



New Jersey Department of Environmental Protection Bureau of Surface Water Permitting

Pesticide General Permit (PGP)
NJPDES Permit No. NJ0178217
March 27&28, 2012

http://www.state.nj.us/dep/dwq/gp_surfacewater.htm



Why The Permit Was Issued

- In response to a 2009 decision by the United States 6th Circuit Court
- To authorize surface water discharges from applications of biological and chemical pesticides – when made in, over or near surface waters

New Jersey's General Permit

- Generally valid for 5 years
- Issued on October 31, 2011
- Expires on October 31, 2016
- This permit will be revoked and reissued shortly
- Revised draft permit is expected to be issued in April or May
- Department will hold outreach sessions

Who Is An Operator?

- The person who has the authority to:
 - Make decision to perform pesticide application or
 - Finance such activities

Or

- The person who:
 - Has authority to direct workers to carry out pesticide activities or
 - Performs these activities himself or herself

Who Should Apply?

- All operators discharging pesticides to Pinelands or FW1 waters (annual threshold value does not apply)
- All operators discharging pesticides to waterbodies not classified as Pinelands or FW1, during the calendar year:
 - if application exceeds annual threshold value or
 - will exceed the annual threshold values
- For one or more of the use patterns authorized in the permit

Use Patterns and Threshold Values

Use Pattern Annual Threshold Value

- Mosquitoes & Other Flying Insect Pests - **6,400** acres of treatment area
- Aquatic Weeds and Algae - 20 linear miles or **80 acres of water**
- Aquatic Nuisance Animals - 20 linear miles or **80 acres of water**
- Forest Canopy - **6,400** acres of treatment area
- Aquatic Agricultural Activities - **1,000** acres of treatment area
- **Utility Transmission and Distribution Line Vegetation Control - 20 miles**
- **FW1 and Pineland waters - 5 acres or 100 linear feet of stream, whichever is more stringent**
- (Use patterns and the threshold value **in bold** are part of interim conditions)

What do these threshold Values mean?

- Include all sites treated by an operator *during a calendar year*
- For calculating the total treatment area for the Aquatic Weed and Algae and Aquatic Nuisance Animal use patterns, count each treatment area only once regardless of the number of pesticide applications performed
- For calculating the total treatment area for all other use patterns, count treatment area each time pesticide application is performed

Sample calculations

- For Aquatic Weed and Algae & Aquatic Nuisance Animal Control:
 - If treating the bank on one side of 10 mile-long ditch or both sides of the ditch, the total treatment area = 10 miles
 - If the same 10 mile area is treated more than once in a calendar year, total area = 10 miles
- All other use patterns including Mosquitoes and Other Flying Insect Pest control:
 - If 3000 acre site is treated 3 times a year, total area is $3 \times 3000 = 9000$ acres

Effective Permit Requirements

- When the final permit was issued, the Department **stayed** some permit conditions and **established** some **interim** conditions
- Conditions that were not stayed, and the interim conditions are effective
- All operators shall comply with the following permit conditions except annual reporting requirement

Part I & II

- Part I - General Requirements
- Part II - A - Compliance with other applicable federal, state, local laws and regulations (i.e., FIFRA, PL certificate of filing, aquatic pesticide permits, Mosquito/fly control permit)
- Part II-B 1- Activities for which permit is required
- Part II-B 2 - Activities exempted (i.e., irrigation return flows and agricultural stormwater runoff)
- Part II-E - General Conditions (i.e., notification of non-compliance, access to information, signatory requirements)

Part IV. A.

➤ Technology Based Effluent Limitations

- Use only the amount of pesticide and frequency of pesticide application necessary to control the target pest, using equipment and application procedures appropriate for the task;
- Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides;
- Maintain equipment in proper operating condition by adhering to any manufacturer's conditions and industry practices, and by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. You shall ensure that the equipment's rate of pesticide application is calibrated to deliver the precise quantity of pesticide needed to achieve greatest efficacy against the target pest.

Part IV. E.

- **Site Monitoring Requirements**
 - Usage Monitoring
 - Visual Monitoring for Adverse Incidents
 - during any pesticide application – when safe and feasible
 - during any post-application or efficacy check

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- Special Conditions for Discharges to FW1 and Pinelands Waters
 - Mandatory Visual Monitoring for FW1 or Pinelands waters
 - If you discharge to FW1 or Pinelands waters on any given day you must visually monitor the waterbody that received the highest quantity of pesticides on that day within 72 hours of pesticide application.
 - http://www.nj.gov/dep/rules/rules/njac7_9b.pdf

Notification Requirement

DEP Hotline

- Contact the DEP Hotline at **1-877-WARN-DEP** if you observe or become aware of an adverse incident, spill, leak, or any other unpermitted discharge **immediately but no later than 2 hours** of becoming aware of the incident.
 - Provide the following information:
 - The caller's name and telephone number;
 - Operator's name and mailing address;
 - Name and phone number of the contact person if different from the caller; how and when you became aware of the situation;
 - Location of the incident;
 - Description of the incident including the pesticide product name, EPA registration number, amount of each product applied, spilled, leaked or discharged;
 - Description of steps you will take or have taken to remedy, cleanup, or address the incident.

Notification Requirement - Written Report

- Submit a written report to the DEP within **ten (10) days** after contacting the DEP Hotline with the following information:
 - All the information provided to the DEP representative when you contacted the hotline;
 - Date and time you contacted the hotline and who you spoke with and any instructions you received from the DEP representative;
 - Description of the incident including species affected, estimated number of individual and approximate size of dead and distressed organisms;
 - Magnitude and scope of the affected area;
 - Pesticide application rate and method of application;
 - Description of the habitat and the circumstances under which the incident occurred;
 - If laboratory tests were performed, indicate what tests were performed and when, and provide a summary of the test results within 5 days after they become available, if not available at the time the report is submitted.

Part IV. G.

➤ Corrective Action

- You will need to perform corrective action if the following occurs:
 - An unauthorized release or discharge associated with the application of pesticides (e.g. spill, leak, or unpermitted discharge);
 - You become aware or DEP informs you that your control measures are not adequate for the discharge to meet applicable surface water quality standards;
 - You become aware or DEP informs you that your control measures are not adequate to avoid adverse incidents to state and/or federally listed endangered and threatened plant or wildlife species listed in Part II of the permit;
 - You become aware that you failed to comply with the technology based effluent limits.

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- Corrective action requires a review and revision (if necessary) of your control measures.
- Any changes to your control measures need to be made prior to the next pesticide application or if not practicable, as soon as possible thereafter.

Part IV. H.

➤ Recordkeeping

- The following records need to be kept for a period of at least five (5) years from permit expiration or termination:
 - A copy of this permit (electronic copy is acceptable);
 - A copy of any adverse incident reports;
 - A copy of any corrective action documentation;
 - Rationale for any determination that reporting of an adverse incident is not required.

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➤ Annual Reporting

- Who? Anyone required to submit an application and reported an adverse incident in the previous calendar year.
- When? The report shall be submitted no later than February 15th of the following year.
- Report shall include the following:
 - Operator's name
 - Contact person's name, title, e-mail address, and phone number;
 - Summary of adverse incidents during the previous calendar year;
 - Summary of corrective action.

Questions About Applying For An Authorization

- How Do I Apply?

pesticidegp@dep.state.nj.us

- What Will I Receive After I Apply?

Questions?

For more information contact:

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