

## Website and Contact

### Information:

General Permit for Major  
Pesticide Discharges.

Notice of Intent (NOI)

General Permit for Minor  
Pesticide Discharges.

[http://deq.state.wy.us/wqd/  
WYPDES\\_Permitting/  
index.asp](http://deq.state.wy.us/wqd/WYPDES_Permitting/index.asp)

For questions specifically about  
pesticide permitting:

Marcia Porter, Analyst

307-777-6081,  
[marcia.porter@wyo.gov](mailto:marcia.porter@wyo.gov)

OR

Leah Coleman, Permitting  
Supervisor

307-777-7093  
[leah.coleman@wyo.gov](mailto:leah.coleman@wyo.gov)

State of Wyoming,  
Department of Environmental Quality

Water Quality Division  
122 West 25th Street  
Herschler 4th Floor West  
Cheyenne, WY 82002

Phone: 307-777-7781  
Fax: 307-777-5973

# Pesticide Use Permitting in Wyoming

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*Water Quality Division, WYPDES Permitting*



## What is Pesticide Permitting and Why is it Required?

For many years pesticide uses were regulated by the Environmental Protection Agency (EPA) under the statutory framework of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA on November 27, 2006, issued a final rule clarifying that pesticide use did not require a NPDES permit when applying to or over, including near water, provided that the application of the pesticide is consistent with the FIFRA labeling. On January 19, 2007, EPA received petitions for review of their final ruling concerning pesticide uses. Petitions were ultimately filed in all eleven circuit courts, with the [National Cotton Council, et al, vs. EPA](#) assigned to the Sixth Circuit Court of Appeals in Cincinnati, Ohio. The Court held that the CWA unambiguously includes biological and chemical pesticides that leave a residue within its (the CWA) definition of “pollutant.” The Court also found that the application of pesticides is considered a point source and thus required to be regulated under the NPDES program. The Wyoming Department of Environmental Quality, Water Quality Division (DEQ/WQD) administers the NPDES program within the boundaries of the state\* (WYPDES program). Two general permits have been developed to meet the court ordered mandate for pesticide applications to “waters of the U.S.” in Wyoming.

(Photo courtesy of the Teton County Weed and Pest Control District).

## Who is Required to be Permitted?

The Wyoming DEQ/WQD/WYPDES permitting program has developed two General Permits for Pesticide Discharges.

*A General Permit for Minor Pesticide Discharges* was developed for pesticide applicators who do not meet established thresholds and other guidelines that would require them to receive coverage under the *General Permit for Major Pesticide Discharges*.

The *Minor Permit* is available on line and anyone within the boundaries of Wyoming\* discharging pesticides in, over, or near waters of the US in Wyoming, must print this permit off from the website and follow the guidelines and requirements in the *Minor General Permit*, while applying pesticides. There are no applications, permit fees, or annual reporting required to discharge pesticides under the *General Permit for Minor Pesticide Discharges*.

For individuals discharging pesticides in, over or near waters of the US within the boundaries of Wyoming\* that meet or exceed established thresholds and/or are discharging in, over, or near a class 1 water of the state, must submit a Notice of Intent (NOI) and submit it to the DEQ/WQD to receive a written and signed authorization to discharge pesticides under the *General Permit for Major Pesticide Discharges (allow 30 days for processing)*. An annual permit fee of \$100 will be billed to the permittee, and annual reporting of pesticide discharges is required. Additionally, a Pesticide Pollution Prevention Plan(P4) is required to be developed.

Applicators need only ONE permit; *either* a Major OR a Minor.

\*Except for the Wind River Indian Reservation, which is regulated by the US EPA.

<u>Pesticide Use Pattern</u>	<u>Annual Threshold<sup>1</sup></u>
<b>Mosquitoes and Other Flying Insect Pests:</b>	640 acres of treatment area (larvacide)
	6400 acres of treatment area (adulticide)
<b>In Water: Weeds and Algae</b>	80 acres of treatment area <sup>2</sup>
<b>At Waters Edge: Weeds and Algae</b>	20 linear miles of treatment area at water’s edge <sup>2</sup>
<b>In Water: Nuisance Animals</b>	80 acres of treatment area <sup>2</sup>
<b>At Waters Edge: Nuisance Animals</b>	20 linear miles of treatment area at water’s edge <sup>2</sup>
<b>Forest Canopy:</b>	6400 acres of forest canopy
<b>Opt-In to Major Permitting</b>	Anyone may submit an NOI and receive coverage under the Major Permit, if so desired.

<sup>1</sup> All discharges to Class 1 waters of the state require an NOI and <sup>2</sup> includes canals/ditches hydrologically connected to waters of the US in Wyoming.