

NPDES Pesticide General Permit (PGP) Stakeholder Meeting – June 11, 2010 Summary of Discussion

William Creal – Introductions and Introductory remarks.

- Welcome statement and had attendees identify themselves.
- The MDNRE is proposing to hold 4 stakeholder meetings during the summer/fall 2010, which are tentatively scheduled for July 28th, August 16th, and September 30th.
- Distributed handout of timeline for development of the Michigan PGP.
- Four separate pesticide application categories need to be covered by the Michigan PGP(s):
 - Mosquito and Other Flying Insect Pest Control;
 - Aquatic Weed and Algae Control;
 - Aquatic Nuisance Animal Control; and
 - Forest Canopy Pest Control
- MDNRE considering two different permitting approaches. One is to essentially mimic the EPA PGP and cover all application categories using one general permit, the other is to develop a separate PGP for each application category. Seeking input from group as to which approach is preferred.
- Individual permits are anticipated for certain pesticide applications (e.g. sea lamprey control). MDNRE will maintain close contact with the EPA and other Region 5 States to track their PGP development processes and share information.
- Cotton Council decision will significantly increase permit workload for MDNRE
- MDNRE will maintain a list of key issues identified during the stakeholder meetings on a PGP WebSite that is currently being developed.
- MDNRE will have Draft Mosquito Control Permit ready for next stakeholder meeting.

Dan Dell – Court ruling and legal issues to date

- Distributed handout and reviewed key activities taken by EPA, states, and industry with respect to ruling. Do not anticipate any additional legal issues to come from ruling.

Dina Klemans – Affected pesticide applications

- Distributed Handout and gave overview of programs currently covered by state authorizations, new authorizations that will be needed, and those not affected by Cotton Council decision.

Jeff Fischer – EPA PGP overview

- Distributed handout and reviewed content and individual requirements of EPA PGP.
- Integrated Pest Management activities and Pesticide Discharge Management Plant represent core of EPA permit requirements.
- Propose to construct a webpage to track the PGP development process.

Commenced open discussion with stakeholder group to identify issues of concern.

Solicited input on need to establish sub-groups to address specific issues.

- Aquatic Nuisance Control:
Dina to coordinate efforts
- Mosquito control workgroup:
Tom Wilmot
Randy Knepper
Bob England
Polly McGill

Call for additional comments/questions/issues

Suggestion to have permit wording be consistent with requirements of Pesticide Use Regulations 636 and 637 (List of Stakeholder information requests and questions on next page.)

Meeting Adjourned

Issues/information requests:

- Definition of “operator” from EPA permit
- Applicable Water Quality Standards from Part 4 and Rule 57
- Definition of “Surface waters of the State” and “Waters of U.S.”
- Provide copy of stakeholder contact information list.
- Provide information on future meeting date/time/location
- Create PGP webpage to track permit development, obtain draft docs/contact information/etc.
- MDNRE should set up FAQ

Stakeholder questions:

Q: What is the definition of a pesticide “residue”?

Q: Does the EPA plan to provide guidance on how to conduct or handle enforcement and compliance? How will MDNRE handle it?

Q: Will the MDNRE provide clarification on what “near” to waters means?

Q: Will conditions of MDNRE PGP apply to waters of the U.S. as stated in the court ruling or will protection of waters of the state be enforced?

Q: Are agricultural pesticide applications to water for things such as cranberries and rice going to be regulated under the PGP?

Q: What does 10 days mean, is it calendar days or business days?

Q: Who will be responsible for determining what the Pest Action Threshold is and when it has been reached?

Q: Has the EPA provided a Model PDMP prepared for permittees to use as a guideline (IPM also)?

Q: Has the EPA developed a procedure by which an operator can demonstrate a pesticide application will not leave a residue?

Q: How much data will be required to demonstrate that pesticide use is the best management option?

Q: How will individual aversions (reactions) to pests be handled? (some can tolerate more “bugs” than others)

Q: Have any estimates regarding the cost of implementing this permitting initiative been developed?

Q: There is concern regarding determination of a pest action threshold for adult mosquitoes because the traps used to estimate population can be affected weather...it is not an exact science. Has any guidance to account for this situation been developed or contemplated?

Q: Does the MDRNE have the capacity (staffing/administration/compliance) to issue and oversee the required permits?

Q: How will multiple sites be handled?

Q: What will be the process for submitting and reviewing annual reports...is it expected this will be done through an on-line format?

Q: What are the Water Quality Standards that will apply to pesticide application discharges?

Q: The public notice requirements of the EPA PGP may be too cumbersome, is the MDNRE considering implementing the Notice of Intent (NOI) approach?

Q: Water quality analysis and adverse incident reporting, will the MDRNE have the resources to follow-up on complaints/incidents?

Q: What will be the fee structure for the Michigan PGP?

Q: Could established thresholds change over time? Who is responsible to determining appropriate thresholds? Does the MDNRE have the authority to establish thresholds?

Q: How will public comments be handled, will they hold up the permitting process?

Q: Are pheromones (lamprey control) considered pesticides?

Q: Who will need to apply for permits and what changes to existing permits are expected?

Q: Are aerial applications for agriculture required to get this permit?

Q: Who will be the permittee?

Q: Where can stakeholders find/match-up federally- vs. state-listed endangered species

Q: Will The MDNRE work to incorporate existing regulations into the Michigan PGP?