



Oklahoma Department of Agriculture, Food, and Forestry Agricultural Environmental Management Services Division

P.O. Box 528804
Oklahoma City, Oklahoma 73152
(405) 522-5893

Permitting Fact Sheet For Discharges from the Application of Pesticides

Background

Under the provisions of the Clean Water Act, as amended, (33 U.S. 1251 *et seq.*), the Oklahoma Agriculture Pollutant Discharge Elimination System Act (2 O.S. § 2A-1 *et seq.*), the Oklahoma Agriculture Environmental Permitting Act (2 O.S. § 2A-21 *et seq.*), and the Oklahoma Administrative Codes (OAC) 35:44-1-1(b) and (c)(2), discharge of pollutants resulting from the application of pesticides to waters of the United States (WOTUS) is prohibited without a Pollutant Discharge Elimination System (PDES) permit. The operator of a point source discharge of pollutants resulting from the application of pesticides must submit a Notice of Intent (NOI), Form AEMS-098, to the Agricultural Environmental Management Services (AEMS) Division of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) to obtain coverage under the [Pesticide General Permit \(PGP\)](#).

What is a Notice of Intent (NOI)? What Does Submittal of an NOI Mean?

To obtain coverage under the PGP, certain Operators must submit an NOI. The NOI contains information about regulated activities that result in point source discharges to WOTUS, and serves as notice to ODAFF of that Operator's intent for its eligible discharges to be covered under the PGP. By signing and submitting the NOI, the Operator is certifying that the discharge meets all eligibility conditions specified in the PGP and the Operator intends to comply with the permit requirements. An incomplete or inaccurate NOI can delay permit coverage.

Who Must Submit an NOI?

- Under the PGP, only certain Operators must submit NOIs. Part I.B of the PGP identifies the Operators that are required to submit NOIs, which include:
 - Any Operator for which pest management for land resource stewardship is an integral part of the organization's operations, regardless of size of areas treated;
 - Any Operator with a specific responsibility to control pests, regardless of size of areas treated;
 - Any Operator discharging to a Tier 3 water (Outstanding Resource Water, as provided in Appendix A the Oklahoma's Water Quality Standards, Oklahoma Administrative Code Title 785, Chapter 45), regardless of size of areas treated;
 - Any Decision-maker that applies pesticides in excess of any of the following Annual Treatment Area Thresholds (as found in Table 1 of the PGP):
 - Mosquito and Other Flying Insect Pest Control (adulticide only): treat > 6,400 acres/yearⁱ.
 - Forest Canopy Pest Control: treat > 6,400 acres/yearⁱ.
 - Weed and Algae Pest Control: treat > 20 linear miles or 80 acres of water/yearⁱⁱ.
 - Animal Pest Control: treat > 20 linear miles or 80 acres of water/yearⁱⁱ.

How to Submit an NOI?

The completed NOI (Form AEMS-098) that is signed and certified by an authorized representative must be submitted to ODAFF – AEMS Division, P.O. Box 528804, Oklahoma City, OK 73152. The permit application fee for a new authorization is \$350. An Operator with multiple pest management areas located in Oklahoma (whether those areas are adjacent to each other or scattered) may submit a single NOI with information about all of the discharges.

When to Submit an NOI

Operators who are required to submit NOIs for their discharges must submit their NOIs consistent with the deadlines identified in Table 1 below (and as detailed in Table 2 of the PGP). Table 1 summarizes when NOIs are due and when corresponding discharges will be authorized. If an Operator's discharges fall into more than one category, they must submit their NOI by the earliest deadline indicated. NOIs only need to be submitted once during the life of the permit (the current PGP expires on May 31, 2022), unless there is an update regarding the discharges, per criteria in Part I.B.3 of the permit.

Table 1. NOI Submission Deadlines and Discharge Authorization Dates

	Discharge to WOTUS
Discharge that is not in response to a Declared Pest Emergency Situation	Operators required to submit NOIs (regardless of size of treatment area) must submit NOIs at least 10 days prior to discharge . They are authorized to discharge no earlier than 10 days after ODAFF issues receipt of a complete and accurate NOI. Any other Operator that exceeds an annual treatment area threshold must submit an NOI at least 10 days before exceeding that threshold . Discharges are authorized no earlier than 10 days after ODAFF issues receipt of a complete and accurate NOI.
Discharge in response to a Declared Pest Emergency Situation	Operators must submit NOIs within 30 days after beginning to discharge . Discharges from these activities are authorized immediately.

For More Information

More information on AgPDES requirements for discharges from pesticide applications is available at <http://ag.ok.gov/aems/agpdes.htm>.

Contact Information

ODAFF - AEMS Division: Phone - (405) 522-5493 Fax - (405) 522-6357

ⁱ For calculating annual treatment areas for **Mosquitoes and Other Flying Insect Pest Control** and **Forest Canopy Pest Control**, count each treatment separately. For example, applying pesticides 3 times a year to the same 3,000 acre site should be counted as 9,000 acres of treatment area. **The treatment area is additive over the calendar year.**

ⁱⁱ For calculating annual treatment area for **Weed and Algae Pest Control** and **Animal Pest Control**, calculations should include either the linear extent or surface area of waters for applications made to WOTUS or at water's edge adjacent to WOTUS. Count each treatment area once, regardless of the number of treatments on that area in a given year. 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 year. For example, whether treating the bank on one side of a 10-mile long ditch, banks on both sides of the ditch, and/or water in that ditch, the total treatment area is 10 miles, even if the areas are treated more than once in a year. **The treatment area is not additive over the calendar year.**