



COLORADO

Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

Colorado Pesticide General Permit - What You Need to Know to Get Started

The Pesticide General Permit (PGP) covers discharges of pesticides to **surface waters of the state** and became effective in Colorado in November 2011. The permit is in response to the 6th-Circuit court ruling that identified pesticide discharges as point source discharges, all of which require permits under the Clean Water Act. The following guidance, though cursory, should help you decide if you need coverage under this permit or not. Contact information for staff at the Water Quality Control Division is provided at the end of this document.

1) Do you need permit coverage?

The Colorado Water Quality Control Division regulates the discharge of pesticides to surface waters of the state, including intentional and unintentional applications to surface water. The use of pesticides and the resultant residues thereof, when not in or adjacent to a drainage-way, ditch, canal, stream, wetland, creek or other surface water, **does not** require permit coverage under the Colorado Pesticide General Permit. Also, federal facilities in Colorado are not covered by the Colorado permit and must contact EPA Region 8 for the different requirements imposed by that permit.

2) Find the website

<https://www.colorado.gov/pacific/cdphe/wq-pesticides-permits>

3) Find the permit on the web page

The link is labeled as "General Permit" and is located directly below the heading: Pesticide General Permit - COG860000

4) Download the permit document and read it:

The following guidance identifies some of the key information you will need to consider to comply with the permit. However, the guidance is not comprehensive and it is **essential** that all operators covered by the permit read and understand the permit.

5) Confirm that the activity is covered by the permit

Will your discharge conform to one of the following use patterns as defined on page 5, Part 1.1.1, of the permit ?

- a. Mosquito and Flying Insect Control
- b. Weeds and Algae
- c. Forest Canopy Pest Control
- d. Animal Pest Control

If no, you do not qualify for permit coverage under the PGP and may need an individual permit for your discharge.

If yes, you are automatically authorized to proceed with the application of pesticides to Waters of the State



6) Operators - Decision Makers and Applicators

- a. If you're the one in charge of deciding to make an application of pesticides to Waters of the State, and you have day-to-day control of those decisions, you are the Decision Maker and the legal contact for the permit.
 - i. If you make the decisions AND apply the pesticide, you are both the Decision Maker and the Applicator
- b. If you are the person in charge of deciding to make an application of pesticides to Waters of the State but you want to hire someone to perform the application, you are the Decision Maker and the person you hire is the Applicator. The Decision Maker is the person responsible for reporting to CDPHE where required.

7) Impaired and Outstanding Waters

If the discharge is to an irrigation ditch or canal, the guidance in this section does **not** apply, since none of these waters are classified as impaired or outstanding in Colorado. For discharges to all other surface waters, the operator must review the information in the Colorado regulation to determine the status of the water, as follows.

- a. **Impaired Waters:** You need to determine if the water body to which you plan to discharge is impaired (has poor quality) for any of the ingredients in your product *or any degradates* of the ingredients in your product. If so, you may not use that product on that water body. For example, if you plan to use copper sulfate but the stream is impaired for copper or sulfate, you may not use that product. Degradates of a product can be difficult to determine and consultation may be needed. CSU extension programs are good resources. You may contact Troy Bauder (troy.bauder@colostate.edu) at CSU with your questions.

To determine impairments in a water body you must look in Regulation 93 and see if the water body to which you intend to apply pesticides has impairments for any of the ingredients in your product. A link to Regulation 93 can be found on the division's pesticide page here: <https://www.colorado.gov/pacific/cdphe/wq-pesticides-permits>

Entries in Regulation 93 look like the example below:

WBID	Segment Description	Portion	CO's M&E ² Parameters	CWA Section 303(d) Impairment ³	303(d) Priority
COARFO02a ¹	Fountain Creek from Hwy 47 to the Arkansas River	All	Fe (Trec)	Cu	H

1-The division uses the following method to identify stream segments in Colorado. These are called Water Body Identifications (WBIDs). Translation from the table above follows:

CO = Colorado

AR = Arkansas River

FO = Fountain Creek (tributary to Arkansas River)

02a = The stretch of stream/river described in the Segment Description of the table

2-This column refers to monitoring and evaluation (M&E) of a particular parameter, meaning that the stream segment is borderline impaired. If the segment is M&E for an ingredient in your product, you are not prohibited from discharging to that segment, but you will be contributing to the impairment. Further impairment of a segment generally leads to a listing on the 303(d) list which in turn would prohibit you from using your product in the future on that stream segment. Monitoring and Evaluation is indicated for the total recoverable (Trec) form of iron in the table above.

3-Parameters listed here are prohibited from being discharged to the stream segment under the Colorado Pesticide General Permit. If your product contains any of the ingredients, or degradates of those ingredients, that match what's listed in this column, you may not apply. In this case, you could not apply a pesticide with copper to this segment. Pay attention to this column!

- b. **Outstanding Waters:** You need to determine if the water body to which you plan discharge is an Outstanding Water. Discharges to outstanding waters are not allowed under the Colorado Pesticide General Permit unless the discharge is meant to restore or maintain water quality or

to protect public health or the environment. These discharges must either not degrade water quality at all or, if they will degrade water quality, they may only be applied on a short-term or temporary basis.

There are no outstanding waters located east of I-25 in Colorado. For discharges located west of I-25, the determination of whether or not a water body is an Outstanding Water can be made using the interactive map located here:

<https://www.colorado.gov/pacific/cdphe/wq-pesticides-permits>

(look for the Map link to Outstanding Waters, 2012)

If it appears that you may be discharging to an Outstanding Water, you need to verify the information from the map by looking up the water body in the Numeric Standards Tables for the basin to which the application will occur. This information can be located here:

<https://www.colorado.gov/pacific/cdphe/water-quality-control-commission-regulations>

The tables are posted under the “Surface water quality classifications and standards” section. Open the table for the basin to which the discharge will occur, (i.e. South Platte, Arkansas etc). Outstanding Waters will be identified with the designator “OW” in the second column, labeled “Desig.,” of the table.

8) Pesticide Discharge Management Plan (PDMP) - Who needs a PDMP?

An operator that meets ALL of the following criteria is required to prepare and maintain a PDMP.

The operator must:

- a. be a Decision-maker, AND
- b. be required to submit an annual report (Table 7-2 of the permit), AND
- c. be a Large Entity, which is defined in the permit as either a business that exceeds the Small Business Administration size standard as identified at 13 CFR 121.201, or a local government that serves a population of greater than 10,000).

Part 5 of the permit identifies the requirements for completion and maintenance of a PDMP.

9) Reporting - Who needs to submit a report and what is required?

There is a single reporting mechanism with the PGP and not all operators are required to submit reporting paperwork. The intent of the reporting requirement is for the largest operators to provide data concerning where, when and how much product is used. Land-stewardship agencies, special districts and those operators that apply pesticides beyond a given threshold are required to submit reporting forms (see Table 7-2 of the permit) by February 1 of each year. The report will summarize discharges made in the previous calendar year.

NOTE: The information contained in this guidance is in no way comprehensive and cannot be substituted for a thorough reading of the permit document. Please contact John Nieland if there are additional topics you would like to see included in this guidance or if you have specific questions pertaining to permitting and your discharge of pesticides. John’s contact information is as follows:

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