

NPDES Pesticide General Permit (PGP)
Third Stakeholders Meeting – August 16, 2010
Summary of Discussion

Diana Klemans - Introductions and PGP Development Status Report

- Stakeholder attendance at the 8/16/10 meeting was comparable to the 7/28/10 meeting; attendees are listed on the attached sign up sheet.
- DNRE continues to make significant progress drafting the *Mosquito & Other Flying Insect Pest Control* and *Aquatic Weed and Algae Control* General Permits.
- DNRE has scheduled a meeting with the USFWS to initiate the process of developing an NPDES permit for sea lamprey control activities.
- DNRE will soon begin drafting the *Aquatic Nuisance Animal Control* and *Forest Canopy Pest Control* General Permits.
- DNRE will strive to complete draft General Permits for all of the pesticide use categories at least one week prior to final stakeholder meeting.

Jeff Fischer – *Aquatic Weed and Algae Control* General Permit

- Jeff Fischer explained the basic content of the draft *Aquatic Weed and Algae Control* General Permit (GP) dated 8/16/10.
- Matt Preisser suggested “Bottom Land Owner” and “Lake Board” be added to the bulleted list of Permit Contacts in Part 1.A.5.a.
- Peter Ostlund emphasized the need to clearly explain in the Frequently Asked Questions (FAQ) document what Part 1.A.5 (Permit Contact) of the draft GP requires.
- In response to a Stakeholder comment, DNRE recognized the need to delete “(i.e. reduce or eliminate)” from paragraph #2 of Part 1.B.1 of the draft GP.
- Matt Preisser identified the need to delete “(640 acres)” from the table in Part 1.C.2 of the draft GP.
- In response to Stakeholder comments, DNRE recognized the need to modify the wording of Part 1.C.2.c of the draft GP to also reference IPM in Part I.C.1.
- In response to Stakeholder comments, DNRE agreed to consider combining Part 1.C.1 (Integrated Pest Management Plan) and Part 1.C.2 (Pesticide Discharge Management Plan) of the draft GP into a single section.
- In response to Stakeholder comments, DNRE agreed to modify the language in Part 1.D.1 (Recordkeeping) to recognize that electronic records will suffice.
- In response to Stakeholder comments, DNRE agreed to modify the language in Part 1.D.1 of the draft GP to recognize that all permittees need to retain records for a minimum of 3 years, not just those exceeding action threshold.
- In response to several Stakeholder comments, DNRE agreed to consider moving the “Definitions” to the end of the draft GP.
- In response to Stakeholder comments, DNRE agreed to modify Part II.B.3 (Spill Notification) to require the permittee to also immediately notify the Michigan Department of Agriculture in the event of a polluting material release.
- In response to Stakeholders comments, DNRE agreed to consider renaming section titles to better represent their content.

- In response to Stakeholder comments, DNRE agreed to include a Department contact and phone # in Part II.B.1, 2, 3, and 4 of the draft GP which will apply to persons who are not issued a Certificate of Coverage but are still covered by the GP.
- DNRE recognized the need to change Part II.B.4.b (Upset Noncompliance Notification) to be consistent with the language in the *Mosquito and Other Flying Insect Pest Control* draft GP.
- DNRE will evaluate whether Part II.B.5 & 6 can be eliminated from the draft GP.
- DNRE will use the *Frequently Asked Questions* document to explain in more detail what Part II.B.7 (Transfer of Ownership or Control) requires of a permittee.
- In response to Stakeholder comments, DNRE agreed to use the *Frequently Asked Questions* document to explain in more detail what is meant by the term “Upset” in Part II.B.4 of the draft GP.
- All Stakeholders were invited to submit additional comments on the draft GP to Jeff Fischer by 8/23/10.
- In response to several Stakeholder requests, DNRE agreed to schedule another ANC workgroup meeting after 8/23/10.
- Bill Nichols and Darwin Heme asked to be added to the ANC workgroup.
- “How best to provide NPDES permit coverage for pesticide applications that target terrestrial plants/trees along stream/ditch banks?” will be included as an agenda item for the next ANC workgroup meeting.

Jeff Fischer/Amy Babcock- *Mosquito and Other Flying Insect Pest Control* General Permit

- Jeff Fischer and Amy Babcock explained the key changes made to the draft GP since it was last presented to the Stakeholders.
- In response to Stakeholder comment, DNRE agreed to modify the last sentence of the larviding oil bullet in Part I.B.1.b of the draft GP. A “period” will be inserted after the term “water body” and the remainder of the sentence will be deleted.

Other Issues

- DNRE recognizes the difference between “Treatment Area” and “Pest Management Area” needs to be better clarified in the draft GPs and clearly explained in the *Frequently Asked Questions* document.
- New federal legislation (HB 6087) was recently introduced that could reverse the Sixth Circuit Court of Appeals decision on *National Cotton Council, et al. v. EPA*.
- DNRE intends to public notice the *Mosquito and Other Flying Insect Pest Control* and *Aquatic Nuisance and Algae Control* draft GPs as soon as possible, even before the others are ready.
- After an “Application” has been developed for the pesticide general permits (PGPs), the DNRE intends to hold a training session for potential applicants to explain the requirements of the PGPs.
- In response to Stakeholder comments, DNRE agreed to consider including a Table of Content in each of the draft GPs.

Next Stakeholder Meeting- September 30, 2010 (9:00am-Noon)

Stakeholder Meeting August 16, 2010.

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