

Fact Sheet

General Permit for Major Pesticide, Herbicide, and Water Treatment Chemical Applications (PGP)

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). ***Many minor changes to improve permit clarity, correct grammatical errors, and improve document flow have been made during this permit renewal.***
- 2). ***An additional use category for the application of water treatment chemicals has been included. This category is limited to water treatment chemicals used to treat unwanted anthropogenic water quality issues contributing to or causing undesirable aquatic life.***
- 3). ***Permittees are now instructed to apply for permits, permit renewals, notices of transfer and acceptance, and notices of termination electronically using the WDEQ’s on-line database (WYIMS). Permit fee payments should also be completed using the fee pay option in WYIMS.***
- 4). ***Language regarding permit fees has been included in Part II.2.14 of this permit renewal.***

BACKGROUND:

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

Since the 1990s, several courts have addressed the question of whether the Clean Water Act (CWA) requires National Pollutant Discharge Elimination System (NPDES) permits for pesticide applications. After several different circuit court decisions on pesticide use over a number of years, EPA issued a final rule on November 27, 2006 clarifying pesticide use and stating that pesticide use does not require a NPDES permit when applying pesticides to, over, or near water, provided the pesticide application is consistent with FIFRA labeling, including any portion of the pesticide unavoidably deposited to water to target pests.

On January 19, 2007, EPA received petitions for review of their final ruling concerning pesticide uses. Petitions were ultimately filed in all eleven circuit courts, with the National Cotton Council, et al, vs. EPA assigned to the Sixth Circuit Court of Appeals in Cincinnati, Ohio. The Court held that the CWA unambiguously includes biological and chemical pesticides leaving residues within the CWA’s definition of “pollutant.” The Court also found that pesticide applications are considered point sources and are thus require regulation under the NPDES Program. On April 9, 2009, EPA requested a two-year mandate stay to provide EPA time for development of pesticide use general permits; the mandate stay was granted by the court and the final effective date changed to

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 to review EPA's General Permit. The revised final effective date was October 31, 2011. EPA's pesticide general permit was signed and effective on October 31, 2011.

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.

In 2024, this permit was renewed and modified to include an additional Use Category for water treatment chemicals used to ensure surface waters are free from substances, conditions, or combinations thereof that are attributable to or influenced by the activities of man, in concentrations that produce undesirable aquatic life, in accordance with *Wyoming Water Quality Rules and Regulations, Chapter 1, Section 28*. This new use category is defined as 'water treatment chemical application'. Permittees choosing to apply water treatment chemicals to reduce anthropogenic water quality conditions causing such things as toxic algal blooms may apply for water treatment chemical applications under this use category.

APPLICABILITY:

The general permit for major pesticide applications applies to pesticide applications exceeding the size thresholds established for the various pesticide use categories. (See Table 1.) The major pesticide application general permit does not apply to pesticide applications to waters impaired for specific pesticides or pesticide degradates, however, the permit may be used for other types of pesticide applications with different degradates than those listed in the impairment. Effluent limits established in the pesticide application general permit are based upon *Chapters 1, 2, and 4, Wyoming Water Quality Rules and Regulations*.

PERMIT CONDITIONS SUMMARY:

The pesticide discharge general permit authorizes applications of both biological and chemical pesticides to "waters of the U.S." within Wyoming associated with:

- 1. Mosquito and Other Flying Insect Pest Control,**
- 2. Weed and Algae Control,**
- 3. Nuisance Animal Control,**
- 4. Forest Canopy Pest Control,**
- 5. "Opt-In" Permitting (Opt-In) category to address pesticide use patterns not specifically addressed elsewhere, and**
- 6. Water Treatment via Chemical Application**

Authorizations are granted based upon minimum thresholds for each of the defined categories and are only granted to applicators. An applicator may be a for-hire applicator, (see Appendix A for definition of applicator) a property owner, land owner, or land decision maker self-applying pesticides.

The permit's conditions are narrative rather than numerical, and are based upon Best Management Practices (BMP) for pesticide use as per FIFRA label instructions. Site-specific control measures are required, the lowest effective pesticide amount shall be utilized at each site. Regular equipment maintenance, calibration, and cleaning are also required. Permittees are required to keep current operation logs. Pesticide Pollution Prevention Plans (P4) are also required. Permittees shall prepare and submit annual reports as specified in the general permit for major pesticide application.

In order to obtain coverage under the general permit for major pesticide applications, the applicant shall complete and submit a “Notice of Intent to Discharge Pesticides” (NOI). The DEQ/WQD shall review the NOI and determine if the proposed activity is eligible for coverage under the general permit for major pesticide applications, or if the activity should be covered under an individual permit or the minor pesticide discharge general permit. If the proposed activity is eligible for the coverage under the general permit for major pesticide applications, DEQ/WQD shall provide the applicator written or electronic notification that coverage has been granted. An NOI shall be submitted by all applicators that know, or reasonably should have known, that planned application(s) may exceed one or more of the thresholds listed in **Table 1**. Thresholds established in **Table 1** apply on an individual annual contract basis, not on an annual accumulation basis, and permittees shall submit only one NOI. Records shall be maintained for any future contracts that may exceed any threshold listed in **Table 1**:

Table 1. Annual Treatment Area Thresholds⁴	
Pesticide Use Pattern	Annual Threshold (treatment area in acres unless otherwise stated)
Mosquitoes and Other Flying Insect Pests:	640 (larvicide) 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
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.
Water Treatment Chemicals: Any chemicals previously approved by DEQ.	80 ^{1,2}
Water Treatment Chemical Pilot Studies: Application of water treatment chemicals not previously permitted within the state of Wyoming for the purposes of studying their ability to treat anthropogenic water quality issues. Such permits will only be issued if the permittee can demonstrate to the WDEQ’s satisfaction that such chemicals will have no unwanted side effects.	No minimum thresholds, all applicators in this category are required to submit an NOI.

¹All pesticide applications to Class 1 surface waters of the state require submission of an NOI 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.

⁴For additional information regarding treatment thresholds and pesticide use patterns, see Part I, Section 1.1.1. of this general permit.

A Notice of Termination (NOT), along with the current year’s annual report shall be received by DEQ/WQD, and a letter of acknowledgement accepting the NOT shall be sent to the permittee before the NOT is effective. Notice of Transfers and Acceptance (NOTA) shall be received by the DEQ/WQD, along with any current and/or outstanding annual reports that the current application is required to submit, before DEQ/WQD will process an NOTA. NOTAs are not final until DEQ/WQD sends a letter of acknowledgement to both parties, either in writing or electronically. New applicators shall not be allowed to discharge pesticides to “waters of the U.S.” within Wyoming until they have received written or electronic acknowledgment from the DEQ/WQD that the NOTA is final.

PERMIT FEES:

All WYPDES general permit authorizations are subject to a permit fee of \$200 per year of permit coverage, as outlined in the Notice of Intent form. Fees may be submitted via a check or money order, payment shall accompany the applicator’s hard-copy or electronic NOI submittal. Electronic NOI submittals and payments shall be made using the WDEQ’s on-line permitting database (WYIMS), accessed at <https://wyims.wyo.gov/ncore/external/home>. WYIMS permitting database use requires an account, to create an account, click the blue ‘Create a WYIMS Account’ button from the home page and follow the account creation prompts. Any permittee having difficulty creating a WYIMS account should contact WYPDES Program staff for assistance. Use the main WDEQ contact number (307) 777-7781 and request connection with a WYPDES permitting staff member.

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

Jason Thomas
WYPDES Program Manager
Water Quality Division
Department of Environmental Quality
Revised: June 8, 2020

Kathy Shreve
WYPDES Permitting Supervisor
Water Quality Division
Department of Environmental Quality
Revised: July 1, 2024

**GENERAL PERMIT FOR MAJOR PESTICIDE, HERBICIDE, AND WATER TREATMENT
CHEMICAL APPLICATIONS**

**APPLICATION AUTHORIZATION UNDER THE
WYOMING POLLUTANT DISCHARGE ELIMINATION SYSTEM**

WYG480000

In compliance with the provisions of the Federal Water Pollution Control Act, (hereafter referred to as ‘the Act’), and the Wyoming Environmental Quality Act, pesticide and water treatment chemical applicators within the state (except areas within the Wind River Indian Reservation), applying pesticides or water treatment chemicals to, over, in, or at the water’s edge of ‘waters of the U. S.’ within Wyoming in any of the six use patterns below:

1. Mosquito and Other Flying Insect Pest Control,
2. Weed and Algae Control,
3. Nuisance Animal Control,
4. Forest Canopy Pest Control,
5. Opt-In Use Patterns, and
6. Water Treatment via Chemical Application

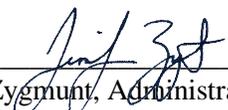
are hereby authorized to apply pesticides and/or water treatment chemicals to ‘waters of the U. S.’ within Wyoming in accordance with the requirements of this permit.

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

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

This permit renewal and the application authorization shall expire on **December 31, 2030.**

Pesticide and water treatment chemical applications are authorized under the WYPDES General Permit for Major Pesticide and Water Treatment Chemical Applications only after submission of a Notice of Intent from the proposed applicator to the Department of Environmental Quality/Water Quality Division , and the proposed applicator’s receipt of a Letter of Authorization from the Department of Environmental Quality/Water Quality Division.



Jennifer Zygmunt, Administrator
Water Quality Division



Todd Parfitt, Director
Department of Environmental Quality

Issuance Date April 1, 2025

GENERAL PERMIT FOR MAJOR PESTICIDE, HERBICIDE, AND WATER TREATMENT CHEMICAL APPLICATION

PART I

1. PERMIT COVERAGE

This permit covers any pesticide, herbicide, or water treatment chemical applicator meeting the eligibility requirements identified in this section.

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

- (1) Performs pesticide and/or water treatment chemical applications exceeding thresholds established in Table 1 “Treatment Area Thresholds,” Part I, Section 1.2.2.3.3. (Page 5) of the GPPHWA; and
 - (a) Performs pesticide and/or water treatment chemical applications as either an owner/decision maker/resource manager to areas needing pesticide or water treatment chemical application and either self-applies such pesticides and/or water treatment chemicals or directs their own people/employees to conduct such applications; or
 - (b) owns/operates a for-hire business, as identified by one of four North American Industry Classification System (NAICS) codes listed below; and applies pesticides and/or water treatment chemicals 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.
561990	Water softening and conditioning services

1.1. Eligibility

1.1.1. Covered Activities

Under this general permit, applicators may be granted authorization to apply pesticides and/or water treatment chemicals to, over, in, or at water’s edge of the “waters of the U.S.” within Wyoming for:

- 1.1.1.1. biological pesticides, or
- 1.1.1.2. chemical pesticides, or
- 1.1.1.3. water treatment chemicals

that leave residue(s) (hereinafter collectively, “treatment”), when the pesticide and/or water treatment chemical application is for any one or more of the following pesticide or water treatment chemical use patterns when established application thresholds are 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 insects 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** – for control of invasive or other nuisance weeds and algae in water and at water’s edge, including irrigation ditches 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. Opt-In Permitting** – the Opt-In category may be chosen by pesticide applicators proposing a use pattern that does not fit into any of the categories listed above (a-d) to receive permit coverage for pesticide use.
- 1.1.7. Water Treatment via Chemical Application**– for water treatment intended to remove, reduce, or sequester targeted pollutants in water, for example, to sequester phosphorus to reduce toxic algal blooms in lakes. Such treatment shall only be considered to ameliorate undesired anthropogenic water quality conditions. This category may also cover water treatment chemical pilot studies, provided the WDEQ has been provided with sufficient information to determine the intended treatment will have no unwanted side effects. Individual permit coverage may be required if WDEQ believes that general permit coverage may not be sufficiently protective. See Parts 1.1.8.2. and 1.1.8.3. for more information.

1.1.8. Activities not Covered under this Permit

- 1.1.8.1. Applications to Impaired Waters** – Applicators are not eligible for coverage under this permit for pesticide or water treatment applications to “waters of the U.S.” within Wyoming, if the water is identified as impaired by that pesticide, water treatment chemical, 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 application would not be eligible under this permit because the water is listed as impaired for a

¹Laterals, 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 or water treatment chemical 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 or water treatment chemical applications performed “in-the-dry” need not be counted toward thresholds.

specific pesticide, or water treatment chemical the applicator may still receive coverage by using a different pesticide or water treatment chemical with different degradates.

1.1.8.2. Coverage under a more specific permit – An applicator shall not be granted coverage under this permit for those facilities already covered under a more specific general permit and/or individual permit.

Water quality standards violations - 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.

1.1.8.3. Individual permit required - If, after evaluation of the requested activity, it is found that this general permit is not applicable to the proposed operation, the application shall be processed as an application for an individual permit. The DEQ/WQD shall notify the applicator of their decision to deny authorization under the general permit and require coverage under an individual permit. The proposed applicator may be required to submit additional information.

1.1.8.4. FIFRA – Pesticide and/or water treatment chemical applications that would violate FIFRA requirements or that are not in conformance with the applicable pesticide or water treatment chemical label instructions shall not be authorized under this permit.

1.2 Application Authorization Under This Permit

1.2.1. How to Obtain Authorization

To obtain authorization under the GPPHWTCA, an applicator shall:

- 1.2.1.1. Meet the eligibility requirements identified in Part I, Section 1.1 of the general permit for major pesticide and/or water treatment chemical applications.
- 1.2.1.2. An applicator desiring to apply pesticides or water treatment chemicals under this permit shall submit a complete and accurate NOI to Apply Pesticides or Water Treatment Chemicals on a form provided by DEQ/WQD. NOIs shall be submitted to DEQ/WQD at least 30 days prior to the first anticipated pesticide or water treatment chemical application date. Electronic NOI submittals and payments shall be made using the WDEQ's on-line permitting database (WYIMS), accessed at <https://wyims.wyo.gov/ncore/external/home>. WYIMS permitting database use requires an account, to create an account, click the blue 'Create a WYIMS Account' button from the home page and follow the account creation prompts. Any permittee having difficulty creating a WYIMS account should contact WYPDES Program staff for assistance. Use the main WDEQ contact number (307) 777-7781 and request connection with a WYPDES permitting staff member.
- 1.2.1.3. Applicators shall provide permit fee payment at the time of NOI submission. Permit fees are \$200.00 per year. Permit fees are not pro-rated, if an authorization under the GPPHWTCA is active at any time during a calendar year, the \$200.00 permit fee

applies. For applicators requesting full 5-year permit coverage, the full \$1000.00 permit fee shall be submitted with the NOI. Applicators may submit fee payments either by including a check or money order payable to ‘Wyoming Department of Environmental Quality’ with their NOI, or they may submit fee payments electronically through WYIMS. (see 1.2.1.2. above).

1.2.1.4. The administrator shall review each NOI and make a completeness determination within 30 days of NOI receipt. If the NOI is deemed incomplete upon review, the applicant shall be notified either writing or electronically within 45 days of DEQ/WQD NOI receipt. The notification shall describe what the applicator must do to achieve a complete NOI.

1.2.1.5. An NOI shall be filed and authorization shall be granted in writing or electronically under this permit prior to commencement of pesticide or water treatment chemical application activities except in the event of a declared Public Health Emergency. (See Part I, Section 2.3.1.3). The definition of Public Health Emergency is also provided in Appendix A). An NOI shall be filed and authorization granted within 90 days of a response to a Public Health Emergency for applicators responding to Public Health Emergencies without authorizations for the general permit for major pesticide and/or water treatment chemical applications already in-hand.

1.2.2. Applicators Required to Submit an NOI.

The following applicators are required to submit NOIs to obtain coverage under the GPPHWTCA for applications of pesticides and/or water treatment chemicals to “waters of the U.S.” within the state of Wyoming:

1.2.2.1. Applicators performing pesticide or water treatment chemical applications meeting any of the use patterns described in Part I, Sections 1.1.1 through 1.1.7, to any Class 1 water of the state of Wyoming, regardless of application area size, acreage, miles, or pesticide/water treatment chemical application amounts. Current Wyoming Class 1 waters and their locations are listed in Appendix B.

1.2.2.2. Applicators (owners/decision makers/resource managers) for areas needing pesticide or water treatment chemical applications that are either self-applying pesticides or water treatment chemicals, or directing their own people/employees to perform such applications; and know, or reasonably should have known, that their pesticide/water treatment chemical application activities exceed one or more of the treatment area thresholds listed in Table 1 (below) for any single treatment area described in Part I Sections 1.1.1 through 1.1.7. of the GPPHWTCA.

1.2.2.3. Applicators that own/operate a for-hire business, with an NAICS code of 115112, 115310, 561710, or 561990 for the purpose of pesticide/water treatment chemical application at the request of others, or that directs their own people/employees to perform such applications; and know, or reasonably should have known, that their pesticide/water treatment chemical application activities exceed one or more of the treatment area thresholds listed in Table 1 (below) for any single treatment area(s) described in Part I Sections 1.1.1 through 1.1.7. of the GPPHWTCA.

1.2.2.3.1. Size thresholds expressed in **Table 1** are not based upon cumulative pesticide and/or water treatment chemical applications, but refer to each individual pesticide application. An applicator shall obtain coverage under this permit prior to any single pesticide or water treatment chemical application that exceeds one or more of the thresholds established in **Table 1**. Multiple applications to the same control area are not additive. Applicators shall not break up pesticide control areas into smaller parcels in order to avoid obtaining coverage under this permit. Applicators shall submit one NOI for coverage under this permit, regardless of the number of individual treatment areas under their control that exceed thresholds established in **Table 1**. However, the applicator shall maintain records (Part I Section 4 of the GPPHWTCA) for all treatment areas exceeding **Table 1** thresholds.

Table 1. Treatment Area Thresholds	
Pesticide Use Pattern	Annual Thresholds (treatment area in acres unless otherwise stated)
Mosquitoes and Other Flying Insect Pests	640 (larvicide) 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 pesticide or water treatment chemical applications.	No minimum thresholds; all applicators choosing this category are required to submit an NOI.
Water Treatment Chemicals: Any chemicals previously approved by DEQ Water Treatment Chemical Pilot Studies: Application of water treatment chemicals not previously permitted within the state of Wyoming for the purposes of studying their ability to treat anthropogenic water quality issues. Such permits will only be issued if the permittee can demonstrate to the WDEQ's satisfaction that such chemicals will have no unwanted side effects.	80 ^{1,2} No minimum thresholds, all applicators in this category are required to submit an NOI.

¹All pesticide/water treatment chemical applications to Class 1 surface waters of the state require submission of an NOI 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.

1.2.2.4. (Opt-In) Pesticide and water treatment chemical applicators not meeting or exceeding **Table 1** thresholds or that do not fit any of the standard use patterns listed in Section 1.1.1 but still desire coverage under the general permit for major pesticide and/or water treatment chemical applications.

1.2.3. Agreement to Comply

1.2.3.1. Submission of an NOI under the general permit for major pesticide and water treatment chemical applications to the DEQ administrator constitutes full applicator agreement to abide by all requirements of this general permit.

1.2.4. Terminating Coverage

1.2.4.1. Notice of Transfer and Acceptance (NOTA). When all responsibility for pest control or water treatment chemical application activities changes from one applicator to another, both applicators shall complete and submit a NOTA to DEQ/WQD. The certification shall be submitted within 14 days of the change in applicators, and prior to any pesticide or water treatment chemical applications by the new applicator. NOTAs are available on-line in the DEQ’s permitting database (WYIMS). Permittees must first obtain a WYIMS account by going to: <https://wyims.wyo.gov/ncore/external/home> and clicking the blue ‘Create a WYIMS Account’ button and following the account creation prompts. Any permittee having difficulty creating a WYIMS account should contact WYPDES Program staff for assistance. Use the main WDEQ contact number (307) 777-7781 and request connection with a WYPDES permitting staff member.

1.2.4.1.1. The current applicator shall submit their final annual report for pesticide or water treatment chemical applications for any part of the calendar year when an NOTA was submitted.

1.2.4.1.2. The new applicator shall submit his/her first annual report by February 28 of the first year after NOTA submission.

1.2.4.2. Notice of Termination (NOT).

Applicators desiring to terminate coverage under this permit shall submit a NOT identifying the applicator, general permit authorization number, and the reason general permit coverage is no longer required. The NOT shall be signed in accordance with Part II, Section 1.6 of the GPPHWTCA. NOT forms can be accessed in the WDEQ’s

on-line permitting database (WYIMS), an account is needed to use WYIMS, see Part 1.2.4.1 for information on how to apply for a WYIMS account. The following conditions apply to all applicators desiring general permit coverage termination:

- 1.2.4.2.1. Compliance with the conditions of the general permit for major pesticide or water treatment chemical application is required until an NOT is submitted and a letter of NOT acceptance is issued by the administrator; and
- 1.2.4.2.2. Final annual reports for the current year's pesticide or water treatment chemical application shall be submitted in conjunction with the NOT; and
- 1.2.4.2.3. In order to finalize general permit coverage termination, the permittee shall cease all pesticide or water treatment chemical applications authorized under the general permit for major pesticide or water treatment chemical applications. In addition, the permittee shall indicate that no further pesticide or water treatment chemical applications are expected during the remainder of the general permit term for any of the pesticide or water treatment chemical use patterns as identified in Part I, Sections 1.1.1 through 1.1.7.; or
- 1.2.4.2.4. The applicator shall verify that they have obtained coverage under an individual permit or an alternative general permit for all applications requiring WYPDES permit coverage.

1.2.5 Coverage Continuation under a Renewed Permit

If the General Permit for Major Pesticide or Water Treatment Chemical Applications is not reissued or replaced prior to the permit's expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and remain in full force and effect. Any permittee authorized to apply pesticides and/or water treatment chemicals under the GPPHWTCA will automatically remain covered by the GPPHWTCA until:

- 1.2.5.1. The DEQ administrator determines that the GPPHWTCA shall not be reissued, the administrator will then identify a reasonable time period for pesticide and water treatment chemical applicators under the GPPHWTCA to seek alternative general or individual permit coverage. Coverage under the GPPHWTCA ceases when coverage under an alternative permit is authorized and/or granted.

1.2.6 Duty to Reapply

Permittees desiring to continue a GPPHWTCA-regulated activity after GPPHWTCA expiration shall apply for and obtain reauthorization under the reissued (or new) GPPHWTCA. NOIs for renewed permit coverage under a re-issued GPPHWTCA shall be submitted at least 180 days before the expiration date of the current GPPHWTCA. At the DEQ/WQD administrator's discretion, permittees may be periodically requested to reaffirm eligibility to apply pesticides or water treatment chemicals under the GPPHWTCA. To apply for a permit authorization renewal, permittees shall apply using the WDEQ's on-line database (WYIMS). WYIMS use requires an account, see Part 1.2.4.1 of this general permit for information on how to obtain a WYIMS account.

2. EFFLUENT LIMITATIONS

2.1 Technology-Based Effluent Limits: Effluent limitations established in Part I, Section 2. of the GPPHWTCA requires applicators to implement site-specific control measures minimizing the volume of pesticides and water treatment chemicals 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 or water treatment chemical product amount per application, pesticides and water treatment chemicals shall be applied at the optimum frequency necessary to control the target pest or to achieve the desired result, and all applications shall be consistent with the pesticide or water treatment chemical product labelling instructions. Pesticides shall not be applied in a manner that increases pest resistance development potential. Water treatment chemicals shall not be applied in a manner that causes other adverse environmental issues (such as sequestering potentially harmful constituents in bottom deposits causing harm to benthic organisms).
- 2.1.2. Maintain pesticide and water treatment chemical application equipment (including any required safety equipment) in proper operating condition, and adhere to any manufacturer conditions and/or FIFRA labeling instructions. Pesticide and water treatment chemical application equipment shall be calibrated, cleaned, and repaired on a regular basis to ensure effective pesticide and water treatment chemical application and control. Applicators shall ensure that the equipment’s pesticide or water treatment chemical’s application mechanism and rate are calibrated to deliver the precise quantity of pesticide or water treatment chemical needed to achieve the greatest target pest efficacy or water quality result, as applicable, and is in accordance with FIFRA or manufacturer labeling instructions.
- 2.1.3. Assess application area environmental conditions (e.g. temperature, precipitation, and wind speed) prior to each pesticide or water treatment chemical application to identify whether existing environmental conditions support development of pest populations or water quality issues requiring treatment and are suitable for pest control or water treatment chemical application activities.

2.2 Water-Quality-Based Effluent Limitations

- 2.2.1. All pesticide and water treatment chemical 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 an application is causing or contributing to an excursion of an applicable water quality standard.

2.3. Additional Permit Requirements

2.3.1. PESTICIDE POLLUTION PREVENTION PLAN (P4)

All applicators discharging pesticides under the authority of the GPPHWTCA shall prepare a Pesticide or Water Treatment Chemical Pollution Prevention Plan (P4). The P4 shall be kept

current and updated throughout the calendar year. Applicators are not required to submit P4s unless specifically asked by the DEQ/WQD administrator to submit them.

A P4's purpose is to ensure surface water protection for surface waters that may be impacted by pesticide/water treatment chemical application activities. P4s shall contain two sections. The first section (Part I, Section 2.5.1.) is comprised of protocols proposed for use at all pest/water treatment chemical management areas to ensure use of the lowest effective pesticide or water treatment chemical amounts, equipment maintenance, and procedures for reducing pesticide or water treatment chemical application activity impacts upon the environment. The second section is a summary of site-specific activities for each treatment area exceeding treatment area thresholds. (Part I, Section 2.5.2.). The applicator shall develop a P4 consistent with the deadlines outlined below:

2.3.1.1. Applicators that know or should have reasonably known they will exceed any thresholds as described in Part I, Section 1.2.2.3.1. (Table 1), shall complete their P4 prior to their first pesticide or water treatment chemical application covered under the GPPHWTCA;

2.3.1.2. Applicators that don't know, or would not reasonably know until after application commencement that they will exceed any thresholds as described in Part I, Section 1.2.2.3.1. (Table 1), shall prepare their P4 prior to exceedance of any pesticide or water treatment chemical use area threshold; and -

2.3.1.3. Applicators commencing pesticide or water treatment chemical application in response to a Public Health Emergency as defined in Appendix A causing applicator exceedance of a pesticide or water treatment chemical use area threshold shall prepare their P4 no later than 90 days after responding to a declared pest emergency situation. An NOI shall be submitted and authorization granted within 90 days of a response to a Public Health Emergency for all applicators responding to a Public Health Emergency without prior authorization under the GPPHWTCA.

2.3.1.4. Applicators submitting an NOI during the calendar year 2026 shall have completed their P4s by December 31, 2026.

2.4. The P4 shall identify specific individual(s) within the company organization responsible for P4 development and assisting in P4 implementation, maintenance, and revision. P4s shall clearly identify plan lead responsibilities, either by name or job title.

2.4.1. P4 Modifications and Signature Requirements

2.4.1.1. Applicators shall modify P4s whenever necessary to address any corrective action triggering conditions or when a change in pest or water treatment chemical control activities significantly changes the type or quantity of pollutants applied

2.4.1.2. Applicators shall review P4s once per calendar year at a minimum and also whenever necessary to update identified pest problems and pest management strategy evaluations for pest management areas.

2.4.1.3. The lead individual identified in (3.2) above shall be the P4 signatory.

2.5. P4 Contents

2.5.1. Actions and/or Policies for Minimizing Pesticide and/or water treatment chemical applications

2.5.1.1. Spill Response Procedures.

2.5.1.1.1. Procedures for expeditious cessation, containment, and clean-up of leaks, spills, and other releases. Any employees with the potential to cause, detect, or respond to spills or leaks shall be trained in these procedures. Necessary spill response equipment shall be made available.

2.5.1.1.2. Spill and leak notification procedures for appropriate facility personnel, emergency response agencies, and regulatory agencies. Any employees with the potential to cause, detect, or respond to spills or leaks shall be trained in these notification procedures.

2.5.1.2. Adverse Incident Response Procedures.

2.5.1.2.1. Pesticide/water treatment chemical application incident response procedures;

2.5.1.2.2. Incident notification procedures, both internal to the applicator's agency/organization and external. Contact information for state/federal permitting agency, closest emergency medical facility, and closest emergency response agency.

2.5.1.3. Pesticide Application Equipment

2.5.1.3.1. Procedures for maintaining pesticide/water treatment chemical application equipment in proper operating condition, including equipment calibration, cleaning, and repair.

2.5.1.4. Application Rate and Frequency

2.5.1.4.1. Procedures for determining the lowest effective pesticide/water treatment chemical amount per application, optimum pesticide/water treatment chemical application frequency necessary for target pest control or water treatment result consistent with labeling instructions, and with the lowest potential to cause pest resistance development.

2.5.1.5. Reduce Impact on Environment and Non-Target Organisms

2.5.1.5.1. Procedures for action or ‘trigger’ thresholds that indicate when pesticide/water treatment chemical use is needed.

2.5.2. Plan Requirements for Individual Pest Management Areas Exceeding Treatment Area Thresholds

For each separate Pest/Water Treatment Management Area, the following shall be documented:

- 2.5.2.1. A brief description of pesticide/water treatment chemical use pattern(s) and pesticide/water treatment chemical application dates;
- 2.5.2.2. Names for each pesticide/water treatment product used, including EPA registration numbers for each pesticide or water treatment chemical, if available;
- 2.5.2.3. Environmental conditions descriptions (e.g. temperature, precipitation, and wind speed) in the treatment area prior to each pesticide/water treatment chemical application suitable for control activities.
- 2.5.2.4. Pesticide/water treatment chemical quantities applied at each application location;
- 2.5.2.5. For pesticide or water treatment chemical applications directly to “waters of the U.S.”, within Wyoming, the effective active ingredient concentrations required for pest or water treatment control;
- 2.5.2.6. Active ingredient formulation concentrations (%) (Ideally, include a copy of MSDS sheets for each product used, or a copy of each used pesticide or water treatment chemical’s label would supply much of this information and could be kept on hand in lieu of hand-written documents);
- 2.5.2.7. Documentation of any unusual or unexpected non-target organism effects;
- 2.5.2.8. Equipment calibration, cleaning, and repair documentation;
- 2.5.2.9. Prior to the first pesticide/water treatment chemical application covered under this permit that will result in application of pesticides and/or water treatment chemicals to “waters of the U.S.” in Wyoming, and at least once each calendar year thereafter prior to the year’s pesticide or water treatment chemical applications, applicators shall:
 - 2.5.2.1.1. Identify target pest species or water treatment goals
 - 2.5.2.1.2. Identify factors contributing to the pest or water treatment problem;
 - 2.5.2.1.3. Establish past or present target pest specie densities or water treatment chemical ‘triggers’ to serve as action thresholds;
 - 2.5.2.1.4. In the event there are no past pest or water treatment chemical management data for the target area, list data used to determine action thresholds.

2.6. Pest and Water Treatment Chemical Management Methods.

Prior to the first pesticide or water treatment chemical application under this permit that will result in application of pesticides and/or water treatment chemicals to “waters of the U.S.” in Wyoming, and at least once each calendar year thereafter prior to commencement of the year’s pesticide or water treatment chemical applications; the applicator shall, for each pest or water treatment management area, select and implement efficient and effective pest or water treatment management means to minimize the volume and number of pesticide or water treatment chemical applications. In developing pest or water treatment management strategies, the applicator shall evaluate the following management options, as appropriate. Consider water quality impacts,

non-target organism impacts, pest resistance, feasibility, and cost effectiveness when evaluating the following management options:

- 2.6.1. No action
- 2.6.2. Prevention – for example, campaigns to alter human causative activities (banning the use of phosphorus-containing detergents),
- 2.6.3. Mechanical or physical pest or water treatment control methods (for example traps, barriers, food source removal, physical removal of slicks, foam, or deposits containing target constituents),
- 2.6.4. Biological control agents
- 2.6.5. Pesticides or water treatment chemicals, as appropriate.

2.7. Pesticide or Water Treatment Chemical Use Selection as Optimum Management Method.

If pesticide or water treatment chemical use is selected as the optimum management option, and pesticide or water treatment chemical applications will result in application of pesticides and/or water treatment chemicals to “waters of the U.S.” within Wyoming, the applicator shall:

- 2.7.1. Conduct pre-application surveillance for each application to assess pest or treatment management areas and determine when target pest or water treatment action thresholds have been met;
- 2.7.2. Assess treatment area environmental conditions (e.g. temperature, precipitation, and wind speed) to determine whether environmental conditions support pesticide or water treatment chemical use;
- 2.7.3. Evaluate pesticide or water treatment chemical use during the most susceptible target specie developmental stage or optimal treatment conditions.

3. MONITORING REQUIREMENTS

3.1. Monitoring Requirements for Pesticide or Water Treatment Chemical Applicators.

Applicators shall monitor the applied pesticide or water treatment chemical quantities to ensure use of the smallest pesticide or water treatment chemical amount needed to effectively control the target pest, or provide optimal results consistent with pesticide or water treatment chemical labeling instructions. Applicators shall also monitor pesticide or water treatment chemical application activities to ensure application equipment is in proper operating condition, and adheres to all 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, or repaired shall be removed from use until it is properly calibrated, cleaned, or repaired, and shall be clearly marked as unsuitable for use until it is properly calibrated, cleaned, or repaired.

3.2. Visual Monitoring Requirements for Pesticide or Water Treatment Chemical Applicators.

- 3.2.1. During operator post-application surveillance, all operators shall visually assess the application area and immediate vicinity for observable adverse incidents caused by pesticide or water treatment chemical 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.

4. RECORDKEEPING AND ANNUAL REPORTING REQUIREMENTS

4.1. Records Retention

The permittee shall retain monitoring information records, including:

- 4.1.1. All calibration and maintenance records,
- 4.1.2. All original chart recordings for continuous monitoring instrumentation,
- 4.1.3. Copies of all reports required by this permit, and
- 4.1.4. All data records used to complete their NOI,

for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the administrator at any time. A copy of the GPPHWTCA and a copy of the applicator's signed authorization shall be maintained on site during the duration of pesticide application activity at the permitted location. Additionally, the following documents shall be maintained on site for the duration of this permit term:

- 4.1.5. Copies of any adverse incident reports;
- 4.1.6. Copies of any corrective actions taken;
- 4.1.7. Copies of NOIs submitted to DEQ/WQD and any correspondence exchanged between the applicator/permittee and DEQ/WQD; and
- 4.1.8. A current, up-to-date P4.

4.2. Annual Reporting

- 4.2.1. Monitoring results obtained during the previous twelve-month calendar year shall be summarized and reported as outlined below. Legible copies, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part II, Section 1.6), and submitted to the state water pollution control agency at the following address no later than February 28 of the following year. **All reporting periods are based upon a calendar year (January through December).** Reports shall be received by the agency no later than the 28th day of February following the completed reporting period. The first report due following issuance of this GPPHWTCA renewal is due on **February 28, 2025**.

Wyoming Department of Environmental Quality
Water Quality Division
200 West 17th Street
Cheyenne, WY 82002
Telephone: (307) 777-7781

If no pesticide or water treatment chemical applications occurs for any of the use patterns identified in Part 1, Sections 1.1.1 through 1.1.7. occurs during the reporting period, then "no application" shall be reported. Annual reports shall be submitted as established above each year the applicator has active permit coverage under the GPPHWTCA.

If the authorization effective date is December 1st or later the permittee is not required to submit an annual report for that December, but shall submit annual reports thereafter. The first submitted report shall include any information concerning pesticide or water treatment chemical applications for the first partial year the applicator held an active authorization.

4.2.2. Each annual report shall contain the following information:

- 4.2.2.1. Applicator's name, address, telephone number, and email address;
- 4.2.2.2. WYPDES authorization number under the GPPHWTCA;
- 4.2.2.3. Contact person's name, title, telephone number, and email address (if different from 4.2.2.1);
- 4.2.2.4. Identification of all pesticide or water treatment chemical areas where pesticides or water treatment chemicals exceeding thresholds were applied under any of the pesticide and/or water treatment use patterns listed in Part 1, Sections 1.1.1 through 1.1.7.; or applications of any size/type to class 1 surface waters of the state (a list of class 1 surface waters of the state are included in Appendix B); area identifications shall include area size, area name, landowner name and address (or location), and applications to class I surface waters shall be noted.
- 4.2.2.5. Amount of each applied pesticide or water treatment chemical product for the reporting year, include EPA pesticide registration number(s) and pesticide or water treatment chemical application method (e.g. aerially fixed wing, broadcast sprayer, etc.);
- 4.2.2.6. Indicate all pest control activities that were addressed in the permittee's P4 prior to commencement of pesticide or water treatment chemical application;
- 4.2.2.7. If applicable, copies of all adverse incident reports associated with each treatment areas;
- 4.2.2.8. A description of any corrective action(s), including spill responses, resulting from pesticide or water treatment chemical application activities and the rationale for each action(s).

4.3. Adverse Incident Documentation and Reporting

4.3.1. Twenty-Four (24) Hour Adverse Incident Notification. If an applicator observes or is otherwise made aware of an adverse incident that may have resulted from pesticide or water treatment chemical application, as defined in Appendix A, the applicator shall immediately notify DEQ/WQD. This notification shall be made by telephone within 24 hours of the applicator becoming aware of the adverse incident and shall include, at a minimum, all of the following information:

- 4.3.1.1. Caller's name and telephone number;
- 4.3.1.2. Applicator name and mailing address;
- 4.3.1.3. WYPDES authorization number (if applicable);
- 4.3.1.4. How and when the caller became aware of the adverse incident;
- 4.3.1.5. Adverse incident location;
- 4.3.1.6. Adverse incident description and the EPA registration number for each product applied in the area of the adverse incident; (if available) and
- 4.3.1.7. Description of any steps taken or planned to correct, repair, remedy, cleanup, or otherwise address any adverse incident effects.

If an applicator is unable to notify DEQ/WQD within 24 hours, he/she shall do so as soon as possible, and provide a rationale describing why 24-hour notification was not possible. The DEQ/WQD adverse incident notification and reporting requirements are separate from FIFRA section 6(a)(2) and 40 CFR Part 159 reporting requirements.

4.3.2. Five (5) Day Adverse Incident Written Report. Within 5 days of a reportable adverse incident pursuant to Part I, Section 3.3.1.1 of the GPPHWTCA, the applicator shall provide a written adverse incident report to DEQ/WQD at the address listed in Part I, Section 1.2.1.3. The written adverse incident report shall include, at a minimum, the following information:

- 4.3.2.1. All information required in Part I, Section 4.3.1;
- 4.3.2.2. Date and time the adverse incident was reported to the state, name of state employee the adverse incident was reported to, and any instructions given to the applicator regarding the adverse incident;
- 4.3.2.3. Incident location, including the names of any affected waters and their appearance (sheen, color, clarity, etc.);
- 4.3.2.4. A description of the adverse incident including species affected, estimated number of affected individuals, and approximate size of distressed or dead individuals;
- 4.3.2.5. Pesticide or water treatment chemical application rate at the time of the adverse incident, intended pesticide or water treatment chemical use site (e.g. banks, above, or direct water application, etc.), method of application, and name of pesticide or water treatment chemical product, description of product ingredients, and EPA registration number;
- 4.3.2.6. Habitat description and the circumstances surrounding the adverse incident occurrence (including any available ambient water data from affected waterways);
- 4.3.2.7. Actions to be taken to prevent adverse incident re-occurrence.
- 4.3.2.8. Adverse incident reports shall be signed and dated in accordance with Part II, Section 1.6 of the GPPHWTCA.

Applicators shall report all adverse incidents to the DEQ/WQD.

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

4.4.1. Spills, Leaks, or Other Unpermitted Application Notification: A hazardous substance release in any amount that enters, or threatens to enter, surface waters of the state of Wyoming shall be reported, contained, removed, and disposed of in accordance with these regulations.

- 4.4.1.1. Any person owning or having control over oil or a hazardous substance that, after release, enters, or threatens to enter, surface waters of the state shall:
- 4.4.1.2. Immediately take appropriate action to stop and contain the release;
- 4.4.1.3. Immediately notify DEQ/WQD of the type, quantity, and location of the release, and of the response, containment, and cleanup actions taken or proposed; and
- 4.4.1.4. Immediately proceed to correct the cause of the release.

4.4.2. DEQ/WQD reporting is not required for the following types of release, provided the release does not physically enter a water of the state, and is immediately contained, removed, and disposed of in accordance with departmental regulations:

4.4.2.2. Ten barrels (420 gallons) or less of crude oil, petroleum condensate, produced water, or any combination thereof;

4.4.2.3. 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 derivatives of mineral, animal, or vegetable oils.

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

4.4.4. Seven-Day Spill, Leak, or Other Unpermitted Application Documentation. Within seven (7) days following a release, applicators shall submit a complete written report to DEQ/WQD describing the reportable release and steps taken to prevent a recurrence.

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

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

4.4.5.2. Oil and grease content exceeding 10 mg/L;

4.4.5.3. Visible deposits on the bottom or shoreline; or

4.4.5.4. Damage or impairment of the normal growth, function, or reproduction of human, animal, plant, or aquatic life.

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

4.4.5.6. Except in cases where 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.

PESTICIDE GENERAL PERMIT PART II

1. MANAGEMENT REQUIREMENTS

1.1. Noncompliance Notification

- 1.1.1. The permittee shall give advance notice of any planned permitted facility changes or activities that may result in permit requirement noncompliance.
- 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.
 - 1.1.3.1. The written submission shall contain:
 - 1.1.3.1.1. A description of the noncompliance and its cause;
 - 1.1.3.1.2. The period of noncompliance, including exact dates and times;
 - 1.1.3.1.3. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - 1.1.3.1.4. Steps taken or planned to reduce, eliminate and prevent re-occurrence of the non-compliance.
 - 1.1.3.1.5. 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 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, at 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 application or 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 application or 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.

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 administrator of the Water Quality Division 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. Authorization from a person described under Part II, Section 1.6.1 is made in writing and submitted to the Administrator requesting authorization for a person;

1.6.2.2. Authorization from a person described under Part II, Section 1.6.1 is made in writing and submitted to the Administrator requesting authorization for a position having responsibility for the overall operation of a regulated facility or activity, such as the position of 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 be either a named individual or any individual occupying a named position.

1.6.3. If an authorization under Part II, Section 1.6.2. of the GPPHWTCA 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 Part II,

Section 1.6.2. of the GPPHWTCA shall be submitted to the administrator of the DEQ/WQD prior to or together with any reports, information or applications to be signed by an authorized representative.

1.6.4. 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 in its records documentation that demonstrates 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 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. Report 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 any false statement 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. That any activity has occurred, or will occur, that would result in the discharge or application, on a routine or frequent basis, of any toxic pollutant not limited in the permit, if that discharge or application exceeds 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. Levels established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).
- 2.5.2. That any activity has occurred or will occur that would result in any discharge or application, on a non-routine or infrequent basis, of a toxic pollutant not limited in this permit, if that discharge or application exceed the highest of the following "notification levels":

- 2.5.2.1. Five hundred micrograms per liter (500 µg/L);
 - 2.5.1.3. One milligram per liter (1 mg/L) for antimony;
 - 2.5.1.4. 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
 - 2.5.1.5. Levels 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 noncompliance penalties.
- 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 law.
- 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. Permit renewal applications should be submitted at least 180 days before the expiration date of the previous 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 permit compliance. The permittee shall also furnish the administrator, upon request, copies of records required by this permit to be kept.
- 2.12. **Other Information:** When the permittee becomes aware that they 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, they 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.

2.14. Permit Fees: Permit fees shall be paid in full at the time a permit application is submitted. Permit fees are assessed at \$200.00 per year for each year permit coverage is desired. Permit fees are not pro-rated, coverage during any part of a permit year (which runs from January 1 through December 31 each calendar year) shall result in assessment of a full year of permit fees. As most individual permits are active for a 5-year permit term, most individual permits require submission of \$1,000.00 with each new permit or permit renewal application. Should a permittee request early permit termination, any remaining permit fees shall not be returned to the permittee.

PESTICIDE 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 be able to show proof of the accuracy of any flow measuring device used in obtaining data submitted in the monitoring report. The flow measuring device shall indicate values of 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 events occurs:
- 1.3.1. The state water quality standards of the receiving water(s) where the permittee performs pesticide and/or water treatment chemical applications 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 current water quality management plans is approved and adopted that calls for different effluent limitations than contained in this permit;
 - 1.3.4. Downstream impairment is observed and the permitted facility is contributing to the impairment;
 - 1.3.5. 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 with 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 terms or conditions of this permit;
 - 1.4.2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
 - 1.4.3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized application; 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:

1.4.4.1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

1.4.4.2. 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 a new compliance date, additional or modified numerical limitations, a new or different compliance schedule, a change in the 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. The TRE results indicate that compliance with the toxic limits requires an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion;

1.5.3. The TRE results indicate that the 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 the implementation of numeric 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 and 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 pesticide and/or water treatment chemical applications 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 and/or water treatment chemical applications exceeding thresholds established in this permit (Table 1 “Treatment Area Thresholds,” Part I, Section 1.2.2.3.1.); and
 - (a) Perform pesticide and/or water treatment chemical 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, preventing, 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)]

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]

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 and/or water treatment chemical applications, and relevant legal requirements. Additionally, control measures could include other actions that a prudent operator would implement to reduce and/or eliminate pesticide and/or water treatment chemical 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 (Application) –any addition of pollution or wastes to any surface waters of the state. [WS-35-11-103(c)(vii)].

Discharge (application) 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 and/or water treatment chemical 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-In Permitting (Opt-In) - Any entity or individual not otherwise eligible, or who have a use category outside of the six use patterns listed in Part 1.1 of this general permit, may elect to request (opt-in) pesticide and/or water treatment chemical application permitting. Opt-in applicators shall comply with the provisions of the GPPHWTCA until their authorization is terminated and all pesticide and/or water treatment chemical applications eligible for coverage under the GPPHWTCA have ceased; or their GPPHWTCA authorization has been transferred to another individual or entity, the new applicator shall then comply with all GPPHWTCA 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 GPPHWTCA.

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, photo oxidation).

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 and/or water treatment chemical application into waters of the US that longer provides pesticidal or water treatment benefits, including any pesticide or water treatment chemical 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 or applied [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 or applied into or near water. ‘Pollutant’ does not include sewage from vessels; or water, gas, or other material that is 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 that pest control measures are being directed at.

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 canal length the pesticide is intended to control weeds. Treatment areas for lakes consist of the water surface area where the application is intended to provide pesticidal benefits.

Treatment area calculations for pesticide and/or water treatment chemical applications that occur “at water’s edge”, where application of pesticide and/or water treatment chemicals to waters is unavoidable, is determined by the linear pesticide and/or water treatment chemical 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 also 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 tidal ebb and flow;
- (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)].

Water Treatment Chemical -means any chemical water treatment used for the purpose of managing, controlling, or eliminating undesired anthropogenic water quality conditions. A good example of a water treatment chemical that could potentially be applied under this general permit would be a water treatment chemical used to precipitate phosphorus or nitrogen from a water body to prevent, manage, or control toxic algae blooms.

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.
GPPHWTCA – General Permit for Pesticide, Herbicide, and Water Treatment Chemical Applications.
NAICS – North American Industry Classification System
NOI – Notice of Intent to Apply Pesticides and/or Water Treatment Chemicals
NOT – Notice of Termination
NOTA – Notice of Transfer and Acceptance
NPDES – National Pollutant Discharge Elimination System
NRC – National Response Center
OPT-IN – Option to permit pesticide and/or water treatment chemical applications that don't meet any specific use category defined in Part 1.1 of this general permit.
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 Snake River main stem through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);
3. The Green River main stem, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;
4. The Wind River main stem from the Wedding of the Waters upstream to Boysen Dam;
5. The North Platte River main stem from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;
6. The North Platte River main stem from the headwaters of Pathfinder Reservoir upstream to Kortez Dam (Miracle Mile segment);
7. The North Platte River main stem from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;
8. The Sand Creek main stem above the U.S. Highway 14 bridge;
9. The Middle Fork of the Powder River main stem through its entire length above the mouth of Buffalo Creek;
10. The Tongue River main stem, and the North Fork of the Tongue River main stem, and the main stem of the South Fork of the Tongue River above the U.S. Forest Service Boundary;
11. The Sweetwater River main stem above the mouth of Alkali Creek;
12. The Encampment River main stem from the northern U.S. Forest Service boundary upstream to the Colorado state line;
13. The Clarks Fork River main stem 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 Granite Creek main stem (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