

Pesticide General Permit Guidance for deciding the need for a Notice of Intent (NOI) and associated Best Management Practices (BMPs)

The Tables and Flow Chart are provided as Guidance: The permit contains the official requirements and has additional requirements. The permit overrides any conflicts.

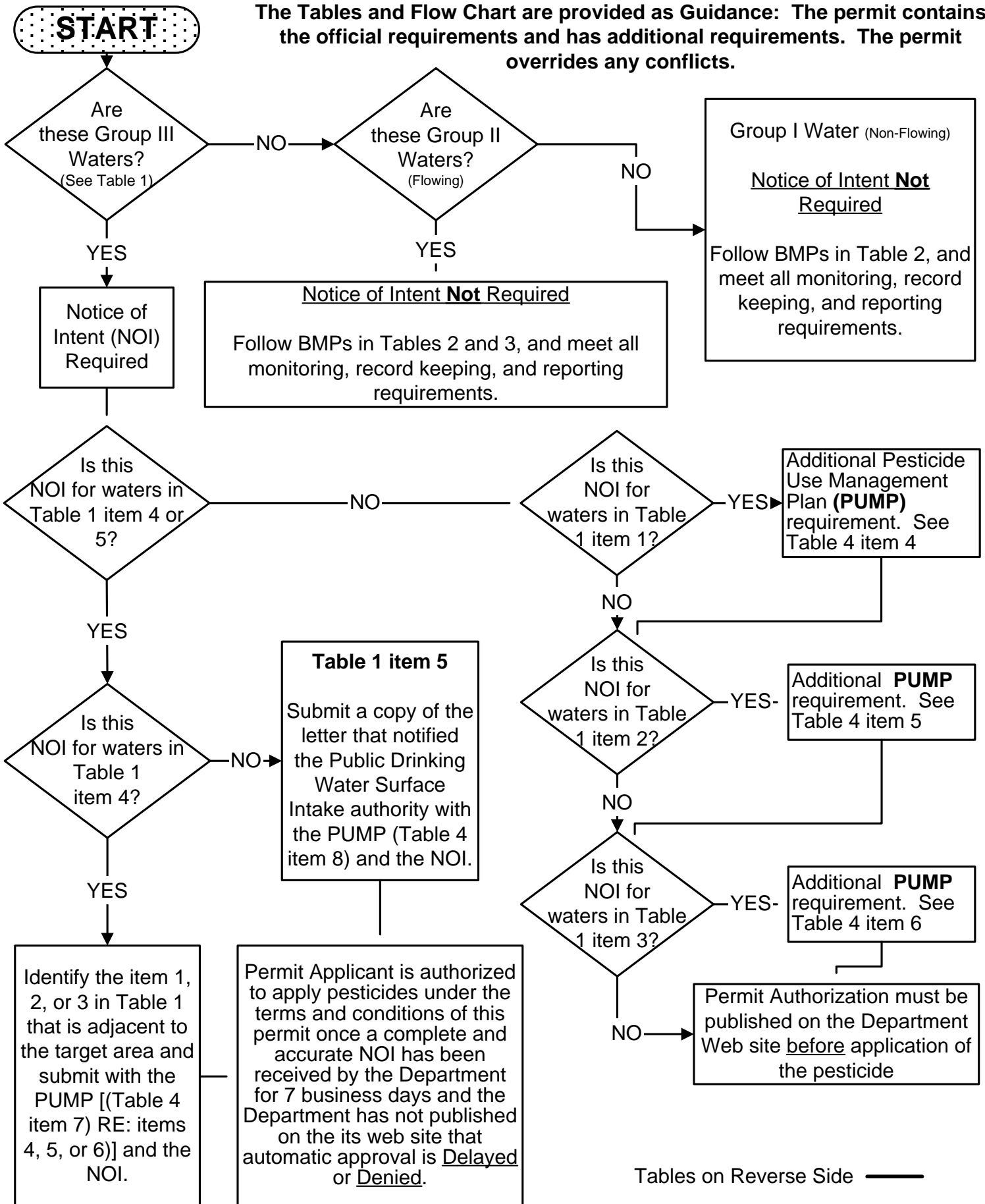


Table 1: Waters are Considered Group III When:

1. State resource waters as listed in Nebraska Title 117. www.deq.state.ne.us
2. Listed as impaired on the current Nebraska Clean Water Act 303(d) list for any of the ingredients in the pesticide or residuals from the application of the pesticide.
3. Waters where Threatened and Endangered Species (T&E) or critical habitats are present in the target area and there is not a standard procedure established that addresses the application of the pesticide in accordance with the endangered species recommendations by the Nebraska Game and Parks Commission (NGPC) in publication or on the NGPC web sites. outdoornebraska.ne.gov/wildlife/programs/nongame/consultation.asp
4. Application of pesticides to, over, or near water within 250 feet of 1, 2, or 3 identified above, where the application of pesticides is to a flowing or discharging waters that has a direct surface water connection, so the flowing or discharging waters flow directly into 1, 2, or 3.
5. Application of pesticides to, over, or near water within 250 feet of a surface water intake for public drinking water, where the application of pesticides is to surface water that has a direct surface water connection and contribution to the surface water supplying water to the intake for public drinking water.

Table 2: Best Management Practices (BMPs) for all Water Groups I, II, and III

1. Prior to and during pesticide application the pesticide **applicator** must: Identify the target pests. Identify non-target plants and animals that could be impacted by the pesticide and limit the impact from the application of pesticides to these non-targets.
2. Identify Threatened and Endangered (T&E) species and critical habitats listed by the Nebraska Game and Parks Commission (NGPC) or the U.S. Fish and Wildlife Service (U.S. FWS) and follow any requirements from NGPC or U.S. FWS. If the T&E was not identified prior to pesticide application reevaluate, Part 1 B(1)(a)(iii) and if a NOI or resubmitted NOI is required stop pesticide application until authorization is granted by the Department.
3. The pesticide **applicator** must do the following immediately preceding and during pesticide application: Identify weather conditions that could impact the application of the pesticide. Stop application of pesticides when weather conditions will or do adversely impact the pesticide application.
4. The permittee must do the following preceding pesticide application: Properly determine the volume of the receiving water and identify the chemical characteristics of the receiving water such as pH, temperature, or other necessary characteristics for calculating mixture and application doses as required by the label. Identify the proper timing for application of pesticides to optimize treatment.
5. Application of pesticides shall be in accordance with all relevant requirements under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. §136 et seq., and the Nebraska Pesticide Act, Neb. Rev. Stat. §2-2622 et seq., relating to water quality including compliance with all label application directions, such as application rates, active ingredient concentrations and dilution requirements, buffer zones, application locations, intended targets, protecting threatened or endangered species, times of day, temperature or other application requirements, proper disposal of pesticide residues, and record keeping.
6. Application equipment shall be appropriate for the application and properly maintained. Equipment shall be calibrated at least annually or more frequently if required by the pesticide label or manufacturer. All equipment shall be inspected prior to application and monitored during application for uneven spray, leaks, inoperative nozzles, or valves and, repairs shall be made and the equipment shall be recalibrated if necessary before the application continues or takes place.
7. The permittee or the permittee in conjunction with their pesticide applicator shall conduct visual monitoring during pesticide application and conduct visual monitoring at least once between the end of the pesticide application and up to five (5) days following the application for: The occurrence or new knowledge of any spills, leaks, contamination, or incident at the target area that could impact water quality. Any adverse impact to non-target species or threatened and endangered species, human health, or the environment. Evidence indicating a possible violation of the effluent limitations and requirements listed in Effluent Limitations and Monitoring Requirements for Discharges. Evidence of oil or petroleum product contamination in the pesticide application (e.g., visible oil sheen). Any physical characteristic in the pesticide application that could indicate the presence of a pollutant or pollutants not previously identified or anticipated.

Table 3: Additional Best Management Practices (BMPs) for Group II Waters

1. Apply pesticides to the upstream target area in a manner that lessens the likelihood that the effects of the pesticides will be compounded or that the pesticides will adversely impact the downstream segments of the target area.
2. Evaluate and apply pesticides in a manner to minimize impacts to waters adjacent to the target area.

Table 4: Pesticide Use Management Plan Requirements

A Pesticide Use Management Plan (PUMP) at a minimum must include the following:

1. How all required BMPs in Section E will be implemented and documented.
2. Documentation of the chemical characteristics of the receiving water and determine the volume of receiving water for calculating mixture and application doses.
3. Copies of the labels for all pesticides used.
4. For Table 1 item 1, how the application of pesticides will impact, maintain or enhance state resource waters.
5. For Table 1 item 2, how the application of pesticides will impact current Clean Water Act 303(d) impaired waters for the pollutant of concern.
6. For Table 1, item 3, how the application of pesticides will impact threatened or endangered species or the critical habitats present. This requirement must include documentation of the threatened and endangered species consultation with the Nebraska Game and Parks Commission.
7. For Table 1, item 4, identification of the Table 1, Item 1, 2, or 3 adjacent to the target area.
8. For Table 1 item 5, a copy of the notification letter to the controlling entity of the public drinking water surface intake.
9. A description of the alternative methods evaluated in lieu of or in conjunction with the pesticide for pest control, why the proposed method is selected, and how impacts will be minimized to the greatest extent possible.
10. A records management and retention plan that Identifies:
Who will maintain records, **Where** records will be maintained, **What** records will be maintained, and **Contact** information for requests for records.