

Requirements for Pesticide Dischargers Below Thresholds Checklist

Pesticide NPDES Permit Program

National Pollutant Discharge Elimination System (NPDES)

Instructions: This checklist provides a summary of permit requirements. Be sure to read your permit for complete details and responsibilities. Consider printing this page and using it as an easy-reference checklist.

If you are discharging pesticides in, over, or near waters of the state but are below the Thresholds (6400 acres) that would require you to submit a Notice of Intent, you are automatically covered by the permit and you must follow these requirements.

Note: This checklist was taken from the MPCA website. *West Central Ag-Air has supplied the information in red italics in order to assist in permit compliance.*

1) Minimize Pesticide Discharges

Use the lowest effective amount and application frequency necessary to control the pest while maintaining compliance with the label. *Apply 2pints/acre of Foray 48B. This is a mid label rate and has been found to be the lowest rate possible for effective Forest Tent Caterpillar control.*

Use appropriate pest management measures, such as manufacturer specifications, industry standards, recommended industry practices, and other prudent provisions to control the pest and minimize the discharge. *Notify the applicator when the target pest reaches ½ inch in length. Coordinate the application when target pest is actively feeding in the forest canopy. This will help to ensure that only one application will be required for acceptable control.*

2) Monitor

Confirm that pesticide discharges are minimized. If conducting post-application surveillance, decision-makers shall assess areas for possible Adverse Incidents (see Step 6).

Enter date and time and description of post application surveillance:

Please note that dead or dying caterpillars of any kind are expected, and would not qualify as an adverse incident as per part 3.9a of the NPDES permit.

3) Report Adverse Incidents

See Step 6 for more detailed reporting information. If you are aware or are made aware of an Adverse Incident – such as distressed or dead plants or animals – which may be the result of your pesticide application, you must:

Immediately notify the Minnesota Duty Officer at 651-649-5451 or 800-422-0798.

Submit an Adverse Incident Report within 15 days. The Minnesota Pollution Control Agency (MPCA) has developed an *Adverse Incident Report* form for you to use (see Step 6).

If you determine that the adverse incident was not a result of your pesticide application, submit a justification letter or e-mail to the MPCA within 15 days.

4) Keep Records

You can substitute records developed for other obligations, such as FIFRA and state or local pesticide programs, if all requirements of this permit are satisfied. Keep a file with the following records: A copy of any Adverse Incident reports.

Your rationale for determining that reporting of an identified Adverse Incident is not required (more info in Step 6).

Up-to-date records of acres treated, linear miles treated, and/or gallons of pesticides applied. Record this data in the same units as the Threshold (acres, miles, or gallons). This will help you determine if and when Thresholds will be reached. ***This information will be on the copy of the application record. The application record will be mailed to you along with the invoice.***

5) Corrective Actions

Make changes if any of the following situations occur, ensuring that the situation is eliminated and will not be repeated in the future:

- 1) You discover that you are using more pesticides or are applying them more often than needed to control the pest.
- 2) You report an Adverse Incident.
- 3) A spill or leak occurs.
- 4) You become aware (or MPCA concludes) that your control measures are not sufficient for the discharge to meet applicable water quality standards.
- 5) An inspection or evaluation of your activities reveals that changes are necessary.

Step 6: Report Adverse Incidents

Adverse Incident

An Adverse Incident is when non-target plants, animals or wildlife in waters of the state suffer a toxic or adverse effect as a result of exposure to a pesticide residue. Toxic or adverse effects include effects that are not identified or described on the pesticide product label or are not expected to be present.

Evidence of toxic or adverse effects may include:

- Distressed or dead juvenile and small fishes.
- Washed up or floating fish.
- Fish swimming abnormally or erratically.
- Fish lying lethargically at the surface of the water or in shallow water.
- Fish that are listless or that do not respond to disturbance.
- Dead or visibly distressed amphibians, turtles or invertebrates.
- Stunting, wilting or desiccation of non-target aquatic plants.

Toxic or adverse effects also include effects to humans or domesticated animals, such as skin rashes, vomiting or lethargy that occur directly or indirectly from exposure to pesticide residue.

Step 1: Immediately Notify Duty Officer

If you observe or are made aware of an Adverse Incident that may have resulted from your pesticide application, you must immediately notify the Minnesota Duty Officer at 800-422-0798 (651-649-5451 in the metro area).

Be prepared to report the following information to the Duty Officer:

- The caller's name and telephone number.
- Permittee name and mailing address.
- Permit number from Notice of Coverage (issued only if you submitted a Notice of Intent).
- The name and telephone number of a contact person.
- How and when you became aware of the Adverse Incident.
- Description of the Adverse Incident identified and the location.
- The U.S. EPA pesticide registration number for each product you applied in the area of the Adverse Incident.
- Description of any steps you have taken or will take to correct, repair, remedy, clean up or otherwise address any adverse effects.

Step 2: Notify DNR if Threatened or Endangered Species or Critical Habitat Is Affected

Information on federal and state-listed threatened or endangered species and critical habitat is available from the [Fish and Wildlife Service](#) and the [Minnesota Department of Natural Resources \(DNR\)](#).

If the adverse incident affects a federally- or state-listed threatened or endangered species or its federally-designated critical habitat, you must also immediately notify the U.S. Fish and Wildlife Service (USFWS) Twin Cities Field Office at 612-725-3548 or the Minnesota DNR at 651-296-6157 or 888-646-6367. Be prepared to report the following information:

- The caller's name and telephone number.
- Permittee name, mailing address, and telephone number.
- The name of the affected species.
- How and when you became aware of the Adverse Incident.
- Description of the location of the Adverse Incident.
- Description of the Adverse Incident, including the U.S. EPA pesticide registration number for each product you applied in the area of the Adverse Incident.
- Description of any steps you have taken or will take to reduce the impact of the Adverse Incident on the endangered species.

Step 3: Submit Adverse Incident Report

Within fifteen (15) days of a reportable Adverse Incident you must provide a completed Adverse Incident Report form to the MPCA. See the form for more information.

-  [Adverse Incident Report form](#) (wq-wwprm-9-02)

Incident Not a Result of Your Pesticide Application?

If you determine that the adverse incident was not a result of your pesticide application, you do not have to submit an Adverse Incident Report form. Instead, within fifteen (15) days of the Adverse Incident you must submit justification and documentation on why you believe the Adverse Incident meets one or more of the following situations:

- The Adverse Incident affected non-target pests that are similar to those identified on the label.
- Facts clearly establish that the Adverse Incident was not related to toxic effects or exposure from the pesticide application.
- You receive information notifying you of an Adverse Incident but that information is clearly incorrect or false.
- You have been notified in writing by MPCA that the reporting requirement has been waived for this incident.

Submit your justification and documentation to the MPCA either by e-mail to the assigned MPCA staff or by letter to the Water Quality Submittals Center, MPCA, 520 Lafayette Rd N, St Paul, MN 55155-4194.