

STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALT LAKE CITY, UTAH

FACT SHEET/STATEMENT OF BASIS

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES),
PESTICIDE GENERAL PERMIT (PGP)
UPDES Permit Number UTG170000

INTRODUCTION AND BACKGROUND

The Utah Division of Water Quality's (DWQ) Utah Pollutant Discharge Elimination System (UPDES) Pesticide General Permit (PGP) is for discharges from the application of pesticides on, in, or near surface waters of the State of Utah that are not on Indian or Tribal Lands.

The U.S. Environmental Protection Agency (EPA) traditionally regulated the application of pesticides, even those applied on or near waters of the United States, through the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On November 27, 2006, EPA issued a rule that FIFRA would continue to cover pesticide applications to surface waters. Subsequent to the FIFRA Pesticide Rule issuance, the rule was taken to court where the United States 6th Circuit Court ruled that pesticide applications to surface waters must be covered under the National Pollutant Discharge Elimination System (NPDES) Program in addition to the FIFRA program. Therefore, on October 31, 2011, EPA issued the final Pesticide General Permit (PGP) under the NPDES program. Also by October 2011, DWQ issued state administrative code changes and the UPDES PGP to comply the federal Pesticide General Permit requirements.

The original 5-year Utah PGP expires on October 30, 2016. Therefore a new PGP must be issued by DWQ to replace the expiring permit. Pesticide applicators must submit a Notice of Intent (NOI) and pay their annual permit fees in order to be covered for pesticide applications to surface waters of the State under the PGP, with UPDES Permit Number UTG170000.

APPROPRIATENESS OF THE PESTICIDE GENERAL PERMIT (PGP)

Utah Administrative Code (UAC) R317-8-2.5 authorizes the issuance of General Permits for categories of point sources within Utah for discharge of pollutants to state waters. In addition, UAC R317-8-9 specifically addresses the requirements of the PGP. The purpose of the PGP is to protect water quality and maintain water quality standards from pesticide applications to surface water. The PGP is for operators, who are governmental, quasi-governmental, and contractor or private applicators of pesticides to surface water.

Pesticide use on patterns of insects, weeds and algae, and nuisance animals are covered by the PGP. In addition, the permit covers applications for Declared Emergency Pest Situations when declared by the appropriate government agency. Private applicators such as contractors, must meet the small applicator size threshold, as shown in Table 3, for the respective pest control activity that require an NOI submission to DWQ. Typically farmers and ranchers are not required to obtain the pesticide permit, unless making applications to surface waters of the State that exceed a permit threshold level.

DEFINITIONS OF PESTICIDES

A pesticide is any substance or mixture of substances intended for preventing, destroying or controlling any pest, including vectors of human or animal disease, unwanted species of plants or animals causing harm during or otherwise interfering with the production, processing, storage, transport or marketing of food, agricultural commodities, wood and wood products or animal feedstuffs, or substances which may be externally applied to animals for the control of insects, arachnids or other pests in or on their bodies. The term includes substances intended for use as a plant growth regulator, defoliant, desiccant or agent for thinning fruit or preventing the premature fall of fruit, and substances applied to crops either before or after harvest to protect the commodity from deterioration during storage and transport. Pesticides are defined by three definitions in Utah Administrative Code (UAC). Included below are references for the pesticide definitions:

1. Biological Pesticides in UAC R317-8-9.2(1);
2. Biochemical Pesticides in UAC R317-8-9.1(2); and
3. Chemical Pesticides in UAC R317-8-9.2(3).

WHO MUST OBTAIN COVERAGE UNDER THE GENERAL PESTICIDE APPLICATION PERMIT

Organizations or individuals involved in the application of pesticides which employ any person to apply pesticides, or organizations or individuals which apply pesticides themselves; who are involved in the financing or decision making of pesticide applications on or near surface waters of the State, must apply for coverage under the permit. An operator generally includes both: 1) the entity with control over the financing for, or the decision to perform pesticide applications, including the ability to modify those decisions, that result in a discharge to waters of the State, and 2) the entity with day-to-day operational control of, or who performs activities (e.g., the application of pesticides) that are necessary to ensure compliance with the permit. As such, more than one operator may be responsible for compliance with this permit for any single discharge from the application of pesticides.

Operators that apply pesticides to surface waters of the State must meet three requirements in order to require the PGP, these are:

1. The operator must fall under one of the four Operator Groups in the permit which are:

- a. Group 1, operators that apply to Category 1 waters in the State.
 - b. Group 2, operators that are government, quasi-government, or special service districts.
 - c. Group 3, operators that are other operators such as private contractors, duck clubs, etc.
 - d. Group 4, operators involved in a declared pest emergency situation.
2. The operators in Groups 1-4, must apply pesticides according to one of the four Pesticide Use Patterns in the permit, these are:
- a. Mosquito and other insect pest applications.
 - b. Weed and algae control applications.
 - c. Aquatic animal nuisance control.
 - d. Forest canopy pest control.
3. The operator must have permit qualifying applications which meet specific threshold amounts or which are applications to Category 1 waters. The qualifying applications for each operator group are:
- a. For operators in Group 1, DWQ will notify the operator when a permit is required.
 - b. For operators in Group 2, any amount of application to surface waters of the State requires a PGP.
 - c. For operators in Group 3, operators must meet the application threshold amounts in Table 3 below to require a PGP.
 - d. For operators in Group 4, operators must meet the application thresholds in Table 3 below to require a permit

The notice of intent (NOI), which is the permit application, may be obtained at: <http://www.waterquality.utah.gov/>. An NOI and supporting documentation that is timely and complete must be submitted to DWQ in order to obtain the PGP.

WHEN AN INDIVIDUAL UPDES PERMIT IS REQUIRED

In the unusual situation that the Pesticide General Permit may not adequately cover a specific discharge situation, or due to permit non-compliance by an operator, an operator may be required to apply for an individual UPDES permit. Also, operators may voluntarily seek an individual

UPDES permit from DWQ due to unusual circumstances or special pesticide application needs in their pest management areas. DWQ will notify an operator when an individual permit is required.

PESTICIDE OPERATOR GROUPS AND REQUIREMENTS

There are four Operator Groups approved for permit coverage under the PGP as described below:

Operator Group 1: Operators discharging into Category 1 Waters of the State

Operators desiring to discharge pesticides on or near surface waters of the State, which have been determined by the Utah Water Quality Board to be Category 1 Waters (Tier 3 Waters), must submit an NOI which details the area where applications will occur. Only pesticide applications which are made to restore or maintain water quality or to protect public health or the environment are covered under the PGP for discharges on or near Category 1 surface waters of the State. Projects covered under this permit are allowed in Category 1 Waters because pollution will be temporary and limited, and result only during actual activity, and best management practices will be employed to minimize pollution effects. The NOI is to be submitted as detailed in “When to Submit an NOI” below.

Operator Group 2: All Government or Quasi-Government Agencies or Special Service Districts

All government agencies (federal, state, county, or local agencies and special service districts) that discharge pesticides as a primary purpose or as a significant activity in their operations, must submit an NOI annually describing each area and watershed where a discharge is to occur regardless of the size of the area to be treated. Application for the NOI must be made as described in “When to Submit an NOI” below.

Operator Group 3: Other Operators

Other operators engaged in the discharge of pesticides as a primary purpose or as a significant activity in their operations (such as private pest control companies, canal companies, etc.), whose applications exceed the thresholds detailed in Table 1 below must submit an NOI to obtain coverage under the permit. Submission of the NOI must be as detailed in “When to Submit an NOI” and Table 1 below.

Operator Group 4: Operators involved in a “Declared Pest Emergency Situation”

All operators that otherwise aren’t required to submit an NOI, but become involved in a declared pest emergency situation, and will exceed any of the treatment thresholds in Table 1 may discharge as required by the emergency but are required to submit an NOI within 30 days after the commencement of the discharge. A “Declared Pest Emergency Situation” is an event defined by a public declaration by a federal agency, state, or local government of a pest problem determined to require control through application of a pesticide beginning less than ten days after identification of the need for pest control. This public declaration may be based on a significant risk to human health, or significant economic loss, or significant risk to endangered species, threatened species, beneficial organisms, or the environment.

WHEN TO SUBMIT A NOTICE OF INTENT (NOI)

All operators from the Operator Groups with previous PGP coverage were required to obtain permit coverage under the UPDES PGP by submitting an NOI to DWQ prior to August 1, 2016. After renewing the PGP in 2016, DWQ will notify Operator Group 1 when an NOI is due for pesticide applications to Category 1 Waters. All Operators in Group 2 must obtain the renewed PGP regardless of the size of the application area with the deadlines shown in Table 1 below. Operators in Groups 3 and 4 are required to submit an NOI after the reissued PGP is issued and must follow the deadlines Table 2 below. Operators that submit their NOIs and permit fees where the NOIs are approved by DWQ prior to issuance of the new PGP, will have coverage under the new permit upon issuance of the permit. Operators that submit NOIs after the permit is issued will have permit coverage upon approval of their NOI by DWQ and upon receipt of the permit fee by DWQ.

Table 1. NOI Deadlines for New Operators in Group 2 (Government and Quasi-Governmental Operators)

Operator Category	NOI Submittal Deadline	Discharge Authorization Date
Group 2 Operators who know or should have reasonably known that they would discharge.	At least 10 days prior to commencement of discharge.	No earlier than 10 days after a complete and accurate NOI is mailed and postmarked.
Group 2 Operators who do not know or would not reasonably know that they would discharge.	At least 10 days prior to commencement of discharge.	No earlier than 10 days after a complete and accurate NOI is mailed and postmarked.
Operators commencing discharge in response to a declared pest emergency situation as defined below that will exceed an annual treatment area threshold identified in Table 3 for that year.	No later than 30 days after commencement of discharge.	Immediately, for activities conducted in response to declared pest emergency situation.

Table 2. NOI Deadlines for New Operators in Groups 3 and 4 (Other Operators and Declared Pest Emergency Situation Operators)

Operator Category	NOI Submittal Deadline	Discharge Authorization Date
Group 3 operators who know or should have reasonably known that they would exceed an annual treatment area threshold.	At least 10 days prior to exceeding an annual threshold.	No earlier than 10 days after a complete and accurate NOI is mailed and postmarked.
Group 3 operators who do not know or would not reasonably know that they would exceed an annual treatment threshold.	At least 10 days prior to exceeding an annual threshold.	No earlier than 10 days after a complete and accurate NOI is mailed and postmarked.
Group 4 operators commencing discharge in response to a declared pest emergency that will exceed an annual treatment area threshold identified in Table 3 for that year.	No later than 30 days after commencement of discharge.	Immediately, for activities conducted in response to declared pest emergency situation.

WHERE TO SUBMIT A NOTICE OF INTENT (NOI)

The NOI form is in Appendix A of the permit and on the Water Quality website at: www.waterquality.utah.gov. It should be mailed with an authorizing signature, to:

The Utah Division of Water Quality
P.O. Box 144870
Attn. Pesticide Permit Coordinator
Salt Lake City, UT 84114-4870

If hand delivered, the Physical Address is:
The Utah Division of Water Quality
195 North 1950 West
Salt Lake City, UT 84114-4870

ANNUAL PERMIT FEES

An annual permit fee will be invoiced and due during the summer of each year. Invoices will be mailed with fee payment deadlines and payment instructions. The fee is subject to change upon approval of the Utah Department of Environmental Quality (UDEQ) and the Utah State Legislature as appropriate.

ELIGIBILITY - PESTICIDE USE PATTERN CATEGORIES

The PGP is issued only to pesticide operators applying to surface waters of the State in one of the four Pesticide Use Patterns described below. Other types of applications are not applicable to this permit, the PGP. The four use patterns are: 1) Mosquito and Other Insect Pests, 2) Weed and Algae Control, 3) Nuisance Animal Control, and 4) Forest Canopy Pest Control. The four use patterns are summarized below:

1. Mosquito and Other Insect Pests – applications to control pests that threaten public health and have nuisance concerns on, in, or near surface waters of the State. Examples of possible pests to be controlled are mosquitoes and black flies.
2. Weed, Aquatic Plant, and Algae Control – applications to control plants and algae that are invasive, nuisance, or toxic, on, in, or near to surface waters of the State. These applications may include pesticide applications to ditches and canals.
3. Nuisance Animal Control – applications to control invasive and nuisance animals on, in, and near surface waters of the State. These may include applications to control nuisance fish, lampreys, and mollusks.
4. Forest Canopy Pest Control – applications to a forest canopy to control pests or pathogens where a portion of the pesticide application will unavoidably be applied over waters and the pesticide is deposited or contacts surface waters of the State.

All pest control research and development project as defined in Part V.A.33 of the PGP must fall under one of the four Pesticide Use Patterns described above. Any pest control research project that is not covered under one of the Use Patterns above may be required to obtain another Utah Pollutant Discharge Elimination System (UPDES) permit issued by DWQ.

ANNUAL APPLICATION THRESHOLDS FOR EACH PESTICIDE USE PATTERN

The annual threshold level for Operator Group 1 is shown in Table 3 for each Pesticide Use Pattern. The annual threshold level for Group 2 operators is any size of application to a treatment area, no matter how small the application area is. For operators in Groups 3 and 4, the annual application thresholds are shown in Table 3 below.

Table 3 NOI Thresholds for Operator Groups 3 and 4

Pesticide Use	Annual Threshold
1. Mosquitoes and Other Insect Pests	6,400 acres of treatment area
2. Weed and Algae Control:	
In Water	80 acres of treatment area ¹
At Water's Edge	20 linear miles of treatment area at water's edge ²
3. Nuisance Animal Control:	
In Water	80 acres of treatment area ¹
At Water's Edge	20 linear miles of treatment area at water's edge ²
4. Forest Canopy Pest Control	6,400 acres of treatment area

Calculations should include the area of the applications made to:

- (1) surface waters of the State ;
- (2) conveyances with a hydrologic surface connection to surface waters of the State at the time of pesticide application. For calculating annual treatment area totals, count each pesticide application activity as a separate activity. For example, applying pesticides twice a year to a ten acre site should be counted as twenty acres of treatment area.

GENERAL WATER QUALITY REQUIREMENTS

All pesticide applicators have requirements to protect water quality whether permitted or not. Pesticide operators must comply with the following:

1. Narrative Standards. The Narrative Water Quality Standards in R317-2-7.2 states that: "It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste, or cause conditions which produce undesirable life or which produce objectionable tastes in aquatic edible organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures; or determined by biological

criteria in Subsection R317-2-7.3.”

2. Numeric Standards. The Numeric Water Quality Standards found in R317-2-14 and R317-2-6.
3. Impaired Waters Requirements. Discharges to pesticide impaired waters are not allowed, whether or not an operator is permitted. The permit does not provide coverage for any discharges from a pesticide application to waters of the State if the water is identified as impaired by that pesticide or its degradates. For purposes of the permit, impaired waters are those that have been identified pursuant to Section 303(d) of the CWA as not meeting applicable State water quality standards. Impaired waters for the purposes of this permit include both waters with DWQ approved or EPA-established Total Maximum Daily Loads (TMDLs) and waters for which DWQ has not yet approved or established a TMDL.
4. Other Permits. Operators are not eligible for coverage under the PGP if any of the following circumstances apply:
 - a. The discharges are covered by another UPDES permit, or
 - b. The discharges were included in a permit that within the last five years has been or is in the process of being denied, terminated, or revoked by the DWQ (this does not apply to the routine reissuance of permits every five years).
5. Other Pollutants. Operators are prohibited from discharging sanitary wastes and other pollutants such as discharges of pesticides or fuels from leaking tanks, spills, or other sources. Discharges such as metals, acids, caustics, nutrients, etc. to surface waters of the State are also prohibited.
6. FIFRA. All operators must comply with FIFRA and label requirements whether or not they are permitted.
7. Storm Water Requirements. All operators must comply with applicable Storm Water requirements. The PGP may be reopened and modified to include any applicable provisions and requirements if necessary.

SPECIFIC PGP EFFLUENT LIMITATIONS AND OTHER REQUIREMENTS

The permit has effluent limitations and practices to minimize discharge to surface waters of the State as described below:

Technology-Based Effluent Limitations: To meet the effluent limitations, permittees must implement site-specific control measures that optimize discharges of pesticides to surface waters of the State, as per Part I.F. of the PGP. All operators are required to minimize the discharge of pollutants resulting from the application of pesticides by doing the following:

1. Use the lowest effective amount of pesticide product per application and optimum frequency of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pest resistance;

2. Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit;
3. Maintain pesticide application equipment in proper operating condition by adhering to any manufacturer's conditions and industry practices, and by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. You must ensure that the equipment's rate of pesticide application is calibrated to deliver the precise quantity of pesticide needed to achieve greatest efficacy against the target pest;
4. Comply with the Narrative Water Quality Standards in R317-2-7.2; and
5. Comply with the Numeric Water Quality Standards in R317-2-14 and R317-2-6.

Integrated Pest Management (IPM) Practices: IPMs are applicable to any entity that is required to submit an NOI, including any pesticide applicator hired by such entity or any other employee, contractor, subcontractor or other agent must use integrated pests management practices. IPMs in the permit are measures required to meet the effluent limits for each pesticide use category. IPMs include the following: 1) identifying and assessing the pest problem and potential; 2) assessing effective pest management considering different options to manage pests and protect water quality; and 3) implementing specified procedures and practices for applying pesticides.

If your discharge of pollutants results from the application of a pesticide that is being used solely for the purpose of pesticide research and development, you may be required to obtain this permit per Part I. C. and D. Only research and development applications and practices covered by Part I. C. and D. are eligible for permitting under this permit. Pesticide applications for research and development are prohibited from violating the State's water quality standards.

Water Quality-Based Effluent Limitations: In addition to technology based effluent limitations, operators must follow water quality-based effluent limitations. Operators must control applications as needed to comply with the state's water quality standards and FIFRA. If at any time the operator or DWQ determines that the application or discharge violates water quality standards, the operator must take corrective actions as required and to document and report the excursion to DWQ. If an operator has discharge problems to surface waters of the State, DWQ may impose additional water quality-based limitations and requirements. In addition, DWQ may require an individual permit or revoke a permit for any operators with illegal applications or discharges to surface water.

Pesticide Impaired Waters: Pesticide discharge to pesticide to TMDL-listed impaired waters is not allowed. As of permit issuance, there are no listed waters for pesticides in Utah.

PESTICIDE DISCHARGE MANAGEMENT PLAN (PDMP)

A PDMP is a management plan required for all permit holders. PDMPs are developed to document and manage the following: 1) the pesticide discharge management team information; 2)

pest management area description; 3) control measures description; 4) schedules and procedures pertaining to control measures used to comply with the effluent limitations; and 5) documentation to support eligibility considerations under other state laws. In addition, the application rate and frequency, spill prevention, pesticide application equipment, pest surveillance, and assessing environmental conditions pertaining to other actions necessary to optimize discharges are to be included in the PDMP. The PDMP must be kept up-to-date and modified whenever necessary to meet the effluent limitations in the permit. If on-the-ground practices are different than practices and procedures in the PDMP, it is a permit violation and could be subject to enforcement by DWQ.

The PDMP must include the following elements:

1. **PDMP Team.** You must identify all the persons, by names that compose the team as well as each person's individual responsibilities including:
 - a. Person(s) responsible for managing pests in relation to the pest management area;
 - b. Person(s) responsible for developing and revising the PDMP;
 - c. Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements; and
 - d. Person(s) responsible for pesticide applications. If the pesticide applicator is unknown at the time of plan development, indicate whether or not a for-hire applicator will be used and when you anticipate that you will identify the applicator. Identification of team members must include any written agreement(s) between you and any other operator(s), such as a for-hire pesticide applicator, that specify the assignment of responsibilities between operators as necessary to comply with the provisions of this permit.
2. **Pest Management Area Description.** You must document the following:
 - a. Pest problem description. Document a description of the pest problem at your pest management area, including identification of the target pest(s), source of the pest problem, and source of data used to identify the problem in Parts I.G.1-4.
 - b. Action Threshold(s). Describe the action threshold(s) for your pest management area, including a description of how they were determined.
 - c. General location map. In the plan, include a general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and location of the surface waters of the State; and
 - d. Water quality standards. Document the water quality standards applicable to waters to which there may be a discharge, including the list of pesticide(s) or any degraders for which the water is impaired.
3. **Control Measure Description.** You must document your evaluation of control measures for your pest management area. You must document the control measures you will implement to comply with the effluent limitations. Include in the description the active ingredient(s) evaluated.
4. **Schedules and Procedures.** You must document the following schedules and procedures in your PDMP:

- a. Pertaining to Control Measures Used to Comply with the Effluent Limitations in Part I.F. The following must be documented in your PDMP:
 - i. Application Rate and Frequency. Procedures for determining the lowest effective amount of pesticide product per application and the optimum frequency of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pest resistance;
 - ii. Spill Prevention. Procedures and schedule of maintenance activities for preventing spills and leaks of pesticides associated with the application of pesticides covered under this permit.
 - iii. Pesticide Application Equipment. Schedules and procedures for maintaining the pesticide application equipment in proper operating condition, including calibrating, cleaning, and repairing the equipment.
 - iv. Pest Surveillance. Procedures and methods for conducting pre-application pest surveillance.
 - v. Assessing Environmental Conditions. Procedures and methods for assessing environmental conditions in the treatment area.

- b. Pertaining to Other Actions Necessary to Minimize Discharges. The following must be documented in your PDMP:
 - i. Spill Response Procedures – At a minimum you must have:
 - a) Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your PDMP team.
 - b) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.
 - ii. Incident Response Procedures – At a minimum you must have:
 - a) Procedures for responding to any incident resulting from pesticide applications;
 - b) Procedures for notification of the incident, both internal to your agency/organization and external. Contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.
 - iii. Pesticide Monitoring Schedules and Procedures – You must document procedures for monitoring including:
 - a) The process for determining the location of any monitoring;

- b) A schedule for monitoring;
- c) The person (or position) responsible for conducting monitoring; and
- d) Procedures for documenting any observed impacts to non-target organisms resulting from your pesticide discharge.

5. **Signature Requirement.** You must sign, date and certify your PDMP in accordance with Part IV.D of the permit.

Operators must modify your PDMP whenever necessary to address any of the triggering conditions for corrective action in Part III.D, or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to your PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, within 90 days thereafter. The revised PDMP must be signed and dated in accordance with Part IV.D. You must review your PDMP at a minimum once per calendar year and whenever necessary to update the pest problem identified and pest management strategies evaluated for your pest management area. Operators must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided in the NOI. The PDMP and all supporting documents must be readily available, upon request, and copies of any of these documents provided, upon request to DWQ and EPA. Upon any public information requests DWQ is required to provide public records to the public. Any Confidential Business Information, as defined in R317-8-3.3 will be withheld from the public provided that a claim of confidentiality is properly asserted and documented.

MONITORING REQUIREMENTS

Site Monitoring: Operators must monitor the amount of pesticide applied to ensure that you are using the lowest amount to effectively control the pest, consistent with reducing the potential for development of pest resistance. Operators must also monitor your pesticide application activities to ensure you are performing regular maintenance activities and to ensure that your application equipment is in proper operating condition to reduce the potential for leaks, spills, or other unintended discharge of pesticides to surface waters of the State. Additionally, operators must monitor your pesticide application activities to ensure that the application equipment is in proper operating condition by adhering to any manufacturer's conditions and industry practices, and by calibrating, cleaning, and repairing equipment on a regular basis.

Visual Monitoring Requirements for all Operators: All operators covered under this permit must conduct spot checks in the area to and around where pesticides are applied for possible and observable adverse incidents, as defined in Part V. of the permit, caused by application of pesticides, including but not limited to the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use. Visual assessments of the application site must be performed during any post-application surveillance or efficacy check and during any pesticide application, when considerations for safety and feasibility allow.

RECORD KEEPING REQUIREMENTS

Operators must keep written records as required in this permit. These records must be accurate and complete and sufficient to demonstrate your compliance with the conditions of this permit.

Operators can rely on records and documents developed for other obligations, such as requirements under FIFRA, and state or local pesticide programs, provided all requirements of this permit are satisfied.

DWQ recommends that all operators covered under this permit keep records of acres or linear miles treated for all applicable use patterns covered under this general permit. The records should be kept up-to-date to help you determine the annual treatment area during the year. All operators must keep the following records under the permit:

1. A copy of this permit.
2. A copy of any Adverse Incident Reports.
3. Rational for any determination that reporting of an identified adverse incident is not required consistent with allowances.
4. A copy of any corrective action documentation.
5. A copy of any spill or leak or other unpermitted discharge documentation.
6. Copies of the annual reports.
7. A copy of the NOI submitted to DWQ, any correspondence exchanged between the operator and DWQ specific to coverage under this permit, and a copy of the DWQ acknowledgment letter assigning your permit tracking number.
8. The date on which you knew or reasonably should have known that you would exceed an annual treatment area threshold during any year, as identified in Table 3.
9. Surveillance method(s) used, date(s) of surveillance activities, and findings of surveillance.
10. Target pest(s).
11. Pest density prior to pesticide application.
12. Company name and contact information for pesticide applicator.
13. Pesticide application date(s).
15. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters, either by name or by location, to which you discharged any pesticide(s).
16. Name of each pesticide product used including the DWQ registration number;
17. Quantity of pesticide applied (and specify if quantities are for the pesticide product as packaged or as formulated and applied).
18. Concentration (%) of active ingredient in formulation.
19. For pesticide applications directly to waters, the effective concentration of active ingredient required for control.
20. Any unusual or unexpected effects identified to non-target organisms.
21. Documentation of any equipment cleaning, calibration, and repair (to be kept by pesticide application equipment operator).
22. A copy of your PDMP, including any modifications made to the PDMP during the term of this permit.
23. Records of whether or not visual monitoring was conducted during pesticide application and/or post application and if not, why not, and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

All required records must be documented as soon as possible but no later than 14 days following completion of such activity. Operators must retain any records required under this permit for at least five years from the date that your coverage under this permit expires or is terminated. Upon

request, all permit-related records must be made available to DWQ and provide copies of such records, upon request.

REPORTING REQUIREMENTS

The permit requires reporting to DWQ for discharges, adverse incidents, and annual reports as required. In addition, operators must give advance notice to the DWQ of any planned changes in the permitted activity which may result in noncompliance with permit requirements. Where applicable, the following are the reports that must be sent to DWQ:

1. **Twenty-four hour reports.** For any adverse incidents, spills, and permit non-compliance which may endanger health or the environment must be reported to DWQ. Reports must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. Operators must submit a 24-hour report under this section for any upset, as defined in Part III.L. that exceeds any effluent limitation in the permit. DWQ may waive the written report on a case-by-case basis for reports if the oral report has been received within 24 hours.
2. **Annual Reports.** All large size applicators must submit an Annual Report to DWQ. Table 4 below shows the application threshold areas for a large applicator.

Table 4: Large Applicator Thresholds

Target	Area or Miles
Insects and other Pests	75,000 acres or more
Weed and Algae	300 miles or more 300 acres or more
Nuisance Animals (undesirable species)	300 miles or more 300 acres or more
Canopy Spraying	100,000 acres or more

Any operator (of any size application area) applying pesticides that reports an adverse incident must submit an annual report to DWQ no later than August 15th for the previous fiscal year. Please see Appendix C of the PGP for the Annual Report form.

3. **Adverse Incident Documentation and Reporting.** If you observe or are otherwise made aware of an adverse incident, that may have resulted from a discharge from your pesticide application, you must immediately notify the DWQ Incident Reporting line at (801) 536-4300, or 24-hour answering service (801) 536-4123. This notification must be made by telephone within 24 hours of you becoming aware of the adverse incident.
4. **Five (5) Day Adverse Incident Written Report.** Within five (5) days of a reportable adverse incident pursuant to Part III.G.1, you must provide a written report of the adverse incident

to the DWQ. The Five Day Adverse Incident Report is in Appendix D of the permit. Operators with adverse incidents are required to submit annual reports.

5. Other Reports. Operators shall (orally) report any noncompliance including transportation accidents, and spills which may seriously endanger public health or the environment, as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality, (801) 536-4300, or 24-hour answering service (801) 536-4123.

CHANGES FROM THE PREVIOUS PESTICIDE PERMIT ISSUED IN 2011

In the new PGP the term Director is used instead of Executive Secretary. This designation is not a significant change since the Director and Executive Secretary are both titles for the same person.

The previous UPDES Pesticide Permit was prepared before EPA's Pesticide Permit was final in 2011. The NOI threshold level in the new permit for Operators in Operator Groups 3 and 4 has been updated to meet requirements of the EPA permit. The previous Utah permit had an NOI threshold of 100 linear miles for Pesticide Use Patterns of Weed and Algae Control and Nuisance Animal Control. The EPA permit has an NOI threshold of 20 linear miles for these use patterns. The new UPDES PGP must match the federal permit, therefore the new permit has an NOI threshold of 20 linear miles for Weed and Algae and Nuisance pesticide use patterns for operators in Groups 3 and 4. This lower threshold limit may mean that operators in Groups 3 and 4 that did not previously require a permit may now require a permit.

The new PGP has an annual permit fee requirement. When the original permit was issued, the Utah Legislature initially provided funding for the Pesticide Program in-lieu of permit fees. Since 2014, the Legislature has not provided funding for the program. Therefore to retain permit coverage, permittees have been invoiced annual permit fees during the summer of each calendar year.

The previous PGP did not have an Annual Report requirement. This requirement is in EPA's permit and is therefore required in the Utah PGP. All operators that make applications to areas that exceed the threshold for a large size applicator must submit an Annual Report. The Annual Report Form is found in Appendix C of the PGP. In addition, any size operator that has an adverse incident during that year must submit an Annual Report. The Annual Report requirement now puts Utah's permit in compliance with the federal requirements. Table 4 above shows the area of application needed to be a large applicator and therefore required to submit Annual Reports.

PERMIT DURATION

The Pesticide General Permit upon issuance will be effective for a period of five years. The annual permit fee must be paid each year to retain permit coverage year to year as appropriate.

PUBLIC NOTICE INFORMATION (to be added after public notice period)

Began:

Ended:

Public Notice Publications:

Public Comment Response Date:

Permit Final:

The permit and Fact Sheet/SOB were prepared by Donald Hall, Environmental Scientist, Utah Division of water Quality on 9/19/16.

PND DRAFT