

Wyoming Pollutant Discharge Elimination System (WYPDES) Program

Pesticide General Permit

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Regulatory Framework

- WYPDES permit required when:

Pollution contamination or other alteration of the physical, chemical, or biological properties of any waters of the state

Point source any discernable, confined and discrete conveyance from which pollutants are or may be discharged

Surface water of the state all perennial, intermittent and ephemeral defined drainages, lakes, reservoirs, and wetlands which are not man-made retention ponds used for the treatment of municipal, agricultural or industrial wastes, and all other bodies of water, either public or private which are wholly or partially within the boundaries of the state. Note that the state's definition of surface water is much broader than the EPA's definition of waters of the U.S.



Types of Facilities

- Municipal Wastewater Treatment Plants (76)
- Oil Industry (382)
- Industrial Facilities (57)
- Agricultural Facilities (49)
- CBNG Industry (781)

Discharge point from a coal bed methane well



City of Casper wastewater treatment plant



Animal feeding operation





EPA 2006 Clean Water Act Pesticides Rule

- Application of a pesticide to or over waters of the US that is consistent with FIFRA requirements does not constitute a discharge of a pollutant and does not require a permit
- Pesticides Rule was appealed and 2009 court decided that the rule was not a reasonable interpretation of the CWA
 - Court granted a two-year stay (April 9, 2011) of the 2006 Pesticides Rule





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Regulatory Requirements



- What does that mean for you?

After April 9, 2011, discharges into a water of the US from pesticide applications will require coverage under a WYPDES Permit

Must also comply with all existing **FIFRA regulations**

Wyoming will have two pesticide permits

Minor Discharges (no application requirements)

Major Discharges (application requirements and activities that exceed EPA thresholds)

General Permit for Major Pesticide Discharges





Major Pesticide Discharge Permit

- If you meet the following five criteria then must submit a Notice of Intent (application form) under the general permit
 - NOI must be submitted 30 prior to desire to apply pesticides



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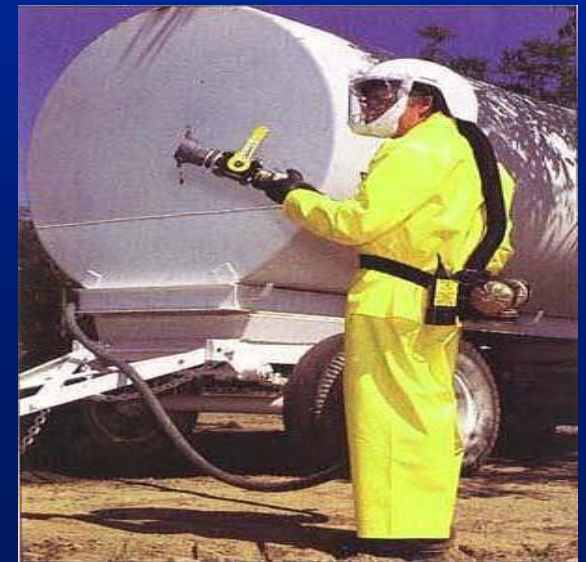
Major Pesticide Discharge Permit

- Must request coverage under the general permit:
 1. You are an applicator or a decision maker who is also applying the pesticides
 2. You discharge pesticides related to one of the four identified Pesticide Use Patterns
 3. You exceed a Treatment Area Threshold Value
 4. You discharge pesticides to a Water of the US
 - Drainages that have water in it (live water)
 - Dry drainage are not considered to be a Water of the US
 5. Discharge of pesticides to a Class 1 Water



Major Pesticide Discharge Permit

- Who should apply for the permit?
 - WYPDES Program is proposing to require the applicator to apply for coverage under the general permit.





Wyoming's Pesticide Use Patterns

- Pesticide use patterns

Mosquito and Other Flying Insect Control

Weed and Algae Control

Nuisance Animal Control

Forest Canopy Pest Control

Other





Wyoming's Treatment Area Threshold Values

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Treatment Area Thresholds		
PGP Part	Pesticide Use Pattern	Threshold
2.2.1	Mosquitoes and Other Flying Insect Pests	640 acres of treatment area (larvacide) 6400 acres of treatment area (adulticide)
2.2.2	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
2.2.3	Nuisance Animal Control:	
	- In Water	80 acres of treatment area
	- At Water's Edge	20 linear miles of treatment area at water's edge
2.2.4	Forest Canopy Pest Control	6400 acres of treatment area



Major Pesticide Discharge Permit

- Effluent limits
 - Must minimize discharge of pollutants related to application by using lowest effective amounts, including labeling instructions
 - Perform regular maintenance to reduce leaks and spills and calibrating/cleaning equipment
 - Assess environmental conditions prior to application
- Develop a Pesticides Pollution Prevention Plan
 - Plan contains two sections
 - Protocols that can be used at any treatment area
 - Site specific information related to a treatment area that exceeds a threshold value



Major Pesticide Discharge Permit

- Monitoring and Reporting Requirements
 - Monitor amount of pesticide used to ensure using lowest amount to control pest and consistent with labeling requirements
 - Visual monitoring in and around treatment area for possible adverse incidents
 - If an adverse incident occurs must call DEQ within 24 hrs and submit a written report within five days of incident
 - Report spill of hazardous substances to DEQ immediate and submit written report within seven days of spill



Major Pesticide Discharge Permit

- Annual Reporting Requirements
 - Summarizes all activities conducted during calendar year
 - Applicator's name and contact information
 - List of waters to which pesticides were applied
 - Total amount of each pesticide product applied
 - Copy of any Adverse Incident Reports
 - Description of any corrective actions that were implemented
 - Report must be submitted to the WYPDES Program by February 28th of each year

General Permit for Minor Pesticide Discharges





Wyoming's Pesticide Use Patterns

- Pesticide use patterns



Mosquito and Other Flying Insect Control

Weed and Algae Control



Nuisance Animal Control

Forest Canopy Pest Control

Discharge to a
Water of US





Minor Pesticide Discharge Permit

- Effluent limits
 - Must minimize discharge of pollutants related to application by using lowest effective amounts, including labeling instructions
 - Perform regular maintenance to reduce leaks and spills and calibrating/cleaning equipment
 - Assess environmental conditions prior to application



Minor Pesticide Discharge Permit

- No requirement to submit an application for coverage under the general permit
- Receive automatic coverage
- Must follow all condition of the permit
- No requirement to submit annual report



Minor Pesticide Discharge Permit

- Monitoring and Reporting Requirements
 - Monitor amount of pesticide used to ensure using lowest amount to control pest and consistent with labeling requirements
 - Visual monitoring in and around treatment area for possible adverse incidents
 - If an adverse incident occurs must call DEQ within 24 hrs and submit a written report within five days of incident
 - Report spill of hazardous substances to DEQ immediate and submit written report within seven days of spill



Plans for Wyoming's General Permit

- Will be advertising the permit in a 30-day public notice
 - Expect the public notice to begin next week
 - Will review and respond to written comments
 - May result in modification of draft permit

Encourage everyone to be involved with the process



Contact Information

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