

FACT SHEET
PESTICIDE GENERAL PERMIT (PGP)
NPDES PERMIT MSG17
February 2, 2022

INTRODUCTION

The Mississippi Department of Environmental Quality (MDEQ) proposes to re-issue the NPDES General Permit for eligible Pesticide applications.

COVERAGE ELGIBILITY

The proposed permit covers operators who discharge to waters of the State from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (hereinafter collectively “pesticides”), for the following pesticide use patterns:

- (1) Mosquito and Other Flying Insect Pest Control - to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include but are not limited to mosquitoes and black flies.
- (2) Weed, Algae and Pathogen Pest Control - to control invasive or other nuisance weeds, algae and pathogens, such as fungi and bacteria, in water and at water's edge, including but not limited to irrigation ditches and/or irrigation canals.
- (3) Nuisance Animal Pest Control - to control invasive or other nuisance animals in water and at water's edge. Nuisance animals in this use category include, but are not limited to fish, lampreys, and mollusks.
- (4) Forest Canopy Pest Control - aerial and ground application of a pesticide to a forest canopy to control the population of a pest (e.g., insects or pathogens such as fungi and bacteria) where to target the pests effectively a portion of the pesticide unavoidably will be applied over and deposited to water.
- (5) Other Individual “Case By Case” Pest Control Applications (must submit PNOI for consideration) - for other applications, that are not covered by one of the four (4) applications listed above or that are proposing to discharge to a Tier 3 waterbody where a portion of the pesticide unavoidably will end up in waters of the State. Operators may submit a PNOI to the Mississippi Department of Environmental Quality (MDEQ) for consideration. MDEQ may require the submittal of further information in order to ensure the applicant can comply with requirements of this permit or any other requirements of the Permit Board deems necessary. Coverage under this permit is not guaranteed for “case by case” applicants. Applicants are only authorized to discharge under the conditions of this permit only after receiving written notification, from MDEQ, that they are covered under this permit.

A facility is eligible for coverage under this general permit for discharges of pollutants of concern to water bodies for which there is a total maximum daily load (TMDL) established or approved by EPA if measures and controls are incorporated that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, the facility must incorporate any conditions applicable to any discharge(s) necessary for consistency with the assumptions and requirements of such TMDL. If, after coverage issuance, a specific wasteload allocation is established that would apply to the facility's discharge, the facility must implement steps necessary to meet that allocation.

Coverage under this permit is available only if the regulated entity's discharges are not likely to jeopardize the continued existence of any species that is listed as endangered or threatened ("listed") under the Environmental Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat")

GENERAL DESCRIPTION OF WASTEWATER

The PGP allows for discharges to waters of the State from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue for specifically identified pesticide use patterns.

WATER QUALITY ISSUES

Facilities which have the potential to cause or contribute to violations of State Water Quality Standards will not be eligible for coverage under this general permit and must apply for an individual NPDES permit.

ANTIDegradation ISSUES

The Department does not believe a technologically and economically feasible alternative other than direct discharge exists. A full anti-degradation review will not be required for each coverage. However, as part of the MDEQ permitting process for individual permits and coverage under general permits, a project awareness checklist (PAC) is completed that addresses many of the components contained in an anti-degradation review. Permitting staff consider questions, including but not limited to the following list, prior to making a recommendation for decision on the issuance or coverage:

- Will the project have a significant economic impact on the area?
- Will this project have the potential to impact threatened or endangered species?
- Is there a POTW capable of receiving the discharge?
- Has the receiving stream been proposed for inclusion in the State's Scenic Streams Stewardship Program?
- Is the receiving stream actually used for recreational activity even though it's classified as fish and wildlife?
- Is the receiving stream classified for shell fish harvesting, drinking water supply, or recreation?
- Will the project impact wetlands, or other waters of the state?
- Has a TMDL been developed?
- Is the receiving stream on the 303d list?
- Is the discharge being made into a suitable point of discharge?

Based upon completion of this PAC review, and in accordance with our Anti-degradation Implementation Policy, it may be decided for a particular project, that coverage under this proposed general permit is not recommended. It may be recommended that the facility apply for an individual NPDES permit. If this is the case, a full anti-degradation review would be required.

In summary, MDEQ believes the pesticide applications completed in accordance with the conditions of the PGP will have small or de minimis impacts on water quality. Upon review of a PGP Notice of Intent, coupled with the PAC review results, MDEQ staff may recommend that coverage not be granted and/or that an alternate permit, such as an individual NPDES permit, is more appropriate.

APPLICABLE GUIDELINES

Operators should carefully read each part of the permit to assess whether or what portion of the requirements in each part may apply to their activities. The permit establishes different requirements for different types of pesticide use patterns, different types of Operators, and different sizes of areas treated and managed for the control of pests. The organization of the permit is intended to clarify the applicable requirements for Operators to the greatest extent possible.

“State of Mississippi Wastewater Regulations (11 Miss. Admin. Code Pt. 2, Ch. 1)” and “State of Mississippi Water Quality Criteria (11 Miss. Admin. Code Pt. 2, Ch. 2)”.

NO SIGNIFICANT CHANGES FROM CURRENT PGP

Conditions and requirements in the draft 2021 PGP remain largely unchanged from the 2017 PGP.