



Maryland Department of the Environment

17-PE General Permit Requirements

(4/1/2021)

**General Permit For Discharges FROM THE
APPLICATION OF PESTICIDES (17PE)
(NPDES MDG87)**





Today's Session

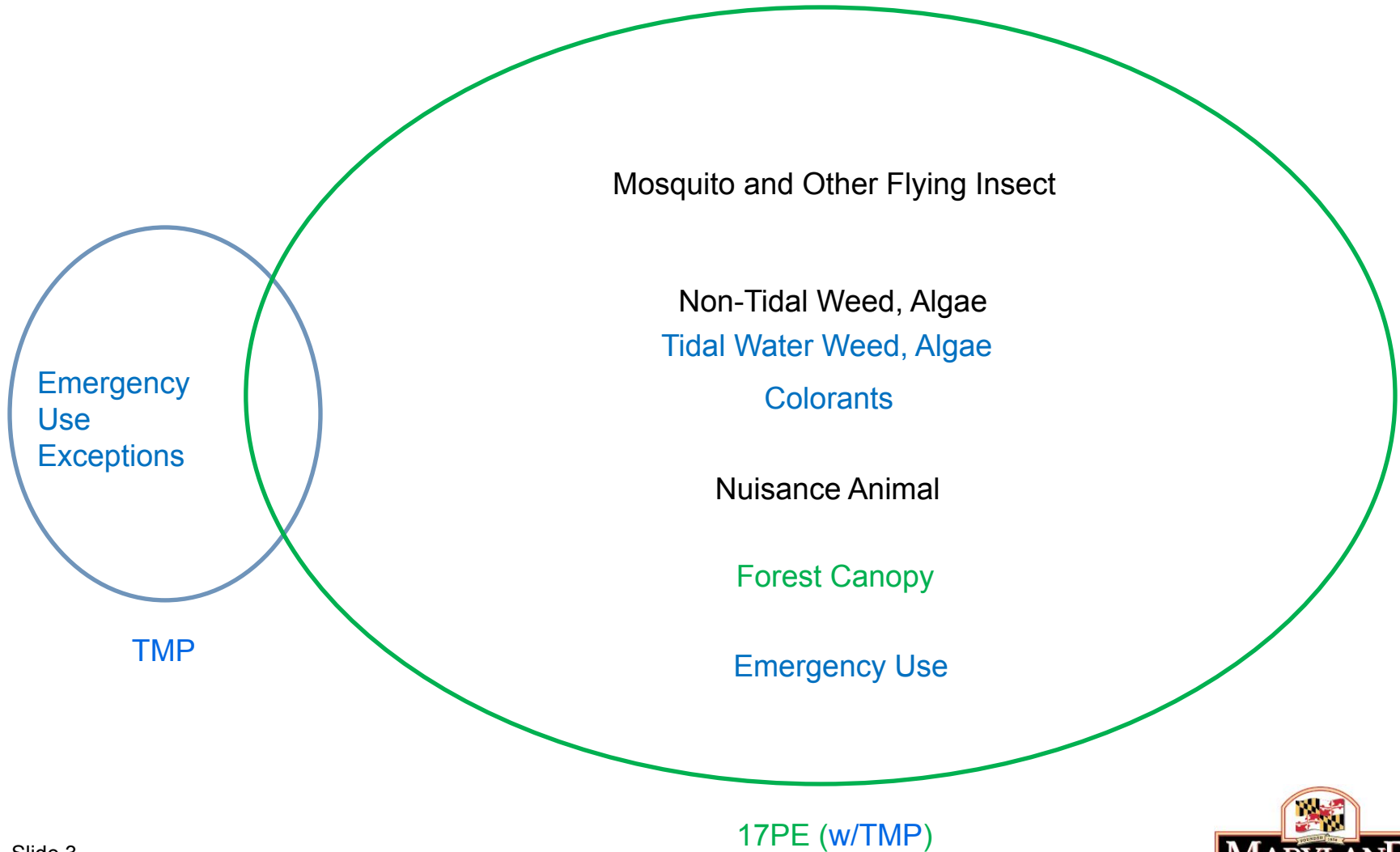
Maryland Department of the Environment

- Today we will review the 17-PE permit requirements;
- Go through the NOI and permit associated links;
- End with a Q&A Session





17 PE – Eligible Discharges





TMP Requirements

- If you currently have an active TMP for a site, that TMP is still valid until the expiration date.
- If you want to continue treatments at this site after this date, and you meet the requirements for needing coverage, you must submit an NOI at least 60 days prior to the expiration date.



Who submits Application (NOI)?

Decision-Makers - any entity with control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to Waters of this State.



Applicator is still covered by the permit, but doesn't require a second application.





When does Decision-Maker File NOI?

When there is a “Desirable Species” in the application area

OR

Permittee will determine based on web tools

Next Pages Break Down by Pest Type.



Mosquito and Other Flying Insect

Mosquito and Other Flying Insect Pest Control. These are applications 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.

17-PE Part/ Pesticide Use	Which Decision-makers Must Submit NOIs?	For Which Pesticide Application Activities?
1.B.1.a - Mosquito and Other Flying Insect Pest Control	Any Agency for which pest management for land resources stewardship is an integral part of the organization's operations	All mosquito and other flying insect pest control activities resulting in a discharge to Waters of this State
	Mosquito control districts, or similar pest control districts	All mosquito and other flying insect pest control activities resulting in a discharge to Waters of this State
	Local governments or other entities that exceed the Annual Treatment Area Threshold ⁽¹⁾ identified in this table	Adulticide treatment of more than 6400 acres during a calendar year or more than 1 acre of water (surface area) discharge of a larvicide into Waters of this State



Weed and Algae

Weed and Algae Control. These are applications to control invasive or other nuisance weeds, algae, or pathogens in water and at water's edge, including public drainage ditches, roadside ditches, and/or canals.

17-PE Part/ Pesticide Use	Which Decision-makers Must Submit NOIs?	For Which Pesticide Application Activities?
1.B.1.b - Weed and Algae Pest Control	Any Agency for which pest management for land resources stewardship is an integral part of the organization's operations	All weed and algae pest control activities resulting in a discharge to Waters of this State
	Weed control districts, or similar pest control districts	All weed and algae pest control activities resulting in a discharge to Waters of this State
	Any operator treating SAV (defined as underwater grasses and algae) in Tidal Waters using chemicals	Removing SAV by chemical means in Tidal Waters, regardless of the size of treatment area
	Local governments or other entities that exceed the Annual Treatment Area Threshold ⁽¹⁾ identified in this table	Treatment of more than 1 acre of water (surface area) during a calendar year



Animal Pest Control

Nuisance Animal Control. These are applications 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, insects, pathogens and mollusks.

17-PE Part/ Pesticide Use	Which Decision-makers Must Submit NOIs?	For Which Pesticide Application Activities?
1.B.1.c - Animal Pest Control	Any Agency for which pest management for land resources stewardship is an integral part of the organization's operations	All animal pest control activities resulting in a discharge to Waters of this State
	Local governments or other entities that exceed the Annual Treatment Area Threshold ⁽¹⁾ identified in this table	Treatment of more than 1 acre of water (surface area) during a calendar year



Forest Canopy Pest

Forest Canopy Pest Control. These are aerial applications of a pesticide over or ground-based applications onto a forest canopy to control the population of a pest species (e.g., insect or pathogen) where, to target the pests effectively, a portion of the pesticide unavoidably will be applied over and deposited to water.

17-PE Part/ Pesticide Use	Which Decision-makers Must Submit NOIs?	For Which Pesticide Application Activities?
1.B.1.d - Forest Canopy Pest Control	Any Agency for which pest management for land resources stewardship is an integral part of the organization's operations	All forest canopy pest control activities resulting in a discharge to Waters of this State
	Local governments or other entities that exceed the Annual Treatment Area Threshold ⁽¹⁾ identified in this table	Treatment of more than 6400 acres during a calendar year



Desirable Species

“Desirable Species” means the rare or important species to Maryland as determined by MD DNR, which includes “threatened species”, “endangered species”, “species in need of conservation”, species of management concern, and the “critical habitat” required by these species.





Tools to ID Desirable Species

- DNR's website for the SSPRA program (nongame species), tools on MDE's website for Use III waters (brook trout protection), and standard maps (i.e. Google Maps) for locations that discharge to the Potomac or Susquehanna.
- Atlantic Sturgeon protection area includes the Potomac River to Great Falls (north of DC), and the Susquehanna up to the Conowingo Dam.



- Cold water native trout species are protected in water designated as [Use III](#).
- SSPRA program maintains a map on [MERLIN](#), under drop down list of "Living Resources" and then "sensitive species".





DNR Consultation

Fast Lane:

- If applicant consults with DNR first, then DNR can provide a letter that can be attached to the NOI, for quicker processing by MDE.
- At least 30 days prior to discharge

Less Fast Lane:

- If consultation **didn't** happen prior to submitting NOI, MDE would work with DNR to determine any restrictions, much like we do today.
- At least 60 days prior to discharge



Numeric Limits

Numeric limits for Water Quality Based Limits include:

- Copper (13 ug/l fresh water),
- Aquathol (100 ug/l),
- Diquat (20 ug/l),
- Endothall (100 ug/l),
- 2,4-D (70 ug/l) and
- Glyphosate (700 ug/l).



Assurance Plans

- You must submit an assurance plan to the Department for approval if:
 - you will be using copper-based algaecides
 - you are discharging to waters protected for drinking water (-P)
- The plan must verify that you will not exceed Water Quality Standards or Maximum Contaminant Levels (MCL's)
- If you cannot verify that you can meet the requirements of the permit, you must submit a Monitoring Plan.



NOI Walk Through

5 minute break.

When we return, we will review the NOI.



What happens after NOI?

MDE Will Post the Registration Letter at:

<http://mes-mde.mde.state.md.us/WastewaterPermitPortal/>

The screenshot shows the 'Wastewater Permits Interactive Search Portal' on the Maryland Department of the Environment website. The page features a search bar at the top right and a navigation menu with links for HOME, ABOUT MDE, AIR, LAND, WATER, MARYLANDER, PERMITS, and NEWSROOM. The main content area is titled 'Wastewater Permits Interactive Search Portal' and includes instructions to enter search values in text boxes or dropdowns. A note states that wild card characters are not supported but partial values are. Below this, there are several search fields: Facility Name, Address, City, Zip Code, State Num. (pre-filled with 17PE0012), NPDES Number, County (No Filter), Watershed (No Filter), Type (No Filter), and Status (No Filter). A 'Search' button is located at the bottom right of the form. An orange arrow points to the Address field.





FIFRA Assumptions

- The 17PE permit relies on MDA to train and certify applicators.
- The 17PE permit relies on pesticide use according to and consistent with the EPA registered label.
- You can only use MDA approved products.

Applicators must “Achieve and maintain the required Pesticide Applicator Certification and Business Licensing Requirements from Maryland Department of Agriculture.”





Public Information

The applicator must carry information for the public and present it upon request during the time the pesticide is being applied.

This printed or written information is to include:

- 1) Name and EPA ID of the pesticide applied;
- 2) Date applied;
- 3) Name of licensee/permittee;
- 4) Telephone number of licensee/permittee.



Additional Requirements

For each type of pest:

- 1) Identify the Problem. ID the pest and specifics about them.
- 2) Pest Management Options. ID the potential options for controlling them.
- 3) Pesticide Use. In cases where pesticides are used evaluate specific requirements in the permit.



Pesticide Discharge Management Plan

1. You can use the EPA [PDMP Template](#)
2. Must Include:
 - a. Pesticide Discharge Management Team
 - b. Problem Identification
 - c. Pest Management Options Evaluation
 - d. Monitoring Procedures
 - e. Response Procedures
 - f. Any documentation
 - g. Signatures





Who Needs to Make a PDMP?

1. Required to submit an NOI;
2. Is a large entity;
3. Exceeds the Annual Treatment Area Threshold

Table 4 - Annual Treatment Area Thresholds related to the PDMP

Pesticide Use	Annual Threshold ⁴
Mosquito and Other Flying Insect Pest Control	6,400 acres of treatment area ¹
Weed and Algae Control:	
- In Water	80 acres of treatment area ²
- At Water's Edge	20 linear miles of treatment area at water's edge ³
Nuisance Animal Control:	
- In Water	80 acres of treatment area ²
- At Water's Edge	20 linear miles of treatment area at water's edge ³
Forest Canopy Pest Control	6,400 acres of treatment area ¹



Applicable Recordkeeping and Annual Reporting Requirements



17-PE Part	Applicable Type of Operator
F.1	Recordkeeping For All Operators
F.2	Recordkeeping for All Operators who are For-Hire Applicators
F.3	Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Small Entity ⁽¹⁾
F.4	Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Large Entity ⁽²⁾
F.5	Retention of Records for All Operators
F.6	Annual Reporting for Any Decision-maker Required to Submit an NOI and Who is a Large Entity ⁽²⁾
F.7	Annual Reporting for Any Decision-maker with Discharges to waters of the United States containing a Desirable Species, as defined in Appendix A, and Who is a Small Entity ⁽¹⁾



Appendices

- Appendix A: Definitions
- Appendix B: Pesticide Discharge Evaluation Worksheet (PDEW)
- Appendix C: Adverse Incident Template
- Appendix D: Annual Report
- Appendix E: Desirable Species Procedures



Questions?

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