



Louisiana Department of Environmental Quality (LDEQ) Louisiana Pollutant Discharge Elimination System (LPDES)

Pesticide General Permit (PGP) LAG870000



Rule and Litigation

2006 Final CWA Pesticides Rule, cont'd

- Louisiana regulation at LAC 33:IX.2315.A.8 which exempted pesticide application/discharges from LPDES permitting requirements is in the process of being removed.



Background: EPA 2006 Rule EPA Response to Court's Decision

- On April 8, 2009, EPA requested a two year stay of the mandate during which time EPA would:
 - Develop general permits for areas where EPA is permitting authority.
 - Work with NPDES-authorized states to develop their general permits.
 - Provide education and outreach to stakeholders.



Notice of Intent (NOI) submittals

- LDEQ's PGP permit has no NOI requirements.
- LDAF has equivalent requirements in its regulations at:
 - LAC 7:XXIII Subchapter F. Certification, and
 - LAC 7:XXIII Subchapter H. Licensing Requirements.
- These requirements are incorporated by reference into LDEQ's PGP under Section A. Applicability.



LDEQ's Pesticide General Permit Contents

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Applicability

- All dischargers of pesticides in accordance with state laws and regulations within the following 4 use categorizations:
 1. Mosquito and Other Flying Insect Pest Control
 2. Aquatic Weed and Algae Control
 3. Aquatic Nuisance Animal Control
 4. Forest Canopy Pest Control
- Additionally stormwater runoff from facilities which handle or use pesticides not covered under the Multi-Sector General Permit.



Exemptions

- LDEQ's PGP does not apply in areas which are exempt from LPDES permitting:
 1. Discharges associated with the normal operation of a vessel
 2. Discharges from agricultural and silvicultural activities including stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands
 3. Return flows from irrigated agriculture
 4. Land applications without runoff



Effluent Limitations; Water Quality and Technology

- Discharges shall not violate applicable state water quality standards. If a discharge causes or contributes to such a violation, then corrective action must be taken
- No person shall apply/discharge a pesticide unless in accordance with state laws, LDAF regulations, and FIFRA laws. This includes, but is not limited to:
 - Registration and Certification with LDAF when applicable
 - Compliance with FIFRA labeling



Effluent Limitations; Water Quality and Technology

- LDEQ expects that compliance with FIFRA in addition to compliance with the conditions in the permit will control discharges as necessary to meet applicable water quality standards.



Effluent Limitations; Water Quality and Technology

- BMP type requirements:
 - No more than the optimal amount of pesticides shall be used
 - Equipment shall be maintained in proper operating condition by calibrating, cleaning, and repairing in accordance with established operational, mechanical, and LDAF protocols
 - All dischargers shall conduct spot checks in the area in and around pesticides application/discharge points



Record Keeping

- Records shall be maintained for period of 3 years in accordance with the PGP.
- This is different than what is specified in LDAF regulations, which specifies a period of 2 years at LAC 7:XXIII.167.A and LAC 7:XXIII.167.B.
- The 3 year record retention requirement supersedes LDAF regulations



Penalties

- Under “Other Conditions” Section D.1.a, Negligent Violations, a permitted entity can be charged up to \$25,000 per day.
- Under LAC 7:XXIII.173.A, a permitted entity can be charged up to \$5,000 per day.
- Permitted entities may be held liable for penalties from both LDEQ and LDAF.



Memorandum of Agreement (MOA) Louisiana Department of Environmental Quality (LDEQ) and Louisiana Department of Agriculture and Forestry (LDAF)



LDEQ's PGP Status and Proposed Milestones

- LDEQ's Preliminary Draft PGP received approval from EPA Region 6 on December 17, 2010.
- LDEQ proposes to public notice the draft permit by December 30, 2010.
- Upon completion of the public comment period, around 2/7/11, LDEQ will coordinate internally and issue a final permit by 4/1/11.



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Questions?

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