

**2011 Tri River Area  
Pest Management Workshop**

**STATUS OF  
COLORADO'S DISCHARGE PERMIT  
FOR  
PESTICIDE APPLICATIONS**

Gary Beers, Ph.D.  
Water Quality Control Division  
Department of Public Health and Environment

**COLORADO'S SCHEDULE**

| YEAR |          | EPA                            | COLORADO  |
|------|----------|--------------------------------|---|
| 2010 | June     | Draft permit to public notice  |   |
|      | November | Revised permit (unavailable)   |   |
| 2011 | January  | OMB review started             | Draft permit to public notice   |
|      | April    | New Permit in Effect (5 years) | New Permit in Effect (2 Years)<br>(limited changes to EPA's permit)                               |
|      | October  | Notice of Intent (Submit)      |   |
| 2012 |          |                                | •Acquire Additional Resources<br>•Expand Administrative Processes<br>•Conduct Stakeholder Process |
| 2013 | April    |                                | Renewal Permit in Effect (5 Years)  |

**COLORADO'S LIMITED CHANGES TO THE EPA PERMIT**

- PERMIT DURATION
- NOTICE OF INTENT
- NOTICE OF TERMINATION
- ANNUAL REPORT
- CERTIFICATION OF COMPLIANCE (Addition)
- SURFACE WATERS (Addition)
- EDITORIAL

**PERMIT DURATION**

First Permit Issued for Two Years to Provide Time  
To Acquire Additional Staff and Conduct Stakeholder Process

| YEAR | QUARTER     | ACTIVITY   |
|------|-------------|--|
| 2011 | Spring      | Public notice ; Issue first permit for 2 years<br>No request to legislature for additional staff |
| 2012 | Spring      | Request to legislature for additional staff (Approval ?)   |
|      | Summer      | Hire/train new staff ; Expand permit support systems   |
|      | Fall/Winter | Stakeholder process ; Draft renewal permit   |
| 2013 | Spring      | Public notice ; Issue renewal permit for 5 Years   |

**NOTICE OF INTENT (NOI)**

Submission Of An Application (NOI) Is Not Required By The First Permit

In Colorado, an estimated 10,000 to 20,000 pesticide enterprises and applicators will need coverage under the pesticide permit and 10-20% of these entities (1,000 to 2,000) will need to formally apply for permit coverage. Given the existing number of Colorado NPDES permits (about 7,500), the addition of pesticide permits will increase this number in the range of 20-30%.

**No resources**

Currently, there are no available staff resources to meet the increased workload demands to receive applications, review adequacy of applications, process complete applications, authorize permit coverage, and prepare permit certifications.

Also, the information management system will have to be expanded to receive new information when number of permits is increased by about 30% due to the new pesticide permit.

**Consequently**

Application is not a requirement of the first permit.

**CERTIFICATION OF COMPLIANCE**

Evidence of Permit Awareness and Intent to Comply

The Division included a requirement to submit a Certification of Compliance:

- to provide a means, other than a NOI, of identifying the subset of discharges covered under this permit that are required to submit an NOI under EPA's permit,
- to ensure compliance with the technology-based requirements of the permit, and
- to ensure that operators are aware of and are complying with those conditions in the permit related to the implementation of the Integrated Pest Management (IPM) Practices and documentation of those practices in a Pesticide Discharge Management Plan (PDMP).

**ANNUAL REPORT**

**Submission Of An Annual Report Is Not Required By The First Permit**

This requirement is removed from the permit as the Division does not have the resources available including staff and a database to receive, log in, review, and store copies of the annual reports.

The Division determined that the requirement for a Certification of Compliance provided another means for the same subset of discharges to certify that they are in compliance with the terms and conditions of the permit.

**SURFACE WATERS**

**Receiving Waters Are Surface Waters of the State**

STATE WATERS

means any and all surface and subsurface waters which are contained in or flow in or through Colorado,

but does not include waters in sewage systems, waters in treatment works of disposal systems waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. Further, constructed wetlands (remediation under CERCLA) are not state waters, but other created wetlands resulting from man's activities are state waters.

Classifications for beneficial uses may be established for any state surface water, except for that water in ditches and other manmade conveyance structures shall not be classified.

The Colorado permit does not include groundwaters under receiving waters. Currently, Colorado is not planning to have a permit for discharges of pesticides to groundwaters.

**NOTICE OF TERMINATION (NOT)**

**Submission Of A Notice of Termination Is Not Required By The First Permit**

Since there is no requirement to submit an NOI for any discharges associated with applications of pesticides authorized under the Colorado permit, the requirements to submit a NOT were removed from the permit as they are unnecessary.

**EDITORIAL**

Several editorial changes are made to EPA's permit :

- substitution of the Water Quality Control Division as the responsible agency,
- removal of text singularly related to EPA,
- references to marine waters, and
- replacement of federal regulatory citations with conforming state regulatory citations.

**OTHER**

| CLASS OF PERMITTEE<br><br>(Total permittees in state in range of 10,000 to 20,000) |         | DOCUMENTATION              |                              |                |              |   |
|--|---------|----------------------------|------------------------------|----------------|--------------|---|
|  |         | Apply for Coverage (NOIs)* | Application Management Plan* | Annual Report* | Work Sheets* | Visual Monitoring and Report Adverse Incidents*** |
| Decision Makers  | Large** | YES                        | YES                          | YES            | NO           | YES   |
|  | Small   | YES                        | NO                           | NO             | YES          | YES   |
| Applicators  | >TH     | YES                        | NO                           | NO             | NO           | YES   |
|  | <TH     | NO                         | NO                           | NO             | NO           | YES   |
| All applications to outstanding waters   |         | YES                        | YES                          | YES            | YES          | YES   |

TH= thresholds in permit

\*EPA is preparing templates for suggested use by permittees.

\*\*Towns greater than 10,000 people, special districts, and businesses >SBA criteria

\*\*\*Noncompliance with a water-quality aspect of the FIFRA label is a permit violation.

**THANK YOU**

**QUESTIONS**

**CONTACT : Gary Beers**  
**Phone : 303.692.3524**  
**Email : [Gary.Beers@state.co.us](mailto:Gary.Beers@state.co.us)**  
**Website : <http://www.cdphe.state.co.us/wq/PermitsUnit/PERMITS/Pesticideinfo.pdf>**