Permit No. AZG2026-003

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Arizona Pollutant Discharge Elimination System

General Permit for Point Source Discharges

from the Application of Pesticides to Protected Surface Waters

This permit provides authorization for point source discharges from the application of pesticides to Protected Surface Waters under the Arizona Pollutant Discharge Elimination System (AZPDES) program, in compliance with the provisions of the Arizona Revised Statutes (A.R.S.), Title 49, Chapter 2, Article 3.1, the Arizona Administrative Code (A.A.C.), Title 18, Chapter 9, Article 9, and Chapter 11, Article 1, and the Clean Water Act as amended (33 U.S.C.1251 et seq.).

This general permit specifically authorizes point source discharges from the application of pesticides to Protected Surface Waters in Arizona pursuant to federal conditions in 40 C.F.R. § 122.28 and state conditions in A.R.S. Title 49, Chapter 2, Article 3.1 et seq. State requirements for discharges to non-WOTUS Protected Surface Waters are adopted pursuant to A.R.S. § 49-255.04 and are enforceable solely by the Arizona Department of Environmental Quality (ADEQ). All discharges authorized by this general permit shall be consistent with the terms and conditions of this general permit.

This general permit is effective on December 8, 2026.

This general permit and the authorization to discharge expires at midnight on December 7, 2026.

Signed on _____.

Arizona Department of Environmental Quality

_____

Josephine Maressa, Deputy Director

Water Quality Division

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1.0 Coverage Under the Pesticide General Permit

The pesticide general permit authorizes discharges from the application of pesticides to all waters on the Arizona Protected Surface Water List, located in Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, Section 216, Tables A, B and C; including discharges to Waters of the U.S. (WOTUS) and non-WOTUS Protected Surface Waters. The requirements of discharges to non-WOTUS Protected Surface Waters are state-only, and enforceable solely by ADEQ.

This permit covers any operator who meets the eligibility requirements identified in Section 1.2 and if so required, has submitted a Notice of Intent (NOI) in accordance with Section 2.4.

For the purpose of this permit, "operator" is defined in Section 11 to mean any entity associated with the application of pesticides which results in a discharge to Protected Surface Waters that meets either of the following two criteria:

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

b. Decision Maker: Any entity with control over the decision to perform pesticide applications including the ability to modify those decisions.

As defined, more than one operator may be responsible for complying with this permit for any single discharge from the application of pesticides.

For purposes of this permit, all operators are defined as either an applicator or a decision-maker; or both an applicator and a decision-maker.

When an operator is both an applicator and a decision-maker, the operator must comply with all applicable requirements imposed on both applicators and decision makers. When the permit references all "operators," both applicators and decision makers must comply.

1.1 Permit Area

a. This permit is not authorized for use on sites with point source discharges associated with pesticide activities on any Tribal Lands in Arizona. Authorization for discharges on Tribal Lands must be obtained through U.S. EPA Region 9 or other appropriate authority.

b. This permit is not authorized for use on sites with point source discharges associated with pesticide activities on any federally owned sites designated as "Lands of Exclusive Federal Jurisdiction (LEFJ)." Authorization for discharges on LEFJ sites must be obtained through U.S. EPA Region 9.

1.2 Eligibility

This permit covers any operator that meets the eligibility requirements identified in this Section.

Any discharges that are not consistent with the eligibility conditions of this permit are not authorized by this permit. A person shall either apply for a separate Arizona Pollutant Discharge Elimination System (AZPDES) permit to cover such discharge(s), cease the discharge(s), or take necessary steps to make the discharge(s) eligible for coverage under this permit.

Activities Covered

This permit is available to operators who discharge to Protected Surface Waters from the application of biological pesticides or chemical pesticides that leave a residue (hereinafter collectively "pesticides"), when the pesticide application is for one of the following pesticide use patterns:

a. Mosquito and Other Flying Insect or Pest Control – to control public health/nuisance pests which

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develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other insect pests in this use category include but are not limited to mosquitoes and black flies;

b. Weed, Algae, and Vegetation (herbaceous and woody) Control – to control invasive or other nuisance weeds, vegetation, and algae in water and at water's edge, including ditches and/or canals;

c. Animal Pest Control – to control invasive or other animal pests in water and at water's edge. Animal pests in this use category include fish, lampreys, insects, mollusks, and pathogens; or

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

e. Specific Approvals – other similar pesticide discharges determined to be in the scope of this permit and approved in writing by ADEQ in advance of the discharge.

1.3 Discharges to Impaired or Not-Attaining Waters

An operator is not eligible for coverage under this permit for any discharges from a pesticide application to a Protected Surface Water if the water is identified as impaired or not-attaining, by a substance which is either an active ingredient in that pesticide or is a degradant of such an active ingredient.

For purposes of this permit, impaired or not-attaining waters are those that have been identified by ADEQ or U.S. EPA pursuant to Section 303(d) of the Clean Water Act (CWA) as not meeting applicable surface water quality standards. Impaired and not-attaining water lists are available at: https://www.epa.gov/tmdl.

If the discharge would not be eligible under this permit because the water is listed as impaired or not-attaining for that specific pesticide, but there is evidence that shows the water is no longer impaired, the operator may submit this information to ADEQ and request that coverage be allowed under this permit.

a. To be considered for coverage under this permit, the applicant shall submit a Notice of Intent (NOI) and Pesticide Discharge Management Plan (PDMP) (see Section 6) to ADEQ. The PDMP shall specifically identify and evaluate control measures to meet effluent limitations and minimize discharges to impaired waters.

b. If a discharge contains pollutants for which a Total Maximum Daily Load (TMDL) has been established, the PDMP shall specifically identify control measures necessary to ensure the discharges will be consistent with the provisions of the TMDL.

c. If the operator receives a notification from ADEQ that the PDMP is incomplete or otherwise found to be deficient, the operator shall revise it to address ADEQ's comments within ten business days.

d. Within 30 calendar days of receipt of the PDMP and a complete and accurate NOI, ADEQ will notify the operator whether:

   1. It is acceptable to proceed under this general permit;

   2. The PDMP requires revisions; or

   3. There is cause for eligibility denial.

   If notification is not received in this time frame, the operator may assume coverage under this general permit.

e. Where the existing water quality does not meet applicable water quality standards (i.e., impaired waters), further degradation is not allowed under this permit. If an operator's discharge causes or contributes to non-attainment of standards, more effective and/or additional control measures shall be added. If after the implementation of additional and/or more effective control measures the discharge

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continues to contribute to nonattainment, the operator shall cease all discharges under this permit and apply for coverage under an individual permit.

1.4 Discharges to Outstanding Arizona Waters (OAWs)

Except for discharges from pesticide applications made to restore or maintain water quality or to protect public health or the environment that either do not degrade water quality or only degrade water quality on a short-term or temporary basis, operators are not eligible for coverage under this permit for discharges to Protected Surface Waters that are classified as Outstanding Arizona Waters (OAW) under A.A.C. R18-11-112 and are designated as Tier 3 waters.

a. To be considered for coverage under this permit, the applicant shall submit a Notice of Intent (NOI) and Pesticide Discharge Management Plan (PDMP) (see Section 6) to ADEQ. The PDMP shall specifically identify and evaluate control measures to meet effluent limitations and minimize discharges to impaired waters.

b. If the operator receives a notification from ADEQ that the PDMP is incomplete or otherwise found to be deficient, the operator shall revise it to address ADEQ's comments within ten business days. Prior to authorization, ADEQ may require specific control measures or specific BMPs be implemented; and

c. Within 30 calendar days of receipt of the PDMP and a complete and accurate NOI, ADEQ will notify the operator whether:

    1. It is acceptable to proceed under this general permit;

    2. The PDMP requires revisions; or

    3. There is cause for eligibility denial.

If notification is not received in this time frame, the operator may assume coverage under this permit.

1.5 Discharges Covered by Another AZPDES Permit

An operator is not eligible for coverage under this permit if any of the following circumstances apply:

a. The discharges are covered by another AZPDES permit; or

b. The discharges were included in a permit that within the last five years has been or is in the process of being denied, terminated, or revoked by ADEQ (this does not apply to the routine reissuance of permits every five years).

1.6 Alternative Permits

ADEQ may require the operator to apply for authorization to discharge under either an individual AZPDES permit or an alternative AZPDES general permit in accordance with A.A.C. R18-9-C902(A).

1.7 Operator Requesting Coverage under an Alternative Permit

An operator who does not want to be covered by this general permit, but needs permit coverage, can apply for an individual permit pursuant to A.A.C. R18-9-C902(B). The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit, if warranted.

When permit coverage is issued under an alternative AZPDES individual or general permit, authorization to discharge under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

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1.8 Other Federal and State Laws

The operator must comply with all other applicable federal and state laws and regulations that pertain to the application of pesticides. For example, this permit does not negate the requirements under Federal Insecticide Fungicide and Rodenticide Act (FIFRA) and its implementing regulations to use registered pesticides consistent with the product's labeling. It is the responsibility of the operator to ensure compliance with other laws and regulations.

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2.0 Authorization to Discharge

The operator shall read and understand all the conditions and requirements of this permit prior to the first discharge activity.

2.1 Effective Date of Permit Coverage

All operators that are not required to submit an NOI are automatically covered on the effective date of this permit.

All operators that discharge, or propose to discharge, to Protected Surface Waters (as identified in Section 2.4) are required to submit an NOI, including the initial fee, within 60 calendar days after the effective date of the permit to continue coverage.

2.2 How to Obtain Authorization

To obtain authorization under this permit:

a. All operators must meet the eligibility requirements under Section 1.2; and

b. All operators engaging in one or more of the pesticide discharge activities identified in Section 2.4 must submit a complete and accurate NOI prior to the pesticide discharge.

Operators whose discharges are not subject to the requirement to submit an NOI as identified in Section 2.4, are automatically authorized to discharge on the effective date of this permit in compliance with all other applicable requirements of this permit without submitting an NOI.

An NOI provides notice of an operator's intent for discharges from its pesticide application activities to be covered under this permit. Authorization to discharge extends to the operator who filed the NOI, including its employees, contractors, subcontractors, and other agents, for all activities identified on the NOI for the duration of this permit unless coverage is terminated pursuant to Sections 2.15 – 2.19. If a submitted NOI is not timely, accurate, or complete, then any employee, contractor, subcontractor or other entity that discharges without the required NOI is not covered by this permit.

2.3 Persons Subject to This Permit (Operator)

For the purpose of this permit, those persons that meet one or both of the following definitions of an operator are subject to the requirements of this permit:

a. Decision Maker – the person responsible for the decision (and ability to modify that decision) to conduct the pesticide application that results in a discharge; and/or

b. Applicator – the person that conducts the pesticide application, or who has day to day control of the pesticide application, that results in a discharge.

2.4 Pesticide Discharges Requiring an NOI

Operators (decision makers) discharging pesticides characterized by one or more of the following categories must submit a complete and accurate NOI to the department:

a. Discharges to Protected Surface Waters designated as aquatic and wildlife (A&Ww or A&Wc);

b. Discharges to effluent dependent Protected Surface Waters that flow more than 2.5 miles from the nearest point source;

c. Discharges to impaired or not-attaining Protected Surface Waters (only if the pesticide's active

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ingredient or degradant is the same parameter as the impairment (see Sections 1.3 and 2.9); and

d. Discharges to Outstanding Arizona Waters (see Section 1.4).

e. Specific approvals (see Section 3.7

Additionally, ADEQ may require an operator (decision maker) to submit an NOI. This request may be made in consideration of the amount or type of pesticide to be used, the treatment area, and other factors in consideration of protecting public health and the environment;

For pesticide discharge activities that involve more than one operator, only the decision maker (i.e., the person with control over the decision to conduct pesticide applications including the ability to modify those decisions) is required to submit an NOI; and

The decision maker shall identify the applicator on the NOI if the applicator is a different person than the decision maker. Note, although the applicator is not required to submit an NOI, the applicator is still an operator and subject to other terms and conditions of this permit.

2.5 NOI Requirements

Operators identified in Section 2.3 seeking authorization for pesticide discharges under this general permit shall submit a complete and accurate AZPDES NOI form to ADEQ. The NOI form contains, at a minimum, the following:

a. The name, address, and telephone number of the owner of the facility or discharge activity;

b. The name, address, and telephone number of the applicator of the facility or discharge activity, if different that the owner;

c. The type(s) of pesticide use pattern(s);

d. An accurate latitude and longitude (in decimal degrees format with 6 decimal places) of the water subject to the pesticide application, or the closest Protected Surface Water that may be impacted by the pesticide application;

e. If the pesticide application is areawide and linear, provide the latitude/longitude for the starting point of the application, the mid-point, and the end point of the application.

f. Whether any portion of the site is located on Tribal Lands;

g. If required by Section 6, provide confirmation that a Pesticide Discharge Management Plan (PDMP) meeting the requirements in Section 6 of this permit has been developed and will be implemented prior to commencement of pesticide discharge activity. If the NOI is a late application, the operator shall certify that a PDMP has been developed and implemented prior to submitting the NOI;

h. The location where the PDMP may be viewed and the name and telephone number of the contact person;

i. The name(s) of the Protected Surface Water(s), which may include unnamed washes;

j. The estimated start and completion dates of the discharge activity;

k. Whether the pesticide will be applied directly to an impaired or not-attaining Protected Surface Water or within 0.25 miles upstream of an OAW. and if applicable, include a copy of the PDMP with the NOI (see Sections 1.3 and 1.4);

l. The watershed in which the discharge is to occur;

m. The AZPDES fee; and

n. The following certification statement, signed and dated by a qualified signatory as defined in Section 9.10, and the name and title of the signatory:

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"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision, as applicable, 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 this system, or those persons directly responsible for gathering the information, I believe the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, as an owner or operator, I certify that I have reviewed and intend to comply with all terms and conditions stipulated in the 2026 Pesticide General Permit (No. AZG2026-003) issued by the Director."

2.6 Type of Permit Coverage and Associated Fees

In addition to the NOI information required by Section 2.5, an applicant must identify if permit coverage is for:

a. Single source discharge – a discharge activity to one Protected Surface Water, and may be recurring throughout the term of this permit. A single source discharge is subject to AZPDES Level 1A fees as listed in A.A.C. R18-14-109, Table 6, under the category, General Permits for Non-Stormwater Discharges; or

b. Areawide discharge – discharges to two or more Protected Surface Waters and may be recurring throughout the term of this permit. However, separate NOIs are required for areawide discharges that cross a watershed, a political boundary, district (irrigation, flood control, etc.), or other discernable political or geographic boundary. Areawide permit coverage is subject to AZPDES Level 1B fees as listed in A.A.C. R18-14-109, Table 6, under the category, General Permits for Non-Stormwater Discharges.

PGP fees are assessed as follows:

c. Initial Fee: the operator shall pay the initial AZPDES water quality protection service flat fee for coverage under this permit. This fee is collected at the time the NOI is submitted.

d. Annual Fee: In addition, the operator shall pay the applicable annual fee when billed, unless a Notice of Termination (NOT) has been submitted through myDEQ. The annual fee is due on the anniversary of the approval date of the NOI.

Note: Fees are subject to change annually, on August 1, based on changes in the Consumer Price Index from the Bureau of Labor Statistics. See A.A.C. R18-14-109, Table 6 for additional information.

2.7 Where to Submit

The applicant shall submit a signed paper NOI to the address listed below or via email to AZPDES@azdeq.gov until such time as electronic reporting is available for this permit:

Arizona Department of Environmental Quality

P.O. Box 18228

Phoenix, Arizona 85005

2.8 Routine Coverage

With the exceptions outlined in Sections 1.3 through 1.5, an eligible operator that is required to submit an NOI is authorized to discharge pesticides seven calendar days after a signed NOI is received by ADEQ or when an authorization certificate is issued, whichever is earlier. However, in order to rely on the seven calendar day "default" provision, the operator must submit the NOI in a manner that documents the date of ADEQ's receipt (i.e., dated email, certified mail, hand delivery, or other form of receipt).

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Operators that are not required to submit an NOI have immediate coverage, subject to all other terms and conditions of this permit.

2.9 Discharges to Impaired or Not-attaining Waters

An eligible operator that is required to submit an NOI for a pesticide discharge to an impaired or not-attaining Protected Surface Water that has an active ingredient or degradant of the pesticide and is the equivalent parameter of the impaired waterbody is not authorized to discharge under this permit for a minimum of 30 calendar days following receipt of the signed NOI and complete Pesticide Discharge Management Plan (PDMP). ADEQ may notify operators within this time frame that there is cause for a PDMP amendment or denial of coverage as specified in Sections 1.3 and 1.4 of this permit. If notification is not received in the 30 calendar days day time period, the operator must verify with ADEQ that ADEQ received the NOI and PDMP prior to commencement of pesticide application.

2.10 Discharges to Outstanding Arizona Waters (OAWs)

Pursuant to the Surface Waters Antidegradation rule, A.A.C. R18-11-107.01(C.2.), direct discharges to Outstanding Arizona Waters, which are Tier 3 waters, are prohibited. Proposed discharges to OAWs should be approved by ADEQ prior to submitting an NOI and PDMP.

2.11 NOIs Requiring Additional Evaluation

If ADEQ notifies an operator within seven calendar days of receipt of the NOI that review of the NOI identifies information requiring further evaluation, the operator shall not discharge for up to 30 calendar days. This notification may be made either in writing, electronic mail, or telephone contact. Operators receiving notice of a delay in coverage may discharge 30 calendar days after the date the signed NOI is received unless further notice is received from ADEQ during this time period. Such further notice may confirm authorization to discharge or deny permit coverage and require an application for an individual permit.

2.12 Incomplete NOI

If ADEQ notifies the applicant that an NOI is incomplete or incorrect, the operator shall resubmit an amended NOI if the operator still intends to obtain coverage under this permit. Whether or not ADEQ notifies the applicant of a deficiency in the NOI, no discharges are authorized under this permit if the operator submits an incomplete or incorrect NOI.

2.13 Change in Operators

For projects where the operator (decision-maker) changes, including instances where an operator is added after an NOI has been submitted, the new operator shall file for an NOI and receive an authorization certificate prior to the first pesticide discharge.

2.14 Late Applications

Operators that are required to submit an NOI pursuant to Section 2.4 are only permitted for discharges that occur after a complete and accurate NOI is received by ADEQ and authorization is granted. ADEQ reserves the right to take enforcement action for any un-permitted discharges or permit non-compliance that occurs between the time the pesticide discharge was initiated and either permit authorization is granted or denied.

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2.15 Continuation of this Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with Arizona Administrative Code R18-9-C903 and remain in force and effect. If the operator was authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

a. The authorization for coverage under a reissued permit or a replacement of this permit following the timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the NOI;

b. Pesticide discharges have ceased and the operator has submitted a Notice of Termination (NOT) consistent with Section 2.16;

c. The issuance or denial of an individual permit for a discharge resulting from application of a pesticide that would otherwise be covered under this permit;

d. A formal permit decision by ADEQ not to reissue this general permit, at which time ADEQ will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit; or

e. ADEQ has informed the operator that coverage for the discharge of pesticides is no longer is no longer valid.

2.16 How to Terminate Coverage

To terminate permit coverage, an operator who is required to submit an NOI as identified in Section 2.4, must submit a complete an accurate Notice of Termination (NOT) to ADEQ. If the operator submits a NOT without meeting one or more of the conditions identified in Section 2.17, then the NOT is not valid. The operator is responsible for complying with the terms of this permit until the authorization is terminated. If the operator is required to submit annual reports pursuant to Section 8, the operator must file an annual report for the portion of the year up through the date of termination. The annual report is due no later than 45 days after the termination date.

Permit coverage for operators covered under this permit that are not required to submit an NOI is automatically terminated when there is no longer a discharge from the application of pesticides or the discharges are covered under an AZPDES individual permit or alternative AZPDES general permit.

2.17 When to Submit a Notice of Termination

To terminate permit coverage, the operator who submitted the NOI must submit a complete and accurate NOT to ADEQ at the address listed in Section 2.19. Authorization to discharge terminates at midnight of the day that a complete and accurate NOT is received by ADEQ. An operator is eligible to terminate permit coverage when one of the following conditions has been met:

a. A new operator has taken over responsibility of pest control activities. In such cases, the existing operator must submit a NOT within 30 calendar days of the new operator taking over control of the discharge activity;

b. All discharges from the application of pesticides for which permit coverage was obtained has ceased and there are no anticipated discharges for the remainder of the permit term for any of the use patterns as identified in Section 1.2; or

c. The operator has obtained coverage under an individual permit or an alternative general permit for all discharges required to be covered by an AZPDES permit, unless coverage is obtained consistent with Section 2.8, in which case coverage under this permit will terminate automatically.

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The operator is responsible for meeting the terms and conditions of this permit until such time permit coverage is terminated.

2.18 NOT Submittal Requirements

a. The AZPDES authorization number for the pesticide discharge;

b. The basis for submitting the NOT;

c. The name, address, and telephone number of the operator submitting the NOT;

d. The name of the project and street address (or a description of location if no street address is available) of the pesticide application site for which the notification is submitted;

e. An accurate latitude and longitude (in decimal degrees format with 6 decimal places) of the water subject to the pesticide application, or the closest Protected Surface Water impacted by the pesticide application;

f. If the pesticide application is areawide and linear, provide the latitude/longitude for the starting point of the application, the mid-point, and the end point of the application.

g. The following certification, signed by a qualified signatory as defined in Section 9.10 of this permit, the printed name and title of the person who signs, and including the date of signature:

"I certify under penalty of law that all pesticide discharges that are permitted by the authorization number indicated above have been eliminated or that I no longer meet the definition of an operator for the permitted discharge. I understand that by submitting this Notice of Termination, I am no longer permitted to discharge pesticides under this authorization number and that discharging pollutants to Protected Surface Waters is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES or AZPDES permit. I also understand that submitting this Notice of Termination does not release me from liability for any violations of this permit or the Clean Water Act."

2.19 Where to Submit

The applicant shall submit a signed paper NOT to the address listed below or via email to AZPDES@azdeq.gov until such time as electronic reporting is available for this permit:

Arizona Department of Environmental Quality

P.O. Box 18228

Phoenix, Arizona 85005

Note: The operator will receive an acknowledgement letter terminating coverage upon ADEQ's processing of the operators completed NOT form.

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3.0 Technology-Based Effluent Limitations

This Section includes technology-based effluent limitations applicable to all operators, as defined in Section 11, for any discharges authorized under this permit, with compliance required upon beginning such discharge. All operators are classified as either "applicators" or "decision makers," or both. Applicators must perform the tasks identified in Section 3.1 – Applicators' Responsibilities. Decision makers must perform the tasks identified in Section 3.2 – Decision makers' Responsibilities. There may be instances when a single entity acts as both an applicator and a decision-maker.

If an operator's discharge of pollutants results from the application of pesticide that is being used solely for the purpose of "pesticide research and development," as defined in section 11, the operator must use such pesticide consistent with any applicable research plan and experimental use permit.

This general permit requires all operators to comply with all other applicable federal or state laws and regulations that pertain to application of pesticides by the operator.

3.1 Applicator's Responsibilities

To meet the effluent limitations of the permit, all applicators must implement Section 3.1 to minimize the discharge of pollutants resulting from the application of pesticides through the use of Pest Management Measures (as defined in Section 11):

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

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

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

3.2 Decision makers' Responsibilities: For All Decision makers

To meet the effluent limitations in this permit, all decision makers must minimize the discharge of pesticides to Protected Surface Waters from the application of pesticides, through the use of Pest Management Measures (PMM), as defined in Section 11. The decision maker may meet the PMM practices in this Section either directly or by contractual agreement with an applicator, or other person. Regardless, it is the decision maker's responsibility to ensure the PMM practices in this Section are met.

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

Decision-Maker's Responsibilities: For Decision makers Required to Submit NOIs

To meet the effluent limitations in this permit, prior to pesticide application, all decision makers who are required to submit an NOI as required in Section 2.4 must also implement Sections 3.3 – 3.7 to minimize the discharge of pesticides to Protected Surface Waters from the application of pesticides, through the use of PMMs, as defined in Section 11.

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3.3 Pesticide Use Patterns & Pest Management Options

Prior to the first pesticide application covered under this permit that will result in a discharge to Protected Surface Waters, and at least once per calendar year thereafter, prior to the first pesticide application of that calendar year, the operator shall select and implement, for each pesticide use pattern, efficient and effective means to minimize discharges. In developing these pest management strategies, the operator shall evaluate the following management options, considering impact to water quality, non-target organisms, feasibility and cost effectiveness:

a. No Action

b. Prevention

c. Mechanical or Physical Methods

d. Cultural Methods

e. Biological Control Agents

f. Pesticides

3.4 Mosquito and Other Flying Insect or Pest Control

This Section applies to discharges from the application of pesticides for mosquito and other flying insect or pest control as identified in Section 1.2.a.

a. Identify the Problem

1. Establish densities for larval and adult mosquito or flying insect pest populations to serve as action threshold(s) for implementing pest management measures;

2. Identify target pest(s) to develop PMM based on developmental and behavioral considerations for each pest;

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

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

5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the conditions in Section 3.4.

b. Pesticide Use

If a pesticide is selected to manage mosquitoes or flying insect pests and application of the pesticide will result in a discharge to Protected Surface Waters, the operator must:

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

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

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

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

3.5 Weed, Algae and Vegetation (herbaceous and woody) Control

This Section applies to discharges from the application of pesticides for weed, algae and vegetation control as identified in Section 1.2.b.

a. Identify the Problem

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

2. Identify target weed species;

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

4. Establish any pest- and site-specific action threshold for implementing 3.5; and

5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Section 3.5.

b. Pesticide Use

If a pesticide is selected to manage weeds or algae and application of the pesticide will result in a discharge to Protected Surface Waters, the operator shall:

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

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

3.6 Animal Pest Control

This Section applies to discharges from the application of pesticides for control of animal pests as identified in Section 1.2.c.

a. Identify the Problem

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

2. Identify target animal pests;

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

4. Establish any pest-and site-specific action threshold; and

5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Section 3.6.

b. Pesticide Use

If a pesticide is selected to manage animal pests and application of the pesticide will result in a

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discharge to Protected Surface Waters, the decision maker must:

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

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

3.7 Forest Canopy Pest Control

This Section applies to discharges from the application of pesticides for forest canopy pest control as defined in Section 1.2.d.

a. Identify the Problem

1. Establish any pest- and site-specific action threshold(s) for implementing Section 3.7;

2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;

3. Identify current distribution of the target pest and assess potential distribution in the absence Pest Management Measures; and

4. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Section 3.6.

b. Pesticide Use

If a pesticide is selected to manage forestry pests and application of the pesticide will result in a discharge to Protected Surface Waters, the decision maker must:

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

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

3. Evaluate using pesticides against the most susceptible developmental stage.

3.8 Specific Approvals

This Section applies to discharges that are not otherwise characterized in Section 1.2 (a) through (d), but are determined to be in the scope of this permit. Approval. in writing, must be obtained by ADEQ in advance of the discharge.

a. Identify the Problem

1. Establish any pest- and site-specific action threshold(s) for implementing Section 3.8;

2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;

3. Identify current distribution of the target pest and assess potential distribution in the absence of control measures; and

4. The event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Section 3.8.

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b. Pesticide Use

If a pesticide is the selected management approach and it results in the discharge to Protected Surface Waters, the decision maker must:

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

ii. Assess environmental conditions (e.g., temperature, precipitation, and wind speed) in the treatment area to identify conditions that support target pest development and are conducive for treatment activities;

iii. Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when the action thresholds have been met; and

iv. Evaluate using pesticides against the most susceptible developmental stage.

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4.0 Surface Water Quality-Based Effluent Limitations

This Section includes water quality-based effluent limitations and other limitations applicable to all operators for any discharges authorized under this permit with compliance required upon beginning such discharge. Except other than what would be expected as a result of the application of the product used consistent with its FIFRA labeling within the treatment area, discharges of pesticides to Protected Surface Waters must not result in:

a. Observable deposits of floating solids, scum, sheen, or other substances;

b. An observable film or sheen or discoloration from oil and grease; and/or

c. Foam or substances that produce an observable change in color or odor.

If at any time the operator becomes aware, or ADEQ determines, that the discharge causes or contributes to an excursion of applicable surface water quality standards, corrective action must be taken as required in section 7 of this permit. The director may require the operator to obtain coverage under an individual permit pursuant to section 1.6.

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5.0 Site Monitoring

5.1 Visual Monitoring Requirements for Applicators

During any pesticide application with discharges authorized under this permit, all applicators must, when considerations for safety and feasibility allow, visually assess the area around where the pesticide(s) were applied for possible and observable adverse incidents caused by application of pesticide(s), including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreation or municipal water use.

5.2 Visual Monitoring Requirements for all Operators

During any operator post-application surveillance of any pesticide application with discharges authorized under this permit, all operators must visually assess the area around where the pesticide(s) were applied for possible adverse incidents caused by application of pesticide(s), including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreation or municipal water use.

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6.0 Pesticide Discharge Management Plan Preparation

a. Decision makers required to submit an NOI (pursuant to Section 2.4) that discharge pesticides in quantities that meets or exceeds the annual threshold(s) identified in Table 6 below must prepare and implement a Pesticide Discharge Management Plan (PDMP) in accordance with this Section;

b. The decision maker may meet the PDMP requirements either directly, or by contractual agreement with an applicator or another person. Regardless, it is the decision maker's responsibility to ensure the PDMP requirements in this Section are met;

c. Decision makers proposing to discharge pesticides to an impaired or not-attaining Protected Surface Water, or as part of a specific approval must submit a copy of the PDMP to ADEQ with the NOI at least 30 calendar days in advance of the discharge;

d. All operators must implement control measures to satisfy the effluent limitations in Sections 3 and 4. This includes the operator who submitted the NOI as well as any employees, contractors, subcontractors, or other agents;

e. The PDMP must be kept up-to-date for the duration of coverage under this general permit, even if the discharge(s) subsequently falls below one or more of the thresholds identified in Table 6. The PDMP must document how the operator will implement the effluent limitations in Sections 3 and 4 of the permit, including the evaluation and selection of control measures to meet those effluent limitations and minimize discharges. The PDMP may incorporate, by reference, any procedures or plans in other documents that meet the requirements of this permit; and

f. If the operator relies upon other documents to describe compliance with the effluent limitations in this permit, a copy of any portions of such documents must be included in the PDMP.

Table 6: Annual Treatment Area Thresholds

Pesticide Use	Treatment Threshold
Mosquitoes and Other Flying Insects	In water: 6,400 acres of treatment area.
Forest Canopy Pest Control	
Weed, Algae and Vegetation Control	In water: 80 acres of treatment area. At water's edge: 20 linear miles of treatment area.
Animal Pest Control	
Discharges to impaired or not-attaining PSWs	In water: all treatment areas. At water's edge: all treatment areas.
Discharges within ¼ miles upstream of an OAW	
Specific Approvals	

6.1 Contents of Pesticide Discharge Management Plan

The PDMP must include the following elements:

a. Pesticide discharge management team;

b. Pest problem description;

c. Pest management options evaluation;

d. Response procedure;

   1. Spill response procedures; and

   2. Adverse incident response procedures.

e. Documentation to support eligibility considerations under other federal laws; and

f. Signature requirements.

6.2 Pesticide Discharge Management Plan Team

Decision makers must identify all the persons (by name or position/title and contact information) that compose the team as well as each person's individual responsibilities, including:

a. Person(s) responsible for managing pests in relation to the pest management area;

b. Person(s) responsible for developing and revising the PDMP; and

c. Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements.

Identification of team members must include any written agreement(s) between the decision maker and any other operator(s), such as a for-hire pesticide applicator, that specify the division of responsibilities between operators as necessary to comply with the provisions of this permit.

6.3 Pesticide Discharge Management Plan Modifications

The PDMP must be modified whenever necessary to address any of the triggering conditions for corrective action in Section 7 or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to the PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, as soon as possible thereafter. The revised PDMP must be signed and dated in accordance with Section 9.10 of the Standard Permit Conditions.

6.4 Pest Problem Identification

Decision makers must document the following:

a. Provide a description of the pest problem at the pest management area, including identification of the target pest(s), source(s), of the pest problem, and source of data used to identify the problem;

b. Describe the action threshold(s) for the pest management area, including data used to develop the action threshold(s) and method(s) to determine when the action threshold(s) are met;

c. Include a general location map (e.g., USGS quadrangle map, portions of a city or county map, or other appropriate map(s)) that identifies the geographic boundaries of the area to which the plan applies and location of the Protected Surface Waters; and

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d. Document the surface water quality standards applicable to waters to which there may be a discharge, including the list of pesticide(s) or any degradants for which the water is impaired.

6.5 Description of Pest Management Option Evaluation

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

6.6 Response Procedures

Decision makers must document the following procedures in the PDMP:

a. Spill Response Procedures – At a minimum, decision makers must have:

1. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases to Protected Surface Waters. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the PDMP team; and

2. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.

b. Adverse Incident Response Procedures – At a minimum, decision makers must have:

1. Procedures for responding to any adverse incident resulting from pesticide applications; and

2. Procedures for notification of the adverse incident, both internal to the decision-maker's agency/organization and external. Contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.

6.7 Signatory Requirements

The PDMP must be signed, dated, and certified in accordance with Section 9.10.

6.8 Pesticide Discharge Management Plan Availability

An up-to-date copy of the PDMP, along with all supporting maps and documents, shall be maintained at the address provided in the NOI. The PDMP and all supporting documents must be readily available, upon request, and copies of any of these documents provided, upon request to ADEQ. U.S. EPA. or other state, federal, or local agency governing discharges or pesticide. ADEQ may provide copies of the PDMP or other information related to this permit that is in its possession to members of the public. Any Confidential Business Information (CBI), as defined in 40 C.F.R. Part 2, may be withheld from the public provided that a claim of confidentiality is properly asserted and documented in accordance with 40 C.F.R. Part 2. however, CBI must be submitted to ADEQ, if requested, and may not be withheld from those staff within ADEQ, U.S. EPA, or other state, federal, or local authority cleared for CBI review.

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7.0 Corrective Action

All operators must comply with the provisions of Section 7 for any discharges authorized under this permit, with compliance required upon beginning such discharge.

7.1 Situations Requiring Revision of Pest Management Measures

All operators must review and, as necessary, revise the evaluation and selection of Pest Management Measures (PMM) for the following situations:

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

b. If operators become aware, or ADEQ concludes, that PMM are not adequate/sufficient for the discharge to meet applicable water quality standards;

c. Any monitoring activities indicate failure to meet applicable technology-based effluent limitations in Section 3;

d. An inspection or evaluation of the activities by an ADEQ official reveals that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; and

e. Any operator observes or is otherwise made aware of an adverse incident, as defined in Section 11.

7.2 Corrective Action Deadlines

If an operator determines that changes to PMM are necessary to eliminate any situation identified in Section 7.1, such changes must be made before the next pesticide application that results in a discharge if practicable, or if not, as soon as possible thereafter.

7.3 Effect of Corrective Action

The occurrence of a situation identified in Section 7.1 may constitute a violation of the permit. Correcting the situation according to Section 7.1 does not absolve of the operator's liability for any original violation. However, failure to comply with Section 7.1 constitutes an additional permit violation. ADEQ will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

ADEQ may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements more stringent than specified in this permit. Those requirements and schedules will supersede those of Section 7.1 if such requirements conflict.

7.4 Adverse Incident Documentation and Reporting

a. Twenty-Four Hour Adverse Incident - Notification Required

If an operator observes or is otherwise made aware of an adverse incident, as defined in Section 11, which may have resulted from a discharge from pesticide application, the operator must immediately notify ADEQ by calling ADEQ's Spill Line at (602) 771-2330.

This notification must be made by telephone within 24 hours of becoming aware of the adverse incident and must include at least the following information:

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1. The caller's name and telephone number;
2. Operator name and mailing address;
3. If covered under an NOI, the NOI Authorization tracking number;
4. The name and telephone number of a contact person, if different than the person providing the 24-hour notice;
5. How and when the operator became aware of the adverse incident;
6. Description of the location of the adverse incident;
7. Description of the adverse incident identified and the U.S. EPA pesticide registration number for each product applied in the area of the adverse incident;
8. Description of any steps taken or will take to correct, repair, remedy, cleanup, or otherwise address any adverse effects; and
9. If known, the identity of any other operators authorized for coverage under this permit for discharges from pesticide application activities that resulted in the adverse incident.

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

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

b. Adverse Incident – Notification Not Required

1. An operator is aware of facts that clearly establish that the adverse incident was not related to toxic effects or exposure from the pesticide application;
2. An operator has been notified in writing by ADEQ that the reporting requirement has been waived for this incident or category of incidents;
3. An operator receives information of an adverse incident, but that information is clearly erroneous; or
4. An adverse incident occurs to pests that are similar in kind to pests identified as potential targets on the FIFRA label.

c. Thirty Day Adverse Incident Written Report

Within thirty calendar days of a reportable adverse incident pursuant to Section 7.4.a, operators must provide a written report of the adverse incident to ADEQ at the address in Section 9.11. The adverse incident report must include at least the following information:

1. Information required to be provided in Section in 7.4.a;
2. Date and time the operator contacted ADEQ notifying the agency of the adverse incident and who the operator spoke with at ADEQ and any instructions received from ADEQ;
3. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc.);
4. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms;
5. Magnitude and scope of the affected area (e.g., aquatic square area or total stream distance affected);

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6. Pesticide application rate, intended use site (e.g., banks, above, or directly to water), method of application, and name of pesticide product, description of pesticide ingredients, and U.S. EPA registration number;

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

8. If laboratory tests were performed, indicate what test(s) were performed, and when. Additionally, a summary of the test results must be provided within five business days after they become available if not available at the time the thirty day report;

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

10. Actions to be taken to prevent recurrence of adverse incidents; and

11. Signed and dated in accordance with Section 9.10.

ADEQ may waive the written report required under this Section on a case-by-case basis, provided the operator made the 24-hour verbal notification (see Section 7.4.a), and follows up with ADEQ before the thirty day time frame expires. ADEQ will consider the circumstances of the adverse incident when determining if the requirement for a written report can be waived.

7.5 Adverse Incident to Threatened or Endangered Species or Critical Habitat

Notwithstanding any of the other adverse incident notification requirements of this Section, if the operator becomes aware of an adverse incident to a federally-listed threatened or endangered species or its federally-designated critical habitat, that may have resulted from a discharge from the pesticide application immediately notify the U.S. Fish and Wildlife Service (USFWS) and Arizona Game and Fish Department (AZGFD). This notification must be made by telephone immediately upon becoming aware of the adverse incident and must include at least the following information:

a. The caller's name and telephone number;

b. Operator name and mailing address;

c. The name of the affected species;

d. How and when the operator became aware of the adverse incident;

e. Description of the location of the adverse incident;

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

g. Description of any steps have taken or will take to alleviate the adverse impact to the species.

Additional information on federally-listed threatened or endangered species and federally-designated critical habitat is available from USFWS (www.fws.gov).

7.6 Notification and Reporting for Adverse Incidents Involving Multiple Operators

Where multiple operators are authorized for a discharge that results in an adverse incident, notification and reporting by any one of the operators constitutes compliance for all of the operators, provided a copy of the written report required under Section 7.4.c is also provided to all of the other authorized operators within 30 days of the reportable adverse incident.

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7.7 Spill, Leak, or Other Unpermitted Discharge Notification

Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 C.F.R. Part 110, 40 C.F.R. Part 117, or 40 C.F.R. Part 302, occurs in any 24-hour period, the operator must notify the National Response Center (NRC) immediately at 800-424-8802 in accordance with those regulations, as soon as the operator has knowledge of the release. Contact information must be in locations that are readily accessible and available in the area where the spill, leak, or other unpermitted discharge may occur.

State or local requirements may necessitate also reporting spills or leaks to local emergency response, public health, or drinking water supply agencies.

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

If an operator becomes aware of a spill, leak, or other unpermitted discharge which triggers the notification requirements in Section 7.4.c and results in an adverse incident, then the operator must report the incident per the guidelines in Section 7.4.a and 7.4.c. If the spill, leak, or other unpermitted discharge triggers the notification in 7.4.a, but does not result in an adverse incident, then the operator must document and retain the following information within thirty days of becoming aware of the situation:

a. Information required to be provided in Section 7.4.a;

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

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

7.9 Documentation of Other Corrective Action

For situations identified in Section 7.0, other than for adverse incidents (addressed in Section 7.4), or reportable spills or leaks (addressed in Section 7.5), operators must document any situation triggering corrective action and the planned corrective action within thirty days of becoming aware of that situation and retain a copy of this documentation. This documentation must include the following information:

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

b. Brief description of the situation;

c. Date the problem was identified;

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

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

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

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8.0 Recordkeeping and Annual Reporting

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

ADEQ recommends that all operators covered under this permit keep records of acres or linear miles treated for all applicable use patterns covered under this general permit. The records should be kept up-to-date to help determine the annual treatment area threshold during any calendar year will be met, as identified in Table 6.

For discharge activities involving more than one operator (e.g., decision maker and for-hire applicator) the operators may share the responsibility of preparing and maintaining records required in this Section to minimize or avoid duplication of effort. Operators are encouraged to document any sharing of responsibility to ensure the requirements of this Section are met.

8.1 Records to be kept by all Operators

All operators covered under this permit, regardless of whether or not they are required to submit an NOI pursuant to Section 2.4, must keep the following records:

a. A copy of this permit (an electronic copy is acceptable);

b. A copy of any Adverse Incident Reports (see Section 7.4);

c. The rationale for any determination that reporting of an identified adverse incident is not required consistent with allowances identified in Section 7.4.a;

d. A copy of any corrective action documentation (see Section 7.9); and

e. A copy of any spill, leak, or other unpermitted discharge documentation (see Section 7.7).

8.2 Records to be kept by all For-Hire Applicators

Any operator who is a For-Hire Applicator, as defined in Section 11, must retain the following records:

a. Documentation of equipment calibration;

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

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

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

   3. Target pest(s);

   4. Documentation of any assessment of weather conditions in the treatment area prior to and during application to ensure application is consistent with all applicable federal requirements;

   5. Name of each pesticide product used including the U.S. EPA registration number;

   6. Quantity of each pesticide product applied to each treatment area;

   7. Pesticide application date(s); and

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8. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether any unusual or unexpected effects identified to non-target organisms.

8.3 Records to be kept by all Decision makers Required to Submit an NOI and Prepare a Pesticide Discharge Management Plan

Any decision-maker required to submit an NOI and prepare a Pesticide Discharge Management Plan (PDMP) must retain the following records at the address provided on the NOI:

a. Copy of the NOI submitted to ADEQ, any correspondence exchanged between the Decision-maker and ADEQ specific to coverage under this permit, and a copy of the ADEQ acknowledgment letter with the assigned permit tracking number.

b. A copy of the PDMP, including any modifications made to the PDMP during the term of this permit.

c. Copy of any annual reports.

d. Documentation of equipment calibration (only if decision-maker is also the applicator).

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

1. Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any Protected Surface Waters, either by name or by location, to which pesticide(s) are discharged;

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

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

4. Action Thresholds;

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

6. Description of pest management measure(s) implemented prior to the first pesticide application;

7. Company name and contact information for pesticide applicator;

8. Name of each pesticide product used including the U.S. EPA registration number;

9. Quantity of each pesticide product applied to each treatment area;

10. Pesticide application date(s); and

11. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not, and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

8.4 Record Schedule

All required records must be documented as soon as possible but no later than fourteen business days following completion of such activity. Any records required under this permit must be retained for at least three years from the date that coverage under this permit expires or is terminated. Records kept under this permit must be made available to ADEQ upon request and copies provided of such records upon request.

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8.5 Annual Reporting

Operators who are required to submit an NOI (see Section 2.4) and exceed one or more of the thresholds identified in Table 6, must prepare an annual report on a form provided by the department and must submit the report to ADEQ.

a. Additionally, operators that discharge to an impaired or not-attaining Protected Surface Water, or are authorized coverage under this permit with specific approval from ADEQ must submit their annual report to ADEQ.

b. The annual reporting period for discharges subject to this Subsection is from January 1 through December 31 of each year. Annual reports shall be received by ADEQ no later than February 21 for the preceding reporting year.

c. The annual report must include information for the preceding calendar year, the first annual report under this permit is due 02/21/2027. When permit coverage is terminated, as specified in Section 2.15, the annual report must include the portion of the year up through the date of termination.

d. The annual report must contain the following information:

1. Operator's name;

2. AZPDES PGP tracking number(s);

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

4. For each pest treatment area, report the following information:

1. Identification of any waters or other treatment area, including size, either by name or by location, to which pesticides were discharged;

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

3. Company name(s) and contact information for pesticide applicator(s);

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

5. Whether this pest control activity was addressed in your PDMP prior to pesticide application;

6. If applicable, an annual report of any adverse incidents as a result of these treatment(s), for incidents, as described in Section 7.4; and

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

Once the annual reporting requirements are met, the decision maker must comply with the annual reporting requirements for each calendar year thereafter, for the duration of coverage under this general permit, whether or not they have discharges from the application of pesticides in any subsequent calendar year.

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9.0 Standard Permit Conditions

9.1 Duty to Comply

[A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(a)(1) and A.R.S. § 49-261, 262, 263.01, and 263.02]

a. The operator shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act. A.R.S. Title 49, Chapter 2, Article 3.1. and A.A.C. Title 18, Chapter 9, Article 9, and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.

b. The issuance of this permit does not waive any federal, state, county, or local regulations or permit requirements with which a person discharging under this permit is required to comply.

c. The operator shall comply with any effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

9.2 Need to Halt or Reduce Activity Not a Defense

[A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(c)]

It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

9.3 Duty to Mitigate

[A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(d)]

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

9.4 Proper Operation and Maintenance

[A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(e)]

The operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

9.5 Permit Actions

[A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(f)]

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the operator for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

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9.6 Property Rights

[A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(g)]

This permit does not convey any property rights of any sort, or any exclusive privileges.

9.7 Duty to Provide Information

[A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(h)]

The operator shall furnish to ADEQ, within a reasonable time, any information which the director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The operator shall also furnish to ADEQ upon request, copies of records required to be kept by this permit.

9.8 Inspection and Entry

[A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(i)]

The operator shall allow the director, or an authorized representative, upon the presentation of credentials and such other documents as may be required by law, to:

a. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit.

b. Have access to and copy, at reasonable times, any records that shall be kept under the terms of the permit.

c. Inspect at reasonable times any facilities, equipment (including monitoring equipment or control equipment), practices or operations regulated or required under this permit.

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by A.R.S. Title 49, Chapter 2, Article 3.1, and A.A.C. Title 18, Chapter 9, Article 9, any substances or parameters at any location.

9.9 Monitoring and Records

[A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(j)]

The operator must retain records of all reports required by this permit, and records of all data used to complete the NOI for this permit (if required), for a period of at least three years from the date the permit expires or the date the operator's authorization is terminated. The period may be extended by request of ADEQ at any time.

Note, this permit does not require all operators to conduct the type of sample collection and monitoring described in the following Sections. However, when required, the sample collections and monitoring requirements apply to those operators that collect samples.

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. The operator shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the director at any time.

c. Monitoring shall be conducted according to test procedures approved under 9 A.A.C. Chapter 14,

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Article 6 as incorporated by reference in R18-9-A905(B). unless specific test procedures have been otherwise specified in this permit.

d. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which includes the possibility of fines and/or imprisonment.

9.10 Signatory Requirements

[A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(k) and (l). A.A.C. R18-9-A905(A)(1)(c) which incorporates 40 C.F.R. 122.22]

a. NOIs. All NOIs shall be signed and certified as follows:

1. For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

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

ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations. the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements. and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively.

3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Section, a principal executive officer of a federal agency is the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

b. Reports and Other Information: All NOTs, PDMPs, reports, certifications, or other information required by this permit and other information requested by ADEQ shall be signed by a person described in Section 9.10(a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described in Section 9.10(a).

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the operator. (A “duly authorized representative” may be either a named individual or any individual occupying a named position).

3. The signed and dated written authorization is included in the PDMP and submitted to ADEQ upon request.

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c. Changes to Authorization. If the information on the NOI filed for general permit coverage is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a revised NOI shall be submitted to ADEQ prior to or together with any reports, information, or applications to be signed by the signatory or an authorized representative.

d. Certification. Any person signing documents, including inspection reports under the terms of this permit 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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

9.11 Reporting Requirements

[A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(l)]

Planned Changes. The operator shall give notice to the director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 C.F.R. 122.29(b) (incorporated by reference at R18-9-A905(A)(1)(e)).

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 C.F.R. 122.42(a)(1) (incorporated by reference at R18-9-A905(A)(3)(b)).

c. Anticipated Noncompliance. The operator shall give advance notice to the director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

d. Monitoring Reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit. If the operator monitors any pollutant more frequently than required by the permit, using test procedures approved under 9 A.A.C. Chapter 14, Article 6 or as specified in the permit, then the results of this monitoring shall be included in the calculation and reporting of the data to ADEQ.

Twenty-four Hour Reporting.

a. In addition to adverse incident and spill reporting requirements in Sections 7.4 and 7.5, respectively, operators must report any noncompliance which may endanger human health or the environment. Any information must be provided verbally within 24 hours from the time the operator become aware of the circumstances. The 24-hour reporting requirement shall be made to:

ADEQ's Spill Line at (602) 771-2330

Note: Additional federal, state, or local release reporting may also be required.

b. A written report must also be submitted to ADEQ within thirty days of the time the operator become aware of the circumstances (unless waived by ADEQ). The written report must contain a description of the noncompliance and its cause. the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is

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expected to continue. and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The report must be directed to:

Arizona Department of Environmental Quality

Via email: AZPDES@azdeq.gov

1. For purposes of this permit, the operator must submit a 24-hour report under this Section for any upset, as defined in Section 9.16, which exceeds any effluent limitation in the permit.

2. ADEQ may waive the written report on a case-by-case basis for reports under Section 9.11(d)(2) if the verbal notification was made within 24 hours of the incident.

c. Other Noncompliance. The operator shall report all instances of noncompliance (not otherwise required to be reported as prescribed in Section 9.11(a), (b), and (d)) at the time any applicable annual or monitoring reports are submitted. The reports must contain the information listed in Section 9.11(d)(1).

d. Other Information. When the operator becomes aware that he or she failed to submit any relevant facts in the NOI or in any other report to ADEQ, the operator shall promptly submit the facts or information to the Surface Water Section of ADEQ.

9.12 Reopener Clause

[A.A.C. R18-9-A905(A)(3)(d), which incorporates 40 C.F.R. 122.44(c)]

ADEQ may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.

9.13 Other Environmental Laws

No condition of this general permit releases the operator from any responsibility or requirements under other environmental statutes or regulations. For example, this permit does not authorize the "take" of endangered or threatened species as prohibited by Section 9 of the Endangered Species Act, 16 U.S.C. 1538. Information regarding the location of endangered and threatened species and guidance on what activities constitute a "take" are available from the U.S. Fish and Wildlife Service at www.fws.gov.

9.14 State or Tribal Law

[Pursuant to A.A.C. R18-9-A904(C)]

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.

9.15 Severability

The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of the provision to other circumstances, and the remainder of this general permit shall not be affected.

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9.16 Upset

[A.R.S. §§ 49-255(8) and 255.01(E), A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(n)]

Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the operator. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

Effect of an Upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of part c. of this Section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

Conditions Necessary for a Demonstration of Upset. An operator who wishes to establish the affirmative defenses of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that operator can identify the cause(s) of the upset.

b. The permitted facility was at the time being properly operated.

c. The operator submitted notice of the upset as required in Section 9.11.d.2.

d. The operator has taken appropriate measure including all reasonable steps to minimize or prevent any discharge or sewage sludge use or disposal that is in violation of the permit and that has a reasonable likelihood of adversely affecting human health or the environment per A.R.S. § 49-255.01(E)(1)(d).

Burden of Proof. In any enforcement proceeding the operator seeking to establish the occurrence of an upset has the burden of proof.

9.17 Bypass

[A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 C.F.R. 122.41(m)]

a. Definitions.

1. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.

2. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not Exceeding Limitations. The operator may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of part c. and d. of this Section.

c. Notice.

1. Anticipated bypass. If the operator knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of bypass.

2. Unanticipated bypass. The operator shall submit notice of an unanticipated bypass as required in paragraph d. of Section 9.11 (24-hour reporting).

d. Prohibition of Bypass. Bypass is prohibited, and the director may take enforcement action against

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an operator for bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.
3. The operator submitted notices as required under part c of this Section.

The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed above.

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10.0 Penalties for Violations of Permit Conditions

Any permit noncompliance constitutes a violation and is grounds for an enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

10.1 Civil Penalties

A.R.S. § 49-262(C) provides that any person who violates any provision of A.R.S. Title 49, Chapter 2, Article 2, 3 or 3.1 or a rule, permit, discharge limitation or order issued or adopted under A.R.S. Title 49, Chapter 2, Article 3.1 is subject to a civil penalty not to exceed $25,000 per day per violation.

10.2 Criminal Penalties

Any person who violates a condition of this general permit, or violates a provision under A.R.S. Title 49, Chapter 2, Article 3.1, or A.A.C. Title 18, Chapter 2, Article 9 is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.

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11.0 Definitions and Acronyms

Action Threshold – means the point at which pest populations or environmental conditions can no longer be tolerated necessitating that pest control action be taken based on economic, human health, aesthetic, or other effects. Sighting a single pest does not always mean control is needed. Action thresholds help determine both the need for control actions and the proper timing of such actions.

Active Ingredient – means any substance (or group of structurally similar substances if specified by the agency) that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of FIFRA sec. 2(a). [40 C.F.R. 152.3] Active ingredient also means a pesticidal substance that is intended to be produced and used in a living plant, or in the product thereof, and the genetic material necessary for the production of such a pesticidal substance. [40 C.F.R. 174.3]

Adverse Incident – means an incident observed upon inspection or of which the operator otherwise become aware, in which:

a. A person or non-target organism may have been exposed to a pesticide residue

b. The person or non-target organism suffered a toxic or adverse effect.

The phrase "toxic or adverse effects" includes effects that occur within Protected Surface Waters 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:

a. Distressed or dead juvenile and small fishes

b. Washed up or floating fish

c. Fish swimming abnormally or erratically

d. Fish lying lethargically at water surface or in shallow water

e. Fish that are listless or nonresponsive to disturbance

f. Stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants

g. 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 that occur either directly or indirectly from a discharge to Protected Surface Waters that are temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).

Annual Treatment Area Threshold – an area (in acres) or linear distance (in miles) in a calendar year to which a decision-maker is authorizing and/or performing pesticide applications in that area for activities covered under this permit.

For calculating annual treatment areas for Mosquitoes and Other Flying Insect Pest Control and Forest Canopy Pest for comparing with any threshold in Table 6, count each pesticide application activity to a treatment area (i.e., that area where a pesticide application is intended to provide pesticidal benefits within the pest management area) as a separate area treated. For example, applying pesticides three times a year to the same 3,000-acre site should be counted as 9,000 acres of treatment area for purposes of determining if such an application exceeds an annual treatment area threshold. The treatment area for these two pesticide use patterns is additive over the calendar year.

For calculating annual treatment areas for Weed and Algae Control and Animal Pest Control for comparing with any threshold in Table 6, calculations should include either the linear extent of or the surface area of waters for applications made to Protected Surface Waters or at water's edge adjacent to Protected Surface Waters. For calculating the annual treatment area, count each treatment area only once, regardless of the number of pesticide application activities performed on that area in a given year. Also, for linear features

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(e.g., a canal or ditch), use the length of the linear feature whether treating in or adjacent to the feature, regardless of the number of applications made to that feature during the calendar year. For example, whether treating the bank on one side of a ten-mile long ditch, banks on both sides of the ditch, and/or water in that ditch, the total treatment area is ten miles for purposes of determining if a PDMP is required. Additionally, if the same 10 miles area is treated more than once in a calendar year, the total area treated is still 10 miles for purposes of comparing with any threshold in Table 6. The treatment area for these two pesticide use patterns is not additive over the calendar year.

Applicator – any person who conducts the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities) that results in a discharge to Protected Surface Waters.

AZPDES – means the Arizona pollutant discharge elimination system program as adopted under Section 402(b) of the clean water act for WOTUS and under Section 49-255.04 for non-WOTUS protected surface waters.

Best Management Practices (BMPs) – are examples of control measures that may be implemented to meet effluent limitations. These include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to minimize the discharge of pollutants to Protected Surface Waters. BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, waste disposal, or drainage from raw material storage. [40 C.F.R. 122.2]

Biological Control Agents – means organisms that can be introduced to sites, such as herbivores, predators, parasites, and hyper parasites. [Source: US FWS IPM Guidance, 2004]

Biological Pesticides (also called biopesticides) – means microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or dessicant, that (1) is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi. (2) is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaebacteria. or (3) is a parasitically replicating microscopic element, including but not limited to, viruses. [40 C.F.R. 158.2100(b)]. Biochemical pesticide mean a pesticide that (1) is a naturally-occurring substance or structurally-similar and functionally-identical to a naturally-occurring substance. (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history. and (3) has a non-toxic mode of action to the target pest(s). [40 C.F.R. 158.2000(a)(1)] Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 C.F.R. 174.3]

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

Control Measure – means any BMP or other method used to meet effluent limitations. Control measures must comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, and relevant legal requirements. Additionally, control measures could include other actions that a prudent operator would implement to reduce and/or eliminate pesticide discharges to Protected Surface Waters to comply with the effluent limitations in Sections 3 and 4 of this permit.

Cultural Methods – means manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest.

Decision Maker – means the person with control over the decision to conduct the application of a pesticide including the ability to modify those decisions that result in a discharge to Protected Surface Waters.

Declared Pest Emergency Situation – means an event defined by a public declaration by a federal agency, state, or local government of a pest problem determined to require control through application of a pesticide beginning less than ten days after identification of the need for pest control. This public

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declaration may be based on:

a. Significant risk to human health

b. Significant economic loss

c. Significant risk to:

1. Endangered species
2. Threatened species
3. Beneficial organisms
4. The environment

[40 C.F.R. 166]

Director – means the director of environmental quality who is also the director of ADEQ [A.R.S. 49-101(3)]

Discharge – when used without qualification, means the "discharge of a pollutant." [40 C.F.R. 122.2]

Discharge of a Pollutant – any addition of any "pollutant" or combination of pollutants to Protected Surface Waters from any "point source," or any addition of any pollutant or combination of pollutants to the water of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation. This includes additions of pollutants into Protected Surface Waters from surface runoff that is collected or channeled by man, discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. [Excerpted from 40 C.F.R. 122.2]

Established Total Maximum Daily Loads (TMDLs) – means TMDLs established by ADEQ or U.S. EPA.

Establishment – means a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office).

Facility or Activity – means any "point source" (including land or appurtenances thereto) that is subject to regulation under the AZPDES program. [40 C.F.R. 122.2]

Federal Facility – means any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned, operated, or leased by, or constructed or manufactured for the purpose of leasing to, the federal government.

For-Hire Applicator – means persons who make contractual pesticide applications for which they or their employer receives compensation (e.g., lawn care firms, pest control companies, etc.).

Impaired Water – means a Protected Surface Water for which credible scientific data exists that satisfies the requirements of Section 49-232, and that, in the case of WOTUS, demonstrates that the water should be identified pursuant to 33 United States Code Section 37 1313(d) and the regulations implementing that statute.

Inert Ingredient – means 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 C.F.R. 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 C.F.R. 174.3]

Lowest Effective Amount – means the amount/rate identified on the label of the pesticide being used or considered.

Mechanical/Physical Methods – means mechanical tools or physical alterations of the environment, for pest prevention or removal.

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Minimize – means to reduce and/or eliminate pesticide discharges to Protected Surface Waters through the use of "control measures" to the extent technologically available and economically practicable and achievable.

Non-target Organisms – means the plant and animal hosts of the target species, the natural enemies of the target species living in the community, and other plants and animals, including vertebrates, living in or near the community that are not the target of the pesticide.

Non-WOTUS Protected Surface Water – means a Protected Surface Water that is not a Water of the U.S.

Not-Attaining Water – a Protected Surface Water is assessed as impaired, but is not placed on the 303(d) List or equivalent for non-WOTUS Protected Surface Waters because:

a. A TMDL is prepared and implemented for the Protected Surface Water.

b. An action, which meets the requirements of R18-11-604(D)(2)(h), is occurring and is expected to bring the Protected Surface Water to attaining before the next 303(d) List submission. or

c. The impairment of the Protected Surface Water is due to pollution but not a pollutant, for which a TMDL load allocation cannot be developed.

Operator – means any person involved in the application of a pesticide that results in a discharge to Protected Surface Waters that meets either or both of the following two criteria:

a. Decision Maker – the person responsible for the decision (and ability to modify that decision) to conduct the pesticide application that results in a discharge.

b. Applicator – the person that conducts the pesticide application, or who has day to day control of the pesticide application that results in a discharge.

Outstanding Arizona Water (OAW) – a Protected Surface Water that is a WOTUS and has been designated by ADEQ as an outstanding state resource under A.A.C. R18-11-112.

Person – means an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including government corporation, partnership, association or state, a political subdivision of the state, a commission, the United States government or any federal facility, interstate body or other entity. [A.R.S. 49-201(27)].

Pest – Consistent with 40 C.F.R. 152.5, any organism under circumstances that make it deleterious to man or the environment, if it is:

a. Any vertebrate animal other than man.

b. Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals.

c. Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root.

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 – means the area of land, including any water, for which an operator has responsibility for and is authorized to conduct pest management activities as covered by this permit (e.g., for an operator who is a mosquito control district, the pest management area is the total area of the district).

Pest Management Measures – means any practice used to meet the effluent limitations that comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, relevant legal requirements and other provisions that a prudent operator would

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implement to reduce and/or eliminate pesticide discharges to Protected Surface Waters.

Pesticide – means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer, except that the term ''pesticide'' shall not include any article that is a "new animal drug" within the meaning of Section 201(w) of the 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 which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body. [FIFRA Section 2(u)]

The term "**pesticide**" applies to insecticides, herbicides, fungicides, rodenticides, and various other substances used to control pests. The definition encompasses all uses of pesticides authorized under FIFRA including uses authorized under Sections 3 (registration), 5 (experimental use permits), 18 (emergency exemptions), 24(c) (special local needs registrations), and 25(b) (exemptions from FIFRA).

Note: Drugs used to control diseases of humans or animals (such as livestock and pets) are not considered pesticides. Such drugs are regulated by the Food and Drug Administration. Fertilizers, nutrients, and other substances used to promote plant survival and health are not considered plant growth regulators and thus are not pesticides. Biological control agents, except for certain microorganisms, are exempted from regulation under FIFRA. (Biological control agents include beneficial predators such as birds or ladybugs that eat insect pests, parasitic wasps, fish, etc.).

This permit uses the term "**pesticide**" when referring to the "pesticide, as applied." When referring to the chemical in the pesticide product with pesticidal qualities, the permit uses the term "active ingredient."

Pesticide Product – means a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.

Pesticide Research and Development – means activities undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development).

Pesticide Residue – means that portion of a pesticide application that is discharged from a point source to Protected Surface Waters and no longer provides pesticidal benefits. It also includes any degradants of the pesticide.

Point Source – any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged to Protected Surface Waters. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. [40 C.F.R. 122.2]

Pollutant – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. For purposes of this definition, a "biological pesticide" is considered a "biological material," and any "pesticide residue" resulting from use of a "chemical pesticide" is considered a "chemical waste." [Excerpted from 40 C.F.R. 122.2]

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Protected Surface Water - means waters of the State listed on the Protected Surface Waters List under Section 49-221, Subsection G, and all WOTUS.

Surface Water Quality Standards (SWQS) - means a standard adopted for a Protected Surface Water pursuant to A.R.S. § 49-221 and, in the case of WOTUS, pursuant to A.R.S.§ 49-222.

Target Pest – means the organism toward which pest control measures are being directed.

Total Maximum Daily Load – A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. Total Maximum Daily Loads for waters of the U.S. shall meet the requirements of Section 303(d) of the Clean Water Act (33 USC 1313(d) and regulations implementing that statute, or [the requirements] that the department otherwise determines are required to restore an impaired water.

Treatment Area – means the entire area, whether over land or water, where a pesticide application is intended to provide pesticidal benefits within the pest management area. In some instances, the treatment area will be larger than the area where pesticides are actually applied. For example, the treatment area for a stationary drip treatment into a canal includes the entire width and length of the canal over which the pesticide is intended to control weeds. Similarly, the treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits.

Tribal Lands – means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation. (b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe. [18 U.S.C. 1151. 40 C.F.R. 122.2]

Waters of the U.S. (or WOTUS) – means Protected Surface Waters that are also navigable waters as defined by Section 502(7) of the Clean Water Act.

WOTUS Protected Surface Water – means a Protected Surface Water that is a WOTUS.

Wetlands – means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [40 C.F.R. 122.2]

ACRONYMS

AAC - Arizona Administrative Code

ADEQ - Arizona Department of Environmental Quality

A.R.S. - Arizona Revised Statute

AZPDES - Arizona Pollutant Discharge Elimination System

BMP - Best Management Practice

C.F.R. - Code of Federal Regulations

CWA - Clean Water Act

DMR - Discharge Monitoring Report

IPM - Integrated Pest Management

MS4 - Municipal Separate Storm Sewer System

NOI - Notice of Intent

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NOT - Notice of Termination

NPDES - National Pollutant Discharge Elimination System

OAW – Outstanding Arizona Water

PDMP - Pesticide Discharge Management Plan

PMM - Pesticide Management Measures

PSW – Protected Surface Water

PSWL – Protected Surface Waters List

SWQS – Surface Water Quality Standards

TMDL - Total Maximum Daily Load

U.S. EPA - Environmental Protection Agency

USGS - United States Geological Survey

WOTUS – Waters of the U.S.

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