

18 AAC 90.300(a)(8) is amended to read:

(8) use or supervise the use of a pesticide at a school **or licensed child care facility** unless the pesticide is

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(Eff. 2/15/98, Register 145; am 3/31/2002, Register 161; am 11/30/2003, Register 168; am 9/30/2007, Register 183; am 10/27/2017, Register 224; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

<b>Authority:</b>	AS 41.17.100	AS 46.03.020	AS 46.03.330
	AS 46.03.010	AS 46.03.320	AS 46.03.730

18 AAC 90.310(a)(3) is amended to read:

(3) pass a written [OR ORAL] renewal examination administered by the department or the department’s representative; the department will waive the examination requirement if

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(Eff. 2/15/98, Register 145; am 3/31/2002, Register 161; am 9/30/2007, Register 183; am 10/27/2017, Register 224; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

<b>Authority:</b>	AS 46.03.010	AS 46.03.320	AS 46.03.730
	AS 46.03.020	AS 46.03.330	

18 AAC 90.515 is amended to read:

**18 AAC 90.515. Permit application.** A person required to have a permit under 18 AAC 90.500 or 18 AAC 90.505 shall submit a completed application to the department as required by 18 AAC 15.020, using a form supplied by the department, **unless the person is applying for general permit coverage under 18 AAC 90.550.** The application must identify

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(Eff. 2/15/98, Register 145; am 11/30/2003, Register 168; am 9/30/2007, Register 183; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_)

<b>Authority:</b>	AS 46.03.010	AS 46.03.320	AS 46.03.730
	AS 46.03.020	AS 46.03.330	

18 AAC 90.520(a) is amended to read:

**18 AAC 90.520. Public notice requirements; public hearings.** (a) A person required to have a permit under this chapter must publish a public notice in accordance with the requirements of 18 AAC 15.050, **unless the person is applying for general permit coverage under 18 AAC 90.550.**

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(Eff. 2/15/98, Register 145; am 3/31/2002, Register 161; am 11/30/2003, Register 168; am 9/30/2007, Register 183; am 4/10/2010, Register 194; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_)

<b>Authority:</b>	AS 41.17.100	AS 46.03.020	AS 46.03.330
	AS 46.03.010	AS 46.03.320	AS 46.03.730

18 AAC 90.530 is amended to add a new subsection to read:

(d) This section applies to a permit issued under 18 AAC 90.525. (Eff. 2/15/98, Register 145; am 11/30/2003, Register 168; am 9/30/2007, Register 183; am 4/10/2010, Register 194; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_)

**Authority:** AS 46.03.010 AS 46.03.320 AS 46.03.730  
AS 46.03.020 AS 46.03.330

18 AAC 90.540 is repealed and readopted to read:

**18 AAC 90.540. Permit modification, suspension, or revocation.** (a) The department may, in its discretion, modify, suspend, or revoke a permit issued under 18 AAC 90.525, or general permit issued under 18 AAC 90.545, if

(1) the department finds that a violation of this chapter or of the permit has occurred;

(2) an activity that occurs under the permit has an unanticipated effect on human health, safety, or welfare, animals, or the environment; or

(3) the permittee requests changes to the permit.

(b) For a permit modification requested under (a)(3) of this section, the department will require a new public notice for a permit issued under 18 AAC 90.525, or for a general permit issued under 18 AAC 90.545, if

(1) the proposed modification includes additional pesticides or, for a permit issued under 18 AAC 90.525 only, over a 20 percent increase in the amount of existing permitted pesticides used;

(2) for a permit issued under 18 AAC 90.525 only, the proposed modification involves over a 20 percent increase in the area to be treated;

(3) the proposed modification includes changes that could impact human health, safety, or welfare, animals, or the environment that were not addressed in the original permit; or

(4) in the department’s discretion, additional notice would be in the best interest of the public.

(c) The department will provide written notice to the permittee of the department’s action under (a) of this section within 10 working days after the department decides to modify, suspend, or revoke a permit. A person who disagrees with the department’s decision may

(1) request an informal review of the decision under 18 AAC 90.900; and

(2) request an adjudicatory hearing under 18 AAC 15.195 – 18 AAC 15.340.

(Eff. 2/15/98, Register 145; am 7/11/2002, Register 163; am 9/30/2007, Register 183; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 46.03.010 AS 46.03.320 AS 46.03.730  
AS 46.03.020 AS 46.03.330

18 AAC 90 is amended to add a new section to read:

**18 AAC 90.545. General permit.** (a) The department may issue a general permit for one or more types of pesticide application subject to the permit requirements of this chapter.

(b) General permit development may be initiated by the department, or at the request of one or more entities.

(c) A general permit may be developed for a pesticide project if the proposed project

- (1) involves control of similar species;
- (2) is limited to a specific pesticide or pesticides listed in the general permit;
- (3) will be performed by an applicator certified by the department; and
- (4) is, in the department's determination, best regulated under a general permit.

(d) The department will restrict the coverage of a general permit to certain geographic areas or water body types, or add other limitations as determined by the department to be necessary to protect public health, safety, or welfare, animals, or the environment.

(e) The department will include conditions in the general permit that it deems necessary to ensure that there will be no unreasonable adverse effect from the application of pesticides.

(f) For a general permit that proposes aerial application of pesticides for forestry vegetation management, prior to public notice, the department will send a copy of the draft general permit to the Department of Natural Resources and will request that any comments on the draft general permit be submitted in writing to the department no more than 21 days after receiving a copy of the draft general permit. The department may modify the draft general permit as necessary to address any comments received.

(g) The department will give notice to the public that a draft general permit has been prepared under this section. The public notice

- (1) may describe more than one permit or permit action;
- (2) will be published in two consecutive issues of a newspaper of general circulation in the area where the activities proposed by the general permit will occur; and
- (3) will allow at least 30 days for public comment on the draft general permit.

(h) The department will hold a public hearing on a draft general permit under this section if

(1) no more than 30 days after the second publication under (g)(2) of this section, a hearing is requested by

(A) at least 50 residents of the affected area; or

(B) the governing body of an affected municipality; or

(2) the department finds that good cause exists, even if a hearing has not been requested under (1) of this subsection.

(i) A public hearing held under (h) of this section will be conducted in accordance with 18 AAC 15.060(c) – (h).

(j) At the conclusion of the public comment period and any public hearing held under (h) of this section, the department will either issue or not issue the general permit. The department will issue a response to comments, which will describe and respond to all significant comments received, and which will specify which provisions, if any, of the draft general permit have been changed in the final general permit, and the reason for the change. A copy of the department's decision will be sent to any person who submitted written comments on the draft general permit. The decision will include a statement that any person who is aggrieved by the decision may request an adjudicatory hearing under 18 AAC 15.195 – 18 AAC 15.340.

(k) A general permit issued under this section will be for a fixed term not to exceed five years.

(l) Coverage under an expired general permit will continue in force until the effective date of a new general permit if a person submits an application for coverage under 18 AAC 90.550 and the department issues written approval prior to the expiration of the general permit.

(m) The department may renew a general permit issued under this section. Public notice of the renewed general permit will be provided if

(1) the renewed general permit includes additional pesticides;

(2) the renewed general permit includes changes that could impact human health, safety or welfare, animals, or the environment not addressed in the original permit; or

(3) in the program’s discretion, additional notice would be in the best interest of the public. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 41.17.100 AS 46.03.020 AS 46.03.330  
AS 46.03.010 AS 46.03.320 AS 46.03.730

18 AAC 90 is amended to add a new section to read:

**18 AAC 90.550. Application for coverage under general permit.** (a) A person seeking coverage for a pesticide project under a general permit shall submit to the department a complete application for coverage on a form supplied by the department, which demonstrates, to the department’s satisfaction, that the pesticide project meets the conditions described in the general permit.

(b) The department may, in its discretion, determine that a proposed project is not eligible for coverage under the general permit, based on

(1) site-specific concerns with the proposed project location; or

(2) a determination that the project does not meet the conditions described in the general permit.

(c) A pesticide project is not authorized under the general permit until the department issues a written approval that notifies the person overseeing the pesticide project that the project is covered by the general permit and has issued a project tracking number.

(d) A person whose pesticide project has been authorized under the general permit may not apply pesticides until 15 days after publishing a notice of the proposed application of pesticide in a newspaper of general circulation in the pesticide project area. The notice must include

- (1) the location of the proposed application;
- (2) the complete pesticide product name of each pesticide to be used;
- (3) the EPA registration number of each pesticide to be used;
- (4) the target pest;
- (5) the method of applying each pesticide; and
- (6) the identity and contact information for a person who can provide the public

with information about the program or project. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 41.17.100            AS 46.03.020            AS 46.03.330  
AS 46.03.010            AS 46.03.320            AS 46.03.730

18 AAC 90 is amended to add a new section to read:



**18 AAC 90.555. General permit coverage suspension or revocation.** (a) The

department may, in its discretion, suspend or revoke any pesticide project’s coverage under a general permit if

(1) the permittee requests that permit coverage be suspended or revoked;

(2) the department finds that a violation of this chapter or of the general permit has occurred;

(3) an activity that occurs under the general permit has an unanticipated effect on human health, safety, or welfare, animals, or the environment;

(4) the department determines that conditions under which permit coverage was originally granted have changed such that the pesticide project cannot be adequately regulated by the general permit; or

(5) the permittee failed to disclose all relevant facts in the application for coverage, or the permittee misrepresented any relevant fact at any time.

(b) The department will provide written notice to the permittee of the department’s action under (a) of this section within 10 working days after the department decides to suspend or revoke coverage under the general permit for a project. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 41.17.100 AS 46.03.020 AS 46.03.330  
AS 46.03.010 AS 46.03.320 AS 46.03.730

18 AAC 90.990 is amended by adding a new paragraph to read:

(62) “licensed child care facility” means a “child care facility” defined in 7 AAC 57.010(b) that is subject to the licensing requirement under 7 AAC 57.010(a)(1). (Eff. 2/15/98,

Register \_\_\_\_\_, \_\_\_\_\_ 2019

ENVIRONMENTAL CONSERVATION

Register 145; am 3/31/2002, Register 161; am 11/30/2003, Register 168; am 9/30/2007, Register 183; am 10/27/2017, Register 224; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 41.17.100 AS 46.03.020 AS 46.03.330  
AS 46.03.010 AS 46.03.320 AS 46.03.730