only amount necessary to control target pest... maintain equipment, etc.
 - 2) Control Practices that are operator defined (implement IPM)
 - 3) State Water Quality Standards
- ❖ Pesticide Discharge Management Plan (PDMP)
 - 1) Monitoring/Recordkeeping
 - 2) Control Practices
- ❖ Adverse incident and corrective action
- ❖ Annual Report



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 - 1) Monitoring/Recordkeeping
 - 2) Document Control Practices
- ❖ Adverse incident and corrective action
- ❖ Annual Report



Recordkeeping & Reports

- ❖ Can rely on other records related to FIFRA or other programs.
- ❖ Maintain at the address of the owner as provided in permit application.
- ❖ Must complete the annual report each calendar year.
- ❖ Report maintained by the permittee at the owners address.



Public Notice

Send written comments to DNR by Friday July 1, 2011

Via Mail at:
 Water Protection Program
 ATTN: NPDES Permits Section
 P.O. Box 176
 Jefferson City, MO 65102

Or

Via Email at:
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