ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM

PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

Permit Number: **AKG870000**

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. §1251 et. seq., as amended by the Water Quality Act of 1987, P.L. 100-4, this permit is issued under provisions of Alaska Statutes 46.03, the Alaska Administrative Code (AAC) as amended, and other applicable State laws and regulations.

Any Operator of a point source discharge of pollutants (i.e., discharge) resulting from the application of pesticides and eligible for permit coverage under Part 1.1 and located within the State of Alaska (except lands within the Metlakatla Indian Reservation and the Denali National Park Preserve) is authorized to discharge to waters of the United States in accordance with the requirements of this permit. This permit is structured as follows:

- General permit conditions for all Operators are found in Parts 1.0 through 7.0;
- Definitions of terms used in the permit and standard permit conditions that apply to all Operators are found in Appendices A, B, and C,; and
- Permit forms, worksheets, and templates are found in Appendices D and E.

This permit becomes effective on [**insert date]**.

This permit and the authorization to discharge expire at midnight, [**insert date]**.

DRAFT	**DRAFT**
Signature	Date
Wade Strickland	Program Manager

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SCHEDULE OF SUBMISSIONS

The Schedule of Submissions (Table 1) summarizes the required submissions and activities the permittee must complete and/or submit to the Alaska Department of Environmental Conservation (DEC or Department) during the terms of this permit. The Operator is responsible for all submissions and activities even if they are are not summarized below.

Table 1: Schedule of Submissions

Permit Part	Submittal or Completion	Frequency	Due Date	Submit to [a]
1.2.2, 1.2.3	Notice of Intent (NOI) – See Table 1-1	Once / permit authorization	30 days prior to discharge	Permitting Program
1.2.4	NOI submission for ongoing projects from 2011 PGP	Once / permit cycle	90 days from permit issuance date	Permitting Program
1.2.6.2	Notice of Termination (NOT)	Once / permit authorization	Within 30 days upon conditions	Permitting Program
7.6	Annual Reporting for Any Decision-maker Required to Submit an NOI	Once / Year	By February 15th of the following year	Compliance Program

Notes:
a. See Appendix A, Part 1.1 for addresses

1.0 Coverage under This Permit

Any Operator of a point source discharge of pollutants (i.e., discharge) resulting from the application of pesticides and eligible for permit coverage under Part 1.1 and located within the State of Alaska (except lands within the Metlakatla Indian Reservation and the Denali National Park Preserve) is authorized to discharge to waters of the United States in accordance with the requirements of this permit. This permit covers any Operator who meets the eligibility requirements identified in Part 1.1 and if so required, has submitted a Notice of Intent (NOI) in accordance with Part 1.2.

For the purpose of this permit, “Operator” is defined in Appendix C to mean any entity associated with the application of pesticides which results in a discharge to waters of the United States that meets either of the following two criteria:

(1) any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities); or

(2) any entity with control over the decision to perform pesticide applications including the ability to modify those decisions.

Operators identified in (1) above are referred to in this permit as Applicators while Operators identified in (2) are referred to in this permit as Decision-makers. As defined, more than one Operator may be responsible for complying with this permit for any single discharge from the application of pesticides.

For purposes of this permit, all Operators are defined as either an Applicator or a Decision-maker or both an Applicator and a Decision-maker.

When an Operator is both an Applicator and a Decision-maker, the Operator must comply with all applicable requirements imposed on both Applicators and Decision-makers. When this permit references all “Operators,” both Applicators and Decision-makers must comply.

1.1 Eligibility

1.1.1 Activities Covered

This permit is available to Operators who discharge to waters of the United States from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (collectively called *pesticides*), when the pesticide application is for one of the following pesticide use patterns:

1.1.1.1 **Mosquito and Other Flying Insect Pest Control** — to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include mosquitoes and black flies.

1.1.1.2 **Weed and Algae Pest Control** — to control weeds, algae, and pathogens that are pests in water and at water's edge, including ditches and/or canals.

1.1.1.3 **Animal Pest Control** — to control animal pests in water and at water's edge. Animal pests in this use category include fish, lampreys, insects, mollusks, and pathogens.

1.1.1.4 **Forest Canopy Pest Control** — application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where, to target the pests effectively, a portion of the pesticide unavoidably will be applied over and deposited to water.

1.1.2 Limitations on Coverage

1.1.2.1 **Discharges to Water Quality Impaired Waters**

Operators are not eligible for coverage under this permit for any discharges from a pesticide application to waters of the United States if the water is identified as impaired by a substance which either is an active ingredient in that pesticide or is a degradate of such an active ingredient. For purposes of this permit, impaired waters are those that have been identified by the state or the Environmental Protection Agency (EPA) pursuant to section 303(d) of the CWA as not meeting applicable state water quality standards. Impaired waters, for the purposes of this permit, consist of both waters with EPA-approved or EPA-established Total Maximum Daily Loads (TMDLs) and waters for which EPA has not yet approved or established a TMDL. A list of those waters is available at http://dec.alaska.gov/water/tmdl/tmdl_index.htm. If a discharge from a pesticide application would not be eligible under this permit because the water is listed as impaired for that specific pesticide, but there is evidence that shows the water is no longer impaired, Operators may submit this information to DEC – Permitting Program at the address in Appendix A, Part 1.1.1, and request that coverage be allowed under this permit.

1.1.2.2 **Discharges to Waters Designated as Tier 3 for Antidegradation Purposes**

Except for discharges from pesticide applications made to restore or maintain water quality or to protect public health or the environment that either do not degrade water quality or only degrade water quality on a short-term or temporary basis. Operators are not eligible for coverage under this permit for discharges to waters of the United States if the water is designated by the state as Tier 3 (Outstanding National Resource Waters) for antidegradation purposes under 18 AAC 70.015(a)(3).

1.1.2.3 **Discharges Currently or Previously Covered by another Permit**

Discharges are not eligible for coverage under this permit if any of the following circumstances apply:

1.1.2.3.1 The discharge is covered by another APDES permit, or

1.1.2.3.2 The discharge was included in a permit that in the past five years has been or is in the process of being denied, terminated, or revoked by DEC (this does not apply to the routine reissuance of permits every five years).

1.2 Authorization to Discharge under This Permit

1.2.1 How to Obtain Authorization

The following discharges, consistent with the permit eligibility provisions in Part 1.1, are automatically authorized by this permit beginning the effective date of this permit.

- Eligible discharges that result from the application of a pesticide as part of pesticide research and development, as defined in Appendix C;
- Eligible discharges for which submission of an NOI is not required.

To obtain authorization under this permit for all other eligible discharges, a Decision-maker must submit a timely, complete, and accurate NOI consistent with the requirements of Parts 1.2.2 and 1.2.3.

1.2.2 Decision-makers Required to Submit an NOI

1.2.2.1 Any "Decision-maker Who is or Will be Required to Submit an NOI" as defined in Appendix C, is identified in Table 1-1.

1.2.2.2 An NOI provides notice to DEC that a Decision-maker intends to discharge to waters of the United States from pesticide application activities eligible for coverage under this permit. The NOI form included in Appendix D delineates the information required. The NOI must identify the *pest management area* where the Decision-maker will conduct activities resulting in discharges to waters of the United States to be covered under this permit. If the activities will result in discharges to any Tier 3 water, eligible under Part 1.1.2.2, the NOI must specifically identify the Tier 3 water by the name.

1.2.2.3 Applicators who are not also Decision-makers do not need to submit an NOI.

(Table 1-1: Decision-makers Required to Submit NOIs located on following page.)

Table 1-1: Decision-makers Required to Submit NOIs and Annual Treatment Area Thresholds

PGP Part/ Pesticide Use	Decision-maker	Annual Treatment Area Threshold[1]	NOI Submittal Required
1.1.1.1 - Mosquito and Other Flying Insect Pest Control	Federal and State agencies for which pest management for land resource stewardship is an integral part of the organization's operations.	No annual threshold.	Required.
	Mosquito control districts, or similar pest control districts.	No annual threshold.	Required.
	Local governments or other entities that exceed the *annual treatment area threshold* identified here.	Adulticide treatment if more than 6,400 acres during a calendar year.	NOI required when total treatment area in a calendar year exceeds the annual treatment area threshold.
1.1.1.2 - Weed and Algae Pest Control	Federal and State agencies for which pest management for land resource stewardship is an integral part of the organization's operations.	No annual threshold.	Required.
	Weed control districts, or similar pest control districts.	No annual threshold.	Required.
	Local governments or other entities that exceed the *annual treatment area threshold* identified here	Treatment during a calendar year if more than either: 20 linear mile of treatment area at water's edge OR 80 acres of water (i.e., surface area).	NOI required when total treatment area in a calendar year exceeds the annual treatment area threshold.
1.1.1.3 - Animal Pest Control	Federal and State agencies for which pest management for land resource stewardship is an integral part of the organization's operations.	No annual threshold.	Required.
	Local governments or other entities that exceed the *annual treatment area threshold* identified here.	Treatment during a calendar year if more than either: 20 linear mile of treatment area at water's edge OR 80 acres of water (i.e., surface area).	NOI required when total treatment area in a calendar year exceeds the annual treatment area threshold.
1.1.1.4 - Forest Canopy Pest Control	Federal and State agencies for which pest management for land resource stewardship is an integral part of the organization's operations.	No annual threshold.	Required.
	Local governments or other entities that exceed the *annual treatment area threshold* identified here.	Treatment if more than 6,400 acres during a calendar year	NOI required when total treatment area in a calendar year exceeds the annual treatment area threshold.
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.	Activities resulting in a discharge to a Tier 3 water.	Required.

Notes:
1. For calculating annual treatment area totals for purposes of determining if an NOI must be submitted, see the definition for "annual treatment area threshold" in Appendix C of the permit.

1.2.3 Notice of Intent (NOI) Submission:

1.2.3.1 Any new Operator required to submit an NOI identified in Table 1-1 shall submit an NOI at least 30 days prior to discharge to DEC. DEC may accept a NOI submitted in less than 30 days from the the planned activity on a case-by-case basis including when pesticide applciations are necessary due to a declared pest emergency situation.

1.2.3.2 For Electronic Submission (if available): Submit the NOI via DEC's Water Online Application System (OPA) web page at http://dec.alsaka.gov/water/oasys/index.html to prepare and submit electronic NOI (eNOI).

1.2.3.3 For Hard Copy Submission: Submit a completed NOI form (Appendix D with required attachments) to the DEC address listed in Appendix A, Part 1.1.1 - Permitting Program.

1.2.3.4 Applicants must pay the general permit authorization fee (in accordance with 18 AAC 72.956) before their NOI is considered complete.

1.2.4 Permitted Ongoing Projects

1.2.4.1 An ongoing permitted project is one that received permit authorization prior to the effective date of this permit under the 2011 PGP (AKG87000). To continue coverage, the permittee must:

1.2.4.1.1 Continue to comply with the terms and conditions of the 2011 PGP until the permittee has been granted authorization under this permit or an alternative APDES permit, or submits a NOT;

1.2.4.1.2 Update the existing PDMP as necessary to comply with the requirements of Part 5.0; and

1.2.4.1.3 Submit a complete and accurate new NOI within 90 calendar days of the effective date of this permit according to Part 1.2.3.

1.2.4.2 If the permittee is eligible to submit a NOT before the 90th day, a new NOI is not required to be submitted, provided a NOT is submitted within 90 calendar days after the effective date of this permit.

1.2.5 Continuation of This Permit

If this permit is not reissued or replaced before the expiration date, it will be administratively continued in accordance with 18 AAC 83.155(c) and remain in force and effect for discharges that were covered prior to expiration. If an Operator was authorized to discharge under this permit before the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of the following:

1.2.5.1 A Decision-maker is authorized for coverage under a reissued permit or a replacement of this permit, following the timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and in compliance with the requirements of the new permit;

1.2.5.2 A Decision-maker submits a Notice of Termination (NOT) and that notice is processed and posted on the Internet consistent with Part 1.2.6.1;

1.2.5.3 An APDES individual permit for a discharge resulting from application of a pesticide that would otherwise be covered under this permit is issued or denied;

1.2.5.4 DEC issues a formal permit decision not to reissue this general permit, at which time DEC will identify a reasonable period for covered dischargers to seek coverage under an alternative APDES general permit or an APDES individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or

1.2.5.5 DEC has informed the Operator that its discharge is no longer covered under this permit.

1.2.6 Terminating Coverage

1.2.6.1 ***Submitting a NOT***. To terminate permit coverage, a Decision-maker who is required to submit an NOI as identified in Part 1.2.2, must submit a complete and accurate NOT. Information required to be included in an NOT is provided in Appendix D. Decision-makers required to submit a NOT must prepare and submit the NOT to the Permitting Program to the address listed in Appendix A, Part 1.1.1. The authorization to discharge under this permit terminates at 11:59 p.m. of the day that a complete NOT is signed. If a Decision-maker submits a NOT without meeting one or more of the conditions identified in Part 1.2.6.2, the NOT is not valid. Decision-makers are responsible for complying with the terms of this permit until authorization is terminated. If required to submit annual reports pursuant to Part 7.0 prior to the termination of authorization under this permit, Decision-makers must file an annual report for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the following year.

1.2.6.2 **When to Submit a NOT**. A Decision-maker who is required to submit an NOI as identified in Part 1.2.2 must submit a NOT within 30 days after one or more of the following conditions have been met:

1.2.6.2.1 A new Decision-maker has taken over responsibility of the pest control activities covered under an existing NOI;

1.2.6.2.2 The Decision-maker has ceased all discharges from the application of pesticides for which permit coverage was obtained and does not expect to discharge during the remainder of the permit term for any of the use patterns as identified in Part 1.1.1; or

1.2.6.2.3 The Decision-maker has obtained coverage under an APDES individual permit or an alternative APDES general permit for all discharges required to be covered by an APDES permit, unless coverage was obtained consistent with Part 1.3, in which case coverage under this permit will terminate automatically.

1.2.6.3 **Termination for Operators not Required to Submit an NOI**. Operators covered under this permit, who are not required to submit an NOI, are terminated from permit coverage when there is no longer a discharge from the application of pesticides or the discharges are covered under an APDES individual permit or alternative APDES general permit.

1.3 Alternative Permits

1.3.1 Requirements for Coverage under an Alternative Permit

In accordance with 40 CFR 122.64 and 124.5, DEC may require Operators to apply for and/or obtain authorization to discharge under either an APDES individual permit or an alternative APDES general permit.

If DEC requires an Operator to apply for an APDES individual permit, DEC will notify the Operator in writing that a permit application is required. Such a notification will include a brief statement of the reasons for the decision and will provide application information. In addition, for Operators whose discharges are authorized under this permit, any notice will set a deadline to file the permit application and will include a statement that on the effective date of the APDES individual permit, coverage under this general permit will terminate. DEC may grant additional time to submit the application if an Operator submits a request setting forth reasonable grounds for additional time. If covered under this permit and the

Operator fails to submit an APDES individual permit application as required by DEC, the applicability of this permit to such Operator is terminated at the end of the day specified by DEC as the deadline for application submittal. DEC may take enforcement action for any unpermitted discharge or violation of any permit requirement.

1.3.2 Operator Requesting Coverage under an Alternative Permit

If an Operator does not want to be covered by this general permit but needs permit coverage, the Operator can apply for an APDES individual permit. In such a case, the Operator must submit an individual permit application in accordance with the requirements of 18 AAC 83.305 – 83.385, with reasons supporting the request, to DEC – Permitting Program at the address in Appendix A, Part 1.1.1. The request may be granted by issuance of an APDES individual permit or authorization of coverage under an alternative APDES general permit.

When an individual APDES permit is issued, or the Operator is authorized under an alternative APDES general permit to discharge a pollutant to waters of the United States as a result of a pesticide application, authorization to discharge under this permit is terminated on the effective date of the APDES individual permit or the date of authorization of coverage under the alternative APDES general permit.

1.4 Severability

Invalidation of a portion of this permit does not render the whole permit invalid. DEC's intent is that the permit will remain in effect to the extent possible; if any part of this permit is invalidated, the remaining parts of the permit will remain in effect unless DEC issues a written statement otherwise.

1.5 Other Federal and State Laws

Operators must comply with all other applicable federal and state laws and regulations that pertain to the application of pesticides. For example, this permit does not negate the requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and its implementing regulations to use registered pesticides consistent with the product's labeling. In fact, applications in violation of certain FIFRA requirements could also be a violation of the permit and therefore a violation of the CWA (e.g. exceeding label application rates). Additionally, other laws and regulations might apply to certain activities that are also covered under this permit (e.g., United States Coast Guard regulations).

1.6 Federally Listed Endangered and Threatened Species and Designated Critical Habitat

A new Decision-maker who is required to submit an NOI per Part 1.2.2 or a Decision-maker that proposes to modify their NOI, that includes endangered and threatened species or critical habitat shall notify the Service (NMFS or FWS) 60 days prior to initial discharge. The Decision-maker shall also provide a copy of the notification to DEC Permitting Program to the address specified in Appendix A, Part 1.1.1, and provide any water quality based recommendations from the Service to DEC when submitting their NOI per Part 1.2.3. Listings of endangered and threatened species and federally-listed critical habitat in Alaska and interactive maps is available at the agencies websites.

2.0 Technology-Based Effluent Limitations

This Part includes technology-based effluent limitations applicable to all Operators, as defined in Appendix A, for any discharges authorized under this permit, with compliance required upon beginning such discharge. All Operators are classified as either "Applicators" or "Decision-makers," as defined in Appendix C, or both. Applicators must perform the tasks identified in Part 2.1 – Applicators' Responsibilities. Decision-makers must perform the tasks identified in Part 2.2 – Decision-makers' Responsibilities. There may be instances when a single entity acts as both an Applicator and a Decision-maker.

If an Operator's discharge of pollutants results from the application of pesticide that is being used solely for the purpose of "pesticide research and development," as defined in Appendix C, the Operator must use such pesticide consistent with any applicable research plan and experimental use permit.

As stated in Part 1.5, this permit requires all Operators to comply with all other applicable federal or state laws and regulations that pertain to application of pesticides by the Operator.

2.1 Applicators' Responsibilities – To meet the effluent limitations of this permit, all Applicators must implement Part 2.1 to minimize the discharge of pesticides to waters of the United States from the application of pesticides, through the use of pest management measures, as defined in Appendix C.

2.1.1 To the extent not determined by the Decision-maker, use only the amount of pesticide and frequency of pesticide application necessary to control the target pest, using equipment and application procedures appropriate for this task.

2.1.2 Maintain pesticide application equipment in proper operating condition, including requirement to calibrate, clean, and repair such equipment and prevent leaks, spills, or other unintended discharges.

2.1.3 Assess weather conditions (e.g. temperature, precipitation and wind speed) in the treatment area to ensure application is consistent with all applicable federal requirements.

2.2 Decision-makers' Responsibilities: For All Decision-makers

To meet the effluent limitations in Part 2.2, all Decision-makers must minimize the discharge of pesticides to waters of the United States from the application of pesticides, through the use of pest management measures, as defined in Appendix C.

To the extent the Decision-maker determines the amount of pesticide or frequency of pesticide application, the Decision-maker must use only the amount of pesticide and frequency of pesticide application necessary to control the target pest.

Decision-Maker's Responsibilities: For Any Decision-maker Who is or Will be Required to Submit an NOI

To meet the effluent limitations of this permit, prior to pesticide application, any Decision-maker is or will be required to submit an NOI as required in Part 1.2.2, must also implement Parts 2.2.1 - 2.2.4 to minimize the discharge of pesticides to waters of the United States from the application of pesticides through the use of pest management measures, as defined in Appendix C.

2.2.1 Mosquito and Other Flying Insect Pest Control

This part applies to discharges from the application of pesticides for mosquito and other flying insect pest control as defined in Part 1.1.1.

2.2.1.1 **Identify the Problem**. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix C:

2.2.1.1.1 Establish densities for larval and adult mosquito or flying insect pest populations or identify environmental condition(s), either current or based on historical data, to serve as action threshold(s) for implementing pest management measures;

2.2.1.1.2 Identify target pest (s) to develop pest management measures based on developmental and behavioral considerations for each pest;

2.2.1.1.3 Identify known breeding sites for source reduction, larval control program, and habitat management;

2.2.1.1.4 Analyze existing surveillance data to identify new or unidentified sources of mosquito or flying insect pest problems as well as sites that have recurring pest problems; and

2.2.1.1.5 In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.1.1.

2.2.1.2 **Pest Management Options**. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of pest management measures that minimize discharges resulting from the application of pesticides to control mosquitoes or other flying insect pests. In developing the pest management measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

- No action
- Prevention
- Mechanical or physical methods
- Cultural methods
- Biological control agents
- Pesticides

2.2.1.3 **Pesticide Use**. If a pesticide is selected to manage mosquitoes or flying insect pests, and application of the pesticide will result in a discharge to waters of the United States, any Decision-maker who is or will be required to submit an NOI must:

2.2.1.3.1 Conduct larval and/or adult surveillance in an area that is representative of the pest problem or evaluate existing larval surveillance data, environmental conditions, or data from adjacent areas prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met;

2.2.1.3.2 Reduce the impact on the environment and on non-target organisms by applying the pesticide only when the action threshold(s) has been met;

2.2.1.3.3 In situations or locations where practicable and feasible for efficacious control, use larvicides as a preferred pesticide for mosquito or flying insect pest control when the larval action threshold(s) has been met; and

2.2.1.3.4 In situations or locations where larvicide use is not practicable or feasible for efficacious control, use adulticides for mosquito or flying insect pest control when the adult action threshold(s) has been met.

2.2.2 Weed and Algae Pest Control

This part applies to discharges from the application of pesticides for control of weeds, algae, and pathogens as defined in Part 1.1.1.

2.2.2.1 **Identify the Problem**. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-makers who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix C:

2.2.2.1.1 Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);

2.2.2.1.2 Identify target pest(s);

2.2.2.1.3 Identify possible factors causing or contributing to the pest problem (e.g., nutrients, invasive species, etc);

2.2.2.1.4 Establish any pest- and site-specific action threshold, as defined in Appendix C, for implementing Part 2.2.2.2; and

2.2.2.1.5 In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.2.1.

2.2.2.2 **Pest Management Options**. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must that minimize discharges resulting from the application of pesticides to control pests. In developing the pest management measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

- No action
- Prevention
- Mechanical or physical methods
- Cultural methods
- Biological control agents
- Pesticides

2.2.2.3 **Pesticide Use**. If a pesticide is selected to manage pests, and application of the pesticide will result in a discharge to waters of the United States, any Decision-maker who is or will be required to submit an NOI must:

2.2.2.3.1 Conduct surveillance in an area that is representative of the pest problem prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met; and

2.2.2.3.2 Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action threshold has been met.

2.2.3 Animal Pest Control

This part applies to discharges from the application of pesticides for control of animal pests as defined in Part 1.1.1.

2.2.3.1 **Identify the Problem**. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix C:

2.2.3.1.1 Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);

2.2.3.1.2 Identify target pest(s);

2.2.3.1.3 Identify possible factors causing or contributing to the problem (e.g., nutrients, invasive species);

2.2.3.1.4 Establish any pest- and site-specific action threshold, as defined in Appendix C, for implementing Part 2.2.3.2; and

2.2.3.1.5 In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.3.1.

2.2.3.2 **Pest Management Options** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each year thereafter prior to the first pesticide application during that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of pest management measures that minimize discharges resulting from the application of pesticides to control pests. In developing the pest management measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

- No action
- Prevention
- Mechanical or physical methods
- Cultural methods
- Biological control agents
- Pesticides

2.2.3.3 **Pesticide Use**. If a pesticide is selected to manage pests and application of the pesticide will result in a discharge to waters of the United States, any Decision-maker Who is or Will be Required to Submit an NOI must:

2.2.3.3.1 Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the action threshold(s) is met; and

2.2.3.3.2 Reduce the impact on the environment and non-target organisms by evaluating site restrictions, application timing, and application method in addition to applying the pesticide only when the action threshold(s) has been met.

2.2.4 Forest Canopy Pest Control

This part applies to discharges from the application of pesticides for forest canopy pest control as defined in Part 1.1.1.

2.2.4.1 **Identify the Problem**. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application in that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix C:

1. Establish any pest- and site-specific action threshold, as defined in Appendix C, for implementing Part 2.2.4.2;
2. Identify target pest(s) to develop pest management measures based on developmental and behavioral considerations for each pest;
3. Identify current distribution of the target pest and assess potential distribution in the absence of pest management measures; and
4. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.4.1.

2.2.4.2 **Pest Management Options** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of pest management measures that minimize discharges resulting from the application of pesticides to control pests. In developing the pest management measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

1. No action
2. Prevention
3. Mechanical/physical methods
4. Cultural methods
5. Biological control agents
6. Pesticides

2.2.4.3 **Pesticide Use**. If a pesticide is selected to manage forestry pests, and application of the pesticide will result in a discharge to waters of the United States, any Decision-maker who is or will be required to submit an NOI must:

2.2.4.3.1 Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the pest action threshold is met;

2.2.4.3.2 Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when the action threshold(s) has been met; and

2.2.4.3.3 Evaluate using pesticides against the most susceptible developmental stage.

3.0 Water Quality-Based Effluent Limitations

All Operators must control discharges as necessary to meet applicable numeric and narrative Alaska water quality standards, for any discharges authorized under this permit, with compliance required upon beginning such discharge.

If at any time an Operator becomes aware (e.g., through self-monitoring), or DEC determines, that the Operator's discharge causes or contributes to an excursion of any applicable water quality standard, the Operator must take corrective action as required in Part 6.0 and Appendix A, Part 1.4, up to and including the ceasing of the discharge, if necessary.

4.0 Monitoring

4.1 Visual Monitoring Requirements for Pesticide Applicators

During any pesticide application with discharges authorized under this permit, all Applicators must, when considerations for safety and feasibility allow, visually assess the area to and around where pesticides are applied for possible and observable adverse incidents, as defined in Appendix C, caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

4.2 Visual Monitoring Requirements for all Operators

During any Operator post-application surveillance of any pesticide application with discharges authorized under this permit, all Operators must visually assess the area to and around where pesticides were applied for possible and observable adverse incidents, as defined in Appendix C, caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

5.0 Pesticide Discharge Management Plan

Any Decision-maker who is or will be required to submit an NOI, as required in Part 1.2.2 and is a *large entity* as defined in Appendix C, must prepare a Pesticide Discharge Management Plan (PDMP) by the time the NOI is filed; with the exception (for which a PDMP is not required to be developed) for any application is made in response to a Declared Pest Emergency Situation, as defined in Appendix C.

The PDMP does not contain effluent limitations; the effluent limitations are specified in Parts 2.0 and 3.0 of the permit. The PDMP documents how Decision-makers will implement the effluent limitations in Parts 2.0 and 3.0 of the permit, including the evaluation and selection of pest management measures to meet those effluent limitations in order to minimize discharges. In the PDMP, Decision-makers may incorporate by reference any procedures or plans in other documents that meet the requirements of this permit. If Decision-makers rely upon other documents to comply with the effluent limitations in this permit, such as a pre-existing pest management plan, the Decision-maker must attach to the PDMP a

copy of any portions of any documents that are used to document the implementation of the effluent limitations.

5.1 Contents of the Pesticide Discharge Management Plan. The PDMP must include the following elements:

a. Pesticide Discharge Management Team
b. Problem Identification
c. Pest Management Options Evaluation
d. Response Procedures
   1. Spill Response Procedures
   2. Adverse Incident Response Procedures
e. Documentation to support eligibility considerations under other federal laws
f. Signature Requirements.

5.1.1 **PDMP Team**. Decision-makers must identify all the persons (by name and contact information) 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; and
c. Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements.

5.1.2 **Problem Identification**. Decision-makers must document the following:

a. **Pest problem description**. Document a description of the pest problem at the pest management area, including identification of the target pest(s), source(s) of the pest problem, and source of data used to identify the problem in Parts 2.2.1, 2.2.2, 2.2.3, and 2.2.4.
b. **Action threshold**(s). Describe the action threshold(s) for the pest management area, including data used in developing the action threshold(s) and method(s) to determine when the action threshold(s) has been met.
c. **General location map**. In the plan, include a general location map (e.g., United States Geological Survey (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 waters of the United States.
d. **Water Quality Standards**. Document any Tier 3 (Outstanding National Resource Waters) and any water(s) identified as impaired by a substance which either is an active ingredient or a degradate of such an active ingredient.

5.1.3 Pest Management Options Evaluation

Decision-makers must document the evaluation of the pest management options, including combination of the pest management options, to control the target pest(s). Pest management options include the following: No action, prevention, mechanical/physical methods, cultural methods, biological control agents, and pesticides. In the evaluation, Decision-makers must consider the impact to water quality, impact to non-target organisms, feasibility, cost effectiveness, and any relevant previous pest management measures.

5.1.4 **Response Procedures**. Decision-makers must document the following procedures in the PDMP:

a. Spill Response Procedures – At a minimum, Decision-makers must have:
    1. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases to waters of the United States. 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 the PDMP team.
    2. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.

b. Adverse incident Response Procedures – At a minimum, Decision-makers must have:
    1. Procedures for responding to any adverse incident resulting from pesticide applications;
    2. Procedures for notification of the adverse incident, both internal to the Decision-maker's 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.

5.1.5 **Signature Requirements**. Decision-makers must sign, date and certify the PDMP in accordance with Appendix A, Part 1.12.

5.2 Pesticide Discharge Management Plan Modifications. Decision-makers must modify the PDMP whenever necessary to address any of the triggering conditions for corrective action in Part 6.1, or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to the PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, no later than 90 days after any change in pesticide application activities. The revised PDMP must be signed and dated in accordance with Appendix A, Part 1.12.

5.3 Pesticide Discharge Management Plan Availability. Decision-makers must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided in of 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 DEC, EPA, or local agency governing discharges or pesticide applications within their respective jurisdictions; and representatives of the FWS or NMFS. DEC may provide copies of the PDMP or other information related to this permit that is in its possession to members of the public. Any Confidential Business Information (CBI), as defined in 18 AAC 83.165, may be withheld from the public provided that a claim of confidentiality is properly asserted and documented in accordance with 18 AAC 83.165; however, CBI must be submitted to DEC, if requested, and may not be withheld from those staff within DEC, EPA, FWS, and NMFS cleared for CBI review.

6.0 Corrective Action

All Operators must comply with the provisions of Part 6.0 for any discharges authorized under this permit, with compliance required upon beginning such discharge.

6.1 Situations Requiring Revision of Pest Management Measures

Operators must review and, as necessary, revise the evaluation and selection of Pest management measures consistent with Part 2.1 and 2.2 for the following situations:

6.1.1 An unauthorized release or discharge associated with the application of pesticides (e.g., spill, leak, or discharge not authorized by this or another APDES permit) occurs.

6.1.2 Operators become aware, or DEC concludes, that pest management areas are not adequate/sufficient for the discharge to meet applicable water quality standards.

6.1.3 Any monitoring activities indicate failure to meet applicable technology-based effluent limitations in Part 2.0.

6.1.4 An inspection or evaluation of activities by an DEC, reveals that modifications to the Pest management measures are necessary to meet the effluent limitations in this permit.

6.1.5 Any Operator observes or is otherwise made aware of an adverse incident as defined in Appendix C.

6.2 Corrective Action Deadlines

If an Operator determines that changes to pest management measures are necessary to eliminate any situation identified in Part 6.1, such changes must be made before or, if not practicable, as soon as possible after the next pesticide application that results in a discharge.

6.3 Effect of Corrective Action

The occurrence of a situation identified in Part 6.1 may constitute a violation of the permit. Correcting any situation identified in Part 6.1 does not absolve Operators of liability for any original violation. However, failure to comply with Part 6.2 constitutes an additional permit violation. DEC will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

DEC may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements more stringent than specified in this permit. Those requirements and schedules will supersede those of Part 6.1 and 6.2 if such requirements conflict.

6.4 Adverse Incident Documentation and Reporting

6.4.1 Twenty-Four (24)-Hour Adverse Incident Notification

6.4.1.1 Adverse Incident Notification Required

6.4.1.1.1 Except as provided for in Part 6.4.3, if an Operator observes or is otherwise made aware of an adverse incident, as defined in Appendix C, which may have resulted from a discharge from a pesticide application, the Operator must immediately notify the DEC Division of Water – Compliance and Enforcement Program at the contact information and address in Appendix A, Part 1.1.2. This notification must be made by telephone within 24 hours of the Operator becoming aware of the adverse incident and must include at least the following information:

a. The caller's name and telephone number;

b. Operator name and mailing address;

c. If covered under an NOI, the NOI APDES permit tracking number assigned by DEC;

d. The name and telephone number of a contact person, if different than the person providing the 24-hour notice;

e. How and when the Operator became aware of the adverse incident;

f. Description of the location of the adverse incident;

g. Description of the adverse incident identified and the pesticide product, including EPA pesticide registration number, for each product applied in the area of the adverse incident;

h. Description of any steps the Operator has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects; and

i. If known, the identity of any other Operators authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident.

6.4.1.1.2 If an Operator is unable to notify DEC within 24 hours, the Operator must do so as soon as possible and also provide an appropriate rationale for why the Operator was unable to provide such notification within 24 hours.

6.4.1.1.3 The adverse incident notification and reporting requirements are in addition to what the registrant is required to submit under FIFRA section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

6.4.1.2 **Adverse Incident Notification Not Required**

Reporting of adverse incidents is not required under this permit in the following situations:

6.4.1.2.1 An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application;

6.4.1.2.2 An Operator has been notified by DEC, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents;

6.4.1.2.3 An Operator receives information of an adverse incident, but that information is clearly erroneous; or

6.4.1.2.4 An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

6.4.2 Thirty (30)-Day Adverse Incident Written Report

Except as provided for in Part 6.4.3, within 30 days of a reportable adverse incident pursuant to Part 6.4.1.1, Operators must provide a written report of the adverse incident to the DEC – Compliance and Enforcement Program at the contact information and address in Appendix A, Part 1.1.2. The adverse incident report must include at least the following information:

a. Information required to be provided in Part 6.4.1.1;

b. Date and time the Operator contacted DEC notifying the Department of the adverse incident, who the Operator spoke with at DEC, and any instructions received from DEC;

c. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc);

d. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms;

e. Magnitude and scope of the affected area (e.g., aquatic square area or total stream distance affected);

f. Pesticide application rate; intended use site (e.g., on the bank, above waters, or directly to water); method of application; and the name of pesticide product and EPA registration number;

g. Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied);

h. If laboratory tests were performed, an indication of which test(s) were performed, and when; additionally, a summary of the test results must be provided within 5 days after they become available if not available at the time of submission of the 30-day report;

i. Description of actions to be taken to prevent recurrence of adverse incidents; and

j. Signature, date, and certification in accordance with Appendix A, Part 1.12.

6.4.3 Notification and Reporting for Adverse Incidents Involving Multiple Operators

Where multiple Operators are authorized for a discharge that results in an adverse incident, notification and reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of the written report required in Part 6.4.2 is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

6.5 Reportable Spills and Leaks

6.5.1 Spill, Leak, or Other Unpermitted Discharge Notification

Where a leak, spill, or other release into waters of the United States containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, AS 75.300 and 18 AAC 75 Article 3 occurs in any 24-hour period, an Operator must notify the National Response Center immediately at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as the Operator has knowledge of the release. During normal business hours call the nearest DEC Area Response Team Office – Southeast (Juneau) 465-5340; Central (Anchorage) 269-3063; or Northern (Fairbanks) 451-2121. Outside of normal business hours, the Operator must call (800) 478-9300 as soon as the Operator has knowledge of the discharge. Contact information must be in locations that are readily accessible and available in the area where the spill, leak, or other unpermitted discharge may occur.

6.5.2 Thirty-Day Spill, Leak, or Other Unpermitted Discharge Documentation

If an Operator becomes aware of a spill, leak, or other unpermitted discharge which triggers the notification in Part 6.5.1 and results in an adverse incident, then the Operator must report the incident per the guidelines in Part 6.4.1 and 6.4.2. If the spill, leak, or other unpermitted discharge triggers the notification in Part 6.5.1, but does not result in an adverse incident, then the Operator must document and retain the following information within 30 days of becoming aware of the situation:

a. Information required to be provided in Part 6.5.1;

b. Summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed; and

c. Any measures to prevent recurrence of such a spill or leak or other discharge, including notice of whether PDMP modifications are required as a result of the spill or leak.

6.6 Other Corrective Action Documentation

For situations identified in Part 6.1, other than for adverse incidents (addressed in Part 6.4), or reportable spills or leaks (addressed in Part 6.5), Operators must document the situation triggering corrective action and planned corrective action within 30 days of becoming aware of that situation, and retain a copy of this documentation. This documentation must include the following information:

a. Identification of the condition triggering the need for corrective action review, including any ambient water quality monitoring that assisted in determining that discharges did not meet water quality standards;

b. Brief description of the situation;

c. Date the problem was identified;

d. Brief description of how the problem was identified, how the Operator learned of the situation, and date the Operator learned of the situation;

e. Summary of corrective action taken or to be taken, including date initiated and date completed or expected to be completed; and

f. Any measures to prevent reoccurrence of such an incident, including notice of whether PDMP modifications are required as a result of the incident.

7.0 Recordkeeping and Annual Reporting

The recordkeeping and annual reporting requirements vary depending on the type of Operator, whether a Decision-makeris required to submit an NOI. Table 7-1 references applicable requirements for the range of Operators covered under this permit.

Table 7-1: Applicable Recordkeeping and Annual Reporting Requirements for Different Types of Operators

PGP Part	Applicable Type of Operator
7.1	Recordkeeping: All Operators
7.2	Recordkeeping: All Operators who are For-Hire Applicators, as defined in Appendix C
7.3	Recordkeeping: Any Decision-maker required to submit an NOI and who is a Small Entity[1]
7.4	Recordkeeping: Any Decision-maker required to submit an NOI and who is a Large Entity[2]
7.5	Retention of Records: All Operators
7.6	Annual Reporting: Any Decision-maker required to submit an NOI and Who is a Large Entity

1. Small Entity – As defined in Appendix C, is any (1) public entity that serves a population of 10,000 or less or (2) private enterprise that does not exceed the Small Business Administration size standard as identified at: https://www.sba.gov/navigation-structure/contracting/contracting-officials/small-business-size-standards.
2. Large Entity – As defined in Appendix C, is any (1) public entity that serves a population greater than 10,000 or (2) private enterprise that exceeds the Small Business Administration size standard as identified at: https://www.sba.gov/navigation-structure/contracting/contracting-officials/small-business-size-standards.

Operators must keep written records as required in this permit for all discharges covered under this permit. These records must be accurate and complete to demonstrate the Operator's compliance with the conditions of this permit. Operators may rely on records and documents developed for other obligations, such as requirements under FIFRA, and state or local pesticide programs, provided that all requirements of this permit are satisfied.

DEC recommends that all Decision-makers, who are or may be required to submit an NOI based on their annual treatment area, 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 Decision-makers determine if the annual treatment area threshold, as identified in Part 1.2.2, is met during any calendar year.

7.1 Recordkeeping for All Operators – All Operators must keep the following records:

a. A copy of any Adverse incident Reports (See Part 6.4.2);

b. Rationale for any determination that reporting of an identified adverse incident is not required, consistent with allowances identified in Part 6.4.1.2;

c. A copy of any corrective action documentation (See Part 6.6); and,

d. A copy of any spill and leak or other unpermitted discharge documentation (See Part. 6.5.2)

7.2 Recordkeeping for All Operators who are For-Hire Applicators – Any Operator who is a For-Hire Applicator, as defined in Appendix C, must retain the following records:

7.2.1 Documentation of equipment calibration; and

7.2.2 Information on each treatment area to which pesticides are discharged, including:

7.2.2.1 Description of each 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 pesticide(s) are discharged;

7.2.2.2 Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);

7.2.2.3 Target pest(s);

7.2.2.4 Name of each pesticide product used including the EPA registration number;

7.2.2.5 Quantity of each pesticide product applied to each treatment area;

7.2.2.6 Pesticide application date(s); and

7.2.2.7 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.

7.3 Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Small Entity

– Any Decision-maker required to sumit an NOI that is defined as a *small entity*, must retain the following records at the address provided on the NOI:

7.3.1 Copy of the NOI submitted to DEC, any correspondence exchanged between the Decision-maker and DEC specific to coverage under this permit, and a copy of the DEC authorization letter with the assigned permit authorization number;

7.3.2 Documentation of equipment calibration (only if Decision-maker is also the Applicator);

7.3.2.1 Information on each treatment area to which pesticides are discharged, including:

7.3.2.1.1 Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters of the United States, either by name or by location, to which pesticide(s) are discharged;

7.3.2.1.2 Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);

7.3.2.1.3 Target pest(s) and explanation of need for pest control;

7.3.2.1.4 Description of Pest management measure(s) implemented prior to the first pesticide application;

7.3.2.1.5 Company name and contact information for pesticide applicator;

7.3.2.1.6 Name of each pesticide product used including the EPA registration number;

7.3.2.1.7 Quantity of each pesticide product applied to each treatment area;

7.3.2.1.8 Pesticide application Start Date;

7.3.2.1.9 Pesticide application Start Date; and

7.3.2.1.10 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.

(A worksheet for documenting this information on each Treatment area is provided in Appendix D, Pesiticide Discharge Evalution Worksheet.)

7.4 Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Large Entity– Any Decision-maker required to submit an NOI who is defined as a *large entity* must retain the following records at the address provided on the NOI:

7.4.1 Copy of the NOI submitted to DEC, any correspondence exchanged between the Decision-maker and DEC specific to coverage under this permit, and a copy of the DEC authorization letter with the assigned permit authorization number;

7.4.2 A copy of the PDMP, including any modifications made to the PDMP during the term of this permit;

7.4.3 Copy of annual reports submitted to DEC;

7.4.4 Documentation of equipment calibration (only if Decision-maker is also the Applicator);

7.4.5 Information on each treatment area to which pesticides are discharged, including:

7.4.5.1 Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters of the United States, either by name or by location, to which pesticide(s) are discharged;

7.4.5.2 Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);

7.4.5.3 Target pest(s) and explanation of need for pest control;

7.4.5.4 Action thresholds;

7.4.5.5 Method and/or data used to determine that action threshold(s) has been met;

7.4.5.6 Description of Pest management measure(s) implemented prior to the first pesticide application;

7.4.5.7 Company name and contact information for pesticide applicator;

7.4.5.8 Name of each pesticide product used including the EPA registration number;

7.4.5.9 Quantity of each pesticide product applied to each treatment area;

7.4.5.10 Pesticide application date(s); and

7.4.5.11 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.

7.5 Retention of Records for All Operators – All required records must be documented as soon as possible but no later than 14 days following completion of each pesticide application. Operators must retain any records required under this permit for at least 3 years after the Operator's coverage under this permit expires or is terminated. Operators must make available to DEC, including an authorized representative of DEC, all records kept under this permit upon request and provide copies of such records, upon request.

7.6 Annual Reporting for Any Decision-maker Required to Submit an NOI and Who is a Large Entity – Any Decision-maker required to submit an NOI and is defined as a *large entity* in Appendix C, must submit an annual report to DEC. Once a Decision-maker meets the obligation to submit an annual report, the Decision-maker must submit the annual report each calendar year thereafter for the duration of coverage under this general permit, whether or not the Decision-maker has discharges from the application of pesticides in any subsequent calendar year. Decision-makers must submit the annual report to the DEC Compliance and Enforcement Program at the contact information and address in Appendix A, Part 1.1.2. The annual report must be submitted no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. Annual reporting requirements begin with those discharges occurring during calendar year 2017.

7.6.1 Any Decision-maker required to submit an NOI based on an annual treatment area threshold must include information for the calendar year, with the first annual report required to include activities for the portion of the calendar year after the point at which the Decision-maker exceeded the annual treatment area threshold. If the Decision-maker first exceeds an annual treatment area threshold after December 1, an annual report is not required for that first partial year but an annual report is required thereafter, with the first annual report submitted also including information from the first partial year.

7.6.2 When Decision-makers terminate permit coverage, as specified in Part 1.2.6, an annual report must be submitted for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the next year.

7.6.3 The annual report must contain the following information:

7.6.3.1 Decision-maker's name and contact information;

7.6.3.2 APDES permit tracking number(s);

7.6.3.3 Contact person name, title, e-mail address (if any), and phone number; and

7.6.3.4 For each treatment area, report the following information:

7.6.3.4.1 Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters of the United States, either by name or by location, to which pesticide(s) are discharged;

7.6.3.4.2 Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy) and target pest(s);

7.6.3.4.3 Company name(s) and contact information for pesticide applicator(s), if different from the Decision-maker;

7.6.3.4.4 Total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);

7.6.3.4.5 Whether the pest control activity was addressed in the PDMP prior to pesticide application;

7.6.3.4.6 If applicable, an annual report of any adverse incidents as a result of these treatment(s), for incidents, as described in Part 6.4.1; and

7.6.3.4.7 If applicable, description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

7.7 Electronic Reporting Requirement

Electronic reporting may be required during the permit cycle; permittees will be notified in advance of any such requirement.

Appendix A Standard Permit Conditions

APDES PERMIT
NONDOMESTIC DISCHARGES

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Appendix A of the permit contains standard regulatory language that must be included in all APDES permits. These requirements are based on the regulations and cannot be challenged in the context of an individual APDES permit action. The standard regulatory language covers requirements such as monitoring, recording, reporting requirements, compliance responsibilities, and other general requirements. Appendix A, Standard Conditions is an integral and enforceable part of the permit. Failure to comply with a Standard Condition in this Appendix constitutes a violation of the permit and is subject to enforcement.

1.0 Standard Conditions Applicable to All Permits

1.1 Contact Information and Addresses

1.1.1 Permitting Program

Documents, reports, and plans required under the permit and Appendix A are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone (907) 269-6285
Fax (907) 269-3487
Email: DEC.Water.WQPermit@alaska.gov

1.1.2 Compliance and Enforcement Program

Documents and reports required under the permit and Appendix A relating to compliance are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Compliance and Enforcement Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone Nationwide (877) 569-4114
Anchorage Area / International (907) 269-4114
Fax (907) 269-4604
Email: dec-wqreporting@alaska.gov

1.2 Duty to Comply

A permittee shall comply with all conditions of the permittee's APDES permit. Any permit noncompliance constitutes a violation of 33 U.S.C 1251-1387 (Clean Water Act) and state law and is grounds for enforcement action including termination, revocation and reissuance, or modification of a permit, or denial of a permit renewal application. A permittee shall comply with effluent standards or prohibitions established under 33 U.S.C. 1317(a) for toxic pollutants within the time provided in the regulations that establish those effluent standards or prohibitions even if the permit has not yet been modified to incorporate the requirement.

1.3 Duty to Reapply

If a permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. In accordance with 18 AAC 83.105(b), a permittee with a currently effective permit shall reapply by submitting a new application at least 180 days before the existing permit expires, unless the Department has granted the permittee permission to submit an application on a later date. However, the Department will not grant permission for an application to be submitted after the expiration date of the existing permit.

1.4 Need to Halt or Reduce Activity Not a Defense

In an enforcement action, a permittee may not assert as a defense that compliance with the conditions of the permit would have made it necessary for the permittee to halt or reduce the permitted activity.

1.5 Duty to Mitigate

A permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

1.6 Proper Operation and Maintenance

1.6.1 A permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances that the permittee installs or uses to achieve compliance with the conditions of the permit. The permittee's duty to operate and maintain properly includes using adequate laboratory controls and appropriate quality assurance procedures. However, a permittee is not required to operate back-up or auxiliary facilities or similar systems that a permittee installs unless operation of those facilities is necessary to achieve compliance with the conditions of the permit.

1.6.2 Operation and maintenance records shall be retained and made available at the site.

1.7 Permit Actions

A permit may be modified, revoked and reissued, or terminated for cause as provided in 18 AAC 83.130. If a permittee files a request to modify, revoke and reissue, or terminate a permit, or gives notice of planned changes or anticipated noncompliance, the filing or notice does not stay any permit condition.

1.8 Property Rights

A permit does not convey any property rights or exclusive privilege.

1.9 Duty to Provide Information

A permittee shall, within a reasonable time, provide to the Department any information that the Department requests to determine whether a permittee is in compliance with the permit, or whether cause exists to modify, revoke and reissue, or terminate the permit. A permittee shall also provide to the Department, upon request, copies of any records the permittee is required to keep under the permit.

1.10 Inspection and Entry

A permittee shall allow the Department, or an authorized representative, including a contractor acting as a representative of the Department, at reasonable times and on presentation of credentials establishing authority and any other documents required by law, to:

1.10.1 Enter the premises where a permittee's regulated facility or activity is located or conducted, or where permit conditions require records to be kept;

1.10.2 Have access to and copy any records that permit conditions require the permittee to keep;

1.10.3 Inspect any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under a permit; and

1.10.4 Sample or monitor any substances or parameters at any location for the purpose of assuring permit compliance or as otherwise authorized by 33 U.S.C. 1251-1387 (Clean Water Act).

1.11 Monitoring and Records

A permittee must comply with the following monitoring and recordkeeping conditions:

1.11.1 Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

1.11.2 The permittee shall retain records in Alaska of all monitoring information for at least three years, or longer at the Department's request at any time, from the date of the sample, measurement, report, or application. Monitoring records required to be kept include:

1.11.2.1 All calibration and maintenance records,

1.11.2.2 All original strip chart recordings or other forms of data approved by the Department for continuous monitoring instrumentation,

1.11.2.3 All reports required by a permit,

1.11.2.4 Records of all data used to complete the application for a permit,

1.11.2.5 Field logbooks or visual monitoring logbooks,

1.11.2.6 Quality assurance chain of custody forms,

1.11.2.7 Copies of discharge monitoring reports, and

1.11.2.8 A copy of this APDES permit.

1.11.3 Records of monitoring information must include:

1.11.3.1 The date, exact place, and time of any sampling or measurement;

1.11.3.2 The name(s) of any individual(s) who performed the sampling or measurement(s);

1.11.3.3 The date(s) and time any analysis was performed;

1.11.3.4 The name(s) of any individual(s) who performed any analysis;

1.11.3.5 Any analytical technique or method used; and

1.11.3.6 The results of the analysis.

1.11.4 Monitoring Procedures

Analyses of pollutants must be conducted using test procedures approved under 40 CFR Part 136, adopted by reference at 18 AAC 83.010, for pollutants with approved test procedures, and using test procedures specified in the permit for pollutants without approved methods.

1.12 Signature Requirement and Penalties

1.12.1 Any application, report, or information submitted to the Department in compliance with a permit requirement must be signed and certified in accordance with 18 AAC 83.385. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under a permit, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be subject to penalties under 33 U.S.C. 1319(c)(4), AS 12.55.035(c)(1)(B), (c)(2) and (c)(3), and AS 46.03.790(g).

1.12.2 In accordance with 18 AAC 83.385, an APDES permit application must be signed as follows:

1.12.2.1 For a corporation, a responsible corporate officer shall sign the application; in this subsection, a responsible corporate officer means:

1.12.2.1.1 A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

1.12.2.1.2 The manager of one of more manufacturing, production, or operating facilities, if

1.12.2.1.2.1 The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;

1.12.2.1.2.2 The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and

1.12.2.1.2.3 Authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

1.12.2.2 For a partnership or sole proprietorship, by the general partner or the proprietor, respectively, shall sign the application.

1.12.2.3 For a municipality, state, federal, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means:

1.12.2.3.1 The chief executive officer of the agency; or

1.12.2.3.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.

1.12.3 Any report required by an APDES permit, and a submittal with any other information requested by the Department, must be signed by a person described in Appendix A, Part 1.12.2, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1.12.3.1 The authorization is made in writing by a person described in Appendix A, Part 1.12.2;

1.12.3.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, including the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility; or an individual or position having overall responsibility for environmental matters for the company; and

1.12.3.3 The written authorization is submitted to the Department to the Permitting Program address in Appendix A, Part 1.1.1.

1.12.4 If an authorization under Appendix A, Part 1.12.3 is no longer effective because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Appendix A, Part 1.12.3 must be submitted to the Department before or together with any report, information, or application to be signed by an authorized representative.

1.12.5 Any person signing a document under Appendix A, Part 1.12.2 or Part 1.12.3 shall certify as follows:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

1.13 Proprietary or Confidential Information

1.13.1 A permit applicant or permittee may assert a claim of confidentiality for proprietary or confidential business information by stamping the words “confidential business information” on each page of a submission containing proprietary or confidential business information. The Department will treat the stamped submissions as confidential if the information satisfies the test in 40 CFR §2.208, adopted by reference at 18 AAC 83.010, and is not otherwise required to be made public by state law.

1.13.2 A claim of confidentiality under Appendix A, Part 1.13.1 may not be asserted for the name and address of any permit applicant or permittee, a permit application, a permit, effluent data, sewage sludge data, and information required by APDES or NPDES application forms provided by the Department, whether submitted on the forms themselves or in any attachments used to supply information required by the forms.

1.13.3 A permittee’s claim of confidentiality authorized under Appendix A, Part 1.13.1 is not waived if the Department provides the proprietary or confidential business information to the EPA or to other agencies participating in the permitting process. The Department will supply any information obtained or used in the administration of the state APDES program to the EPA upon request under 40 CFR §123.41, as revised as of July 1, 2005. When providing information submitted to the Department with a claim of confidentiality to the EPA, the Department will notify the EPA of the confidentiality claim. If the Department provides the EPA information that is not claimed to be confidential, the EPA may make the information available to the public without further notice.

1.14 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any action or relieve a permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under state laws addressing oil and hazardous substances.

1.15 Cultural and Paleontological Resources

If cultural or paleontological resources are discovered because of this disposal activity, work that would disturb such resources is to be stopped, and the Office of History and Archaeology,

a Division of Parks and Outdoor Recreation of the Alaska Department of Natural Resources (http://www.dnr.state.ak.us/parks/oha/), is to be notified immediately at (907) 269-8721.

1.16 Fee

A permittee must pay the appropriate permit fee described in 18 AAC 72.

1.17 Other Legal Obligations

This permit does not relieve the permittee from the duty to obtain any other necessary permits from the Department or from other local, state, or federal agencies and to comply with the requirements contained in any such permits. All activities conducted and all plan approvals implemented by the permittee pursuant to the terms of this permit shall comply with all applicable local, state, and federal laws and regulations.

2.0 Special Reporting Obligations

2.1 Planned Changes

2.1.1 The permittee shall give notice to the Department as soon as possible of any planned physical alteration or addition to the permitted facility if:

2.1.1.1 The alteration or addition may make the facility a “new source” under one or more of the criteria in 18 AAC 83.990(44); or

2.1.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged if those pollutants are not subject to effluent limitations in the permit or to notification requirements under 18 AAC 83.610.

2.1.2 If the proposed changes are subject to plan review, then the plans must be submitted at least 30 days before implementation of changes (see 18 AAC 15.020 and 18 AAC 72 for plan review requirements). Written approval is not required for an emergency repair or routine maintenance.

2.1.3 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.2 Anticipated Noncompliance

2.2.1 A permittee shall give seven days’ notice to the Department before commencing any planned change in the permitted facility or activity that may result in noncompliance with permit requirements.

2.2.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.3 Transfers

2.3.1 A permittee may not transfer a permit for a facility or activity to any person except after notice to the Department in accordance with 18 AAC 83.150. The Department may modify or revoke and reissue the permit to change the name of the permittee and incorporate such other requirements under 33 U.S.C. 1251-1387 (Clean Water Act) or state law.

2.3.2 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.4 Compliance Schedules

2.4.1 A permittee must submit progress or compliance reports on interim and final requirements in any compliance schedule of a permit no later than 14 days following the scheduled date of each requirement.

2.4.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.5 Corrective Information

2.5.1 If a permittee becomes aware that it failed to submit a relevant fact in a permit application or submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit the relevant fact or the correct information.

2.5.2 Information must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.6 Bypass of Treatment Facilities

2.6.1 Prohibition of Bypass

Bypass is prohibited. The Department may take enforcement action against a permittee for any bypass, unless:

2.6.1.1 The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2.6.1.2 There were no feasible alternatives to the bypass, including use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. However, this condition is not satisfied if the permittee, in the exercise of reasonable engineering judgment, should have installed adequate back-up equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

2.6.1.3 The permittee provides notice to the Department of a bypass event in the manner, as appropriate, under Appendix A, Part 2.6.2.

2.6.2 Notice of bypass

2.6.2.1 For an anticipated bypass, the permittee submits notice at least 10 days before the date of the bypass. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the conditions of Appendix A, Parts 2.6.1.1 and 2.6.1.2.

2.6.2.2 For an unanticipated bypass, the permittee submits 24-hour notice, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting.

2.6.2.3 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.6.3 Notwithstanding Appendix A, Part 2.6.1, a permittee may allow a bypass that:

2.6.3.1 Does not cause an effluent limitation to be exceeded, and

2.6.3.2 Is for essential maintenance to assure efficient operation.

2.7 Upset Conditions

2.7.1 In any enforcement action for noncompliance with technology-based permit effluent limitations, a permittee may claim upset as an affirmative defense. A permittee seeking to establish the occurrence of an upset has the burden of proof to show that the requirements of Appendix A, Part 2.7.2 are met.

2.7.2 To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

2.7.2.1 An upset occurred and the permittee can identify the cause or causes of the upset;

2.7.2.2 The permitted facility was at the time being properly operated;

2.7.2.3 The permittee submitted 24-hour notice of the upset, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting; and

2.7.2.4 The permittee complied with any mitigation measures required under 18 AAC 83.405(e) and Appendix A, Part 1.5, Duty to Mitigate.

2.7.3 Any determination made in administrative review of a claim that noncompliance was caused by upset, before an action for noncompliance is commenced, is not final administrative action subject to judicial review.

2.8 Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges

2.8.1 In addition to the reporting requirements under 18 AAC 83.410, an existing manufacturing, commercial, mining, and silvicultural discharger shall notify the Department as soon as that discharger knows or has reason to believe that any activity has occurred or will occur that would result in:

2.8.1.1 The discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

2.8.1.1.1 One hundred micrograms per liter (100 µg/L);

2.8.1.1.2 Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile, 500 micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol, and one milligram per liter (1 mg/L) for antimony;

2.8.1.1.3 Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or

2.8.1.1.4 The level established by the Department in accordance with 18 AAC 83.445.

2.8.1.2 Any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

2.8.1.2.1 Five hundred micrograms per liter (500 µg/L);

2.8.1.2.2 One milligram per liter (1 mg/L) for antimony;

2.8.1.2.3 Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or

2.8.1.2.4 The level established by the Department in accordance with 18 AAC 83.445.

3.0 Monitoring, Recording, and Reporting Requirements

3.1 Representative Sampling

A permittee must collect effluent samples from the effluent stream after the last treatment unit before discharge into the receiving waters. Samples and measurements must be representative of the volume and nature of the monitored activity or discharge.

3.2 Reporting of Monitoring Results

The permittee shall summarize monitoring results on the annual report form or approved equivalent. The permittee shall submit its annual report at the interval specified in the permit. The permittee shall sign and certify all annual reports and other reports in accordance with the requirements of Appendix A, Part 1.12, Signature Requirement and Penalties. The permittee

shall submit the legible originals of these documents to the ADEC Compliance and Enforcement Program at the address in Appendix A, Part 1.1.2.

3.3 Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than the permit requires using test procedures approved in 40 CFR Part 136, adopted by reference at 18 AAC 83.010, or as specified in this permit, the results of that additional monitoring must be included in the calculation and reporting of the data submitted in the DMR or annual report required by Appendix A, Part 3.2. All limitations that require averaging of measurements must be calculated using an arithmetic means unless the Department specifies another method in the permit. Upon request by the Department, the permittee must submit the results of any other sampling and monitoring regardless of the test method used.

3.4 Twenty-four Hour Reporting

A permittee shall report any noncompliance event that may endanger health or the environment as follows:

3.4.1 A report must be made:

3.4.1.1 Orally within 24 hours after the permittee becomes aware of the circumstances, and

3.4.1.2 In writing within five days after the permittee becomes aware of the circumstances.

3.4.2 A report must include the following information:

3.4.2.1 A description of the noncompliance and its causes, including the estimated volume or weight and specific details of the noncompliance;

3.4.2.2 The period of noncompliance, including exact dates and times;

3.4.2.3 If the noncompliance has not been corrected, a statement regarding the anticipated time the noncompliance is expected to continue; and

3.4.2.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3.4.3 An event that must be reported within 24 hours includes:

3.4.3.1 An unanticipated bypass that exceeds any effluent limitation in the permit (see Appendix A, Part 2.6, Bypass of Treatment Facilities).

3.4.3.2 An upset that exceeds any effluent limitation in the permit (see Appendix A, Part 2.7, Upset Conditions).

3.4.3.3 A violation of a maximum daily discharge limitation for any of the pollutants listed in the permit as requiring 24-hour reporting.

3.4.4 The Department may waive the written report on a case-by-case basis for reports under Appendix A, Part 3.4 if the oral report has been received within 24 hours of the permittee becoming aware of the noncompliance event.

3.4.5 The permittee may satisfy the written reporting submission requirements of Appendix A, Part 3.4 by submitting the written report via e-mail, if the following conditions are met:

3.4.5.1 The Noncompliance Notification Form or equivalent form is used to report the noncompliance;

3.4.5.2 The written report includes all the information required under Appendix A, Part 3.4.2;

3.4.5.3 The written report is properly certified and signed in accordance with Appendix A, Parts 1.12.3 and 1.12.5.;

3.4.5.4 The written report is scanned as a PDF (portable document format) document and transmitted to the Department as an attachment to the e-mail; and

3.4.5.5 The permittee retains in the facility file the original signed and certified written report and a printed copy of the conveying email.

3.4.6 The e-mail and PDF written report will satisfy the written report submission requirements of this permit provided the e-mail is received by the Department within five days after the time the permittee becomes aware of the noncompliance event and the e-mail and written report satisfy the criteria of Part 3.4.5. The e-mail address to report noncompliance is: dec-wqreporting@alaska.gov

3.5 Other Noncompliance Reporting

A permittee shall report all instances of noncompliance not required to be reported under Appendix A, Parts 2.4 (Compliance Schedules), 3.3 (Additional Monitoring by Permittee), and 3.4 (Twenty-four Hour Reporting) at the time the permittee submits monitoring reports under Appendix A, Part 3.2. (Reporting of Monitoring Results). A report of noncompliance under this part must contain the information listed in Appendix A, Part 3.4.2 and be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

4.0 Penalties for Violations of Permit Conditions

Alaska laws allow the State to pursue both civil and criminal actions concurrently. The following is a summary of Alaska law. Permittees should read the applicable statutes for further substantive and procedural details.

4.1 Civil Action

Under AS 46.03.760(e), a person who violates or causes or permits to be violated a regulation, a lawful order of the Department, or a permit, approval, or acceptance, or term or condition of a permit, approval or acceptance issued under the program authorized by AS 46.03.020 (12) is liable, in a civil action, to the State for a sum to be assessed by the court of not less than $500 nor more than $100,000 for the initial violation, nor more than $10,000 for each day after that on which the violation continues, and that shall reflect, when applicable:

4.1.1 Reasonable compensation in the nature of liquated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality;

4.1.2 Reasonable costs incurred by the State in detection, investigation, and attempted correction of the violation;

4.1.3 The economic savings realized by the person in not complying with the requirements for which a violation is charged; and

4.1.4 The need for an enhanced civil penalty to deter future noncompliance.

4.2 Injunctive Relief

4.2.1 Under AS 46.03.820, the Department can order an activity presenting an imminent or present danger to public health or that would be likely to result in irreversible damage to the environment be discontinued. Upon receipt of such an order, the activity must be immediately discontinued.

4.2.2 Under AS 46.03.765, the Department can bring an action in Alaska Superior Court seeking to enjoin ongoing or threatened violations for Department-issued permits and Department statutes and regulations.

4.3 Criminal Action

Under AS 46.03.790(h), a person is guilty of a Class A misdemeanor if the person negligently:

4.3.1 Violates a regulation adopted by the Department under AS 46.03.020(12);

4.3.2 Violates a permit issued under the program authorized by AS 46.03.020(12);

4.3.3 Fails to provide information or provides false information required by a regulation adopted under AS 46.03.020(12);

4.3.4 Makes a false statement, representation, or certification in an application, notice, record, report, permit, or other document filed, maintained, or used for purposes of compliance with a permit issued under or a regulation adopted under AS 46.03.020(12); or

4.3.5 Renders inaccurate a monitoring device or method required to be maintained by a permit issued or under a regulation adopted under AS 46.03.020(12).

4.4 Other Fines

Upon conviction of a violation of a regulation adopted under AS 46.03.020(12), a defendant who is not an organization may be sentenced to pay a fine of not more than $10,000 for each separate violation (AS 46.03.790(g)). A defendant that is an organization may be sentenced to pay a fine not exceeding the greater of: (1) $200,00; (2) three times the pecuniary gain realized by the defendant as a result of the offense; or (3) three times the pecuniary damage or loss caused by the defendant to another, or the property of another, as a result of the offense (AS 12.55.035(c)(B), (c)(2), and (c)(3)).

Appendix B Abbreviations and Acronyms

The following acronyms are common terms that may be found in an Alaska Pollutant Discharge Elimination System (APDES) permit.

18 AAC 15	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 15: Administrative Procedures
18 AAC 70	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 70: Water Quality Standards
18 AAC 72	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 72: Wastewater Disposal
18 AAC 83	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 83: Alaska Pollutant Discharge Elimination System
All chapters of Alaska Administrative Code, Title 18 are available at the Alaska Administrative Code database www.legis.state.ak.us/cgi-bin/folioisa.dll/aac	
40 CFR	Code of Federal Regulations. Title 40: Protection of Environment
AAC	Alaska Administrative Code
ADEC or DEC	Alaska Department of Environmental Conservation
APDES	Alaska Pollutant Discharge Elimination System
AS	Alaska Statutes
AS 46.03	Alaska Statutes Title 46, Chapter 03: Environmental Conservation. Available at www.legis.state.ak.us/default.htm
BOD_5	Biochemical Oxygen Demand, 5-day
BMP	Best Management Practice
Cd	Cadmium
CBI	Confidential Business Information
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
Cr^{+3}	Chromium (III) or Trivalent Chromium
Cr^{+6}	Chromium (VI) or Hexavalent Chromium
Cu	Copper
CWA	Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)
DMR	Discharge Monitoring Report
DO	Dissolved Oxygen
eNOI	electronic NOI system
EPA	U. S. Environmental Protection Agency
ESA	Endangered Species Act
FC	Fecal Coliform Bacteria
Fe	Iron
FFDCA	Federal Food, Drug, and Cosmetic Act
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act, 7 USC 136 et seq.
FWS	U. S. Fish and Wildlife Service

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
f) See Standard Methods for the Examination of Water and Wastewater 18th Edition
g) See EPA Permit Writers Manual

GPD or gpd	Gallons per day
GPY or gpy	Gallons per year
Hg	Mercury
IC_{25}	Inhibition Concentration 25%
I/I	Infiltration and Inflow
IPM	Integrated Pest Management
LC_{50}	Lethal Concentration 50%
MDL	Method Detection Limit
Mg/L	Milligrams per Liter
MGD or mgd	Million gallons per day
ML	Minimum Level
MLLW	Mean Lower Low Water
MZ	Mixing Zone
N/A	Not Applicable
NEPA	National Environmental Policy Act
Ni	Nickel
NMFS	U. S. National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOEC	No Observed Effect Concentration
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NRC	National Response Center
ONRW	Outstanding National Resource Water
Pb	Lead
PDMP	Pesticide Discharge Management Plan
PGP	Pesticide General Permit
POTW	Publicly Owned Treatment Works
PQL	Practical Quantification Limit
QA	Quality Assurance
QA/QC	Quality Assurance/Quality Control
QAPP	Quality Assurance Project Plan
QC	Quality Control
RL	Reporting Limit
RWC	Receiving Water Concentration
SARA	Superfund Amendments and Reauthorization Act
Se	Selenium
SIU	Significant Industrial User
SU	Standard Units
TIE	Toxicity Identification Evaluation
TMDL	Total Maximum Daily Load
TRC	Total Residual Chlorine
TRE	Toxicity Reducation Evaluation

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
f) See Standard Methods for the Examination of Water and Wastewater 18th Edition
g) See EPA Permit Writers Manual

TSS	Total Suspended Solids
TU_c	Toxic Unit, Chronic
U.S.C.	United States Code
µg/L	Micrograms per Liter
U.S.C.	United States Code
USGS	United States Geological Survey
WQS	Water Quality Standard
WWTF	Wastewater Treatment Facility
Zn	Zinc

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
f) See Standard Methods for the Examination of Water and Wastewater 18th Edition
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Appendix C Definitions

The following are common definitions of terms associated with APDES permits. Not all the terms listed may appear in a permit. Consult the footnote references for a complete list of terms and definitions.Action threshold	The point at which pest populations or environmental conditions necessitate that pest control action be taken based on economic, human health, aesthetic, or other effects. An action threshold may be based on current and/or past environmental factors that are or have been demonstrated to be conducive to pest emergence and/or growth, as well as past and/or current pest presence. Action thresholds are those conditions that indicate both the need for control actions and the proper timing of such actions.
Active ingredient	Any substance (or group of structurally similar substances if specified by the Agency) that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of FIFRA sec. 2(a). [40 CFR 152.3] Active ingredient also means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for the production of such a pesticidal substance. [40 CFR 174.3]
Administrator [a]	Means the Administrator of the EPA or an authorized representative
Adverse incident	means an unusual or unexpected incident that an Operator has observed upon inspection or of which the Operator otherwise become aware, in which: (1) There is evidence that a person or non-target organism has likely been exposed to a pesticide residue, <u>and</u> (2) The person or non-target organism suffered a <u>toxic or adverse effect</u>. The phrase <u>toxic or adverse effects</u> includes effects that occur within waters of the United States on non-target plants, fish or wildlife that are unusual or unexpected (e.g., effects are to organisms not otherwise described on the pesticide product label or otherwise not expected to be present) as a result of exposure to a pesticide residue, and may include: • Distressed or dead juvenile and small fishes • Washed up or floating fish • Fish swimming abnormally or erratically • Fish lying lethargically at water surface or in shallow water • Fish that are listless or nonresponsive to disturbance • Stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants • Other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.) The phrase, <u>toxic or adverse effects</u>, also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals that occur either from direct contact with or as a secondary effect from a discharge (e.g., sickness from consumption of plants or animals containing pesticides) to waters of the

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
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	United States that are temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).
Alaska Pollutant Discharge Elimination System (APDES) [a]	Means the state's program, approved by EPA under 33 U.S.C. 1342(b), for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under 33 U.S.C. 1317, 1328, 1342, and 1345
Annual	Means once per calendar year
Annual treatment area threshold	An area (in acres) or linear distance (in miles) in a calendar year to which a Decision-maker is authorizing and/or performing pesticide applications in that area for activities covered under this permit. • For calculating annual treatment areas for Mosquitoes and Other Flying Insect Pest Control and Forest Canopy Pest for comparing with any threshold in Table 1-1, count each pesticide application activity to a treatment area (i.e., that area where a pesticide application is intended to provide pesticidal benefits within the pest management area) as a separate area treated. For example, applying pesticides three times a year to the same 3,000 acre site should be counted as 9,000 acres of treatment area for purposes of determining if such an application exceeds an annual treatment area threshold. The treatment area for these two pesticide use patterns is additive over the calendar year. • For calculating annual treatment areas for Weed and Algae Control and Animal Pest Control for comparing with any threshold in Table 1-1, calculations should include either the linear extent of or the surface area of waters for applications made to waters of the United States or at water's edge adjacent to waters of the United States. For calculating the annual treatment area, count each treatment area only once, regardless of the number of pesticide application activities performed on that area in a given year. Also, for linear features (e.g., a canal or ditch), use the length of the linear feature whether treating in or adjacent to the feature, regardless of the number of applications made to that feature during the calendar year. For example, whether treating the bank on one side of a ten-mile long ditch, banks on both sides of the ditch, and/or water in that ditch, the total treatment area is ten miles for purposes of determining if an NOI is required to be submitted. Additionally, if the same 10 miles area is treated more than once in a calendar year, the total area treated is still 10 miles for purposes of comparing with any threshold in Table 1-1. The treatment area for these two pesticide use patterns is not additive over the calendar year.
Applicator	Any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities) that results in a discharge to waters of the United States.
Aquaculture [b]	Means the cultivation of aquatic plants or animals for human use or consumption

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
f) See Standard Methods for the Examination of Water and Wastewater 18th Edition
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Average	Means an arithmetic mean obtained by adding quantities and dividing the sum by the number of quantities
Average Monthly Discharge Limitation [a]	Means the highest allowable average of "daily discharges" over a calendar month calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured for that month
Backwash	Means wash water resulting from the backwashing of a water filter
Best Management Practices (BMPs) [a]	Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
Biochemical Oxygen Demand (BOD) [c]	Means the amount, in milligrams per liter, of oxygen used in the biochemical oxidation of organic matter in five days at 20° C
Biological control agents	– these agents are organisms that can be introduced to Operator sites, such as herbivores, predators, parasites, and hyperparasites. [Source: US FWS IPM Guidance, 2004]
Biological pesticides (also called biopesticides)	Include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or dessicant, that (1) is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (2) is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaebacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses. [40 CFR 158.2100(b)] Biochemical pesticide mean a pesticide that (1) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and (3) Has a non-toxic mode of action to the target pest(s). [40 CFR 158.2000(a)(1)] Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 CFR 174.3]
Black Water	Means water that contains animal, human, or food waste
Boundary [b]	Means line or landmark that serves to clarify, outline, or makr a limit, border, or interface
Bypass [a]	Means the intentional diversion of waste streams from any portion of a treatment facility
Chemical Oxygen Demand (COD) [f]	Is used as a measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant
Chemical pesticides	all pesticides not otherwise classified as biological pesticides.

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
f) See Standard Methods for the Examination of Water and Wastewater 18th Edition
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Clean Water Act (CWA) [a]	Means the federal law codified at 33 U.S.C. 1251-1387, also referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972
Color [b]	Means the condition that results in the visual sensations of hue and intensity as measured after turbidity is removed
Commissioner [a]	Means the commissioner of the Alaska Department of Environmental Conservation or the commissioner's designee
Composite Samples	Composite samples must consist of at least eight equal volume grab samples. 24 hour composite sample means a combination of at least eight discrete samples of equal volume collected at equal time intervals over a 24-hour period at the same location. A "flow proportional composite" sample means a combination of at least eight discrete samples collected at equal time intervals over a 24-hour period with each sample volume proportioned according to the flow volume. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.
Contact Recreation [b]	Means activities in which there is direct and intimate contact with water. Contact recreation includes swimming, diving, and water skiing. Contact recreation does not include wading.
Cooling Water	Means once-through non-contact cooling water
Criterion [b]	Means a set concentration or limit of a water quality parameter that, when not exceeded, will protect an organism, a population of organisms, a community of organisms, or a prescribed water use with a reasonable degree of safety. A criterion might be a narrative statement instead of a numerical concentration or limit.
Cultural methods	Manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest.
Daily Discharge [a]	Means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants measured in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with a limitation expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
Datum	A datum defines the position of the spheroid, a mathematical representation of the earth, relative to the center of the earth. It provides a frame of reference for measuring locations on the surface of the earth by defining the origin and orientation of latitude and longitude lines.
Decision-maker	Any entity with control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to waters of the United States.
Decision-maker Who is or Will be Required to Submit an NOI	Any Decision-maker covered under the PGP who knows or should have known that an NOI will be required for those discharges beginning January 12, 2012. Excluded from this definition are those activities for which an NOI is required based solely on that Decision-maker exceeding an annual treatment area threshold.

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
f) See Standard Methods for the Examination of Water and Wastewater 18th Edition
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Declared pest emergency situation	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: (1) Significant risk to human health; (2) Significant economic loss; or (3) Significant risk to: (i) Endangered species, (ii) Threatened species, (iii) Beneficial organisms, or (iv) The environment.
Department [a]	Means the Alaska Department of Environmental Conservation
Design Flow [a]	Means the wastewater flow rate that the plant was designed to handle
Director [a]	Means the commissioner or the commissioner's designee assigned to administer the APDES program or a portion of it, unless the context identifies an EPA director
Discharge [a]	When used without qualification, discharge means the discharge of a pollutant
Discharge of a pollutant [a]	Means any addition of any pollutant or combination of pollutants to waters of the United States from any point source or waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation. Discharge includes any addition of pollutants into waters of the United States from surface runoff that is collected or channeled by humans; discharges through pipes, sewers, or other conveyances leading into privately owned treatment works; and does not include an addition of pollutants by any indirect discharger.
Dissolved Oxygen (DO) [b]	Means the concentration of oxygen in water as determined either by the Winkler (iodometric) method and its modifications or by the membrane electrode method. The oxygen dissolved in water or wastewater and usually expressed in milligrams per liter or percent saturation
Domestic Wastewater	Means waterborne human wastes or graywater derived from dwellings, commercial buildings, institutions, or similar structures. "Domestic wastewater" includes the contents of individual removable containers used to collect and temporarily store human wastes.
Ecosystem [b]	Means a system made up of a community of animals, plants, and bacteria and the system's interrelated physical and chemical environment
Effluent [b]	Means the segment of a wastewater stream that follows the final step in a treatment process and precedes discharge of the wastewater stream to the receiving environment
Estimated	Means a way to estimate the discharge volume. Approvable estimations include, but are not limited to, the number of persons per day at the facility, volume of potable water produced per day, lift station run time, etc.
Excluded area	Means an area not authorized as a receiving water under a permit

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
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EPA Approved or Established Total Maximum Daily Loads (TMDLs)	"EPA Approved TMDLs" are those that are developed by a State and approved by EPA. "EPA Established TMDLs" are those that are issued by EPA.
Facility or Activity/Activities	Any APDES "point source" (including land or appurtenances thereto) that is subject to regulation under the APDES program.
Fecal Coliform Bacteria (FC) [b]	Bacteria that can ferment lactose at 44.5° + 0.2°C to produce gas in a multiple tube procedure. Fecal coliform bacteria also means all bacteria that produce blue colonies in a membrane filtration procedure within 24 ± 2 hours of incubation at 44.5° + 0.2°C in an M-FC broth.
Federal facility	Any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned, operated, or leased by, or constructed or manufactured for the purpose of leasing to, the federal government.
Final Approval to Operate	Means the approval that the Department issues after it has reviewed and approved the construction and operation of the engineered wastewater treatment works plans submitted to the Department in accordance with 18 AAC 72.215 through 18 AAC 72.280 or as amended.
For-Hire Applicator	Includes persons who make contractual pesticide applications for which they or their employer receives compensation (e.g., lawn care firms, pest control companies).
Geometric Mean	The geometric mean is the Nth root of the product of N. All sample results of zero will use a value of 1 for calculation of the geometric mean. Example geometric mean calculation: $\sqrt[4]{12 \times 23 \times 34 \times 990} = 55$
Grab Sample	Means a single instantaneous sample collected at a particular place and time that represents the composition of wastewater only at that time and place
Gray Water [b]	Means wastewater from a laundry, kitchen, sink, shower, bath, or other domestic source that does not contain excrement, urine, or combined stormwater
Impaired water (or "Water Quality Impaired Water" or "Water Quality Limited Segment")	A water is impaired for purposes of this permit if it has been identified by the State or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called "water quality limited segments" under 40 CFR 130.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established. See http://dec.alaska.gov/water/tmdl/tmdl_index.htm for current listing of impaired waters.
Inert ingredient	Any substance (or group of structurally similar substances if designated by the Agency), other than an active ingredient, that is intentionally included in a pesticide product,. [40 CFR 152.3] Inert ingredient also means any substance, such as a selectable marker, other than the active ingredient, where the substance is used to confirm or ensure the presence of the active ingredient, and includes the genetic material necessary for the production of the substance, provided that genetic material is intentionally introduced into a living plant in addition to the active ingredient. [40 CFR 174.3]

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
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Influent	Means untreated wastewater before it enters the first treatment process of a wastewater treatment works
Inhibition Concentration 25% (IC_{25}) [e]	Means the point estimate of the toxicant concentration that would cause 25% reduction in a nonlethal biological measurement of the test organisms, such as reproduction or growth
Large Entity	Any entity that is not a "small entity."
Lethal Concentration 50% (LC_{50}) [e]	Mean the point estimate of the toxicant that would be lethal to 50% of the test organisms during a specific period
Maximum Daily Discharge Limitation [a]	Means the highest allowable "daily discharge"
Mean [b]	Means the average of values obtained over a specified period and, for fecal coliform analysis, is computed as a geometric mean
Mean Lower Low Water [b]	Means the tidal datum plane of the average of the lower of the two low waters of each day, as would be established by the National Geodetic Survey, at any place subject to tidal influence
Measured	Means the actual volume of wastewater discharged using appropriate mechanical or electronic equipment to provide a totalized reading. Measure does not provide a recorded measurement of instantaneous rates.
Mechanical/Physical Methods	Mechanical tools or physical alterations of the environment, for pest prevention or removal.
Method Detection Limit (MDL) [d]	Means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte
Micrograms per Liter (µg/L) [b]	Means the concentration at which one millionth of a gram (10^{-6} g) is found in a volume of one liter
Milligrams per Liter (mg/L) [b]	Means the concentration at which one thousandth of a gram (10^{-3} g) is found in a volume of one liter. It is approximately equal to the unit "parts per million (ppm)," formerly of common use.
Minimize	To reduce and/or eliminate pesticide discharges to waters of the United States through the use of Pest management measures to the extent technologically available and economically practicable and achievable.
Minimum Level (ML) [e]	Means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes, and processing steps have been followed. This level is used as the compliance level if the effluent limit is below it.
Mixing Zone [b]	Means a volume of water adjacent to a discharge in which wastes discharged mix with the receiving water
Month	Means the time period from the 1st of a calendar month to the last day in the month

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
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Monthly Average	Means the average of daily discharges over a monitoring month calculated as the sum of all daily discharges measured during a monitoring month divided by the number of daily discharges measured during that month
No Observed Effect Concentration (NOEC) [e]	Means the highest concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specific time of observation. NOEC is determined using hypothesis testing.
Non-target organisms	Includes the plant and animal hosts of the target species, the natural enemies of the target species living in the community, and other plants and animals, including vertebrates, living in or near the community that are not the target of the pesticide.
Operator	for the purpose of this permit, means any entity associated with the application of pesticides which results in a discharge to waters of the United States that meets either of the following two criteria: (i) any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities); or (ii) any entity with control over the decision to perform pesticide applications including the ability to modify those decisions.
Permittee	Means a company, organization, association, entity, or person who is issued a wastewater permit and is responsible for ensuring compliance, monitoring, and reporting as required by the permit
Person	An individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.
Pest	Consistent with 40 CFR 152.5, any organism under circumstances that make it deleterious to man or the environment, if it is: (a) Any vertebrate animal other than man; (b) Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals; (c) Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or (d) Any fungus, bacterium, virus, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs (as defined in Federal Food, Drug, and Cosmetic Act (FFDCA) sec. 201(g)(1)) and cosmetics (as defined in FFDCA sec. 201(i)).
Pest Management Area	The area of land, including any water, for which an Operator has responsibility and is authorized to conduct pest management activities as covered by this permit (e.g., for an Operator who is a mosquito control district, the pest management area is the total area of the district).
Pest management measure	any practice used to meet the effluent limitations that comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, relevant legal requirements and other provisions that a prudent Operator would implement to reduce and/or eliminate pesticide discharges to waters of the United States.

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
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Pesticide	Means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer, except that the term ‘‘pesticide’’ shall not include any article that is a “new animal drug” within the meaning of section 201(w) of the FFDCA (21 U.S.C. 321(w)), that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such Act (21 U.S.C. 321(x)) bearing or containing a new animal drug. The term “pesticide” does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in section 201 of the FFDCA (21 U.S.C. 321). For purposes of the preceding sentence, the term “critical device” includes any device that introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term ‘‘semi-critical device’’ includes any device that contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body [FIFRA Section 2(u)]. The term “pesticide” applies to insecticides, herbicides, fungicides, rodenticides, and various other substances used to control pests. The definition encompasses all uses of pesticides authorized under FIFRA including uses authorized under sections 3 (registration), 5 (experimental use permits), 18 (emergency exemptions), 24(c) (special local needs registrations), and 25(b) (exemptions from FIFRA). Note: drugs used to control diseases of humans or animals (such as livestock, fishstock and pets) are not considered pesticides; such drugs are regulated by the Food and Drug Administration. Fertilizers, nutrients, and other substances used to promote plant survival and health are not considered plant growth regulators and thus are not pesticides. Biological control agents, except for certain microorganisms, are exempted from regulation under FIFRA. (Biological control agents include beneficial predators such as birds or ladybugs that eat insect pests, parasitic wasps, fish, etc). *This permit uses the term “pesticide” when referring to the “pesticide, as applied.” When referring to the chemical in the pesticide product with pesticidal qualities, the permit uses the term “active ingredient.”*
Pesticide product	A pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.
Pesticide Research and Development	Activities undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development).

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
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Pesticide residue	Includes that portion of a pesticide application that is discharged from a point source to waters of the United Statesand no longer provides pesticidal benefits. It also includes any degradates of the pesticide. *Note, the term "pesticide residue" in this permit differs from the broader definition of "residue" used in 18 AAC 70.020 which is defines residues in fresh and marine waters as "floating solids, debris, sludge, deposits, foam, scum, or other residues".*
pH [g]	Means a measure of the hydrogen ion concentration of water or wastewater; expressed as the negative log of the hydrogen ion concentration in mg/L. A pH of 7 is neutral. A pH less than 7 is acidic, and a pH greater than 7 is basic.
Point source	Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. [18 AAC 83.990(48)]
Pollutant	Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. For purposes of this definition, a "biological pesticide" is considered a "biological material," and any "pesticide residue" resulting from use of a "chemical pesticide" is considered a "chemical waste." [Excerpted from 40 CFR 122.2]
Practical Quantification Limit (PQL) [g]	Means the lowest level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions.
Primary Contact Recreation	See Contact Recreation
Principal Executive Officer [a]	Means the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of division of the agency
Quality Assurance Project Plan (QAPP)	Means a system of procedures, checks, audits, and corrective actions to ensure that all research design and performance, environmental monitoring and sampling, and other technical and reporting activities are of the highest achievable quality
Quarter	Means the time period of three months based on the calendar year beginning with January
Receiving Water Body	Means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, straits, passages, canals, the Pacific Ocean, Gulf of Alaska, Bering Sea, and Arctic Ocean, in the territorial limits of the state, and all other bodies of surface water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially in or bordering the state or under the jurisdiction of the state. (See "waters of the U.S." at 18 AAC 83.990(77))
Recorded	Means a permanent record using mechanical or electronic equipment to provide a totalized reading, as well as a record of instantaneous readings

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
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g) See EPA Permit Writers Manual

Report	Report results of analsysis
Residual Chlorine	Means chlorine remaining in water or wastewater at the end of a specified contact period as combined or free chlorine
Responsible Corporate Officer [a]	Means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision making functions for the corporation The Responsible Corporate Officer can also be the manager of one or more manufacturing, production, or operating facilities if the requirements of 18 AAC 83.385(a)(1)(B)(i)-(iii) are met.
Secondary Recreation [b]	Means activities in which incidental water use can occur. Secondary recreation includes boating, camping, hunting, hiking, wading, and recreational fishing. Secondary contact recreation does not include fish consumption.
Settleable Solids [b]	Means solid material of organic or mineral origin that is transported by and deposited from water, as measured by the volumetric Imhoff cone method and at the method detection limits specified in method 2540(F), *Standard Methods for the Examination of Water and Wastewater*, 18th edition (1992), adopted by reference in 18 AAC 70.020(c)(1)
Severe Property Damage [a]	Means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
Sheen [b]	Means an iridescent appearance on the water surface
Shellfish [b]	Means a species of crustacean, mollusk, or other aquatic invertebrate with a shell or shell-like exoskeleton in any stage of its life cycle
Significant Industrial User (SIU) [g]	Means an indirect discharger that is the focus of control efforts under the national pretreatment program; includes all indirect dischargers subject to national categorical pretreatment standards, and all other indirect dischargers that contribute 25,000 gpd or more of process wastewater, or which make up five percent or more of the hydraulic or organic loading to the municipal treatment plant, subject to certain exceptions [40 CFR $403.3(t)].
Small Entity	Any (1) private enterprise that does not exceed the Small Business Administration size standard as indentified at 13 CFR 121.201, or (2) local government that serves a population of 10,000 or less.
Suspended Solids	Means insoluble solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids. The quantity of material removed from wastewater in a laboratory test, as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as nonfilterable.
Target pest	The organism(s) toward which pest management measure are being directed.
Tier 3 Waters	For antidegradation purposes, pursuant to 18 AAC 70.015(3), Tier 3 waters are identified as having high quality waters constituting an Outstanding National Resource Water (ONRW), which may include waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
f) See Standard Methods for the Examination of Water and Wastewater 18th Edition
g) See EPA Permit Writers Manual

Total Maximum Daily Loads (TMDLs)	A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. [See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7]
Total Suspended Solids (TSS) [g]	Means a measure of the filterable solids present in a sample, as determined by the method specified in 40 CFR Part 136
Toxic Unit, Chronic (TUc) [e]	Means the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., 100/NOEC)
Twice per year	Means two time periods during the calendar year: October through April and May through September
Treatment area	the entire area, whether over land or water, where a pesticide application is intended to provide pesticidal benefits within the pest management area. In some instances, the treatment area will be larger than the area where pesticides are actually applied. For example, the treatment area for a stationary drip treatment into a canal includes the entire width and length of the canal over which the pesticide is intended to control weeds. Similarly, the treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits.
Upset [a]	Means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
Wastewater Treatment	Means any process to which wastewater is subjected in order to remove or alter its objectionable constituents and make it suitable for subsequent use or acceptable for discharge to the environment
waters of the United States (WOUS)	Has the meaning given in 18 AAC 83.990(77).
Water Recreation [b]	See contact recreation or secondary recreation
Water Supply [b]	Means any of the waters of the United States that are designated in 18 AAC 70 to be protected for fresh water or marine water uses. Water supply includes waters used for drinking, culinary, food processing, agricultural, aquacultural, seafood processing, and industrial purposes. Water supply does not necessarily mean that water in a waterbody that is protected as a supply for the uses listed in this paragraph is safe to drink in its natural state.
Week	Means the time period of Sunday through Saturday
Zone of Deposit	Means the total area of the bottom in marine or estuarine waters in which ADEC has authorized the deposit of substances in exceedance of the water quality criteria in 18 AAC 70.020(b) and the antidegradation requirement in 18 AAC 70.010(c).

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
f) See Standard Methods for the Examination of Water and Wastewater 18th Edition
g) See EPA Permit Writers Manual

Water Quality Impaired	See ‘Impaired water’.
Water Quality Standards	A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an antidegradation policy and implementation procedures. See 18 AAC 70.
Wetlands	Means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [40 CFR 122.2]

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
f) See Standard Methods for the Examination of Water and Wastewater 18th Edition
g) See EPA Permit Writers Manual

Appendix D Forms

The following forms can be accessed at

http://dec.alaska.gov/water/wnpspc/stormwater/PGPForms.htm

- **Notice of Intent Form**
- **Notice of Termination Form**
- **Pesticide Discharge Evaluation Worksheet**
- **Annual Report Template**
- **Adverse Incident Report Template**

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
f) See Standard Methods for the Examination of Water and Wastewater 18th Edition
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a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
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