IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR)
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

GENERAL PERMIT #7

PESTICIDE GENERAL PERMIT (PGP) FOR POINT SOURCE DISCHARGES TO WATERS OF THE UNITED STATES FROM THE APPLICATION OF PESTICIDES

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. 1251 *et seq.*), any operator of a point source discharge of pollutants associated with the application of pesticides who is eligible for permit coverage under Part 1 is authorized to discharge in accordance with the requirements of this permit.

This permit becomes effective on March 30, 2016.

This permit and the authorization to discharge expire at midnight, March 29, 2021.

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1.0 Coverage under this Permit

1.1 Eligibility

1.1.1 Activities Covered

This permit is available to operators for the application of 1) biological pesticides and 2) chemical pesticides which leave a residue (hereinafter collectively "pesticides") that result in a discharge to waters of the United States (U.S.). This permit covers the following pesticide use patterns:

Mosquito and Other Flying or Aquatic Nuisance Insect Control - management of all public health/nuisance pests which develop or are present during a portion of their life cycle in standing or flowing water, when applying pesticides in or over standing or flowing water. Public health/nuisance pests in this use category include but are not limited to mosquitoes and black flies.

Weed, Algae, Bacteria, Fungi or Fish Parasite Control - management of weeds, algae, bacteria, fungi and fish parasites in water and at water's edge including, but not limited to lakes, rivers, streams, irrigation canals, and drainage systems.

Aquatic Nuisance Animal Control - management of invasive or other nuisance species in water and at water's edge. Aquatic nuisance animals in this use category include but are not limited to fish, lampreys, and mollusks.

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

1.1.2 Limitations on Coverage

You are required to apply for and/or obtain authorization to discharge under an individual NPDES permit in accordance with 567 IAC Chapter 64 if you have a discharge covered by Parts 1.1.2.1 to 1.1.2.6. Refer to Part 1.3 for a further description of alternative permits.

1.1.2.1 Discharges to Water Quality Impaired Waters

You are not eligible for coverage under this permit for any discharges from a pesticide application to waters of the U.S. if the water is identified as impaired by that pesticide or its degradates. Impaired waters are those which have been identified by IDNR pursuant to Section 303(d) of the CWA as not meeting applicable State water quality standards. Impaired waters include both waters with established Total Maximum Daily Loads (TMDLs) and those for which a TMDL has not yet been established.

1.1.2.2 Discharges to Waters Designated as OIW or ONWR

You are not eligible for coverage under this permit for discharges to waters designated by IDNR as Outstanding Iowa Waters (OIW) or Outstanding Natural Resource Waters (ONWR) for antidegradation purposes under 567 IAC Chapter 61.2(2). The list of OIW and OWNR waters is available in Appendices B and C of the Iowa Antidegradation Implementation Procedure, February 17, 2010.

1.1.2.3 Discharges near Shallow Wells

If you plan an aquatic pesticide application or anticipate such a discharge within 50 feet of a shallow well, as defined in Appendix B, you must obtain prior authorization from the

IDNR as described in Part 1.1.2.7. Contact the IDNR Water Allocation and Use Program for further guidance.

1.1.2.4 Endangered and Threatened Species and Critical Habitat Protection

You are not eligible for coverage under this permit for discharges to waters that are published critical habitat for federally listed species.

1.1.2.5 Discharges Currently or Previously Covered by another Permit

You are not eligible for coverage under this permit for the following types of discharges:

- Discharges currently covered under another NPDES permit (individual or general). For example, controlled discharge lagoons with NPDES permits must request an amendment to their permit to discharge algaecide residuals.
- Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations.
- Discharges covered by an NPDES permit has been or is in the process of being denied, terminated, or revoked by IDNR (this does not apply to the routine reissuance of permits every five years).

1.1.2.6 Any Discharge Resulting From the Use of a Pesticide Contrary to Its Labeling

You are not eligible for coverage under this permit for a discharge that occurs when using a pesticide contrary to its labeling. This permit only covers the application of pesticides in accordance with the pesticide product label.

1.1.2.7 Discharges to Waters Designated as Drinking Water Supply (Class C)

If you plan or anticipate an aquatic pesticide application either

- one half mile above or below a river or stream segment designated as Class C in 567 IAC Chapter 61,
- on any lake, reservoir or wetland designated as Class C in 567 IAC Chapter 61 (drinking water intakes), or
- near shallow wells (as described in Part 1.1.2.3),

you must obtain prior authorization from IDNR. In order to request authorization, you are required to submit the General Permit #7 Class C Waters Form to the department at least ninety (90) days before pesticide application/discharge, in addition to complying with all applicable requirements of this permit. The General Permit #7 Class C Waters Form is available at http://www.iowadnr.gov.

Authorization will be denied for an anticipated pesticide application/discharge to a Class C water if any of the following conditions apply:

1. Water quality data show a water quality standards violation for the aquatic pesticide, or its ingredients, downstream of the requested area for aquatic pesticide application or within the same lake, wetland or reservoir as the requested area for aquatic pesticide application;
2. Water quality testing by a public or private water supply or by the department has found quantifiable levels of the aquatic pesticide in the raw or finished water of the water supply within the last four years (the testing would be applicable if conducted downstream of the requested area for aquatic pesticide application or if conducted

within the same lake, wetland or reservoir as the requested area for aquatic pesticide application);

3. If the active or inactive ingredients in the pesticide proposed for application are regulated under the Safe Drinking Water Act (SDWA);
4. If the requested area for pesticide application is within 2000 feet upstream or 100 ft downstream from a public or private water supply intake in a river or stream, or
5. If the requested area for pesticide application is within 2000 feet of of a public or private water supply intake in a lake, reservoir, or wetland.

However, pesticide application/discharge under conditions 2 (for copper only), 3, 4, and/or 5 could be authorized if requested by the impacted water purveyor for a pesticide application intended to correct or control water quality problems within the water supply or system.

Application of pesticides to Class C waters shall be restricted to certified pesticide applicators licensed by the Iowa Department of Agriculture and Land Stewardship and who possess a current certification in Category 5 – Aquatic Pest Control.
Refer to the General Permit #7 Class C Waters Form at http://www.iowadnr.gov for more information.

1.2 Authorization to Discharge under this Permit

1.2.1 How to Obtain Authorization

To obtain authorization under this permit an operator must meet the eligibility requirements as identified in Part 1.1. For the purposes of this permit, an operator is defined as any entity involved in the application of a pesticide that results in a discharge to a Water of the U.S. that meets either of the following two criteria:

- The entity has operational control over the financing for, or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions; and/or
- The entity has day-to-day operational control of activities which are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit).

1.2.2 Discharge Authorization

On March 30, 2011 and thereafter, you must be covered under an NPDES permit for discharges to waters of the U.S. resulting from the application of a pesticide. Operators who anticipate a discharge of pesticides to a Class C water must obtain prior approval from IDNR consistent with part 1.1.2.7. All other operators are authorized to discharge immediately under this permit. No Notice of Intent is required when applying pesticides consistent with the requirements of this permit.

1.2.3 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 567 IAC Chapter 64 and will remain in force and effect. If you were 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:

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

1.2.4 Discontinuation of Coverage

Operators covered under this permit are terminated from permit coverage when they no longer have a discharge from the application of pesticides or their discharges are covered under an NPDES individual permit.

1.3 Alternative Permit Information

1.3.1 IDNR Requiring Coverage under an Alternative Permit

IDNR may require you to apply for and/or obtain authorization to discharge under an individual NPDES permit in accordance with 567 IAC Chapter 64. If IDNR requires you to apply for an individual NPDES permit, you will be notified in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information. In addition, if you are an operator whose discharges are authorized under this permit, the notification will set a deadline, not longer than one year, to file the permit application, and will include a statement that on the effective date of the individual NPDES permit, coverage under this general permit will terminate.

IDNR may grant additional time to submit the application if you submit a request setting forth reasonable grounds for additional time. If you are covered under this permit and fail to submit an individual NPDES permit application as required by IDNR, then the applicability of this permit to you is terminated at the end of the day specified by IDNR as the deadline for application submittal. IDNR may take appropriate enforcement action for any unpermitted discharge.

1.3.2 Operator Requesting Coverage under an Alternative Permit

You may request to be excluded from coverage under this general permit by applying for an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 567 IAC Chapter 64, with reasons supporting the request, to IDNR at the Wallace Building office listed in Part 7.0 of this permit. The request may be granted by issuance of an individual permit if your reasons are warranted.

When an individual NPDES permit is issued to you to discharge a pollutant to a Water of the U.S. as a result of a pesticide application, your authorization to discharge under this permit is terminated on the effective date of the individual permit.

1.4 Severability of this Permit

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. IDNR's intent is that the permit is to remain in effect to the extent possible; in the event that

any part of this permit is invalidated, IDNR will advise the regulated community as to the effect of such invalidation.

1.5 Other Federal and State Laws

You must comply with all other applicable federal and state laws and regulations that pertain to your application of pesticides. This includes, but is not limited to: Section 206 of the Iowa Code; 21 Iowa Administrative Code Chapter 45, 567 Iowa Administrative Code Chapter 131; and FIFRA and its implementing regulations.

2.0 Technology-Based Effluent Limitations

2.1 Requirements

All operators must implement control measures to minimize pollutant discharge to waters of the U.S. resulting from the residue of an application of pesticides. The term "minimize" means to reduce and/or eliminate discharges to waters of the U.S. to the extent achievable using control measures (e.g., best management practices) that are technologically available and economically practicable and achievable. To minimize discharges resulting from the residue of an application of pesticides, all operators must do each of the following:

2.1.1 Pesticide Application Rate

In order to use the lowest effective amount of pesticide product per application, follow the pesticide product label instructions and apply pesticides at no more than the recommended application rate.

2.1.2 Regular Maintenance Activities

Perform regular maintenance activities to minimize potential for leaks, spills, and unintended release of pesticides from pesticide containers to waters of the U.S. Maintain application equipment in proper operating condition by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. Properly calibrate equipment (i.e. nozzle choice, droplet size, etc.) to deliver no more than the recommended application rate as noted on the pesticide product label.

2.2.2 Pest Management Tools

Prior to pesticide application covered under this permit that will result in a discharge to waters of the U.S., you must evaluate alternative pest management tools while considering pest resistance, feasibility, cost effectiveness, and the impact to water quality and non-target organisms. Alternative management tools include:

- No action
- Prevention of the situation requiring pest management
- Mechanical/physical methods of pest management
- Cultural methods of pest management
- Biological control agents (e.g. predators)
- Available pesticides appropriate for the target pest.

The pest management tools chosen must be efficient and effective means of pest management and must successfully minimize discharges resulting from the application of pesticides.

3.0 Water Quality-Based Effluent Limitations

Any discharge to a water of the U.S. resulting from an application of pesticides that causes or contributes to an excursion of any applicable numeric or narrative state water quality standard as stated in 567 IAC Chapter 61 – Water Quality Standards is prohibited and is a violation of this permit. If at any time, you become aware or IDNR determines that your discharge causes or contributes to an excursion of applicable water quality standards, you must take corrective action as required in Part 5.0. IDNR may impose additional water quality-based limitations or require you to obtain coverage under an individual permit if your discharges are not controlled as necessary to meet applicable water quality standards.

4.0 Monitoring Requirements

4.1 Basic Monitoring Requirements

All operators must:

- Monitor the amount of pesticide applied to ensure that you apply no more than the recommended application rate as noted on the pesticide product label;
- Monitor your pesticide application activities to ensure you are performing regular maintenance activities;
- Monitor your application equipment to ensure that it is in proper operating condition by adhering to any manufacturer's conditions and industry practices and by calibrating, cleaning, and repairing equipment on a regular basis.

This monitoring is intended to minimize the potential for leaks, spills, and unintended or accidental release of pesticides to waters of the U.S.

4.2 Visual Monitoring Requirements

All operators covered under this permit, or their designees, must conduct visual assessment(s) of the application site(s) as follows:

- During any post-application surveillance or efficacy check.
- During the application when considerations for safety and feasibility allow.

Visual assessments will consist of spot checks in the area to and around where pesticides are applied for possible and observable adverse impacts caused by your application of pesticides. Possible and observable adverse impacts include, but are not limited to:

- The unanticipated death or distress of non-target organisms;
- Disruption of wildlife habitat; and
- Disruption of recreational or municipal water use.

5.0 Corrective Action

5.1 Situations Requiring Revision of Control Measures

If any of the following situations occur, you must review and, as necessary, revise the selection and implementation of your control measures to ensure that the situation is eliminated and will not be repeated in the future:

- An unauthorized release or discharge (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs;

- You become aware, or IDNR determines, that your control measures are not adequate or sufficient for the discharge to meet applicable water quality standards;
- You become aware, or IDNR determines, that you failed to perform regular maintenance activities to reduce unintended discharges of pesticides, or you failed to calibrate, clean, and repair your application equipment;
- Your monitoring activities, as required in Part 4, determine that you applied more than the recommended application rate as noted on the pesticide product label or failed to properly calibrate equipment to deliver the recommended application rate;
- An inspection or evaluation of your activities by IDNR determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit, or
- You observe or are otherwise made aware of a hazardous condition, as defined in Appendix B.

5.2 Corrective Action Deadlines

If you determine that changes to your control measures are necessary to eliminate any situation identified in Part 5.1, such changes must be made before the next pesticide application that results in a discharge, or as soon as practicable.

5.3 Hazardous Condition Documentation and Reporting

5.3.1 Six (6) Hour Hazardous Condition Notification

If you observe or are otherwise made aware of a hazardous condition, as defined in Appendix B, which may have resulted from a discharge from your pesticide application, you must immediately notify IDNR. This notification must be made by telephone within six (6) hours of you becoming aware of the hazardous condition. Notification shall be made by contacting the appropriate regional IDNR Field Office during normal business hours (8 a.m.to 4:30 p.m.) or by calling the IDNR at (515)725-8694 after normal business hours. Notifications must include at least the following information:

- The caller's name and telephone number;
- Operator name and mailing address;
- The name and telephone number of a contact person, if different than the person providing the 6-hour notice;
- How and when you became aware of the hazardous condition;
- Description of the location of the hazardous condition;
- Description of the hazardous condition identified, including the EPA pesticide registration number for each product you applied in the area of the hazardous condition; and
- Description of any steps you have taken or will take to contain any hazardous effects.

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

5.3.2 Thirty (30) Day Hazardous Condition Written Report

Within thirty (30) days of becoming aware of hazardous condition reported pursuant to Part 5.3.1, you must postmark a written report of the adverse incident to the appropriate regional IDNR Field Office at the address listed in Part 8. Your hazardous condition report must

include the information required in 567 Chapter 131.2, Report of Hazardous Conditions. Contact the appropriate IDNR Field Office for more information. You must report hazardous conditions even for those instances when the pesticide labeling states that adverse effects may occur. A copy of the hazardous condition report submitted to IDNR must be retained in accordance with Part 6.0 of this permit.

5.4 Additional Permit Requirements

IDNR may notify you of additional discharge requirements based on a hazardous condition. Any such notice will clearly state the reasons for the additional requirements and the details of such requirements, including any monitoring, reporting, or recordkeeping requirements. IDNR may impose additional requirements when it is determined that:

- Your discharge contributed to a reported hazardous condition;
- The pesticide you are using contains an ingredient for which additional controls may be necessary;
- The pesticide you are using raises environmental impact concerns;
- More appropriate or additional effluent limitations are necessary;
- You are not in compliance with the conditions of this permit;
- A change has occurred in the availability of demonstrated technology or practices for the reduction of discharges from the application of pesticides; or if
- Your discharge impacts a threatened or endangered species.

Should IDNR exercise its authority to impose additional requirements, you will receive a written explanation of the additional requirements and the basis for them. The notice will include a reasonable timeframe in which to discuss these new requirements with IDNR. Unless IDNR establishes a new timeframe in writing, after that time period has passed, the written notice will state that the new requirements will become active and enforceable permit conditions. The written notice will explain that the discharger may either accept the new requirements or elect to apply for an alternative permit as described in 1.3.2.

6.0 Recordkeeping and Annual Reporting

You must keep written records as required in this permit. These records must be accurate and complete to demonstrate your compliance with the conditions of this permit. You 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.

6.1 Required Records

All operators are required to keep the following records:

- A copy of this permit (an electronic copy is acceptable);
- A copy of any Hazardous Condition Reports (See Part 5) and records of corrective actions in response to the hazardous condition;
- A copy of any Class C Waters Form (See Part 1.1.2.7); and
- Any correspondence exchanged between you and IDNR specific to coverage under this permit.

6.2 Maintenance and Availability of Records

You must retain the records outlined in Part 6.1 for a period of at least three (3) years from the date that the report was generated. If your coverage under this permit expires or is

discontinued, reports must also be kept for a period of at least three (3) years. You must make all records kept under this section available to an authorized representative from IDNR, EPA, or IDALS upon request and provide copies of such records upon request.

7.0 IDNR Contact Information and Mailing Addresses

All Hazardous Condition reports under Part 5.3 must be sent within thirty (30) days of you becoming aware of the hazardous condition to the appropriate regional IDNR Field Office (see Part 7.2.).

Note: If IDNR notifies dischargers of other reporting options that become available at a later date (e.g., electronic submission), operators may take advantage of those options to satisfy the reporting requirements of this permit.

7.1 DNR Wallace Building Address

Iowa Department of Natural Resources
NPDES Section, 502 E. 9th St
Des Moines, IA 50319-0034
Phone: 515-725-8405; Fax: 515-725-8202

7.2 DNR Regional Field Office Addresses and Counties Served

Field Office #1
909 West Main Suite #4
Manchester, IA 52057
Phone: (563) 927-2640; Fax: (563) 927-2075
Counties Served: Allamakee, Black Hawk, Bremer, Benton, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Linn, Winneshiek

Field Office #2
2300 15th Street SW
Mason City, IA 50401
Phone: (641) 424-4073; Fax: (641) 424-9342
Counties Served: Butler, Cerro Gordo, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Humboldt, Kossuth, Mitchell, Webster, Winnebago, Worth, Wright

Field Office #3
1900 North Grand Ave, Suite E17
Spencer, IA 51301
Phone: (712) 262-4177; Fax: (712) 262-2901
Counties Served: Buena Vista, Calhoun, Cherokee, Clay, Dickinson, Emmet, Ida, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Woodbury

Field Office #4
1401 Sunnyside Lane
Atlantic, IA 50022
Phone: (712) 243-1934; Fax: (712) 243-6251

Counties Served: Adair, Adams, Audubon, Carroll, Crawford, Cass, Fremont, Greene, Guthrie, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union

Field Office #5
7900 Hickman Rd., Suite 200
Windsor Heights, IA 50324
Phone: (515) 725-0268; Fax: (515) 725-0218
Counties Served: Appanoose, Boone, Clarke, Dallas, Decatur, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne

Field Office #6
1023 West Madison Street
Washington, Iowa 52353-1623
Phone: (319) 653-2135; Fax: (319) 653-2856
Counties Served: Cedar, Clinton, Davis, Des Moines, Henry, Iowa, Jefferson, Johnson, Keokuk, Lee, Louisa, Muscatine, Scott, Wapello, Washington, Van Buren

Appendix A – Standard Conditions

DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Code of Iowa and the Clean Water Act and is grounds for enforcement action; for termination of coverage under this general permit; or, for denial of a request for coverage under a reissued general permit.

CONTINUATION OF THE EXPIRED GENERAL PERMIT

This permit expires on March 29, 2021. An expired general permit continues in force until replaced by adoption of a new general permit.

NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee 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.

DUTY TO MITIGATE

The permittee 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.

DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

OTHER INFORMATION

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the Department, he or she shall promptly submit such facts or information.

OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

SEVERABILITY

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

INSPECTION AND ENTRY

The permittee shall allow the Department or an authorized representative of EPA, the State, or county, upon the presentation of credentials and other documents as may be required by law, to:

- Enter upon the permittees' premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
- Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and
- Sample any discharge of pollutants.

PERMIT ACTIONS

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

ENVIRONMENTAL LAWS

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

Appendix B - Definitions, Abbreviations, and Acronyms

B.1. Definitions

Active Ingredient means:

a. In the case of a pesticide other than a plant growth regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests.

b. In the case of a plant growth regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof.

c. In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.

d. In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

[Iowa Code Section 206.2]

Applicator (see also: Operator)

Certified applicator means any individual who is certified under 21 IAC Chapter 45 as authorized to use any pesticide. [Iowa Code Section 206.2]

Certified commercial applicator means a pesticide applicator or individual who applies or uses a pesticide or device on any property of another for compensation. [Iowa Code Section 206.2]

Certified private applicator means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use on property owned or rented by the applicator or the applicator's employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person. [Iowa Code Section 206.2]

Commercial applicator means a person, corporation, or employee of a person or corporation who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying a pesticide but does not include a farmer trading work with another, a person employed by a farmer not solely as a pesticide applicator who applies pesticide as an incidental part of the person's general duties, or a person who applies pesticide as an incidental part of a custom farming operation. [Iowa Code Section 206.2]

Noncommercial applicator means any person who applies restricted use pesticides on lands or property owned, rented, or leased by the applicator or the applicator’s employer. This definition shall not apply to private applicators using restricted use pesticides in the production of agricultural commodities. [21 IAC Chapter 45]

Public applicator means an individual who applies pesticides as an employee of a state agency, county, municipal corporation, or other governmental agency. This term does not include employees who work only under the direct supervision of a public applicator. [21 IAC Chapter 45]

Best Management Practices (BMPs) – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the U.S. BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, or drainage from raw material storage. [40 CFR 122.2]

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

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

Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or dessicant, that

(1) Is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi;
(2) Is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaebacteria; or
(3) Is a parasitically replicating microscopic element, including but not limited to, viruses.

[40 CFR 158.2100(a)]

Biochemical pesticide means a pesticide that

(1) Is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance;
(2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and
(3) Has a non-toxic mode of action to the target pest(s). [40 CFR 158.2000(a)]

Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 CFR 174.3]

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

CFR or Code of Federal Regulations - the federal administrative rules adopted by the United States.

Control Measure – refers to any BMP or other method used to meet the effluent limitations to minimize the discharge of pollutants to waters of the U.S.

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

Discharge – when used without qualification, means the "discharge of a pollutant."

Discharge of a pollutant – any addition of any pollutant or combination of pollutants to waters of the U.S. or waters of the state from any point source. "Discharge of a pollutant" includes additions of pollutants into navigable waters or waters of the state from surface runoff which is collected or channeled by human activity; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. [567 IAC Chapter 60]

Facility or Activity – any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

Fungicide - any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi. [21 IAC Chapter 45]

Hazardous condition - any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment. [567 IAC Chapter 131]

Hazardous substance - any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents. [567 IAC Chapter 131]

Impaired Water – A water is impaired for purposes of this permit if it has been identified by the IDNR as not meeting applicable IDNR water quality standards (see 567 IAC Chapter 61). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Inert Ingredient - an ingredient which is not an active ingredient. [Iowa Code Section 206.2]

Insect - any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes and wood lice. [21 IAC Chapter 45]

Insecticide - any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects and related forms which may be present in any environment whatsoever. [21 IAC Chapter 45]

Label - the written, printed, or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the pesticide or device. [Iowa Code Section 206.2]

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

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

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

Operator – For the purposes of this permit, an operator is defined as any entity involved in the application of a pesticide that results in a discharge to a Water of the U.S. that meets either of the following two criteria:

- The entity has operational control over the financing for, or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions; and/or
- The entity has day-to-day operational control of activities which are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit).

Person – any individual, partnership, association, corporation, or organized group of persons whether incorporated or not. [Iowa Code Section 206.2]

Pest – Any insect, rodent, nematode, fungus, weed, or any form of plant and animal life, virus, or other microorganism, except viruses or other microorganisms on or in living man or other living animals, which exists under circumstances that make it unduly injurious to plants, man, domestic animals, other useful vertebrates, useful invertebrates, or other articles or substances. [21 IAC Chapter 45]

Pesticide -

(a) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating directly or indirectly any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living persons, which the secretary shall declare to be a pest, and

(b) any substances intended for use as a plant growth regulator, defoliant, or desiccant.

[Iowa Code 206.2]

Defoliant means any substance or mixture of substances intended for causing the leaves or foliage to drop from the plant with or without causing abscission. [21 IAC Chapter 45]

Desiccant means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue. [21 IAC Chapter 45]

Plant growth regulator means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments. [Iowa Code 206.2]

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

Pesticide Residue – includes that portion of a pesticide application that is discharged from a point source to waters of the US and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.

Point source – any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft, from

which pollutants are or may be discharged. “Point source” does not include return flows from irrigated agriculture or agricultural storm water runoff. [567 IAC Chapter 60]

Pollutant - sewage, industrial waste, or other waste. [567 IAC Chapter 60]

Sewage means the water-carried waste products from residences, public buildings, institutions, or other buildings, including the bodily discharges from human beings or animals together with such groundwater infiltration and surface water as may be present.

Industrial waste means any liquid, gaseous, radioactive, or solid waste substance resulting from any process of industry, manufacturing, trade, or business, or from the development of any natural resource.

Other waste means heat, garbage, municipal refuse, lime, sand, ashes, offal, oil, tar, chemicals, and all other wastes which are not sewage or industrial waste.

Responsible entity – the person making the decision to control pests for which a discharge will occur that requires NPDES permit coverage under this permit.

Shallow well - means a well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least 5 feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn. [567 IAC Chapter 40]

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

Total Maximum Daily Loads (TMDLs) – A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations.

Toxic - causing or producing a dangerous physiological, anatomic or biochemical change in a biological system. [567 IAC Chapter 131]

Under the direct supervision of - the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator or a state licensed commercial applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied. [Iowa Code Section 206.2]

Use of a pesticide contrary to its labeling - to use any registered pesticide in a manner not permitted by the labeling provided that the phrase shall not include:

1. Applying a pesticide for agricultural or horticultural purposes only at any dosage, concentration, or frequency less than that specified on the labeling.
2. Applying a pesticide for agricultural or horticultural purposes only against any target pest not specified on the labeling if the application is to the crop, animal or site specified on the labeling unless the labeling specifically states that the pesticide may be used only for the pests specified on the labeling; or
3. Employing any method of application not prohibited by the labeling for agricultural or horticultural purposes only.

4. Mixing pesticides or mixing pesticide with a fertilizer when such mixture is not prohibited by the labeling for agricultural or horticultural purposes only. [21 IAC Chapter 45]

Water of the United States or waters of the U.S. – see 40 CFR 122.2 Definitions.

Water Quality Impaired – See 'Impaired Water'.

Water Quality Standards (WQS) – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an antidegradation policy and implementation procedures. Iowa's Water Quality Standards are contained in 567 IAC Chapter 61.

Weed - any plant which grows where not wanted. [21 IAC Chapter 45]

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.

You and Your – as used in this permit are intended to refer to the operator, or the discharger as the context indicates and that party's activities or responsibilities.

B.2. Abbreviations and Acronyms

BMP – Best Management Practice
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)
EPA – U. S. Environmental Protection Agency
FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act, 7 USC 136 et seq.
FWS – U. S. Fish and Wildlife Service
IDNR – Iowa Department of Natural Resources
NPDES – National Pollutant Discharge Elimination System
OIW – Outstanding Iowa Water
ONRW – Outstanding National Resource Water
SDWA – Safe Drinking Water Act
TMDL – Total Maximum Daily Load
WQS – Water Quality Standard