

Fact Sheet

General Permit for Minor Pesticide Applications (GPMPA)

This permit has been modified from the version advertised in public notice to address comments received during public notice as follows:

- 1). The term ‘waters of the state’ was corrected to ‘surface waters of the state’, as the prior term also includes groundwater.
- 2). In the permit, references to ‘Table 1 in the statement of basis’ were corrected to ‘Table 1 of the permit, as both tables are identical.

This permit has been renewed in accordance with current WYPDES permitting requirements. All permit effluent limits and monitoring requirements have been updated in accordance with current WDEQ regulations and policy. Specific changes to the permit include the following:

- 1) Non-substantive changes to improve permit clarity, correct grammatical errors, and improve document flow have been made during this permit renewal.*

BACKGROUND:

For many years, EPA regulated the sale, distribution and use of pesticides in the United States (U.S.) under the statutory framework of Federal Insecticide, Fungicide, and Rodenticide Act (**FIFRA**) labeling to assure pesticide use would not pose unreasonable risks to human health and the environment.

Several courts have addressed the question of whether the Clean Water Act (CWA) requires National Pollutant Discharge Elimination System (NPDES) permits for pesticide applications. On November 27, 2006, EPA issued a final rule clarifying that pesticide use did not require a NPDES permit when applying to, over, or near water; provided the pesticide application is consistent with FIFRA labeling when a portion of the pesticide will unavoidably be water-deposited to target pests.

On January 19, 2007, EPA received review petitions for their final ruling concerning pesticide use. Ultimately, petitions were filed in all eleven circuit courts. National Cotton Council, et al, vs. EPA was assigned to the Sixth Circuit Court of Appeals in Cincinnati, Ohio. The Ohio Court held that the CWA unambiguously included biological and chemical pesticides leaving residues, (the CWA definition of “pollutant.”) The Court also found that pesticide applications are considered point sources and thus require regulation under the NPDES program. On April 9, 2009, EPA requested a two-year mandate stay to allow themselves time to develop general pesticide use permits. The mandate stay was granted by the court and the effective date was to be April 9, 2011. In the spring of 2011, EPA requested and received another extension to allow time for the U.S. Fish and Wildlife Service review of EPA’s General Permit. The new effective date was October 31, 2011; EPA’s permit was signed and became effective on that date.

The Wyoming Department of Environmental Quality, Water Quality Division (DEQ/WQD) administers the NPDES (WYPDES) Program within Wyoming. This general permit is being established to meet court-ordered mandates requiring NPDES permits for pesticide applications to “waters of the U.S.” within Wyoming.

APPLICABILITY:

The Wyoming minor pesticide application general permit applies to pesticide applications that do not exceed the established size thresholds for various pesticide use categories established in Table 1, Page 2

of the PGP Fact Sheet. Entities discharging under the GPMPA are not required to submit a Notice of Intent (NOI), or any annual reports.

This permit does not apply to pesticide applications occurring to pesticide-impaired or pesticide-degradeate impaired waters. However, the GPMPA may be used for applications to impaired waters provided the permittee uses pesticides or pesticides with different degradates than those listed in the impairment. The effluent limits established in this permit are based upon *Chapters 1, 2, and 4 of Wyoming Water Quality Rules and Regulations*.

SUMMARY OF PERMIT CONDITIONS:

The pesticide application general permit currently authorizes discharge of both biological and chemical pesticides to “waters of the U.S.” within Wyoming associated with the following categories: **Mosquito and Other Flying Insect Pest Control, Weed and Algae Control, Nuisance Animal Control, and Forest Canopy Pest Control**. An applicator may be a for-hire applicator (see Appendix A for definition of applicator) or a property owner, landowner, or land decision maker self-applying pesticides.

The permit includes narrative conditions rather than numerical limits. All conditions are based upon Best Management Practices (BMPs) for pesticide use and reference FIFRA label instructions. The following conditions apply to all applicators:

- 1) Applicators shall follow established site-specific control measures,
- 2) Applicators shall apply the lowest effective pesticide concentration,
- 3) Applicators shall maintain, calibrate, and clean all application equipment as recommended by the manufacturer.

In order to obtain coverage under the GPMPA, the applicant shall print a copy of this permit, available from the Wyoming DEQ website or upon request at any DEQ office, and follow the requirements and conditions established in the GPMPA.

Table 1 describes annual treatment area thresholds and is provided for applicators as an aid in determining whether or not coverage under the General Permit for Minor Pesticide Applications is required. Applicators reasonably believing that their pesticide application activities might exceed any one of the thresholds below should contact DEQ/WQD to obtain a copy of the General Permit for Major Pesticide Applications NOI and obtain coverage prior to commencing any pesticide application activities. Thresholds are based upon individual annual contract, not annual accumulation.

Table 1. Annual Treatment Area Thresholds	
Pesticide Use Pattern	Annual Threshold (treatment area in acres unless otherwise stated)
Mosquitoes and Other Flying Insect Pests:	640 (larvacide) 6400 (adulticide)
In Water: Weeds and Algae	80 ^{1,2}
At Waters Edge: Weeds and Algae	20 linear miles of treatment area at water’s edge ³

Table 1. Annual Treatment Area Thresholds	
Pesticide Use Pattern	Annual Threshold (treatment area in acres unless otherwise stated)
In Water: Nuisance Animals	80 ^{1,2}
At Waters Edge: Nuisance Animals	20 linear miles of treatment area at water's edge ³
Forest Canopy:	6400 acres of forest canopy
Opt-In: Any entity or individual not otherwise eligible or who have a use category not fitting in the four use patterns listed above may Opt-In to permitting for pesticides applications.	No minimum thresholds: all applicators choosing this category are required to submit an NOI.

¹All pesticide applications to Class 1 surface waters of the state require NOI submission under the Major PGP, regardless of application area size. A list of Wyoming Class 1 surface waters is included in Appendix B.

²Calculations shall include application surface areas for applications made (1) to “waters of U.S” within Wyoming, and (2) to conveyances with a hydrologic surface connection to “waters of the U.S” within Wyoming at the time of pesticide application.

³Calculations shall include application length for applications made at water's edge adjacent: (1) to “waters of the U.S.” within Wyoming and (2) to conveyances with a hydrologic surface connection to a “water of the U.S.” within Wyoming at the time of pesticide application.

The General Permit for Minor Pesticide Applications is scheduled to expire on **December 31, 2030**.

Kathy Shreve
 WYPDES Permitting Supervisor
 Water Quality Division
 Department of Environmental Quality
 Drafted: December 5, 2024

GENERAL PERMIT FOR MINOR PESTICIDE APPLICATIONS
AUTHORIZATION TO DISCHARGE UNDER THE
WYOMING POLLUTANT DISCHARGE ELIMINATION SYSTEM
WYG260000

In compliance with the provisions of the Federal Water Pollution Control Act, (hereinafter referred to as "the Act"), and the Wyoming Environmental Quality Act, pesticide applications within the state (except areas within the Wind River Indian Reservation), discharging pesticides not exceeding application thresholds established in Table 1 of this permit to, over, in water, or at water's edge of the "waters of the U.S." within Wyoming, in any of four use patterns:

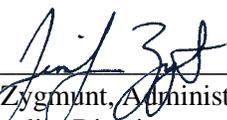
1. Mosquito and Other Flying Insect Pest Control,
2. Weed and Algae Control,
3. Nuisance Animal Control, and the
4. Forest Canopy Pest Control

are hereby authorized to discharge to "waters of the U.S." within Wyoming in accordance with the requirements of this permit.

The WYPDES General Permit for Minor Pesticide Applications is issued under the provisions of *Wyoming Water Quality Rules and Regulations, Chapters 1, 2, and 4.*

This general permit renewal shall become effective on January 1, 2026.

This general permit renewal and the authorization to discharge shall expire **December 31, 2030.**



Jennifer Zygmunt, Administrator
Water Quality Division



Todd Parfitt, Director
Department of Environmental Quality

Issuance Date April 7, 2025

PART I

1. PERMIT COVERAGE

The GPMPA covers pesticide applicators meeting eligibility requirements identified in this section.

For the purposes of the GPMPA, an “applicator” is the person responsible for day-to-day control or performance of activities necessary to ensure permit compliance; and meets the following criteria:

- (1) Performs pesticide applications **that do not exceed** the size thresholds established in Part I, Section 1.1.6.1 (Table1); and
 - (a) Performs pesticide applications as either an owner/decision maker/resource manager to areas needing pesticide treatment and either self-applies such pesticides or directs their own people/employees to conduct such applications; or
 - (b) owns/operates a for-hire business, as identified by one of three North American Industry Classification System (NAICS) codes listed below; and applies pesticides at the request of others, or directs their own people/employees to conduct applications:

115112	Agricultural pest control
115310	Forestry pest control
561710	Pest control, other than forestry and agriculture.

1.1. Eligibility

1.1.1. Covered Activities

Under this general permit, applicators are automatically granted authorization to discharge to, over, in, or at water’s edge of the “waters of the U.S.” within Wyoming for the application of:

- 1.1.1.1. biological pesticides, or
- 1.1.1.2. chemical pesticides

that leave residues (hereinafter collectively, “pesticides”), when the pesticide application is for one or more of the following pesticide use patterns when established application thresholds are not exceeded (see Table 1 of this permit for application threshold limits):

- 1.1.2. **Mosquito and Other Flying Insect Pest Control** – for control of 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, but are not limited to, mosquitoes and black flies.

- 1.1.3. Weed and Algae Control** – to control invasive or other nuisance weeds and algae in water and at water’s edge, including irrigation ditches¹ and/or irrigation canals¹.
- 1.1.4. Nuisance Animal Control** – for control of invasive or other nuisance animals in water and at water’s edge. Nuisance animals in this use category include, but are not limited to, fish, lampreys, and mollusks.
- 1.1.5. Forest Canopy Pest Control** – for aerial pesticide application over forest canopy areas to control populations of pest species (e.g., insect or pathogen), where effective pest targeting results in unavoidable pesticide application over and deposition in or to water.
- 1.1.6. Activities NOT Covered under the GPMPA:**
- 1.1.6.1. **Applications to Waters Exceeding Established Application Thresholds** – Applicators are **not** eligible for coverage under the General Permit for Minor Pesticide Applications if their discharge exceeds any application threshold established by the General Permit for Major Pesticides Applications (Table 1 below) or if the pesticide application is to any Class 1 Surface Water of the state of Wyoming (Class I surface waters of the state of Wyoming are listed in Appendix B).

Table 1. Treatment Area Thresholds	
Pesticide Use Pattern	Annual Thresholds (treatment area in acres unless otherwise stated)
Mosquitoes and Other Flying Insect Pests	640 (larvacide) 6400 (adulticide)
In Water: Weeds and Algae At Waters Edge: Weeds and Algae	80 ^{1,2} 20 linear miles of treatment area at water’s edge ³
In Water: Nuisance Animals At Waters Edge: Nuisance Animals	80 ^{1,2} 20 linear miles of treatment area at water’s edge ³
Forest Canopy	6400 acres of forest canopy
Opt-In: Any entity or individual not otherwise eligible or who have a use category not fitting in the five use patterns listed above may Opt-In to permitting for pesticides applications.	No minimum thresholds: all applicators choosing this category are required to submit an NOI.

¹ Laterals, canals, or ditches that do not drain or return water to “waters of the U.S.” within Wyoming are not included in this definition and are not generally considered to be jurisdictional under the Clean Water Act. Pesticide applications to canals and ditches that drain or return water into a “water of the U.S.” within Wyoming may require coverage under this permit. Pesticide applications performed “in-the-dry” need not be counted toward thresholds.

- 1.1.6.2. **Applications to Impaired Waters** – Applicators are not eligible for coverage under this permit for pesticide application to “waters of the U.S.” within Wyoming if the water is identified as impaired by that pesticide or its degradates. For purposes of this permit, impaired waters are those that have been identified by the state pursuant to Section 303(d) of the Clean Water Act (CWA) as not meeting applicable state water quality standards. If the discharge would not be eligible under this permit because the water is listed as impaired for a specific pesticide, the applicator may still receive coverage by using a different pesticide with different degradates.
- 1.1.6.3. **Coverage under a more specific permit** – An applicator shall not be granted coverage under the GPMPA for those facilities already covered under a more specific general permit and/or individual permit.
- 1.1.6.4. **Violation of water quality standards** - Applications determined to cause or have reasonable potential to cause or contribute to water quality standards violations or water quality impairments shall not receive authorization under this permit.
- 1.1.6.5. **Individual permit required** - If, after requested activity evaluation, the DEQ/WQD determines that the requested activity cannot be covered under the general permit, the application shall be processed as an individual permit application. The DEQ/WQD shall notify the applicator regarding their decision to deny authorization under the general permit and require coverage under an individual permit. Additional applicant information may be required.
- 1.1.6.6. **FIFRA** – Pesticide applications that would violate FIFRA requirements or that are not in conformance with pesticide label instructions shall not be authorized under this permit.

1.2. Authorization to Discharge under This Permit

- 1.2.1. **How to Obtain Permit Authorization:** To obtain authorization under this permit, applicators shall:
 - 1.2.1.1. Meet the eligibility requirements identified in Part I, Section 1.1.
 - 1.2.1.2. Complete the requirements described in Part I, Section 1.2.
- 1.2.2. **Agreement to Comply: Pesticide** application under the GPMPA constitutes a full agreement by the applicator to meet and comply with all general permit requirements.
- 1.2.3. **Temporary Coverage:** The Administrator reserves the right to issue temporary coverage under the GPMPA to applicators required to obtain pesticide discharge coverage under an individual permit.
- 1.2.4. **Termination of Permit Coverage:** Terms and conditions of the General Permit for Minor Pesticide Applications shall be implemented until one of the following conditions is met:
 - 1.2.4.1. The applicator has permanently discontinued pesticide under the GPMPA and does not expect to resume pesticide application under any of the four use categories established in Part I, Sections 1.1.2. through 1.1.5. of the GPMPA,

OR

1.2.4.2. The applicator has obtained coverage under an individual permit or an alternative general permit for all pesticide application activities.

1.2.5. Continuation of Coverage under a Renewed Permit. If the GPMPA is not reissued or replaced prior to its established expiration date, the GPMPA shall be administratively continued in accordance with 40 CFR 122.6. Continued permits remain in full force and effect. Any permittee authorized to discharge under the GPMPA permit shall automatically remain covered by the GPMPA until:

1.2.5.1. The DEQ/WQD administrator makes a formal decision not to reissue the GPMPA, at which time the administrator shall identify a reasonable time period for applicators covered under the GPMPA to seek alternative permit coverage. GPMPA permit coverage ceases when coverage under another permit is authorized and/or granted.

2. EFFLUENT LIMITATIONS

2.1. Technology-Based Effluent Limits: Effluent limitations established in Part I, Section 2.1 of the GPMPA require applicators to implement site-specific control measures minimizing pesticide discharges to “waters of the U.S.” within Wyoming. The terms “minimize” and “control measures” are defined in Appendix A. All applicators shall:

2.1.1. Use the lowest effective pesticide product amount per application, pesticides shall be applied at the optimum frequency necessary to control the target pest, and all applications shall be consistent with the pesticide product’s labelling instructions. Pesticides shall not be applied in a manner that increases pest resistance development potential.

2.1.2. Maintain pesticide application equipment (including any required safety equipment) in proper operating condition and adhere to any manufacturer conditions and FIFRA labeling instructions. Pesticide application equipment shall be calibrated, cleaned, and repaired on a regular basis to ensure effective pesticide application and pesticide control. The applicator shall ensure that the equipment’s pesticide application mechanism and rate is calibrated to deliver the precise quantity of pesticide needed to achieve the greatest target pest efficacy and is in accordance with FIFRA labeling instructions.

2.1.3. Assess application area environmental conditions (e.g. temperature, precipitation, and wind speed) prior to each pesticide application to identify whether existing environmental conditions support development of pest populations and are suitable for pest control activities.

2.2. Water-Quality-Based Effluent Limitations.

2.2.1. All pesticide applications shall be controlled as necessary to meet applicable numeric and narrative limits and requirements established by the *State of Wyoming Water Quality Rules and Regulations*; and

- 2.2.2. Corrective action shall be taken any time it becomes evident to the applicator or DEQ/WQD determines that a discharge is causing or contributing to an excursion of an applicable water quality standard.

2.3. Additional Permit Requirements.

- 2.3.1. Actions and Policies to Minimize Pesticide Discharges within Pest Management Areas.

All pesticide applicators shall:

- 2.3.1.1. Prepare implementation procedures for pesticide leaks, spills or releases. Procedures shall provide step-by-step guidelines for leak, spill, or release cessation, containment, and clean-up in the most expeditious manner possible.
- 2.3.1.2. Prepare notification procedures for facility personnel, emergency response agencies, and regulatory agencies in the event of pesticide spill, leak, or release occurrence.

- 2.3.2. Adverse Incident Response Procedures.**

- 2.3.2.1. Prepare incident response procedures for adverse pesticide application incidents.
- 2.3.2.2. Prepare and post adverse incident notification procedures, both internally (applicator's agency/organization) and externally. Contact information for state/federal permitting agencies, emergency medical facilities, and hazardous chemical responders shall be posted in readily accessible and available locations.
- 2.3.2.3. Train all pesticide application personnel in pesticide leak, spill, and release cessation, containment, clean-up, and notification procedures. New employees shall demonstrate acceptable understanding of pesticide leak, spill, release cessation, clean-up, and notification procedures prior to conducting any pesticide application activities.

- 2.3.3. Reduce Environmental and Non-Target Organism Impacts.**

- 2.3.3.1. Prepare action level identification procedures. These procedures shall identify trigger levels indicating pesticide use is needed.

3. MONITORING AND RECORDKEEPING REQUIREMENTS

- 3.1. Monitoring Requirements:** Applicators shall monitor pesticide application quantities to ensure use of the smallest pesticide amount needed to effectively control the target pest, consistent with pesticide labeling instructions. Applicators shall also monitor pesticide application activities to ensure application equipment is in proper operating condition, and adheres to any manufacturer's conditions, and labeling instructions. Applicators shall monitor all application equipment (including any required safety equipment) to ensure the equipment is properly calibrated, cleaned, and repaired on a regular basis, as specified by the equipment manufacturer. Equipment that is not properly calibrated, cleaned, and/or repaired shall be removed from use until it is properly calibrated, cleaned, and/or repaired, and shall be clearly marked as unsuitable for use until it is properly calibrated, cleaned, and/or repaired.

3.2. Post-Application Visual Monitoring Requirements: During operator post-application surveillance, all operators shall visually assess the application area and immediate vicinity for observable adverse incidents caused by pesticide application, as defined in Appendix A, including the unanticipated death or distress of non-target organisms, disruption of wildlife habitat, and adverse effects related to recreational or municipal water use.

3.3. Record Retention

The applicator shall retain records of all monitoring information, including calibration and maintenance records, original chart recordings for continuous monitoring instrumentation, copies of reports required by the GPMPA, and data records used to complete the GPMPA permit application, for at least three (3) years from the sample date, measurement date, or report or application date. A copy of the GPMPA shall be maintained on-site during the duration of the pesticide application activity. Additionally, the following list of documents shall be maintained on site for the duration of the permit term:

- 3.3.1.** Copies of any adverse incident reports
- 3.3.2.** Copies of any corrective actions taken; and
- 3.3.3.** Copies of any documents used to show compliance with Part I, Section 2, ‘Effluent Limitations’ of the GPMPA.

3.4 Adverse Incident Documentation and Reporting

3.4.1. Twenty-Four (24) Hour Adverse Incident Notification. If an applicator observes or is made aware of an adverse incident, as defined in Appendix A, that may have resulted from a pesticide application discharge, the applicator shall immediately notify DEQ/WQD. Notifications shall be made by telephone within 24 hours of the applicator becoming aware of the adverse incident and shall include, but is not limited to, the following information:

- 3.4.1.1.** The caller’s name and telephone number;
- 3.4.1.2.** Applicator name and mailing address;
- 3.4.1.3.** How and when individual became aware of the adverse incident;
- 3.4.1.4.** Adverse incident location;
- 3.4.1.5.** Description of the adverse incident;
- 3.4.1.6.** EPA registration number for all products applied in the adverse incident area; (if available), and;
- 3.4.1.7.** Description of steps taken or planned to correct, repair, remedy, cleanup, or otherwise address any adverse effects (if any).

When DEQ/WQD 24-hour notification is not possible, applicators shall notify DEQ/WQD as soon as possible and shall provide a rationale describing why 24-hour notification was not possible. DEQ/WQD adverse incident notification and reporting requirements are separate from FIFRA reporting requirements established by FIFRA section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

3.4.2. Five (5) Day Adverse Incident Written Report. Within 5 days of a reportable adverse incident pursuant to Part I, Section 3.4.1, the applicator shall submit a written adverse incident report to the DEQ/WQD office at the address listed below. The adverse incident report shall include, but is not limited to, the following information:

Wyoming Department of Environmental Quality
Water Quality Division, WYPDES Permitting Program
200 West 17th Street
Cheyenne, WY 82002

- 3.4.2.1. Information required in Part I, Sections 3.4.1.1 through 3.4.1.7 of the GPMPA;
- 3.4.2.2. Date and time of DEQ/WQD adverse incident notification, state contact person, and any instructions received from WQD/DEQ;
- 3.4.2.3. Incident location, including names of any affected waterbodies and their appearance: (sheen, color, clarity, etc.);
- 3.4.2.4. A description of circumstances surrounding the adverse incident, including affected species: estimated number of individuals affected, and approximate size of affected individuals;
- 3.4.2.5. Pesticide application rate, intended pesticide application site (e.g. stream bank, direct water application, etc.), pesticide application method, pesticide product name, description of pesticide product ingredients, and EPA registration number;
- 3.4.2.6. Habitat description for the pesticide application area (stream, grasslands, wooded area, etc.);
- 3.4.2.7. Description of circumstances surrounding the adverse incident;
- 3.4.2.8. Any available ambient water data for pesticide application area(s);
- 3.4.2.9. Description of any planned action(s) for prevention of adverse incident recurrence;
- 3.4.2.10. Adverse incident reports shall be signed and dated in accordance with Part II, Section 1.6. Applicators shall report all adverse incidents, even when pesticide labeling states that adverse incidents may occur.

3.5. Reportable Spills and Leaks. Reference *Chapter 4, Section 4, Wyoming Water Quality Rules and Regulations*

- 3.5.1. **Notification Requirements for Spills, Leaks, and Other Unpermitted Discharges.** Hazardous substance releases in any amount that enters, or threatens to enter, surface waters of the state shall be reported, contained, removed, and disposed of in accordance with these regulations.
 - 3.5.1.1. Any person owning or having control of oil or any hazardous substance that, after release, enters, or threatens to enter, surface waters of the state shall:
 - 3.5.1.1.1. Immediately take appropriate action to stop and contain the release;
 - 3.5.1.1.2. Immediately notify DEQ/WQD of the type, quantity, and location of the release, response, containment, and cleanup actions that have been taken or will be taken; and;
 - 3.5.1.1.3. Immediately proceed to correct the cause of the release.
 - 3.5.1.2. DEQ/WQD does not require release reporting for releases that meet the following criteria, provided the release does not physically enter surface waters of the state and is immediately contained, removed, and/or disposed of in accordance with departmental regulations:
 - 3.5.1.2.1. Ten barrels (420 gallons) or less of crude oil, petroleum condensate, produced water, or a combination thereof;

3.5.1.2.2. Twenty-five (25) gallons or less of refined crude oil products, including, but not limited to: gasoline, diesel motor fuel, aviation fuel, asphalt, road oil, kerosene, fuel oil, and mineral, animal, or vegetable oil derivatives.

3.5.1.3. In addition to the preceding reporting and/or notification requirements, spills or releases of listed substances at the specified quantities shall also be reported by the permittee/applicator to the National Response Center (NRC), located in the Washington DC area, at 1-800-424-8802. If it is not possible to contact the NRC, reports may be made to the Coast Guard or EPA predesignated On-Scene Coordinator (OSC). {40 CFR 110.6 (1996)}

3.5.2. Seven-Day Spill, Leak, or Other Unpermitted Discharge Documentation. Within seven (7) days of release, permittees/applicants shall submit a complete written report to DEQ/WQD describing the release and steps taken to prevent a recurrence.

3.5.3. Oil/Hazardous Substances Cleanup. Satisfactory oil/hazardous substance cleanup shall proceed in a timely and diligent manner. Satisfactory oil/hazardous substance cleanup shall be achieved when one or both of the following cleanup criteria have been met:

3.5.3.1. Oil shall not be present in, or threaten, surface waters of the state in amounts causing any one of the following conditions:

3.5.3.1.1. Oil and grease concentrations exceeding 10 mg/L;

3.5.3.1.2. Visible deposits on the bottom or shoreline of a waterbody; or

3.5.3.1.3. Damage to or impairment of normal growth, function, or reproduction of human, animal, plant, or aquatic life.

3.5.3.2. Hazardous substances shall not be present in, or threaten, surface waters of the state in concentrations or combinations that the administrator has determined to be damaging or that would impair the normal growth, function, or reproduction of human, animal, plant, or aquatic life, or impair beneficial use of any surface waters of the state.

3.5.3.3. Except when and/or extreme fire danger or unique hazardous circumstances exist, physical removal of the released oil or hazardous substance may be required, as deemed necessary by the administrator.

Pesticides General Permit

PART II

1. MANAGEMENT REQUIREMENTS

1.1 Noncompliance Notification

1.1.1. The permittee shall give advance notice of any planned changes in the permitted facility
or

activity that may result in noncompliance with permit requirements.

1.1.2. The permittee shall report any noncompliance that may endanger health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Quality Division, Wyoming Department of Environmental Quality at (307) 777-7781.

1.1.3. A written submission shall be provided within five (5) days of the time that the permittee becomes aware of a noncompliance circumstance as described in paragraph b. above.

1.1.4. The written submission shall contain:

1.1.4.1. A description of the noncompliance and its cause;

1.1.4.2. The period of noncompliance, including exact dates and times;

1.1.4.3. The estimated time noncompliance is expected to continue if it has not been corrected;

and

1.1.4.4. Steps taken or planned to reduce, eliminate and prevent re-occurrence of the non-compliance.

1.1.5. The permittee shall report all instances of noncompliance that have not been specifically addressed in any part of this permit at the time the monitoring reports are due.

1.2. **Facilities Operation.** The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems installed by the permittee only when their operation is necessary to achieve compliance with permit conditions. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

1.3. **Adverse Impact.** The permittee shall take all reasonable steps to minimize any adverse impact to “waters of the U.S.” in Wyoming, resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

1.4. **Duty to Comply.** The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal act and the Wyoming Environmental Quality Act and is grounds for enforcement action as defined in W.S. 35-11-901; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the administrator of the DEQ/WQD advance notice of any planned changes at the permitted facility or of any activity that may result in permit noncompliance.

1.5. Duty to Mitigate. The 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. Signatory Requirements. All applications, reports or information submitted to the administrator of the Water Quality Division shall be signed and certified as established below:

1.6.1. All permit applications shall be signed as follows:

- 1.6.1.1.** For a corporation: by a responsible corporate officer;
- 1.6.1.2.** For a partnership or sole proprietorship; by a general partner or the proprietor; respectively;
- 1.6.1.3.** For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected official.

1.6.2. All reports required by the permit and other information requested by the Water Quality Division administrator shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- 1.6.2.1.** The authorization is made in writing by a person described above and submitted to the Administrator;
- 1.6.2.2.** The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may either be a named individual or any individual occupying a named position.
- 1.6.2.3.** If an authorization under paragraph Part II, Section 1.6.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph Part II, Section 1.6.2. shall be submitted to the DEQ/WQD administrator prior to or together with any reports, information or applications to be signed by an authorized representative.
- 1.6.2.4.** Any person signing a document under this section shall make the following certification:

"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 any information, including the possibility of fine and imprisonment for knowing violations."

2. RESPONSIBILITIES

- 2.1. Providing Access.** The permittee shall allow Department of Environmental Quality personnel and their invitees to enter the premises where the facility is located, or where records are kept under the conditions of this permit and collect resource data as defined by Wyoming Statute § 6-3-414, inspect and photograph the facility, collect samples for analysis, review records, and perform any other function authorized by law or regulation. The permittee shall secure and maintain such access for the duration of the permit.

If the facility is located on property not owned by the permittee, the permittee shall also secure and maintain from the landowner upon whose property the facility is located permission for Department of Environmental Quality personnel and their invitees to enter the premises where a regulated facility is located, or where records are kept under the conditions of this permit, and collect resource data as defined by Wyoming Statute § 6-3-414, inspect and photograph the facility, collect samples for analysis, review records, and perform any other function authorized by law. The permittee shall secure and maintain such access for the duration of the permit.

If the facility cannot be directly accessed using public roads, the permittee shall also secure and maintain permission for Department of Environmental Quality personnel and their invitees to enter and cross all properties necessary to access the facility. The permittee shall secure and maintain such access for the duration of the permit.

- 2.2. Access Records.** The permittee shall maintain documentation demonstrating that the permittee has secured permission for Department of Environmental Quality personnel and their invitees to access the permitted facility, including (i) permission to access the land where the facility is located, (ii) permission to collect resource data as defined by Wyoming Statute § 6-3-414, and (iii) permission to enter and cross all properties necessary to access the facility if the facility cannot be directly accessed from a public road. The permittee shall also maintain in its records a current map of the access route(s) to the facility and contact information for the owners or agents of all properties that must be crossed to access the facility. The permittee shall ensure that the documentation, map, and contact information are current at all times. The permittee shall provide the documentation, map, and contact information to the Department of Environmental Quality personnel upon request. Upon termination of the permit, the permittee shall maintain such records for a period of three (3) years.
- 2.3. Reports Availability.** Except for data determined to be confidential under Section 308 of the federal act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Wyoming Department of Environmental Quality and the regional administrator of the Environmental Protection Agency. As required by the federal act, effluent data shall not be considered confidential. Knowingly making false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the federal act.
- 2.4. Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the federal act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- 2.5. Changes in Toxic Substances.** Notification shall be provided to the administrator of the DEQ/WQD as soon as the permittee knows of, or has reason to believe:

- 2.5.1.** An activity has occurred or may occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- 2.5.1.1.** One hundred micrograms per liter (100 µg/L);
 - 2.5.1.2.** Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred 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;
 - 2.5.1.3.** Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or
 - 2.5.1.4.** The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).
- 2.5.2.** An activity has occurred or may occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- 2.5.2.1.** Five hundred micrograms per liter (500 µg/L);
 - 2.5.2.2.** One milligram per liter (1 mg/l) for antimony;
 - 2.5.2.3.** Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or
 - 2.5.2.4.** The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).
- 2.6. Civil and Criminal Liability.** Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.
- 2.7. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties that the permittee is or may be subject to under Section 311 of the federal act.
- 2.8. State Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to any applicable state or federal law or regulation. In addition, issuance of this permit does not substitute for any other permits required under the Clean Water Act or any other federal, state, or local government.
- 2.9. Property Rights.** The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringement of federal, state or local laws or regulations.
- 2.10. Duty to Reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- 2.11. Duty to Provide Information.** The permittee shall furnish to the administrator of the DEQ/WQD, within a reasonable time, any information the administrator may request to

determine whether cause exists for modifying, revoking and reissuing or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the administrator, upon request, copies of any records applicators are required to keep under the GPMPA.

- 2.12. Other Information.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or any report to the administrator of the DEQ/WQD, it shall promptly submit such facts or information.
- 2.13. Permit Action.** This permit may be modified, revoked, reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation, reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Pesticides General Permit

Part III

1. Other Requirements

- 1.1 Flow Measurement.** At the request of the administrator of the Water Quality Division, the permittee shall show proof that the flow measuring device used in obtaining data submitted in the monitoring report is accurate. The flow measuring device shall be accurate to within plus or minus ten (10) percent of the actual flow being measured.
- 1.2 208(b) Plans.** This permit may be modified, suspended or revoked to comply with the provisions of any 208(b) plan certified by the Governor of the State of Wyoming.
- 1.3 Reopener Provision.** This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary) or other appropriate requirements if one or more of the following occurs:
- 1.3.1.** The state water quality standards of the receiving water(s) the permittee discharges to are modified in such a manner as to require different effluent limits than contained in this permit;
 - 1.3.2.** A total maximum daily load (TMDL) and/or watershed management plan is developed and approved by the state and/or the Environmental Protection Agency that specifies a waste load allocation for incorporation in this permit;
 - 1.3.3.** A revision to the current water quality management plan is approved and adopted that calls for different effluent limitations than those contained in this permit;
 - 1.3.4.** Downstream impairment is observed, and the permitted facility is contributing to the impairment;
 - 1.3.5.** The limits established by the permit no longer attain and/or maintain applicable water quality standards;
 - 1.3.6.** The permit does not control or limit a pollutant that has the potential to cause or contribute to a violation of a state water quality standard;
 - 1.3.7.** If new applicable effluent guidelines and/or standards have been promulgated and the standards are more stringent than the effluent limits established by the permit; and
 - 1.3.8.** If an Interstate Memorandum of Cooperation exists, effluent limits may be incorporated into this permit or existing limits may be modified to ensure that the appropriate criteria, quality standards, and assimilative capacity are attained.
- 1.4 Permit Modification.** After notice and opportunity for a hearing, this permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:
- 1.4.1.** Violation of any permit term or condition;
 - 1.4.2.** Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
 - 1.4.3.** A change in any condition requiring either a temporary or permanent reduction or elimination of the authorized discharge; or

- 1.4.4. If necessary to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b) (2) (C) and (D), 304 (b) (2) and 307 (a) (2) of the federal act, if the effluent standard or limitation so issued or approved:
 - 1.4.5. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - 1.4.6. Controls any pollutant not limited in the permit.
- 1.5. Toxicity Limitation - Reopener Provision.** This permit may be reopened and modified (following proper administrative procedures) to include new compliance dates, additional or modified numerical limitations, new or different compliance schedules, a change in whole effluent protocol, or any other conditions related to the control of toxicants if one or more of the following events occur:
- 1.5.1. Toxicity was detected late in the life of the permit near or past the deadline for compliance;
 - 1.5.2. TRE results indicate compliance with toxic limits requires an implementation schedule past the compliance date and the permit issuing authority agrees with the conclusion;
 - 1.5.3. TRE results indicate that toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits and the permit issuing authority agrees that numerical controls are the most appropriate course of action;
 - 1.5.4. Following implementation of numerical toxicant controls, the permit issuing authority agrees that a modified whole effluent protocol is necessary to compensate for numerically controlled toxicants;
 - 1.5.5. The TRE reveals other unique conditions or characteristics that, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.
- 1.6 Severability.** The provisions of this permit are severable, if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- 1.7 Penalties for Falsification of Reports.** The federal act provides that any person who knowingly makes any false statement, representation or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than two years per violation or both.

APPENDIX A

Definitions, Abbreviations, and Acronyms

DEFINITIONS

Action Threshold – Point where pest populations can no longer be tolerated, and pest control becomes necessary based upon economic, human health, aesthetic, or other effects. A single pest sighting does not automatically mandate pest control. Action thresholds help determine appropriate control actions and control action timing.

Active Ingredient – any substance (or group of structurally similar substances if specified by the Agency) that prevents, destroys, repels or mitigates pests, or 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 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 pesticidal substances. [40 CFR 174.3]

Administrator - The Administrator of the Department of Environmental Quality, Water Quality Division, or their authorized agent.

Adulticide – A chemical, usually an insecticide, targeted toward control of an insect’s adult stage.

Adverse Incident – an incident where:

- (1) A person or non-target organism has been exposed to pesticide residue, and
- (2) The person or non-target organism suffered a toxic or adverse effect.

The phrase “toxic or adverse effects” includes effects occurring within waters of the U.S. 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/or small fish
- Washed up or floating fish
- Fish swimming abnormally or erratically
- Fish lying lethargically at the water’s surface or in shallow water
- Listless or nonresponsive fish
- 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, “toxic or adverse effects,” also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals occurring either directly or indirectly from discharges to waters

of the U.S. that are temporally and spatially related to pesticide residue exposure (e.g., vomiting, lethargy).

Applicator – “Applicator” are persons performing activities necessary to ensure compliance with this permit, or are responsible for the day-to-day control of this permit, and meet the following criteria:

- (2) Perform pesticide applications that do NOT exceed thresholds established in this permit (Table 1 “Treatment Area Thresholds,” Part I, Section 1.1.6.1.); and
 - (a) Perform pesticide applications as either an owner/decision maker/resource manager of areas needing pesticide treatment and either acts as their own applicator, or directs their own people/employees to perform such applications; or
 - (b) owns/operates a for-hire pesticide application business, as identified by one of the three North American Industry Classification System (NAICS) codes listed below, such applicators may self-apply pesticides, or they may direct their own people/employees to perform such applications:

115112 Agricultural Pest Control
115310 Forestry Pest Control
561710 Pest Control, Other than forestry and agriculture.

Best Management Practices (BMPs) – means a practice or combination of practices that, after problem assessment, examination of alternative practices, and in some cases public participation, are determined to be the most technologically and economically feasible means of managing, prevention, or reducing nonpoint source pollution. [Chapter 1, Wyoming Water Quality Rules and Regulations, section 2, vi].

Biological Control Agents – organisms such as herbivores, predators, parasites, and hyperparasites introduced to an area for pest control purposes.

Biological Pesticides (also called biopesticides) - includes microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP).

Microbial pesticide - means a microbial agent intended for the prevention, destruction, aversion, or mitigation of any pest, or intended for use as a plant regulator, defoliant, or desiccant, that

- (1). is a eukaryotic microorganism including; but not limited to: protozoa, algae, and fungi;
- (2). is a prokaryotic microorganism, including; but not limited to: Eubacteria and Archaeobacteria; or
- (3). is a parasitically replicating microscopic element; including, but not limited to: viruses. [40 CFR 158.2100(b)]

Biochemical pesticide - *means* 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 pesticide 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)]

Chemical Pesticides – all pesticides not otherwise classified as biological pesticides.

Class 1 Waters – Outstanding Waters. Class 1 waters are those surface waters where no further water quality degradation by point source discharges, other than from dams, will be allowed. Nonpoint pollution sources shall be controlled through appropriate BMP implementation. Pursuant to Section 7 of Wyoming Water Quality Rules and Regulations, water quality and the physical and biological integrity that existed in the water at the time of designation will be maintained and protected.

Control Measure – refers to BMPs or other methods used to meet effluent limitations. Control measures shall comply with manufacturer specifications, industry standards, recommended industry practices related to pesticide applications, and relevant legal requirements. Additionally, control measures could include other actions that a prudent operator would implement to reduce and/or eliminate pesticide Applications to waters of the U.S. to comply with the effluent limitations in this permit.

Cultural Methods – habitat manipulation for the purpose of increasing pest mortality by making habitats less suitable to the pest.

Discharge –any addition of pollution or wastes to any surface waters of the state. [WS-35-11-103(c)(vii)].

Discharge of a pollutant – any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft being used as a means of transportation. This includes addition of pollutants into waters of the U.S. from: surface runoff collected or channeled by man; and discharges through pipes, sewers, or other conveyances leading into privately owned treatment works. [excerpted from 40 CFR 122.2]

EPA-Approved or Established Total Maximum Daily Loads (TMDLs) – “EPA Approved TMDLs” are developed by a State and approved by EPA. “EPA Established TMDLs” are issued by EPA. See TMDL definition for additional information.

Impaired Water– A water is ‘impaired’ for purposes of this permit if it has been identified by a State, Territory, Tribe or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State, Territorial, or Tribal water quality standards (these waters are called “water quality limited segments” under 40 CFR 130.2(j)). Impaired waters include waters with approved or established TMDLs, and those waters where TMDLs have not yet been approved or established. See TMDL definition for additional information

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]

Larvicide – an insecticide that is specifically targeted against an insect’s larval life stage.

Minimize - to reduce and/or eliminate pesticide applications to waters of the U.S. through the use of “control measures” to the extent technologically available and economically practicable and achievable.

Non-target Organisms – includes plant and animal hosts of the target species, 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 pesticide targets.

Opt-Into Permitting (Opt-In) - Any entity or individual not otherwise eligible, or who has a use category outside of the five use patterns listed above, may elect to request (opt-in) pesticide discharge permitting. Opt-in applicators shall comply with the provisions of the PGP until their authorization is terminated and all pesticide applications eligible for coverage under the PGP have ceased; or their PGP authorization has been transferred to another individual or entity, at which time the new applicator shall comply with all PGP provisions.

Person – an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, municipality or any other political subdivision of the state, or any interstate body or any other legal entity.

Pest – Consistent with 40 CFR 152.5, any organism under circumstances making 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 FFDCa sec. 201(g)(1)) and cosmetics (as defined in FFDCa sec. 201(i)).

Pest Management Area – The surface area, including any water, where an applicator is conducting pest management activities covered by the PGP.

Pesticide – means:

- (a). any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest,
- (b). any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and
- (c). 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 Federal Food, Drug, and Cosmetic Act (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 Federal Food, Drug, and Cosmetic Act (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 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).

(Pesticide) Degradate – generic term including a pesticide’s active ingredient breakdown products resulting from biological processes (i.e., metabolites) and chemical processes (i.e., hydrolysis, photolysis, photooxidation).

Pesticide Pollution Prevention Plan (P4) – A document developed by a pesticide applicator describing practices, BMPs, standard operating procedures and monitoring information for the purpose of ensuring surface water protection for waters that may be impacted by pesticide management activities. P4s contain two sections. The first section (see 3.3.1 of the permit) is comprised of protocols that can be used at all pest management areas to ensure:

- (a). use of the lowest effective pesticide amount,
- (b). equipment maintenance, and
- (c). procedures to reduce impact of pesticide application activities to the environment.

The second section is a summary of site-specific activities for each treatment area exceeding treatment area thresholds.

Pesticide Residue – includes that portion of a pesticide application discharged from a point source to waters of the US that longer provides pesticidal benefits, including any pesticide degradates.

Plant-incorporated protectant - means a pesticidal substance intended for production and use in a living plant, or in the produce thereof, and the genetic material necessary for production of such

a pesticidal substance. It includes any inert ingredient contained in the plant or produce thereof. [40 CFR 174.3]

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, vessel, or other floating craft where pollutants are or may be discharged. [WS 35-11-103 (a)(xi)].

Pollutant – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.]) heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and/or agricultural waste discharged into water. Pollutant does not include sewage from vessels; or water, gas, or other material injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by authority of the state and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources. [Chapter 2, Wyoming Water Quality Rules and Regulations, Section 3 (lxxv)].

Public Health Emergency – an event defined by any federal agency, state, or local government’s public declaration regarding a pest problem requiring control through pesticide application commencing less than ten days after the need for pest control is determined. This public declaration may be based upon:

- (a). Significant risk to human health;
- (b). Significant economic loss; or
- (c). Significant risk to:
 - (i) Endangered species;
 - (ii) Threatened species;
 - (iii) Beneficial organisms; or
 - (iv) The environment.

Surface Waters of the State – all perennial, intermittent, and ephemeral defined drainages, lakes reservoirs, and wetlands that are not man-made retention ponds used for the treatment of municipal, agricultural, or industrial wastes; and all other bodies of surface water, either public or private that are wholly or partially located within the boundaries of the state. Nothing in this definition is intended to expand the scope of the Environmental Quality Act, as limited in W.S. 35-11-1104. [Chapter 1, Wyoming Water Quality Rules and Regulations, section 2, 1].

Total Maximum Daily Loads (TMDLs) - are calculations performed to determine the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards established for the waterbody for that pollutant. A TMDL determines a pollutant reduction target and allocates load reductions necessary to the pollutant source.

Target Pest – the organism determined to require pest control measures.

Treatment Area – The surface area, including any waters, or the linear distance along water’s edge, where pesticides are being applied. Multiple treatment areas may be located within a single “pest management area.” The “treatment area” includes the entire area, whether over land or water, where the pesticide application is intended to provide pesticidal benefits. 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 should be calculated by multiplying the width of the canal by the length where pesticide is intended to control weeds. The treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits.

Treatment area calculations for pesticide applications that occur “at water’s edge”, where the discharge of pesticides directly to waters is unavoidable, is determined by the linear pesticide application distance. For example, treating both sides of a five-mile-long river, stream, or ditch is equal to five miles of treatment area; the sides are not additive. Treating five miles of shoreline or coast would equal a five-mile treatment area.

Waters of the State - all surface and groundwater, including waters associated with wetlands, within Wyoming. [WS 35-11-103(c)(vi)].

Waters of the U.S. - The term waters of the United States means:

- (a). All waters that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide;
- (b). All interstate waters including interstate wetlands;
- (c). All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, whose degradation or destruction could affect interstate or foreign commerce including any such waters:
 - (i). That are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - (ii). Where fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (iii). That are used or could be used for industrial purposes by industries in interstate commerce.
- (d). All water impoundments otherwise defined as waters of the United States under this definition;
- (e). Tributaries of waters identified in paragraphs (s)(1) through (4) of this section;
- (f). The territorial sea;
- (g). Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (s)(1) through (6) of this section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) that also meet the criteria of this definition) are not waters of the United States.

Waters of the United States does not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Water Quality Standards – regulations as established by Wyoming Water Quality Rules and Regulations, Chapter 1 describing the state's surface water designated uses, numeric and narrative criteria necessary for the state's surface water protection, and an antidegradation provision protective of the state's natural surface water quality. [Chapter 2, Wyoming Water Quality Rules and Regulations, section 3(ci)].

ABBREVIATIONS AND ACRONYMS

BAT – Best Available Technology Economically Achievable
BMP – Best Management Practice
BPJ – Best Professional Judgment
BPT – Best Practicable Control Technology Currently Available
CFR – Code of Federal Regulations
CWA – Clean Water Act
DEQ – Wyoming Department of Environmental Quality
DEQ/WQD – Wyoming Department of Environmental Quality/Water Quality Division
Director – means the director of the DEQ
EPA – U. S. Environmental Protection Agency
FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act, 7 USC 136 et seq.
GPMPA – Wyoming Pollution Discharge Elimination System Program’s General Permit for Minor Pesticide Applications
NAICS – North American Industry Classification System
NOI – Notice of Intent to Discharge Pesticide
NOT – Notice of Termination
NOTA – Notice of Transfer and Acceptance
NPDES – National Pollutant Discharge Elimination System
NRC – National Response Center
OPT-IN – Option into permitting for pesticide discharges.
P4—Pesticide Pollution Prevention Plan
“the Act” – Federal Water Pollution Control Act
TMDL – Total Maximum Daily Load
WQD – Water Quality Division (of the Department of Environmental Quality)
WQS – Water Quality Standard
W.S. – Wyoming Statute
WYPDES – Wyoming Pollutant Discharge Elimination System

Appendix B
Class 1 Surface Waters of the State

1. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;
2. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);
3. The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;
4. The Main Stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;
5. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;
6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortez Dam (Miracle Mile segment);
7. The main stem of the North Platte River from the Natrona County Road 309 Bridge (Goose Egg Bridge) upstream to Alcova Reservoir;
8. The main stem of Sand Creek above the U.S. Highway 14 Bridge;
9. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;
10. The main stem of the Tongue River, the main stem of the North Fork of the Tongue River, and the main stem of the South Fork of the Tongue River above the U.S. Forest Service Boundary;
11. The main stem of the Sweetwater River above the mouth of Alkali Creek;
12. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;
13. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;
14. All waters within the Fish Creek (near Wilson, Wyoming) drainage;
15. The main stem of Granite Creek (tributary of the Hoback River) through its entire length;
16. Fremont Lake;
17. Wetlands adjacent to the above-listed Class 1 waters.
18. National Parks and Wilderness Areas. All surface waters located within the boundaries of Yellowstone and Grand Teton National Parks and congressionally designated wilderness areas as of January 1, 1999, are class 1 waters. Such class 1 designation always takes precedence over the classification given in the listing. For example, Dinwoody Creek is shown as a class 2 water;

however, the upper portions are within a wilderness area and those portions are class 1. The portion below the wilderness boundary is class 2.

END OF PERMIT