

NPDES Pesticide General Permit Q & A

To All SWCDs:

There has been much discussion, and not surprisingly, confusion regarding whether or not SWCDs need to obtain a National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit (PGP) if the SWCD itself conducts pesticide applications, or has pesticide decision authority over pesticide applications made along waterways.

*This Q & A for SWCDs was developed with assistance from Janet Fults, Supervisor, ODA Pesticides Division, and is an **update to the Q & A sent to SWCDs in November 2011. This reflects changes in SWCD requirements to register for the NPDES permit provided by DEQ.***

At the end of this Q & A there are links to the Oregon Department of Environmental Quality (DEQ), NPDES PGP program. These contact numbers and links are resources for additional information.

Q. If SWCD personnel (or anyone contracted by the SWCD) are not conducting pesticide applications in, over, or “near” water or waterways, is a NPDES Permit required?

A. No. If a SWCD does not conduct pesticide applications, or make the day-to-day decision regarding pesticide applications in, over, or “near” water (***defined as within three-feet of the water’s edge***), the SWCD is not subject to the NPDES Permit and none of the following applies.

Q. If SWCD personnel conduct pesticide applications, or make the day-to-day decisions regarding pesticide applications in, over, or “near” water, is the SWCD subject to the conditions of the NPDES Permit?

A. Yes. If the SWCD applies (or makes the decision to apply) pesticides in, over, or within three-feet of the water’s edge in waters of the state, you **MUST** follow the conditions of the permit.

Q. If SWCD personnel conduct pesticide applications, or make the day-to-day decisions regarding pesticide applications in, over, or “near” water, is the SWCD subject to registering for the NPDES Permit?

A. Generally, no, except for special circumstances including exceeding the annual treatment area threshold. According to DEQ, SWCDs have to register for a NPDES permit if either of the following is True:

- a) The SWCD has been *designated* as a weed control or other similar district by the county or other designating agency; or
- b) The SWCD treats 20 acres or more of surface area in water, or 20 linear miles in water and/or at the water’s edge.

Q. What pesticide application activities are covered under the NPDES Permit?

A. There are five specific pest control activities covered by the permit, but the two primary activities that will most likely affect SWCDs are:

1. Control of mosquitoes and other flying insect pests; and
2. Control of weeds and algae in water or at the water's edge.

Q. Can SWCDs apply pesticides along the ditch bank if the ditch or canal is dry?

A. Yes. Some NPDES criteria/requirements are based on the water's edge, "*at the time of application.*" Although no NPDES permit is needed for dry ditches or ditch banks, the use directions/restrictions on a pesticide label must always be followed.

Q. What does "along water's edge" mean?

A. "Along water's edge" means within three-feet horizontally from the edge of the water at the time of application. CONSEQUENTLY, pesticides may be applied without being subject to this NPDES permit if the application is outside of the "waters edge" (using a three-foot buffer). If an application is within that three-foot buffer, the SWCD must comply with permit requirements.

Q. How does a SWCD register for the NPDES permit if it is needed?

A. Complete a registration application for the NPDES PGP with the DEQ (available online), and submit the application form and fees to DEQ. The new permit application fee is \$446 + the annual fee of \$457 = \$903. To maintain the NPDES registration, an annual fee of \$457 is required. Registration must occur at least 30 days before exceeding the application area threshold. The SWCD must develop a Pesticide Discharge Management Plan (PDMP) that is continually updated throughout the year. The PDMP does not need to be submitted to DEQ at the time of registration; however, the PDMP is to be made available upon request by DEQ.

CONTACTS

The DEQ permit and explanatory information is available at:

<http://www.deq.state.or.us/wq/wqpermit/pesticides.htm>

Questions should be directed to the DEQ Permit Coordinator, Beth Moore, who can be reached at moore.beth@deq.state.or.us, or (503) 229-6402.

At the Oregon Department of Agriculture, questions should be directed to Janet Fults in the Pesticides Division at (503) 986-4652.