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Memo

To: Enforcement and Administration
From: David I. Weidman, General Manager
CC:
Date: 6/17/2008
Re: Misting Insecticide Application Devices Guidance Document

This memo is to serve as a guidance document concerning requirements for the installation of misting insecticide application devices on property owned or controlled by the District.

The District's Rules and Regulations state the following concerning introduction of insecticides to the waters of the District's reservoir:

ARTICLE XVI. ENVIRONMENTAL PROTECTION REGULATIONS

Section 1. The placing, storing, use, or allowing the introduction of any chemicals, including but not limited to, paints, solvents, detergents, sealants, fertilizers, defoliants, herbicides, pesticides, or fungicides into the waters of Lake Cypress Springs is prohibited except by permit issued by the District.

Section 3. The discharge of any toxic or hazardous substance, including oil, gasoline, petroleum products, solvents, or chemicals, on property owned or controlled by the District is strictly prohibited.

Section 7. Any discharge of hazardous substances must be reported immediately to the District at its office (or the county Sheriff's office if after hours), in addition to any required state or federal reporting.

State law states the following:

TEXAS ADMINISTRATIVE CODE, Title 22, Part 25, Chapter 597.1 Grounds for Revocation, Suspension, Penalties, Reprimanding, Refusal To Examine, Refusal To Issue or Renew Licenses

(8) engaging in pest control practices in a manner that could be injurious to the public health, safety, or to the environment;

(12) making a pesticide application inconsistent with the labeling of any pesticide as registered by the Environmental Protection Agency, the United States Department of Agriculture, or the state registration of that pesticide, or in violation of any condition or restriction placed upon the use of that pesticide by the Environmental Protection Agency, the United States Department of Agriculture, or the state;

In the past, the District has not taken regulatory notice of these devices. This guidance document will provide information on how the District will require these devices to be installed and maintained on property owned or controlled by the District.

The following requirements shall apply to Misting Insecticide Application Devices on property owned or controlled by the District:

1. No permit is required by the District for the installation of these devices.
2. The person installing the device shall be licensed by the Structural Pest Control Board of Texas.
3. The application of the pesticide must be consistent with the label.
4. The pesticide storage container must be installed at 385 feet MSL (mean sea level) or higher, or have a capacity of five (5) gallons or less.
5. Application nozzles must be installed so as to prevent spraying of pesticide either on or in the waters of the reservoir.
6. Spillage or inadvertent application of pesticide to the waters of the reservoir must be contained and reported to the District per article 15, section 8 of the District's Rules and Regulations.
7. The pesticide product shall not be marketed as "non-harmful or non-toxic to humans or wildlife or fish" unless specifically stated on the label.