Compliance Action Levels

Operator: The person legally responsible for pest management activities resulting in the discharge of pesticides to waters of the U.S. Legally responsible in this context means the person who controls the timing, location, method and means of pest management. Employees, agents and for-hire commercial applicators are not operators but, if hired by an operator covered under the general permit, such employees, agents and for-hire commercial applicators will be authorized and covered under the general permit without the need to obtain individual coverage. However, for-hire commercial applicators, acting on their own accord without consultation with the landowner, are operators for purposes of this general permit if they are legally responsible for pest management activities and must individually seek coverage under the general permit as operators.

Level IA: Operators are required to submit Notice of Intent (NOI) Application and annual report to be prepared and retained on site. It is $100 for a paper form, $75 for an ePermit. If a permittee has one pest management area (PMA), he will pay a $100 annual water quality fee. If a permittee has up to five PMAs, he will pay a $500 annual water quality fee. If a permittee has six or more PMAs within the same county (county-wide permit), he will pay a $500 annual water quality fee. If a permittee has one PMA greater than or equal to 6,400 acres within the state, he will pay a $1,000 annual water quality fee. If a permittee has more than one PMA within the same county, he will pay a $1,000 annual water quality fee. If a permittee has 11 or more PMAs (state-wide permit), he will pay a $500 annual water quality fee.

Level IB: Operators are required to submit a completed Self-Certification form TCEQ-20604 to TCEQ Regional Office. No annual report required. No fees.

Level II: Operators below the annual thresholds - Not required to submit NOI. Completed Self Certification Form TCEQ-20605, kept on-site. No fees.

Level III: Operators applying general use pesticides to less than 1 acre of waters of the U.S. - No NOI required. No fees.

Annual Thresholds

- Vegetation and algae pest control - operators treating a PMA greater than or equal to 6,400 acres and containing waters of the U.S.
- Animal pest control - operators treating a PMA greater than or equal to 100 acres in water or greater than or equal to 200 linear miles at water’s edge.
- Area-wide pest control - operators treating a PMA greater than or equal to 6,400 acres and containing a water of the U.S.
- Forest canopy pest control - operators treating a PMA greater than or equal to 6,400 acres and containing a water of the U.S.

How to Comply

If you are above the annual threshold:

- If you are above the annual threshold:
  - If you are public or private entity and there is public or private access to the water, and you are applying General Use Pesticides, or if you are a private entity with private access only to the water and you will be applying a RUP, SLU or RH you must follow Level IB Compliance and applicant must be licensed by TDA.
  - Level IB Compliance requires:
    - Self-certification form to TCEQ regional office; PDMP; IPM Practices; Visual Evaluation pre-, during and post-application; Adverse Incident report if necessary; Spill/Leak Notification if necessary
  - If you are below the annual threshold:
    - And you are applying Restricted Use Pesticides (RUP), State Limited Use Pesticides (SLU) or Regulated Herbicides (RH) you must follow Level II Compliance and the applicator must be licensed by TDA. OR you are applying General Use Pesticides to one acre or more of waters of the U.S. you must follow Level II Compliance.
  - Level II Compliance requires:
    - Self-certification form on-site or readily available;
  - If you are below the annual threshold:
    - And you are applying General Use Pesticides to less than one acre annually you must follow Level III Compliance.
  - Level III Compliance requires:
    - Follow directions on the product label
Texas Commission on Environmental Quality

PRIVATE APPLICATORS

WHAT YOU NEED TO KNOW ABOUT THE TEXAS PESTICIDES GENERAL PERMIT TXG870000

Contact TCEQ at (512) 239-4671
Questions can also be emailed to PGP@TCEQ.TEXAS.GOV

Further information about the pesticides general permit can be obtained from the following web address:
http://www.tceq.texas.gov/permitting/wastewater/general/pesticidepermit

Contact Extension at (979) 845-3849
Questions can also be e-mailed to dking@ag.tamu.edu

Educational programs of the Texas AgriLife Extension Service are open to all people without regard to race, color, sex, disability, religion, age or national origin.


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