



Frequently Asked Questions

Master General Pesticide (MGP) Application NJPDES Permit NJPDES Permit No. NJ0178217 NJPDES Permit Category Pesticide General Permit (PGP)

Background

1. What is the Master General Pesticide (MGP) Application NJPDES Permit?

The master general pesticide application New Jersey Pollutant Discharge Elimination System permit (MGP NJPDES permit aka NJPDES Pesticide General Permit (PGP)) serves to authorize the application of biological and chemical pesticides that leave a residue in water, when such applications are made in, over, or near surface waters of the State. Specifically, this NJPDES permit (see https://www.nj.gov/dep/dwq/gp_pesticide.htm) is required for certain applications in addition to those permits already required by the NJDEP Pesticide Control Program (see <http://www.nj.gov/dep/enforcement/pcp/bpo.htm>). NJDEP has determined that these types of point sources require the same operating conditions and are more appropriately controlled under a general NJPDES permit as allowable under N.J.A.C. 7:14A-6.13. Applicants are issued individual authorizations under this MGP NJPDES permit that will reference the locations, types, and acreage values of pesticide applications as specified by the applicant.

2. What is the NJPDES permit program?

The New Jersey Pollutant Discharge Elimination System (NJPDES) is the State's permitting program under the authority of the New Jersey Water Pollution Control Act (NJWPCA) that establishes controls on point source discharges of pollutants to waters of the State. Point sources are defined as discrete conveyances including but not limited to any pipe, ditch, channel, or conduit from which pollutants are or may be discharged.

3. Why is NJDEP requiring NJPDES permits for discharges from pesticide applications?

As detailed in the MGP NJPDES permit, based on a ruling by the 6th Circuit Court of Appeals in *National Cotton Council, et al v. EPA*, applications of biological and chemical pesticides that leave a residue in water, when such applications are made in, over, or near surface waters of the State, require a NPDES permit in order to assure compliance with the Clean Water Act. This requirement applies to all states, including New Jersey, where a NJPDES permit authorizes compliance with the Clean Water Act. See also <https://www.epa.gov/npdes/pesticide-permitting>.

4. Isn't NJDEP and other government entities already regulating pesticide applications to surface waters of the State?

Yes. Pesticide applications are regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). In New Jersey, the Pesticide Control Program (PCP) in NJDEP issues aquatic pesticide permits and certain mosquito/fly control permits for applications of pesticides to surface

waters of the State. However, based on the court ruling identified above a NJPDES permit is also required. This NJPDES requirement is in addition to the NJDEP's PCP requirements and this NJPDES permit does not supersede and/or replace the PCP permits. This NJPDES permit also does not negate the requirements under any other federal, state, and local laws and regulations including, but not limited to FIFRA, Pinelands Commission Certificate of Filing, Aquatic Pesticide Permit, Mosquito/Fly Control Permit, and Reporting to the National Response Center.

Eligibility and Coverage under the NJPDES Pesticide General Permit

5. Which pesticide applications are covered under the NJPDES PGP?

NJDEP's MGP NJPDES permit (Permit category: Pesticide General Permit (PGP)) authorizes discharges to waters of the State from the application of:

Biological pesticides or Chemical pesticides that leave a residue for the following six pesticide use patterns:

- mosquito and other flying insect pest control;
- aquatic weed and algae control;
- aquatic nuisance animal pest control;
- forest canopy pest control;
- agricultural activities; and
- utility transmission and distribution line vegetation control.

6. How do I know if I am required to submit an application (i.e., request for authorization or RFA) under the NJPDES PGP for pesticide application(s)?

- (1) Certain entities that treat below the annual treatment area threshold values (see Table 1 below) are automatically covered and are exempt from submission of an application.
- (2) Certain entities that treat at any threshold value as well as certain entities that discharge above the threshold values (see Table 1 below) will need to submit an application.
- (3) All entities that are discharging to Pinelands and FW1 waters will need to submit an application regardless of the threshold values used in the pesticide application.

Table 1. Annual Treatment Area Thresholds (Does not apply to Pinelands or FW1 waters)			
Pesticide General Permit (PGP) Section	Pesticide Use	Entity Type	Annual Threshold
F.2	Mosquitoes and Other Flying Insect Pests ¹	Any Entity for which pest management for land resource stewardship is an integral part of the organization's operation.	None, all must submit an application (NJPDES Form-1 and PGP Supplemental Form)
		Local governments or other entities	Less than 6,400 acres of treatment area ¹ are exempt from submitting an application
F.3	Aquatic Weed and Algae Control ²	Any Entity for which pest management for land resource	None, all must submit an application

		stewardship is an integral part of the organization's operation.	
		Local governments or other entities	Less than 80 acres of water (i.e. surface area) or less than 20 linear miles ² are exempt from submitting an application
F.4	Aquatic Nuisance Animal Pest Control ²	Any Entity for which pest management for land resource stewardship is an integral part of the organization's operation.	None, all must submit an application
		Local governments or other entities	Less than 80 acres of water (i.e. surface area) or less than 20 linear miles ² are exempt from submitting an application
F.5	Forest Canopy Pest Control ¹	Any Entity for which pest management for land resource stewardship is an integral part of the organization's operation.	None, all must submit an application
		Local governments or other entities	Less than 6,400 acres of treatment area ¹ are exempt from submitting an application
F.6	Agricultural Activities ²	All entities	Less than 100 acres of treatment area ³ are exempt from submitting an application
F.7.	Utility Transmission and Distribution Line Vegetation Control ²	All entities	None, all must submit an application

¹ For calculating annual treatment areas for Mosquitoes and Other Flying Insect Pest Control and Forest Canopy Pest count each pesticide application activity to a treatment area (i.e. that area where a pesticide application is intended to provide pesticidal benefits within the pest management area) as a separate area treated. For calculating annual treatment area totals, count each pesticide application activity as a separate activity. For example, applying pesticides twice a year to a ten acre site shall be counted as twenty acres of treatment area. The treatment areas for these two pesticide use patterns are additive over the calendar year.

² For calculating annual treatment areas for all activities, except Mosquitoes and Flying Insect Pest control and Forest Canopy Pest, calculations should include either the linear extent of or the surface area of waters for applications made into, over, or near waters of the State. For calculating annual treatment totals, count each treatment area only once, regardless of the number of pesticide application activities performed on that area in a given year. Also, for linear features (e.g. a canal or ditch), use the length of the linear feature whether treating in or adjacent to the feature, regardless of the number of applications made to that feature during the calendar year. For example, whether treating the bank on one side of a ten-mile-long ditch, banks on both sides of the ditch, and /or water in that ditch, the total treatment area is ten miles for purposes of determining if an application is required to be submitted. Additionally, if the same 10 mile area is treated more than once in a calendar year, the total area treated is still 10 miles for purposes of comparing with any threshold value. The treatment areas for these three pesticide use patterns are **not** additive over the calendar year.

7. Are specific pesticides regulated under the NJPDES PGP?

No. The NJPDES PGP regulates discharges from the application of any pesticide used to control pests for the six use patterns identified in Table 1 above. The permit does not include any requirements that apply only to a specific pesticide or type of pesticide. However, the PGP will only authorize the discharge of pesticides that are identified in the permit authorization, which are based on the information provided on the application form.

8. Do the requirements of the NJPDES PGP contradict or conflict with FIFRA product label requirements?

No. A pesticide user must comply with all applicable FIFRA requirements contained on pesticide product labels.

9. Do I need a permit if I wish to apply a natural microbe or other product that is not considered a pesticide and does not require an Aquatic Pesticide permit? What if the application amounts are below the annual treatment thresholds in Table 1?

Yes, a NJPDES permit is required. The NJPDES PGP is intended for the application of biological and chemical pesticides where the annual treatment thresholds in Table 1 only apply to applications covered under the NJPDES PGP permit. If the product is not a pesticide then the product application is not covered under the NJPDES PGP and an individual NJPDES permit must be obtained regardless of the treatment amount. N.J.A.C. 7:14A-2.1(c) prohibits the discharge of any pollutants except in conformance with a NJPDES permit. See www.nj.gov/dep/dwq/forms_surfacewater.htm for application forms for an individual Category B permit.

PGP NJPDES Permit Application Process

10. How can I become covered under the NJPDES PGP issued by the NJDEP?

- (1) Application forms are available at: https://www.nj.gov/dep/dwq/forms_surfacewater.htm.
- (2) Eligible applicants, upon submission of a complete application (NJPDES Form-1 and PGP Supplemental Form), are issued an individual authorization.
- (3) The individual authorization as issued under the Master Pesticide General Permit is valid up to a maximum of five (5) years.

11. Who is the “operator” that NJDEP identifies as the person responsible to apply for the permit?

For the purposes of this permit, the operator is defined as the person involved in the application of a pesticide that results in a discharge to waters of the State that meets the following criteria:

- (1) The person who has control over the financing for or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions;
or
- (2) The person who has day to day control of or performs activities that are necessary to ensure compliance with the permit (e.g., he/she has the authority to direct workers to carry out activities required by the permit or perform such activities himself/herself).

12. When should I submit an application?

Operators shall submit an application (NJPDES Form-1 and PGP Supplemental Form,) no later than 14 days prior to commencement of discharge in order to provide NJDEP time to process the application.

13. Where do I submit the application?

Applications can be submitted electronically to pesticidegp@dep.nj.gov. Once the application is submitted to NJDEP, the operator will be notified of receipt of the application and an individual authorization will be issued shortly thereafter.

14. Is there a fee associated with this permit or application?

There is currently no application fee. There is also no annual fee required upon receipt of an individual authorization under the PGP at this time.

15. When can I begin discharging after submitting the application?

The operator can begin discharging on the effective date of the general permit authorization that will be issued by the NJDEP after review and approval of a complete and accurate application. Note that effective dates always begin on the first of the month.

16. The application requires that I specify locations and acreage values of pesticide application. What if these locations and/or acreage values change after I receive the individual authorization?

The application can be amended by requesting a modification to the individual authorization. Provided the amended locations meet the eligibility criteria of the Master PGP, NJDEP will issue a modification to the individual authorization with the updated information.

NJPDES PGP Requirements

17. What does the NJPDES PGP require of operators who are under the threshold values and do not need to submit an application?

In general, the NJPDES PGP requires all operators to minimize pesticide discharges which can be accomplished by using the lowest effective amount of pesticide, preventing leaks and spills, and calibrating equipment as well as the maintenance of records and monitoring and reporting for adverse incidents.

18. What does the NJPDES PGP require of operators that need to submit an application since they are above the threshold values and/or discharging to FW1 or Pinelands waters)?

In addition to the requirements applicable to all operators mentioned above, the NJPDES PGP requires the implementation of pest management measures to further minimize the discharge of pesticides to waters of the State; development of a Pesticide Discharge Management Plan (if a large entity as defined in Appendix A of the permit); visual monitoring of the treatment area; submission of annual reports (if appropriate); and maintenance of records of pest control practices.

19. What are pest management measures?

Pest Management Measures (PMM) are an effective and environmentally sensitive approach to pest management that relies on a combination of common sense practices. PMM use current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means and with the least possible hazard to people, property, and the environment. These measures include identifying and assessing the pest problem, assessing pest management alternatives, and following appropriate procedures for pesticide use.

20. What is a Pesticide Discharge Management Plan?

A Pesticide Discharge Management Plan (PDMP) must be prepared by operators who are required to submit an application and is a large entity. The PDMP documents the implementation (including inspection, maintenance, monitoring, and corrective action) of control measures being used to comply with the conditions of the permit. The purpose of the PDMP is to ensure that operators have (1) taken steps to identify the pest problem, (2) evaluated pest management options, and (3) have appropriate control measures to control pesticide discharges.

21. What are adverse incidents?

The NJPDES PGP requires operators to notify the NJDEP of certain adverse incidents related to the application of pesticides covered under the permit as defined in Appendix A of the final permit.

Other Questions

22. Does the NJPDES PGP require ambient water quality monitoring?

No. The NJPDES PGP does not require operators to conduct monitoring of ambient water quality. However, all operators are required to conduct visual monitoring for adverse effects during application, if feasible, and during any required post application monitoring.

23. Is NJPDES permit coverage now required for stormwater runoff that contains pesticides?

No, The ruling on the *National Cotton Council, et al v. EPA* does not change any exemptions from NJPDES permit coverage provided for in the New Jersey Water Pollution Control Act , including stormwater runoff.

24. Will agricultural runoff and/or irrigation return flows that contain pesticides require a NJPDES permit?

No. Irrigation return flows and agricultural stormwater runoff do not require NJPDES permits as the Clean Water Act and the New Jersey Water Pollution Control Act specifically exempts these categories of discharges from requiring NJPDES permit coverage.