

Who Regulates Pesticides at DEC?

Division of Environmental Health

Pesticide Control Program

- Registration of pesticides in Alaska for sale and use.
- Certification and training requirements for pesticide applicators.
- Permits for aerial application, application to water, and some land-based applications.
- *See back panel for more information.*

Division of Water

Wastewater Discharge Program

- APDES Pesticide General Permit,
- *See inside panel for more information.*



Most projects that require a permit from the Pesticide Control Program will also need to abide by the Wastewater Discharge Program's APDES Pesticide General Permit.

The APDES Pesticide General Permit is not an authorization to apply pesticides.

Regulating Pesticide Use in Alaska

Division of Environmental Health

Pesticide Control Program

DEC's Environmental Health Pesticide Control Program protects public health and the environment through regulation of pesticide use, sale, and distribution in Alaska. Pesticide products must be registered to be sold in the state, including pesticides bought over the Internet. Many uses of pesticides require the applicator to be certified and licensed with the state. Additionally, certain types of pesticide applications or projects require applicators to take additional measures or obtain permits and approvals, which may also include certain public notice requirements.

Pesticide Use Permits (18 AAC 90.500-540)

A DEC Environmental Health Pesticide Use Permit is required before application of pesticide under the following circumstances:

- **Aquatic**—Pesticide application to a water body, including creeks, rivers, ponds, wetlands, and swamps, regardless of who owns the surrounding lands.
- **Aerial**—Pesticide application from any type of aircraft or hovercraft, regardless of land ownership.
- **Public Project on Multiple Properties**—Pesticide application to more than one property by a government entity.

The permitting process requires detailed information about the specifics of the proposed pesticide use. Once all the required information is submitted, the application is opened to a public comment and review period, and may require a public hearing. Once the public review period is complete, DEC will conduct a thorough review of the proposed project and determine whether or not to issue a Pesticide Use Permit. If a permit is issued, it does not become valid until after a 40 day waiting period, to allow time for the public to appeal the decision.

Integrated Pest Management Plans (18 AAC 90.640.650)

Agencies are required to comply with Integrated Pest Management requirements before applying pesticide under the following circumstances:

- **State Owned Land:** Application of pesticide on more than one acre of state owned or leased land or
- **State Right-of-Way:** Application of pesticide on more than one acre of state owned or leased right-of-way.

*Alaska Department of Environmental Conservation
Division of Environmental Health
Pesticide Control Program
<http://dec.alaska.gov/eh/pest/index.htm>*

Alaska Pollutant Discharge Elimination System (APDES)

Pesticide General Permit (PGP) AKG870000



**Alaska Department of Environmental Conservation
Division of Water
Wastewater Discharge Authorization Program
Storm Water and Wetlands Section**

555 Cordova Street
Anchorage, Alaska 99501

[http://dec.alaska.gov/water/wnpspc/stormwater/
PesticideGP.html](http://dec.alaska.gov/water/wnpspc/stormwater/PesticideGP.html)
907-269-6285

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Pesticide Application Activities that Require an APDES Permit

Why are APDES permits required for pesticide applications?

Pesticide applications that result in discharges to waters of the United States in Alaska must be authorized by a Alaska Pollutant Discharge Elimination System (APDES) permit under Section 402 of the Clean Water Act.

Alaska Pesticide General Permit (PGP)

On October 31, 2011, the Environmental Protection Agency (EPA) issued its first National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit (PGP) applicable in areas where the EPA is the permitting authority for pesticide discharges. In 2012, EPA transferred authority to administer the PGP to Alaska via the APDES permitting program. The current PGP permit is set to expire October 31, 2016, and will be administratively continued until a new permit is reissued. The PGP and related materials are available on the DEC website at <http://dec.alaska.gov/water/wnpspc/stormwater/PesticideGP.html>.

Which Pesticide Application Activities Require APDES Permits?

APDES permits are required for any point source discharge to waters of the United States from the application of biological or chemical pesticides that leave a residue.

The APDES PGP covers discharges from four pesticide use patterns. The patterns include the majority of pesticide applications that would result in point source discharges to waters:

- Mosquito and other flying insect pest control
- Weed and algae pest control
- Animal pest control
- Forest canopy pest control

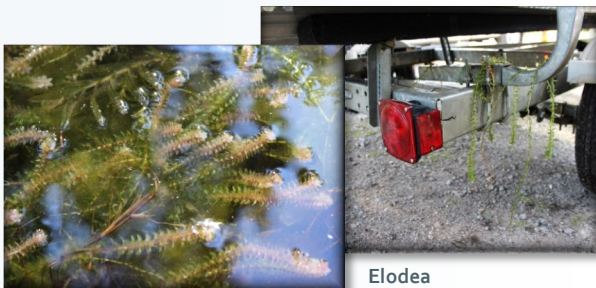
DEC has developed a step-by-step chart to help pesticide operators determine whether they are eligible for coverage under the APDES PGP. The PGP flow chart can be found at http://dec.alaska.gov/water/wnpspc/stormwater/docs/PGP_Responsibilities_Flow_Chart.pdf.

Irrigation return flows and agricultural runoff, regardless of the method of application, type of product, or industry are exempt from APDES permit requirements under the Clean Water Act.

Who is Responsible for Obtaining Permit Coverage Under the APDES PGP?

The APDES program requires “Operators” of discharges to obtain APDES permit coverage. The APDES PGP defines “Operators” as any entity associated with the application of pesticides which results in a discharge to waters of the United States and meets either of the following two criteria:

- (1) **Applicator**—Any entity who applies a pesticide or has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities); or
- (2) **Decision-maker**—Any entity with control over the decision to perform pesticide applications including the ability to modify those decisions.



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How Do Operators Obtain Coverage under the APDES PGP?

Operators that meet the eligibility provisions specified in the permit can be covered under the permit in one of two ways as detailed in the PGP:

- **Applicators** who are not also decision makers are automatically covered under the permit and are authorized to discharge pesticides immediately.
- Some **Decision-makers** who meet specific criteria for pesticide applications, as identified in the PGP, must file a Notice of Intent (NOI) to obtain coverage under the permit. *(See table to the right.)*

If you believe you are a “Decision-maker,” please contact the **APDES Wastewater Discharge Authorization Program—Storm Water and Wetlands Section** for more information, at 907-269-6285 or <http://dec.alaska.gov/water/wnpspc/stormwater/PesticideGP.html>.

Decision-makers required to submit NOIs and Annual Treatment Area Thresholds		
PGP Part/ Pesticide Use	Decision-maker	NOI Submittal Required
Mosquito and Other Flying Insect Pest Control	Federal and State agencies	Required
	Mosquito control districts, or similar pest control districts	Required
	Local governments or other entities	Required when Adulticide treatment is $\geq 6,400$ acres during a calendar year
Weed and Algae Pest Control	Federal and State agencies	Required
	Weed control districts, or similar pest control districts	Required
	Local governments or other entities	Required when total treatment area in a calendar year exceeds more than either: <ul style="list-style-type: none"> • 20 linear mile of treatment area at water's edge OR • 80 acres of water (i.e., surface area)
Animal Pest Control	Federal and State agencies	Required
	Local governments or other entities	Required when total treatment area in a calendar year exceeds more than either: <ul style="list-style-type: none"> • 20 linear mile of treatment area at water's edge OR • 80 acres of water (i.e., surface area)
Forest Canopy Pest Control	Federal and State agencies	Required
	Local governments or other entities	$\geq 6,400$ acres during a calendar year
All Four Use Patterns Identified in Part 1.1.1	Any Decision-maker with an eligible discharge to a Tier 3 water (Outstanding National Resource Water) consistent with Part 1.1.2.2	Required