

SUMMARY INFORMATION & FAQ
PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM
APPLICATIONS TO OR OVER (INCLUDING NEAR) WATERS OF THE STATE
GENERAL PERMIT NO. GAG820000

Why is a permit needed for these types of pesticide applications?

Historically, EPA maintained that a wastewater discharge permit was not needed for aquatic pesticides applications if the pesticide was applied in accordance with its label, as required by the Federal Insecticide, Fungicide, and Rodenticide Act.

In January 2007 EPA's aquatic pesticide rule became final. The rule states that a Clean Water Act (CWA) permit is not required for the application of pesticides directly to water or the application of pesticide where a portion of the pesticide will unavoidably be deposited to the water.

In January 2009 the 6th Circuit Court of Appeals vacated the rule. The Court decided that discharge permits are required for all biological and chemical pesticide applications when applications are made in, over or near, waters of the United States. Further, the Court granted a stay in order to provide time for EPA and authorized States to develop pesticide permits. The deadline for developing a permit was October 31, 2011. Therefore, Georgia has developed a general pesticide permit GAG820000, which covers the application of pesticides to waters of the State of Georgia (the State) for a wide range of activities (see page 2 for details).

Who needs coverage under the permit?

This general permit only applies to people who spray (or otherwise apply pesticides) directly into, over or near waters of the State. This is considered a "point source discharge." For this permit the term "pesticide" also means herbicides, rodenticides, insecticides, fungicides, plant growth regulators and defoliants. Even if you apply pesticides in accordance with the FIFRA label, if you apply directly into, over or near waters of the State, you still need a permit. This permit does not negate the requirements of FIFRA. Also, other factors such as hiring a company or individual with a pesticide license, using EPA approved pesticides, and the dilution ratio of the pesticide does not exempt pesticides dischargers from obtaining coverage under this permit.

The Clean Water Act exempts the following activities from the requirement to have to have a discharge permit.

1. Any introduction of pollutants from a **non-point source** agricultural and silvicultural activities, including storm runoff from orchards, cultivated crops, pastures, and forest lands.
2. Return flows from irrigated agriculture.

What types of pesticide activities are not eligible for coverage under this general permit?

1. Discharges to impaired waters that are impaired for the particular pesticide being used (or its degradates). For example if the stream is impaired for copper and you are using copper sulfate for algae control, you are not eligible for coverage under this permit.

2. Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations.
3. Discharges from activities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by EPD.

How do I know if I'm applying pesticides to a water of the State?

Any and all rivers, streams, creeks, branches of water, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State (Georgia) which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation are considered waters of the State. During dry weather some surface waters may be dry; however, coverage under an NPDES permit is still required to legally apply pesticides in these areas.

Why types of activities are addressed in this general permit?

The general permit is structured based on pesticide "use patterns." These use patterns were developed to provide permit coverage for discharges that are similar in type and nature and therefore can be covered under a general permit.

Mosquito and Other Nuisance Insect Pest Control – This use pattern includes the application, by any means, of chemical and biological insecticides and larvicides into or over water to control insects that breed or live in, over, or near water. Applications of this nature usually involve the use of ultra low volume sprays or granular larvicides discharged over large swaths of mosquito breeding habitat and may occur several times per year.

Weed and Algae Control – This use pattern includes the application, by any means, of contact or systemic herbicides to control vegetation and algae in water and at water's edge, including irrigation ditches and/or irrigation canals. Applications of this nature may be single spot treatments of infestations or staged large scale treatments intended to clear several acres of waterway. Treatments may be singular or occur several times per year.

Nuisance Animal Control – This use pattern includes the application, by any means, of chemicals into waters to control a range of animals for purposes such as fisheries management, invasive species eradication, or equipment maintenance. Applications of this nature are usually made over an entire waterbody as the target pests are mobile. Treatments are generally made several years apart.

Forest Canopy and Other Area-Wide Pest Control – This use pattern includes aerial pest control projects, in and over forest canopies where there are waters of the State below the canopy. Applications of this nature usually occur over large tracts of land, and are typically made in response to specific outbreaks. EPD understands that for this use pattern pesticides will be unavoidably discharged into waters in the course of controlling for pests that are present near or over waters as a result of the aerial spraying (i.e., a point source discharge from a nozzle) over a forest canopy. These pests are not necessarily aquatic (e.g., airborne non-aquatic insects) but are detrimental to industry, the environment, and public health. Note: EPD recognizes that mosquito adulticides may be applied to forest canopies, in which case the application would be covered under the "Mosquito and Other Nuisance Insect Pest Control" use pattern.

How do I obtain coverage under the permit?

If you apply pesticides in accordance with this general permit, you are automatically covered beginning October 28, 2011. If your pesticide applications exceed an annual treatment area threshold (see page 6 of the permit), with the exception of research and development and emergency pesticide applications, you must submit a Notice of Intent (NOI) within 30 days of exceeding the threshold to remain covered under this permit.

How do I get a copy of the permit?

The permit is available on EPD's website. EPA does not plan on mailing out copies of the permit. In the event you would like to request a hard copy be mailed to you, please contact EPD directly.

How do I terminate coverage under this permit?

Operators that are not required to submit an NOI and those operators that are covered under this general permit as a result of a declared pest emergency situation, are terminated from permit coverage when they no longer have a discharge from the application of pesticides or their discharges are covered under another NPDES permit. Operators that are required to submit a NOI to obtain coverage under this permit must submit a complete and accurate Notice of Termination (NOT), in order to terminate permit coverage.

Summary of requirements for all operators covered under the general permit:

Technology-based effluent limitations (TBELs) – Discharges resulting in the application of pesticides to waters of the State must be minimized to the extent achievable.

Water Quality-Based Effluent Limitations – The discharge must be controlled as necessary to meet applicable numeric and narrative State water quality standards.

Site Monitoring – All operators must conduct visual spot checks during any pesticide application (only when it is considered safe) and any post-application surveillance or efficacy check.

Record Keeping – All operators covered under this permit must keep a copy of any adverse incident report, rationale for determining that reporting of an adverse incident is not required and a copy of any corrective action documentation.

Corrective Action – All operators must take corrective action when necessary, comply with the adverse incident reporting and documentation requirements and document reportable spills, leaks and unpermitted discharges.

Additional requirements for operators required to submit an NOI:

Pest Management Practices (PMP) – The operator must identify PMP. PMP is not a single pest control method but rather, a series of pest management evaluations, decisions and controls.

Pesticide Discharge Management Plan – The permittee must develop a plan that contains schedules and procedures of control measures used to comply with the conditions of this permit.

Record Keeping and Reporting – The operator must keep additional records.