

SC PESTICIDE NPDES GENERAL PERMIT

Summary to Understand the Permit



February 2012

Big Picture

NEED FOR A PERMIT. Based on federal court rulings, application of pesticides to surface waters of the State requires a permit under the federal Clean Water Act (FIFRA compliance through Clemson's Department of Pesticide Regulation is not enough). DHEC has written a "general permit", good for SC, to allow owners and operators to have a means to carry out important activities to control pests and comply with the Clean Water Act and state rules.

I'M NOT ALWAYS IN WATER! Some pesticides end up in the state's surface waters unavoidably. While spraying for mosquitoes, for example, some pesticides can end up in wetlands, small creeks and lakes. While some of the State's surface waters can be dry during dry times of the year, a discharge to those areas still requires a permit to legally allow the activity. The permit recognizes that some pesticides are directly applied to surface water and some unavoidably end up in these waters when targeting pests outside of waters.

HOW DO I APPLY FOR PERMIT COVERAGE? Entities below certain thresholds are automatically covered. These need only follow the requirements of the permit – an application is not necessary. Entities above these thresholds (larger operations), must apply by submitting a Notice of Intent (NOI). However, those that need to submit an NOI should submit the NOI at least 15 days prior to beginning application. This NOI process will involve using a web-based form – so allow some time to work through the web-based system. See DHEC's web site for details.

WHAT ACTIVITIES ARE ADDRESSED? This permit addresses several "use patterns." There are five (5) main patterns explicitly addressed: 1) Mosquito/flying pest, 2) Aquatic weed/algae, 3) Aquatic nuisance animal, 4) Forest canopy pest and 5) Intrusive vegetation (rights of way). An entity should identify the category that applies to his/her situation and follow that permit requirements that apply. If you do something similar that does not fit into these five categories, DHEC has a sixth category called "other similar activities." DHEC will consider your similar activity to see if this permit can apply to your activity.

PERMIT THRESHOLDS. For each use pattern, there is an annual threshold. If you expect to stay below the threshold, the permit allows you to have less responsibilities. For example, while integrated pest management (IPM) practices are an industry standard, specific IPM practices are not required for the entities that apply these smaller amounts.

OWNERS VERSES FOR-HIRE APPLICATORS. As an owner (generally the entity paying for the activity), you apply the permit to the activities that you direct. As a for-hire applicator, you apply the permit to your cumulative work activities – which is often contract work with several owners. An *owner* determines, "Is the work I'm directing likely to exceed the threshold?" If so, the owner submits an NOI. A *for-hire applicator* determines, "Is the work of my business likely going to exceed the threshold?" If so, the for-hire applicator submits an NOI. If a threshold is not exceeded, an NOI is not required, but certain parts of the permit still apply.

Some Details

LET'S TALK THRESHOLDS. Thresholds don't determine if you are covered by the permit. Thresholds determine what parts of the permit apply to you. If you have smaller operations that don't exceed these thresholds, certain parts of the permit still apply to you and other parts do not. Thresholds are calculated based on activities you perform cumulatively for a calendar year. Here are the numbers, but see the permit for a detailed explanation.

Pesticide Use	Annual Threshold
Mosquitoes/Other Flying Insect Pests	8,960 acres of cumulative treatment area . Equivalent to one square mile with 14 applications per year.
Aquatic Weed and Algae Control:	
- <i>In Water</i>	200 acres of treatment area
- <i>At Water's Edge:</i>	20 linear miles of treatment area at water's edge
Aquatic Nuisance Animal Control:	
- <i>In Water</i>	20 acres of treatment area
- <i>At Water's Edge</i>	20 linear miles of treatment area at water's edge
Forest Canopy Pest Control	6,400 acres of cumulative treatment area (10 square miles)
Intrusive Vegetation Control (rights of way)	100 linear miles (rights of way) or 100 acres of treatment area (if on own property)

SORTING OUT CATEGORIES AND ENTITIES. Owners sometimes do their own application work with their own employees or they may use a for-hire applicator. The requirements for Integrated Pest Management (IPM) practices and a Pesticide Discharge Management Plan (PDMP) are a function of the type of entity and the level of activity (thresholds). Who submits an NOI? The table below sorts out most of the situations in the permit.

Simplified chart for requirements				
Entity/Situation	Basic permit requirements	NOI	IPM	PDMP
Owner: Above	✓	✓	✓	✓
Owner: Below	✓			
For-hire: Above	✓	✓	✓	
For-hire: Below	✓			

If an owner is "below" and the owner's for hire applicator is "above", (or visa versa), IPM applies to application.

WEB SITE FOR MORE INFORMATION.

http://www.scdhec.gov/environment/water/npdes_pesticide.htm