

## New Permit for Pesticide Use In, On or Near Water

### Background

The Oregon Department of Environmental Quality, effective Oct. 31, 2011, requires a permit for any pesticide application in, over or within three feet of water.

DEQ, through the 2300-A pesticide general permit, provides permit coverage for pesticide applications in or within three feet of water to control pests such as mosquitoes and other flying insects, weeds and algae, and nuisance animals. Forest canopy, mosquitoes and other flying insects and area-wide pest control also require permit coverage for pesticide applications over water.

The permit covers irrigation districts that don't have a separate National Pollutant Discharge Elimination permit for pesticides.

Federal and state agencies, some districts and entities with large-scale pesticide applications are required to register for the permit and comply with additional requirements.

Oregon, along with most states developed this permit to comply with a federal court decision that affected pesticide applications nationwide.

### Pesticide applications not affected by this permit

The 2300-A pesticide general permit is **not** required for:

- Pesticide applications to a treatment area at least three feet away from the water's edge
- Applications made solely to land or dry areas
- Applications made to a private lined pond with no connection to groundwater or overflow to surface water
- Agricultural runoff and irrigation return flows.

### Who needs to comply with the permit?

DEQ estimates about 1,500 entities in Oregon may be affected by this permit. These include entities with small-scale pesticide applications; weed control districts; vector control districts;

golf courses; lake and marina managers; public utilities; and federal, state and municipal agencies applying pesticides in, over or within three feet of water.

### How to comply with the permit

First, decide whether pesticide application is even necessary.

- Use current information to identify the pest and check for the pest's presence
- Consider whether or not the number of pests present really requires control
- Consider alternatives. Consider no action; prevention; cultural, physical and mechanical methods; or biological control instead or in combination with pesticide use.

If you are covered by this permit through your pesticide application, you must comply with several permit terms.

Remember that discharge of a pesticide must not cause or contribute to a water quality standards violation.

Don't apply a pesticide into water or apply pesticide that may reach water if that water is already impaired by that pesticide or its by-products. Before you apply pesticides, check the state's list of impaired water bodies on DEQ's website:

<http://www.deq.state.or.us/wq/assessment/rpt0406/search.asp>

Notify drinking water suppliers about pesticide applications when the pesticide label has potable water use restrictions and the setbacks or concentration levels on the label will not be met. A list of drinking water suppliers is available on DEQ's website:

<http://www.deq.state.or.us/wq/dwp/docs/UsingFacilityProfiler.pdf>

Minimize the discharge of pesticides by:

- Using an optimal amount of pesticide
- Calibrating and maintaining equipment
- Reducing spills and leaks (even when mixing and loading equipment)
- Assessing wind, water temperature and other environmental conditions to ensure proper application.



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Check for an adverse incident during a pesticide application (when it is safe to do so) and during any post-application efficacy survey. Generally an adverse incident is an unusual or unexpected effect from a pesticide application.

Call the Oregon Emergency Response System (OERS) at 1-800-452-0311 within 24 hours and document these situations:

- An adverse incident (take corrective action and submit report to DEQ within 30 days)
- A spill of 25 gallons or 200 pounds of a pesticide or visible oil sheen (document within five days)

Take corrective action if any permit requirement is not met.

Maintain these documents for three years:

- A copy of the permit <http://www.deq.state.or.us/wq/wqpermit/genpermits.htm>
- Documentation of amount of surface area or linear miles treated in a calendar year
- Documentation of an adverse incident, spill or potential adverse incident that is not reported.
- Pesticide applicator records as required by Oregon Department of Agriculture or U.S. Department of Agriculture.

Entities with small-scale pesticide applications receive automatic coverage and only need to download a copy of the permit and adhere to the terms listed in order to satisfy permit terms. They do not need to formally register for permit coverage..

### **Who must register for permit coverage?**

Large-scale pesticide applications, federal and state agencies, as well as districts responsible for pest control must register with DEQ for permit coverage.

“Large scale” means that pesticide applications are above the annual treatment area threshold listed in Table 1 of the permit:

<http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes2300a/2300aTable1.pdf>

Large scale also refers to an annual treatment area that is greater than 6,400 acres of land and water for the following pest control:

- Mosquitoes and other flying insects: Each adulticide application and repeated adulticide applications to the same treatment area are included in the calculation of annual treatment area.

- Forest canopy and area-wide pest control: Each pesticide application and repeated pesticide applications to the same treatment area are included in the calculation of annual treatment area.

Large scale also is greater than 20 acres of surface treatment area in water or 20 linear miles within three feet of water (remember to include pesticide applications near ditches and conveyances with water) for the following pest control:

- Weed and algae
- Nuisance animals

Do not count repeated pesticide applications to the same treatment area.

### **What is the permit registration process?**

Registration with DEQ consists of a completed permit application form and an initial fee of \$903. After the first year, an annual fee of \$457 dollars is required.

The permit application form is on DEQ’s website or available at one of DEQ’s regional offices:

<http://www.deq.state.or.us/wq/wqpermit/indinfo.htm#2300a>

Registration must be submitted to DEQ by Jan.9, 2012 for a federal or state agency, or a district with pest control responsibility regardless of the annual treatment area threshold; otherwise, permit coverage will lapse. If permit coverage is allowed to lapse, registration is due 30 days prior to making the first pesticide application under the permit. In either case, a pesticide discharge management plan, described below, needs to be complete when submitting the registration to DEQ.

Registration is due 45 days before exceeding the annual treatment area threshold for large-scale pesticide applications. A pesticide discharge management plan needs to be complete at time of registration or prior to exceeding annual treatment area threshold.

### **Additional permit requirements**

Federal and state agencies, districts and large-scale pesticide applications that require permit registration are also required to prepare a pesticide discharge management plan, follow detailed pest management measures, keep additional records, and submit an annual report.

The pesticide discharge management plan must include a description of the pest management area, schedules and response procedures, and the pest management approach used to comply with

the permit. **Do not** submit the plan to DEQ but keep the plan and make it available for inspection at a main location.

Detailed pest management measures are similar to integrated pest management that includes:

- Identification of the pest problem
- Evaluation of pest management options
- Determining appropriate pesticide use.

Submit an annual report and additional recordkeeping to DEQ. This information should include a description of:

- Surveillance methods
- Need for pest control
- Pest management prior to pesticide use
- Pesticide information, application dates and time of day
- Environmental assessment
- Equipment calibration
- Adverse incident checks or reporting

### **For more information**

For further questions about the permit or permit requirements, contact Beth Moore of DEQ's Surface Water Management Program, Portland, at 503-229-6402, or call toll-free in Oregon at 1-800-452-4011, ext. 6402.

### **Alternative formats**

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ's Office of Communications and Outreach, Portland, at 503-229-5696, or call toll-free in Oregon at 1-800-452-4011, ext. 5696. Hearing-impaired persons may call 711.