

NPDES Pesticide General Permit (PGP)
Second Stakeholders Meeting – July 28, 2010
Summary of Discussion

Dan Dell – Introductions and PGP Development Status Report

- Stakeholder attendance at the 7/28/10 meeting was reduced compared to the 6/11/10 meeting; attendees are listed on the attached sign up sheet.
- Bill Creal (Chief, Water Resources Division) was unable to attend meeting, due to his involvement with the Enbridge Energy's Lakehead System oil spill to Talmadge Creek/Kalamazoo River
- DNRE, with assistance from the Mosquito & Flying Insect Pest Control Work Group, has made considerable progress developing the draft *Mosquito & Other Flying Insect Pest Control* General Permit.
- DNRE expects to have the draft *Aquatic Weed and Algae Control* General Permit ready for review at the 8/16/10 Stakeholders Meeting.
- DNRE will soon begin writing a draft *Forest Canopy Pest Control* General Permit.
- DNRE intends to use an Individual Permit(s) to authorize the USFWS's sea lamprey control activities. DNRE will arrange a meeting(s) with the USFWS soon to discuss this approach.
- DNRE will soon begin writing a draft *Aquatic Nuisance Animal Control* General Permit to authorize fish reclamation, zebra mussel control, and swimmer's itch pesticide applications.
- In response to stakeholder questions, Dan Dell indicated the DNRE will most likely follow EPA's lead regarding the threshold acreage. Currently, EPA is proposing "640 acres of treatment area" for use as a threshold. If EPA adjusts this threshold after reacting to public comment, then DNRE will make appropriate adjustments in the draft GP.

Jeff Fischer – Pesticide Control WebSite

- DNRE launched the Pesticide Permit WebSite on 7/27/10
- The link for the DNRE's Pesticide Control WebPage is:
http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3713-241279--,00.html
- Mr. Fischer briefly described the content of the DNRE's Pesticide Permit WebPage

Jerry Saalfeld – Reorganization of DNRE's Aquatic Nuisance Control Program

- Effective on 7/24/10, the DNRE's Aquatic Nuisance Control Program was moved from the Surface Water Assessment Section to the Permits Section of the Water Resources Division.
- 4 professional staff and 1 unfunded vacant position were affected; Dan Dell and Jerry Saalfeld will serve as their respective Section and Unit Chiefs.

Jeff Fischer & Amy Babcock – Draft Mosquito & Other Flying Insect Pest Control General Permit

- Jeff Fischer & Amy Babcock explained the content of the draft GP.
- Stakeholders raised questions about the fee structure and required procedures for contesting the GP and associated Certificates of Coverage (COCs). DNRE explained the

permit application fee would be \$75 and the annual permit fee would be \$150. DNRE staff also explained that a permit or COC is stayed when contested by the permittee, but neither is stayed when contested by a 3rd party.

- In response to stakeholder comments, DNRE recognized the need to modify Part I.A.2 (Activities Not Covered) and Part I.A.3 (Unauthorized Activities) of the draft GP.
- In response to stakeholder comments, DNRE agreed to better clarify the EPA's and Michigan's position regarding adulticiding and associated drift.
- A stakeholder suggested the draft GP be modified to include directions to help permittees locate Section 303(d) nonattaining waterbodies and outstanding state resource waters. DNRE agreed to make these changes in the draft GP.
- In response to stakeholder questions, DNRE staff explained the basic content of an Individual Permit (IP) and clarified that 3-6 months is required to develop and issue an IP.
- Several stakeholders requested the draft GP be modified to allow larviciding oil applications to catch basins to control mosquito pupae.
- In response to stakeholder comments, DNRE staff agreed to better clarify the difference between "Treatment Area" and "Pest Management Area". The "Frequently Asked Questions" document will also be used to clarify the difference between these terms.
- In response to a stakeholder question, DNRE clarified that an IP would be needed to authorize pesticide applications to a waterbody that contained state or federal endangered or threatened species.
- Brian Rowe (MDA) agreed to provide language to better clarify what is meant by the phrase "appropriately trained personnel" in Part I.B.1.a.6) of the draft GP.
- Stakeholders requested Part I.B.1.b.2) of the draft GP be modified to allow larviciding oil applications to those waterbodies that are dominated by mosquito larvae and pupae, but also contain some other aquatic life.
- Brian Rowe agreed to provide language to improve Part I.C.1 (Record Keeping) as that section of the draft GP relates to Regulation 636 of Part 83 of the Michigan Act.
- In response to stakeholder comments, DNRE agreed to better clarify in the draft GP and "Frequently Asked Questions" document what is expected of a permittee regarding the requirement in Part I.C.2.4)a) to identify "surface waters of the state, including size, either by name or by location, to which any pesticide(s) was /were discharged."
- In response to stakeholder comments, DNRE agreed to modify the definition of "Commercial Applicator".
- DNRE explained that, based on advice from the Michigan Department of Attorney General, the draft GP needs to regulate pesticide applications to the "waters of the state" rather than "waters of the United States".

Dan Dell – Draft Forest Canopy General Permit

- Brian Rowe agreed to provide a list of pesticides currently being applied to forest canopies in Michigan.
- Dan Dell asked whether any stakeholders were interested in serving on the Forest Canopy Work Group.

Miscellaneous Issues

- Doug Enos (Midland County Drain Commission) requested the opportunity to join the Aquatic Nuisance Control Work Group. DNRE agreed to this request. The next ANC

Work Group meeting is scheduled to take place from 10am- Noon on August 10, 2010 at Constitution Hall (Ford Conf. Rm, 2nd Fl, South Wing).

Next Stakeholder Meeting- August 16, 2010 (9:00am – Noon)