

MEMORANDUM OF AGREEMENT

BETWEEN THE

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL SERVICES
OFFICE OF ENVIRONMENTAL COMPLIANCE**



AND THE

**LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY
OFFICE OF AGRICULTURAL AND ENVIRONMENTAL SCIENCES
PESTICIDE AND ENVIRONMENTAL PROGRAMS DIVISION**



**FOR THE ADMINISTRATION OF THE
LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM
PESTICIDE GENERAL PERMIT**

Section I. General

The Louisiana Department of Environmental Quality (LDEQ) is the regulatory authority for the Louisiana Pollutant Discharge Elimination System (LPDES) Program, the Louisiana Water Quality Certification Program the Louisiana Sewage Sludge and Biosolids Program, the Louisiana Total Maximum Daily Load Program and the Louisiana Water Quality Standards and Assessment Program. The Louisiana Department of Agriculture and Forestry (LDAF) is the state regulatory authority for the Federal Insecticide Fungicide Rodenticide Act (FIFRA). The LDAF's Pesticide and Environmental Programs Division (PEPD) is responsible for certifying, registering, licensing and training pesticide applicators, Worker Protection Standard (WPS), registering pesticides for sale, distribution and use in the state and working to minimize impacts by pests to agriculture and society in general while protecting human health and the environment as mandated by the federal law. The mission of the PEPD ensures fair and equitable implementation and enforcement of all applicable state and federal laws, through the Advisory Commission on Pesticides and the Structural Pest Control Commission.

This Memorandum of Agreement (Agreement) defines a partnership between the LDAF's Office of Agricultural and Environmental Sciences (AES), PEPD and the LDEQ's Office of Environmental Services (OES), Water Permits Division and Office of Environmental Compliance (OEC), Enforcement and the Surveillance Divisions to ensure the successful and effective administration and enforcement of LDEQ's LPDES Pesticide General Permit LAG870000 (General Permit).

If requested by either party, meetings between LDEQ and LDAF will be held to review specific operating procedures, resolve problems, or discuss material concerns involving the administration of the LPDES General Permit as it relates to LDAF's Pesticide Program.

Section II. LDAF and LDEQ Program Responsibilities

- A. LDAF regulates activities associated with the application/discharge and use of pesticides in accordance with the applicable requirements of the prescribed pesticide laws, rules and regulations.
- B. LDEQ regulates the application/discharge of pesticides to the waters of the state as the regulatory authority for the LPDES Pesticide General Permit.
- C. LDAF may, if needed, solicit input from LDEQ regarding the application/discharge of pesticides into or near the waters of the state of Louisiana.
- D. LDEQ - OES will provide the LDAF with an electronic copy or access to an electronic copy of the final permit decision, no later than 14 days after the permit decision is made, for any discharges of pesticides into any Outstanding Natural Resource Waters (ONRW), or a waterbody which is impaired for any applicable pesticides.
- E. LDAF will maintain the registration program for pesticides as prescribed by law. This program will include insuring pesticides registered in Louisiana are available with EPA approved labeling to assist in proper use of pesticides.
- F. LDAF will maintain the certification program for pesticide applicators as prescribed by law. This

program includes education on the proper use of pesticides.

G. LDAF will register, certify and license (where applicable) all applicable pesticide applicators/dischargers based upon the type of pesticides applied/discharged.

H. LDEQ – Should LDEQ develop additional regulations regarding the discharge of pesticides, LDEQ will coordinate with LDAF.

Section III. Compliance Program Responsibilities

- A. LDEQ – OES will evaluate and assess limitations, operations, maintenance, and other activities for compliance with the General Permit.
- B. LDEQ – OEC, with assistance from OES, will maintain a vigorous compliance and enforcement program as it pertains to the General Permit by taking timely and appropriate actions in accordance with all applicable laws, regulations, and agency standard operating procedures.
- C. LDEQ – OEC, with assistance from OES, will assess and collect penalties for non-compliance with the General Permit in accordance with state laws and regulations.
- D. LDAF will notify LDEQ – OES, Water Permits Division, in writing and/or electronic transmission, when it discovers a suspected violation(s) of the LPDES General Permit (See section V. Information Sharing).

Section IV. Outreach Programs

LDAF and LDEQ will participate in joint collaborations of informational and regulatory outreach to the public, the regulated community, and parish and municipal governments relative to the General Permit and the location of pesticide applications/discharges to waters of the state.

Section V. Information Sharing

- A. LDAF and LDEQ will reciprocate information obtained during inspections where violations of the General Permit are suspected. This information shall include, if known:
 - 1) name of applicator/discharger,
 - 2) mailing, physical, and email addresses of the applicator/discharger,
 - 3) phone number of the applicator/discharger,
 - 4) LDAF certification and registration number as applicable,
 - 5) description of location and/or identification of water body or source of water,
 - 6) pesticide application/discharge points, and
 - 7) pesticide name and EPA Registration Number.
- B. LDAF will, upon completion of the inspection, submit information identified in A. above, to the LDEQ, electronically or mail it to:

Office of Environmental Services
Water Permits Division
Attn: Pesticide Program
P.O. Box 4313

- C. LDEQ shall provide all information, related to the LDEQ permits requested or required by LDAF, via email no later than the 30th of each month.
- D. LDEQ and LDAF will provide, as provided by laws regarding public records, each other and the public with access to all information regarding administration of LDEQ's Pesticide General Permit, and the LDAF's Pesticide Program. This shall include, but not be limited to, the universe of registered/certified pesticide applicators, inspections, violations of permit conditions, enforcement/compliance/remedial activities, and other information available.

Section VI. Joint Activities

LDAF and LDEQ shall participate in joint efforts to address the following activities:

- a. surveillance, inspections, responses and enforcement actions;
- b. compliance response actions;
- c. discharges into impaired water bodies;
- d. meetings and discussions with parish and municipal governments on community planning, ordinances and related issues; and
- e. other activities relating to pesticide usage, regulations and discharges.

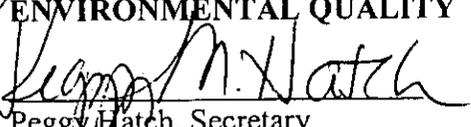
Section VII. Termination For The Convenience Of Both Parties

Either party may terminate this agreement at any time by giving thirty (30) days written notice to the other.

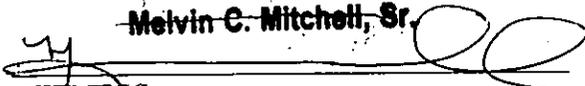
Section VIII. Signatures

The Parties have executed this Agreement in two originals by their signed officers, on the date indicated below, in the presence of the undersigned witnesses.

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY


Peggy Hatch, Secretary
La. Department of Environmental Quality

1-13-2011
DATE


Melvin C. Mitchell, Sr.
WITNESS

LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY


Mike Strain-DVM, Commissioner
La. Department of Agriculture and Forestry


1/10/2011
DATE


Wandal P. Ward
WITNESS