

**Department of Environmental Conservation
Response to Comments**

For

**Alaska Pollutant Discharge Elimination System (APDES)
Pesticide General Permit**

APDES Permit No. AKG870000

**Public Noticed
April 15, 2022 - May 16, 2022**

June 24, 2022



Alaska Department of Environmental Conservation
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage AK 99501

1 Introduction

1.1 Summary of Facility / Permit

The Department of Environmental Conservation (DEC) reissued the Alaska Pollutant Discharge Elimination System (APDES) general permit (AK870000) to regulate point source discharges of pollutants associated with the application of biological pesticides or chemical pesticides that leave a residue. This permit is commonly called the Pesticide General Permit (PGP). The PGP applies statewide except for lands within the Metlakatla Indian Reserve and the Denali National Park Preserve.

The PGP covers point source discharges of pollutants associated with the application of biological or chemical pesticides that leave a residue from the following use patterns: 1) mosquito and other flying insect pest control; 2) weed and algae control; 3) animal pest control; and 4) forest canopy pest control.

Conditions and requirements in the 2022 PGP remain largely unchanged from the previously issued 2017 PGP with the following updates to Permit Part 7.7 E-Reporting rule (40 CFR 127), and Appendix C definitions (40 CFR 122.2). Permit Part 7.7 was updated directing Decision Makers to submit forms and reports electronically through DEC Division of Water's online system – Environmental Data Management System (EDMS) and customer service portal that was launched June 6, 2022. In Appendix C, DEC added the definition for the term “Pesticide discharges to waters of the United States from pesticide application” and updated the definition “pesticide residue” to be consistent with 40 CFR 122.2.

A pesticide residue means for the purpose of determining whether an APDES permit is needed for discharges to waters of the United States from pesticide application that is discharged from a point source to waters of the United States and no longer provides pesticidal benefits. It includes any degradates of pesticide. [40 CFR 122.2]

Pesticide discharges to waters of the United States from pesticide application means the discharges that result from the application of biological pesticides, and the application of chemical pesticides that leave a residue, from point sources to waters of the United States. In the context of this definition of pesticide discharges to waters of the United States from pesticide application, this does not include agricultural storm water discharges and return flows from irrigated agriculture, which are excluded by law (33 U.S.C. 1342(1); 33 U.S.C. 1362(14)). [40 CFR 122.2]

1.2 Opportunities for Public Participation

To ensure public, agency, and tribal notification and opportunities for participation, the Department:

- Identified the permit on the annual Permit Issuance Plan posted online at <http://dec.alaska.gov/water/wastewater>
- Notified potentially affected tribes and local governments that the Department would be working on this permit via letter, fax and/or email
- Posted a preliminary draft of the permit on-line for a 10-day applicant review April 1, 2022 and notified tribes, local governments, and other agencies
- Formally published public notice of the draft permit in Alaska Daily News (April 17, 2022), Juneau Empire (4/15/2022), Fairbanks Daily News-Miner (April 15, 2022) and posted the public notice on the Department's public notice web page
- Posted the proposed final permit on-line for a 5-day applicant review
- Sent email notifications via the APDES Program List Serve when the preliminary draft, draft, and proposed final permits were available for review.

The Department received no comments during the draft public notice period.

1.3 Final Permit

The final permit was adopted by the Department on *June 24, 2022*. There *were no* changes from the public noticed permit as a result from public comment.