

# **Frequently Asked Questions (FAQ) NOI Completion for the Pesticide General Permit GP-0-16-005**

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**Note: A separate FAQ document is available on the PGP website providing additional details on the PGP.**

## **A - How Does the Operator Complete the Sections of the NOI?**

The operator should be certain to complete ALL sections of the NOI and carefully check for completion and accuracy prior to submitting the NOI form to the address indicated on the form.

Authorization to discharge (apply pesticides) is only provided when a complete NOI is submitted and other requirements of Part II.B of the PGP are satisfied. As stated in the PGP, coverage under this SPDES general permit is effective five (5) business days from the date the Department receives the complete electronic NOI (eNOI), and twenty (20) days for paper NOI forms. The Department will send letters acknowledging receipt of the NOI to the operator. The operator is recommended to maintain this letter with the completed NOI as indicated in Part VI of the PGP.

A certified pesticide applicator hired by the operator may assist the operator in completing the NOI, but the operator identification must be consistent with the operator definition and the operator must certify and sign the NOI. The “operator” definition is described in Part II.A and Appendix A (Definitions) of the PGP, and further discussed in Part A of the “Frequently Asked Questions (FAQ) - NYS SPDES Pesticide General Permit” guide referenced on the webpage link at the end of this document.

**Guidance for completing each of the NOI Sections, numbered as on the NOI form, follows:**

### **I. Contact Information**

The operator must enter their contact information in Section I.A. All relevant Sections shall be completed. If the operator has a Federal Tax ID or an IRS EIN, it must be entered in Section I.A.

In Section I.B, billing contact information, if different from the operator contact information, may be entered (please complete all sections).

## **II. Pesticide Discharge Information**

### **II-A – Other Permits:**

If the operator's pesticide application requires an Article 15 or 24 permit or both, check all boxes that apply (include Department-approved permits, or proposed permits with a permit application in preparation or submitted).

Most operators are likely to check either an Article 15 or 24 box (or both, in certain cases). Check a box even if only one aquatic pesticide from Section II-E in this NOI requires an Article 15 or 24 Permit.

If "None of the above" is checked under Section II-A, the operator must provide the reason an Article 15 permit is not needed in the space provided.

### **II-B – Integrated Pest Management (IPM) Evaluation:**

The Integrated Pest Management (IPM) evaluation is an assessment of measures to prevent pest problems or reduce pest populations to acceptable levels prior to a decision to apply a pesticide to resolve a pest problem. Operators must perform this evaluation prior to reaching the decision to apply aquatic pesticides and seek coverage under the PGP.

The IPM evaluation, described in Part III.A.5.a of the PGP, is required to be completed prior to authorization to discharge for all operators, not exempted, including those with Article 15 and 24 permits. The only operators who should check "No" in Section II-B of the NOI are those whose pesticide use is exclusively limited to "unregulated wetlands", these are small wetlands which are not regulated under Article 24.

An IPM evaluation which was completed in the process of obtaining an Article 15 pesticide permit may satisfy some or all of the PGP's IPM evaluation requirements. Sample guidance for the PGP's IPM evaluation appears in Part III of the PDMP template (see PGP website). Authorization to discharge (apply aquatic pesticides) under the PGP is not provided until this IPM evaluation is completed and documented. Documentation may consist of the Article 15 Permit and/or any other documents used to meet the IPM evaluation requirements.

**The IPM Evaluation is not to be submitted with the NOI. The operator is required to document this IPM evaluation and maintain it in the operator's records.**

### **II-C – Pesticide Discharge Management Plan (PDMP):**

The operator should maintain in his/her records a PDMP conforming to Part III.B.2 of the PGP, as follows:

*"The PDMP compliant with this SPDES general permit may incorporate by reference any procedures or plans in other documents (e.g. Article 15 permit, other permits, SEQRA) that meet the requirements of this SPDES general permit. If an operator relies upon other documents to describe how the operator will comply with the requirements of the PDMP in this SPDES general permit, the operator must attach to the PDMP a copy of any documents that are used to meet Part III.B.1 ..."*

A PDMP is not required for operators whose pesticide applications are exclusively limited to “unregulated wetlands”. These are small wetlands which are not regulated under Article 24.

**The PDMP is not to be submitted with the NOI and is not reported to the Department on any regular interval, but must be maintained in the operator’s records and submitted to the Department when requested.**

The PDMP is a record-keeping tool in which the operator is documenting information on how the operator is complying with the requirements of the PGP. The PDMP is a “*living*” set of records that *requires periodic reviews* by the operator and must be kept up-to-date, as described in Part III.B of the PGP under “PDMP Modifications”. These modifications will typically include updated records of new aquatic pesticide applications during the period of PGP coverage, but may also include revisions to procedures and other records.

**A template for the PDMP which may be used by operators is provided in a link on the webpage at the end of this document.**

This PDMP template is provided as a guidance tool. An operator may select an alternative format which complies with the PDMP requirements in Part III.B of the PGP. The PDMP may incorporate by reference any procedures or plans in other documents that meet the requirements of the PGP.

#### **II-D – Target Pest(s):**

The operator identifies the target pest(s) that will be controlled by the aquatic pesticide applications covered by the PGP.

A single NOI may cover control of more than one target pest, if the target pests are considered similar. For the purpose of single NOI coverage, “similar target pests” may include all grouped species that are associated with each separate category of Article 15 permits (e.g., Part 327 – all vegetation, including algae; Part 328 – all aquatic insects; Part 329 – all nuisance fish). For example, a single NOI would not be permitted to cover control of both vegetation and mosquitoes, but would allow control of all algae and vegetation species included within Part 327 Article 15 permits.

Common names of target pests are acceptable on the NOI. Target pest names identified on the NOI may also include pest categories which are associated with a particular category of Article 15 permits, such as Part 327 permits. In the Part 327 permit example, the NOI may identify particular target weed(s) or algae, “and other aquatic vegetation” in order to address invasive weeds that may emerge during the period of NOI coverage.

#### **II-E – Pesticide Product(s):**

The operator identifies pesticide commercial trade names and associated EPA registration numbers for all pesticides labeled for aquatic uses intended to be covered by the NOI.

It is important that the operator identify all such pesticides in the NOI for the intended period of PGP coverage, because authorization to discharge is limited to applications of those pesticides identified in the NOI and which meet other PGP requirements. An operator may identify a pesticide for which an Article 15 permit has not yet been obtained, but would not be authorized to discharge (apply) that pesticide until the required Article 15 permit has been obtained. The period of coverage under the PGP expires on October 31, 2021, so listing more than one pesticide on the NOI may occur.

### **III-A - Waterbody/Pest Management Area Information:**

All questions in this Section must be answered for each waterbody/pest management area. The brief description(s) of the waterbody(ies) or pest management area(s) provided by answering questions 1 through 5 must include:

- whether or not the waterbody is a Class A waterbody, or a public water supply, or both;
- the name of the municipality; and
- the latitude and longitude of the center of the waterbody(ies) or pest management area(s).

If aquatic pesticide applications will be made to, in or over multiple waterbodies, the multiple waterbodies should be entered into a separate table provided as part of the 2017-2021 NOI, whether these waterbodies are named or not, and the waterbodies should be briefly described by filling in the columns of the Table provided on the webpage at the end of this document.

If the aquatic pesticide application is made to, in or over a single un-named waterbody (e.g. pond or wetland) or the name is unknown, the operator should write “Unnamed” in response to question 1 in Part III-A of the NOI.

Enter waterbody information, including the latitude and longitude of the center of the pest management treatment area(s). ***If the treatment area is not known at the time the NOI is completed, please provide the latitude and longitude of the center of the waterbody(ies).*** You must also ***update your PDMP prior to the pesticide application*** to describe the pest management treatment area(s).

“Pest Management Area”, defined in the PGP Appendix A as “the area of land, including any surface water, for which the operator is conducting pest management activities covered by this SPDES general permit”, is applicable to cases such as mosquito control programs or right-of-way pest control programs in which aquatic pesticides may be applied to, in or over surface waters within a large area.

Answers to the five questions in Part III-A of the NOI should convey sufficient information to locate the waterbodies or pest management area(s). Maps are not required for a complete NOI ***unless*** the pesticide product is a mosquito larvicide applied to stormwater catch-basins, and needs a PGP. For these, the operator should submit a map identifying the points of application (catch-basins).

### **III-B – DEC Region Identification:**

The DEC Regions where the discharge(s) will occur should be selected. Some discharges may occur across more than one DEC Region (e.g. right-of-way pest control), and all applicable Regions should be selected. The DEC Region(s) selected are not associated with the operator's address, but rather the location of the discharge(s). A list of counties in each Region is provided in Part II-I of the NOI to assist the operator.

#### **IV. Certification**

The operator identified in Part I of the NOI must complete the certification in Part IV of the NOI. Notarization is not required in the NOI.

### **B - How Does the Operator Submit the NOI?**

An electronic NOI (eNOI) is recommended and results in a faster turn-around to obtain coverage under the PGP (5 days vs 20 days for a paper NOI). A link is available to apply electronically (large blue button on PGP webpage called "On-line Forms Log-in").

Guidance links are provided as well for eNOI submission:

- eNOI Questions & Answers
- eNOI PowerPoint presentation

An applicant can attach documents to the eNOI submission. An applicant can also modify certain Sections of the eNOI electronically at a later date if necessary.

An Operator Certification Form must be submitted with the eNOI and is available on the PGP webpage at the end of this document.

A paper copy, with the certification signature of the operator, of the completed NOI must be sent to the following address (also indicated on the NOI form).

Notice of Intent  
NYS DEC, Bureau of Water Permits  
625 Broadway, 4<sup>th</sup> Floor  
Albany, New York 12233-3505

**A complete NOI must be submitted prior to the next eligible pesticide application under the PGP.** PGP coverage is effective five (5) business days from the date the Department receives the complete NOI, for electronic submittals, and twenty (20) business days for paper submittals. The Department will issue a letter to operators acknowledging receipt of a complete NOI. The acknowledgement letter must be retained in operator records, but is not required to be in the possession of pesticide applicators conducting pesticide applications.

**No fee payment should be included with the NOI submittal.** If the listing of target pests (Part II-E of NOI), pesticide product names (Part II-F of NOI), or the brief verbal description of

locations (Part II-H of NOI) require additional space, the operator should include an attachment to the NOI.

No additional documents (e.g., IPM evaluation, PDMP, maps) should be attached to or transmitted with the NOI.

**The NOI is not submitted together with any Article 15 or 24 permit application to another office or DEC Region.** Authorization to discharge may be delayed by misdirected NOI submittals.

## **C - Where Can the Operator Obtain Additional Information?**

The complete NYS SPDES Pesticide General Permit (PGP) and all associated documents and forms can be located in links on the upper right hand side of the following NYS Department of Environmental Conservation webpage:

<http://www.dec.ny.gov/chemical/70489.html>

Further questions on the PGP may be directed to the following e-mail and telephone number:

[dowinfo@gw.dec.state.ny.us](mailto:dowinfo@gw.dec.state.ny.us)

Phone: (518) 402 -8111