

IOWA DEPARTMENT OF NATURAL RESOURCES

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. 7**

EFFECTIVE DATES

JULY 1, 20232028 THROUGH JUNE 30, 20282033

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

NPDES GENERAL PERMIT NO. 7
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PART I. COVERAGE UNDER THIS PERMIT

A. Permit Area

This permit covers all areas of the State of Iowa.

B. Eligibility

1. Coverage

Except as described under Part I.B.2, this permit authorizes discharges that result from the application of 1) biological pesticides and 2) chemical pesticides that leave a residue from point sources to Waters of the United States (WOTUSS.U.S.) (hereinafter referred to “pesticide discharges”). This permit covers the following pesticide use patterns:

- a. **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.
- b. **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.
- c. **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.
- d. **Forest Canopy Pest Control** - aerial and ground 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.

2. Limitations on Coverage

You are required to apply for and/or obtain authorization to discharge under an individual NPDES permit in accordance with the Iowa Administrative Code (IAC) at 567 IAC [Chapter 604](#) if you have a discharge covered by Parts I.B.2.a to I.B.2.e ([below](#)). Refer to Part I.D for a further description of individual NPDES permits.

- a. **Discharges to Impaired Waters** - You are not eligible for coverage under this permit for any pesticide discharges to waters identified as impaired by that pesticide or its degradates. Impaired waters are those which have been identified by the department pursuant to Section 303(d) of the Clean Water Act (CWA) as not meeting applicable Iowa 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.
- b. **Discharges to Waters Designated as OIW or ONRW** - You are not eligible for coverage under this permit for pesticide discharges to waters designated by the department as Outstanding Iowa Waters (OIW) or Outstanding National Resource Waters (ONRW) (See Attachment 1).
- c. **Endangered and Threatened Species and Critical Habitat Protection** - You are not eligible for coverage under this permit for pesticide discharges to waters that are published critical habitat for federally listed species.
- d. **Discharges Covered by another Individual or General NPDES Permit** - You are not eligible for coverage under this permit for the following types of pesticide discharges:
 - Discharges currently covered under another NPDES permit. For example, (e.g., controlled discharge lagoons with individual permits must request a permit amendment to discharge algaecide residuals).
 - Discharges covered within five years prior to the effective date of this permit by another NPDES permit that established site-specific numeric water quality-based limitations.
 - Discharges covered by another NPDES permit which has been or is in the process of being denied, or terminated, or revoked by the department. This does not apply to the routine reissuance of permits every five years.

Commented [1]: "revoked" is included in "terminated"

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- e. **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 discharges that occur when a pesticide is applied in accordance with the pesticide product label.
- f. **Discharges near Shallow Wells and Waters Designated as Drinking Water Supply (Class C)** - You are not eligible for coverage under this permit for any pesticide discharges to waters located in any of the following areas, unless you obtain prior authorization from the department:
 - Within 50 feet of a shallow well as defined in Part VII;
 - Within one-half mile upstream to one-half mile downstream of a river or stream segment designated as a drinking water supply (Class C) in 567 IAC [Chapter 61.3\(5\)](#); or,
 - To any lake, reservoir or wetland designated as Class C in 567 IAC [Chapter 61.3\(5\)](#).

In order to request authorization, you must submit the Class C Waters Form to the department at least ninety (90) days before the anticipated pesticide application. This form and a list of Class C designated waters are available at <http://www.iowadnr.gov>.

For pesticide discharges to Class C waters, authorization shall only be granted to certified applicators who possess a current certification in Category 5 – Aquatic Pest Control, as licensed by the Iowa Department of Agriculture and Land Stewardship (IDALS).

Authorization will not be granted for pesticide discharges to Class C waters if any of the following conditions apply:

- If the active or inert ingredients in the pesticide are regulated under the Safe Drinking Water Act (SDWA);
- If the pesticide will be applied within 2,000 feet upstream to 100 feet downstream of a public or private water supply intake in a river or stream; or
- If the pesticide will be applied within 2,000 feet of a public or private water supply intake in a lake, reservoir, or wetland.

Notwithstanding the above conditions, authorization may be granted to the impacted water purveyor for discharges from a pesticide application intended to correct or control water quality problems within the water supply or system.

C. Authorization to Discharge Under this Permit

1. How to Qualify for Authorization

To qualify for authorization under this permit, an operator must meet the eligibility requirements [as identified](#) in Part I.B. For the purposes of this permit, an operator is defined as any person 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 person 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; or,
- The person 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).

2. Discharge Authorization

Except as described under Part I.B.2, pesticide discharges are immediately authorized under this permit as long as the conditions of this permit are satisfied.

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 640](#) and will remain in force and effect. If you were authorized to discharge

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under this permit prior to the expiration date, any pesticide 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 pesticide discharges that would otherwise be covered under this permit; or
- A decision by the department to revoke or not reissue this general permit because the supporting law no longer requires it, at which time the department will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit, if required by federal or state law.

4. Discontinuation of Coverage

Coverage under this permit is terminated when an operator no longer has pesticide discharges or the discharges are covered under an individual permit.

D. Requiring an Individual NPDES Permit

1. The Department Requiring Coverage Under an Individual Permit

- a. Any person that cannot meet the requirements of this general permit must apply for and be issued an individual NPDES permit in order to dispose of wastewater resulting from the activities listed in Part I.B.
- b. The department may require any person authorized to discharge under this general permit ~~you~~ to apply for and/or obtain authorization to discharge under an individual NPDES permit ~~in accordance with 567 IAC Chapter 64.3(4)"a"~~ If you are required to apply for an individual permit, you will be notified by notifying the permittee in writing that an individual NPDES permit application is required ~~must be submitted~~. This notice shall ~~notification~~ will include a brief statement of the reasons for this decision, and will provide application information, a statement setting a ~~time~~ In addition, if you are an operator whose discharges are authorized under this general permit, the notification will set a deadline to submit ~~for~~ submitting the individual permit application, and a statement that on the effective date of the individual NPDES permit, coverage under this general permit shall automatically terminate. The deadline shall be no longer than one year from the date of the written notification, and the notification will state that coverage under this general permit will terminate on the effective date of the individual NPDES permit. ~~The department may grant additional time to submit the individual permit application if you submit a request setting forth reasonable grounds for additional time~~ If a person fails ~~you~~ are covered under this general permit and fail to submit a complete ~~an~~ individual NPDES permit application by the deadline established by the department under this paragraph, their ~~is required by the department~~ , then your coverage under this general permit is automatically ~~terminated at the end of the day on the date the department specified as the deadline for the application submittal~~ terminated ~~at the end of the day on the date the department specified as the deadline for the application submittal~~ . The department may take appropriate enforcement action for any unpermitted discharge.
- c. The application for an individual permit shall be made on forms provided by the Department, shall include all applicable fees, and shall be submitted to the department in accordance with 567 IAC 60.3(2)'a."
- d. When an individual NPDES permit is issued for a discharge authorized under this general permit, the applicability of this general permit to that discharge is automatically terminated on the effective date of the individual NPDES permit. When an individual NPDES permit is denied for a discharge otherwise subject to this general permit, the applicability of this general permit to that discharge is automatically terminated on the date of such denial, unless otherwise specified by the department.

Commented [CC[2]: Existing requirement; language was added for consistency with other GPs.

Commented [3]: Citation not needed; it is not in this same paragraph in the other GPs.

Commented [4]: Moved to the previous sentence.

Commented [5]: Statement is unnecessary (it's part of 60.3(2)"a"(2)"2") and it's not in the other GPs.

Commented [6]: Statement is unnecessary (was have the authority to take enforcement action regardless) and it's not in the other GPs.

Commented [CC[7]: Existing requirements; language was added for consistency with other GPs.

E. Severability of this Permit

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. The department'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, the department will advise the regulated community as to the effect of such invalidation.

F. Other Federal and State Laws

You must comply with all other applicable federal and state laws that pertain to your application of pesticides. This includes but is not limited to: Iowa Code Chapter 206; 21 [567 IAC Chapter 45](#); [567 IAC Chapter 131](#); 571 IAC [Chapter 54](#); and, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and its implementing regulations.

Commented [8]: No longer needed; the new twenty-four hour reporting language in Part V.C reflects wastewater specific reporting requirements in state and federal law.

PART II. TECHNOLOGY-BASED EFFLUENT LIMITATIONS

A. Requirements All operators must implement the control measures in this Part to minimize pesticide discharges. The term "minimize" means to reduce and/or eliminate discharges using control measures (e.g., best management practices) and to the extent technologically and economically practicable and achievable.

A. 1-Pest Management Tools

Prior to a pesticide discharge pursuant to this permit, 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); or
- 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.

B. 2-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.

C. 3-Regular Maintenance Activities

Perform regular container maintenance activities to minimize potential for leaks, spills, and unintended or accidental release of pesticides from pesticide containers to Waters of the U.S. Maintain application equipment in proper operating condition by adhering to any manufacturer conditions and industry practices and by calibrating, cleaning, and repairing equipment on a regular basis to ensure effective pesticide application and pest control.

Properly calibrate equipment to deliver no more than the recommended application rate as noted on the pesticide product label. Proper calibration includes but is not limited to the following: nozzle choice, and droplet size.

PART III. WATER QUALITY-BASED EFFLUENT LIMITATIONS

Pesticide discharges that cause or contribute to an excursion of any applicable numeric or narrative state water quality standard (WQS) as stated in 567 IAC Chapter 61 are prohibited and are a violation of this permit. If at any time you become aware, or the department determines, that your discharge causes or contributes to an adverse impact to a non-target species or their habitat, or a disruption of recreational or municipal water use excursion of applicable WQS, you must take corrective action as required in Part V. The department 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 WQS.

Commented [9]: Adjusting the language to better conform with the decision titled "City and County of San Francisco v. Environmental Protection Agency," US Supreme Court No. 23-753.

PART IV. MONITORING REQUIREMENTS

A. 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; and
- Monitor your application equipment to ensure that it is in proper operating condition.

This monitoring is intended to minimize the potential for leaks, spills, and unintended or accidental discharge of pesticides.

B. Visual Monitoring Requirements

All operators must conduct visual assessment(s) of the application site(s) as follows:

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

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.

PART V. CORRECTIVE ACTION

A. 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:

1. An unauthorized release or discharge (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs;
2. You become aware, or the department determines, that your control measures are not adequate or sufficient ~~for the discharge to meet applicable WQS to prevent adverse impacts to non-target species or their habitat, or a disruption of recreational or municipal water use;~~
3. You become aware, or the department determines, that you failed to perform regular container maintenance activities or to maintain application equipment in proper operating condition as required in Part II.A.3;
4. Your monitoring activities, as required in Part IV, 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;
5. An inspection or evaluation of your activities by the department determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit, or
6. You observe or are otherwise made aware of a hazardous condition, as defined in Part VII.

Commented [CC[10]: Adjusting the language to better conform with the decision titled "City and County of San Francisco v. Environmental Protection Agency," US Supreme Court No. 23-753.

B. Corrective Action Deadlines

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

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- C. Hazardous Condition Documentation and Reporting** **Twenty-Four Hour Reporting** - You shall report any noncompliance that may endanger human health or the environment, including, but not limited to, violations of maximum daily limits for any toxic pollutant (listed as toxic under 307(a)(1) of the CWA) or hazardous substance (as designated in 40 CFR Part 116 pursuant to 311 of the CWA). Information shall be provided orally to the appropriate regional field office of the department within 24 hours from the time you become aware of the circumstances. A written submission that includes a description of noncompliance and its cause; the period of noncompliance including exact dates and times; whether the noncompliance has been corrected or the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent a reoccurrence of the noncompliance must be provided to the appropriate field office within 5 days of the occurrence. (567 IAC 63.9(1) and 40 CFR §122.41(l)(6))

1. Six (6) Hour Hazardous Condition Notification

If you observe or are otherwise made aware of a hazardous condition, as defined in Part VII, which may have resulted from a discharge from your pesticide application, you must immediately notify the department. As required at 567 IAC Chapter 131.2, this notification must be made by telephone within six (6) hours of you becoming aware of the hazardous condition. Notification shall be made by calling the department's Environmental Emergency Reporting Hotline at (515)725-8694. 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;
- The exact location of the hazardous condition;
- Name of any waterbody affected by the hazardous condition;
- Description of the hazardous condition identified, including the U.S. 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.

2. Thirty (30) Day Hazardous Condition Written Report

Within thirty (30) days of becoming aware of the hazardous condition reported pursuant to Part V.C.1, you must postmark a written report of the hazardous condition to the appropriate department field office. The field office addresses are available at <http://www.iowadnr.gov>. Your hazardous condition report must include the information required in 567 IAC Chapter 131.2, Report of Hazardous Conditions. Contact the appropriate department 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 the department must be retained in accordance with Part VI of this permit.

Note that if the department provides future notification to dischargers that other reporting options are available (e.g., electronic submission), operators may take advantage of those options to satisfy the reporting requirements of this permit.

PART VI. RECORDKEEPING

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

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obligations, such as requirements under FIFRA, and state or local pesticide programs, provided all requirements of this permit are satisfied.

A. Required Records

All operators are required to keep the following records:

- A copy of any written [Hazardous Condition Noncompliance](#) Reports (See Part V.C.2);
- A copy of any Class C Waters Form (See Part I.B.2.f); and
- Any correspondence exchanged between you and the department specific to coverage under this permit.

B. Maintenance and Availability of Records

You must retain the records outlined in Part VI.A for a period of at least three (3) years from the date that the record was generated, even if your coverage under this permit expires or is discontinued before the end of the three year period. All records kept under this section must be made available upon request to an authorized representative from the department, U.S. EPA, or IDALS.

PART VII. DEFINITIONS, ABBREVIATIONS, AND ACRONYMS

A. Definitions

"Active Ingredient" means—

- 1.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.
- 2.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.
- 3.c) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.
- 4.d) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

{Iowa Code [section 206.2](#)}

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)

Commented [11]: Moved to "BMPs" to be in alphabetical order.

Biological control agents—means—organisms that can be introduced to your sites, such as herbivores, predators, parasites, and hyperparasites. {U.S. FWS IPM Guidance, 2004}

Biological pesticides (also called **"biopesticides"**) means—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 prokaryotic microorganism, including, but not limited to, Eubacteria and Archaeabacteria; 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:

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1. Is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance;
2. ~~h~~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}

"BMPs" or "Best Management Practices" means [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 WOTUS. BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, or drainage from raw material storage.](#) {40 CFR §122.2}

"Certified applicator" means— any individual who is certified under [Iowa Code chapter 206](#)²¹ IAC Chapter 45 as authorized to use any pesticide. {Iowa Code [section§ 206.2](#)}

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

"Chemical pesticides" means— all pesticides not otherwise classified as biological pesticides.

"Code of Federal Regulations" (CFR)— the federal administrative rules adopted by the United States.

Commented [12]: Now in Standard Condition A.

"Control Measure"— refers to any BMP or other method used to meet the effluent limitations to minimize the discharge of pollutants to [WOTUS](#)[Waters of the U.S.](#)

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

"Department" means the Iowa Department of Natural Resources.

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

"Discharge of a pollutant"— means 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](#).1(2)}

"Facility" or "Activity"— means any NPDES "point source" that is subject to regulation under the NPDES program.

"Hazardous condition"— means 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,~~

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creates an immediate or potential danger to the public health or safety or to the environment. [[Iowa Code section 455B.381](#)[567 IAC Chapter 131](#)]

"Hazardous substance"—means 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. [[Iowa Code section 455B.381](#)[567 IAC Chapter 131](#)]

"Impaired water"—means A water is impaired for purposes of this permit if it has been identified by the department pursuant to Section 303(d) of the CWA as not meeting applicable Iowa 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"—means an ingredient which is not an active ingredient. [[Iowa Code section 206.2](#)]

"Insect"—means 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 45.1\(1\)](#)}

"Label"—means 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"—means mechanical tools or physical alterations of the environment for pest prevention or removal.

"Minimize"—means to reduce and/or eliminate pesticide discharges to Waters of the U.S. through the use of control measures and to the extent technologically 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"—means For the purposes of this permit, an operator is defined as any person 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 person 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; or,
- The person 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"—means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not. [[Iowa Code section 206.2](#)]

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"Pest"—means 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"—means

- 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 section 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 section 206.2](#)}

"Pesticide Discharges"—means "Pesticide Discharges to Waters of the United States from Pesticide Application"

"Pesticide Discharges to Waters of the United States from Pesticide Application"—means the discharges that result from the application of biological pesticides, and the application of chemical pesticides that leave a residue, from point sources to [WOTUS](#) Waters of the United States. In the context of this definition of pesticide discharges to Waters of the United States from pesticide application, this does not include agricultural storm water discharges and return flows from irrigated agriculture, which are excluded by law. {33 U.S.C. 1342(l); 33 U.S.C. 1362(14)}

"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 Residue"—includes that portion of a pesticide application that is discharged from a point source to Waters of the U.S. and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.

"Point source"—means 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. {[Iowa Code section 455B.171](#) [567 IAC Chapter 60](#)}

"Pollutant"—means sewage, industrial waste, or other waste. {[Iowa Code section 455B.171](#) [567 IAC Chapter 60](#)}

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"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. [\(Iowa Code section 455B.171\)](#)

"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. [\(Iowa Code section 455B.171\)](#)

"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. [\(Iowa Code section 455B.171\)](#)

"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 40.2\(1\)](#)}

"Target pest"— means the organism(s) toward which pest management tools are being directed.

"TMDL" or "Total Maximum Daily Load"s (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 for point source discharges, load allocations for nonpoint sources and/or natural background, and must include a margin of safety and account for seasonal variations.

"Toxic"— means causing or producing a dangerous physiological, anatomic or biochemical change in a biological system. {567 IAC [Chapter 131.1](#)}

"Use of a pesticide contrary to its labeling"— means 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 45.1\(1\)](#)}

Waters of the United States or Waters of the U.S.— means those waters defined at 40 CFR § 122.2.

Commented [13]: Moved to "WOTUS" and updated.

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.

Commented [14]: Moved to "WQS" and updated.

"Weed"— means any plant which grows where not wanted. {21 IAC [Chapter 45.1\(1\)](#)}

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"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.

"WOTUS," "Waters of the United States," or "Waters of the U.S." is defined at 40 CFR §122.2 and dated according to the "Code of Federal Regulations" definition in 567 IAC 60.1(2).

"WQS" or "Water Quality Standards" means water quality standards established by 567 IAC 61, including the general water quality criteria (narrative standards) in 567 IAC 61.3(2) and the specific water quality criteria (numeric standards) in 567 IAC 61.3(3).

"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. Abbreviations and Acronyms

~~BMP~~—Best Management Practice

~~CFR~~—Code of Federal Regulations

CWA—Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §§1251 *et seq.*)

FIFRA—Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§-136 *et seq.*

IAC—Iowa Administrative Code

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

U.S.—United States

U.S.C.—United States Code

U.S. EPA ~~or EPA~~—United States Environmental Protection Agency

U.S. FWS—United States Fish and Wildlife Service

~~WQS~~—Water Quality Standard

Commented [15]: Abbreviations that have definitions were struck.

PART VIII. STANDARD CONDITIONS

A. Administrative Rules—Rules of the Iowa Department of Natural Resources (department) that govern the operation of a facility in connection with this permit are published in Part 567 of the Iowa Administrative Code (IAC) in Chapters 60-65, 67, and 121. Reference to the term "rule" in this permit means the designated provision of Part 567 of the IAC. Reference to the term "CFR" means the Code of Federal Regulations.

B. A. Duty to Comply—The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Iowa Code and the Clean Water Act and is grounds for enforcement action; for termination of coverage under this general permit; and/or, for denial of a request for coverage under a reissued general permit. Authorization to discharge under this permit does not relieve you of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements applying to the operation of your facility. {567 IAC 60.7(4) and 40 CFR §122.41(a)}

B.C. Continuation of the Expired General Permit—This permit expires on ~~May 17, 2026~~June 30, 2033. An expired general permit continues in force until replaced by adoption of a new general permit or rescinded by the department.

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C.D. 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. [\[567 IAC 60.7\(7\)"I," 40 CFR §122.41\(c\)\]](#)

D.E. Duty to Mitigate - ~~The permittee~~[You](#) 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. [\[567 IAC 60.7\(7\)"K," 40 CFR §122.41\(d\)\]](#)

F.E. Duty to Provide Information - ~~The permittee shall~~[You must](#) furnish to the department, within a reasonable time, any information which the department may request to determine compliance with this permit. ~~The permittee shall~~[You must](#) also furnish to the department, upon request, copies of records required to be kept by this permit. [If you become aware that you failed to submit any relevant facts in any report to the department, including records of operation, you shall promptly submit such facts or information. \[567 IAC 60.3\(2\)"o"\(3\)"3, 567 IAC 63.9\(6\), 40 CFR §122.41\(h\) and \(l\)\]](#)

Commented [16]: This reference covers individual permit applications.

F. 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.~~

Commented [17]: Combined with "Duty to Provide Information".

G. 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.~~

Commented [18]: Not necessary. Nothing in the permit would preclude the CWA.

E.G. H. Property Rights - The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges. [\[40 CFR §122.41\(g\)\]](#), nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws.

F.H.I. 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 found to be~~ invalid [by this department or court of law](#), the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby, [by such finding](#).

G.I.J. Inspection of Premises, Records, Equipment, Methods, and Discharges And Entry - ~~The permittee shall allow the department or an authorized representative of U.S. EPA, the State, or county, upon the presentation of credentials and other documents as may be required by law, You are required to permit authorized personnel to:~~

- Enter upon the ~~permittee's~~ premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- ~~Have~~ [Provide](#) 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, [practices, or operations regulated or required under this permit](#) (including monitoring and control equipment); and
- Sample ~~or~~ monitor, at reasonable times, to assure compliance or as otherwise authorized by the Clean Water Act [any discharge of pollutants.](#)

H.J.K. Permit Actions - Coverage under this permit may be ~~terminated~~ [suspended or revoked](#) for cause [including but not limited to those specified in 567 IAC 60.3\(6\)"c" and 60.6\(3\). This permit may be modified due to conditions or information on which this permit is based, including any new standard the department may adopt that would](#)

Commented [19]: See 60.6(3)

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change the required effluent limits. The notification of planned changes or anticipated noncompliance does not stay any permit condition. {567 IAC 60.3(6), 60.6(3), 60.7(7)"e" and "j," and 40 CFR § 122.62(a)(6)}

L. Environmental Laws No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations. Pertinent regulations include but are not limited to the following: 40 CFR § 122.41(j)(5); 567 IAC 63.1; 567 IAC 63.2; 567 IAC 63.6; 567 IAC 63.12-15; 567 IAC 64.3(8); and 567 IAC 64.7(7)"F".

Commented [20]: Not needed; covered by Part I.F.

K. Other Noncompliance You shall give advance notice to the appropriate regional field office of the department of any planned activity which may result in noncompliance with permit requirements. Notice is required only when previous notice has not been given to any other section of the department. You shall report all instances of noncompliance not reported under Part V.N at the time discharge monitoring reports are submitted. The report shall contain the information listed in Part V.N. {567 IAC 63.9(3) and (4), 40 CFR §122.41(l)(2) and (l)(7)}

L. Effect of a Permit - Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with equivalent limitations and standards set out in 567 IAC Chapters 60 and 61. {567 IAC 60.4(3)}

ATTACHMENT 1: ONRW AND OIW WATERS IN IOWA

Outstanding National Resource Waters (ONRW)

There are no waters in Iowa designated as Outstanding National Resource Waters as of the date of issuance of this permit.

Outstanding Iowa Waters (OIW)

STREAM NAME	DESCRIPTION	LENGTH (Miles)
Baron Springs	Mouth (S2, T91N, R6W, Clayton Co.) to spring source (S4, T91N, R6W, Clayton Co.)	1.99
Bear Creek	From road crossing in SW ¼, NW1/4, S11, T86N, R10W, Benton Co. to E line, S25, T87N, R10W, Buchanan Co.	5.2
Bloody Run	From (W. line of Section 22, T95N, R4W, Clayton Co.) to the confluence with Unnamed Creek (NAD83) UTM Coordinates X(Easting) 645284.89 Y(Northing) 4766657.44	8.59
Brownfield Creek	Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)	0.94
Clear Creek	Mouth (Allamakee Co.) to W. line of Section 25, T99N, R4W, Allamakee Co.	3.79
Deer Creek	Road crossing in SE¼, S35, T100N, R19W, Worth Co. to the N. line of S7, T100N, R19W, Worth Co.	7.29
Dousman Creek	Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. line.	3.44
Duck Creek	From the mouth (S14, T100N, R06W Allamakee Co.) to the Iowa-Minnesota state line.	1.98
Ensign Creek (aka Ensign Hollow)	Mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.)	1.05
Unnamed Creek (aka Erickson Spring Branch)	Mouth (S23, T98N, R4W, Allamakee Co.) to W. line of S23, T98N, R4W, Allamakee Co.	0.91
French Creek	Mouth (Allamakee Co.) to E. line of Section 23, T99N, R5W, Allamakee Co.	5.58
Grannis Creek	Mouth (S30, T95N, R7W, Fayette Co.) to W. line of S36, T93N, R8W, Fayette Co.	3.56
Jones Creek	From the mouth (S19, T98N, R04W Allamakee Co.) to bridge crossing at Clonkitty Rd. (S14, T98N, R05W Allamakee Co.)	5.75
Kleinlein Creek	Mouth (Clayton Co.) to spring source (South Spring) (S10, T91N, R6W, Clayton Co.)	3.96
Lime Creek	From confluence with unnamed tributary in NE ¼, NW ¼, S34, T87N, R10W, Buchanan Co. to N. line of S23, T87N, R10W, Buchanan Co.	3.0
Little Paint Creek	Mouth to N. line of Section 30, T97N, R3W	1.92
Ludlow Creek	Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)	2.00
Mill Creek (aka Big Mill Creek)	Confluence with Little Mill Cr. to confluence with Unnamed Cr. (S1, T86N, R3E, Jackson Co.)	8.04
Mossey Glen Creek	Mouth (S3, T91N, R5W, Clayton Co.) to S. line of S10, T91N, R5W, Clayton Co.	1.96

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STREAM <u>NAME</u>	DESCRIPTION	LENGTH (Miles)
North Bear Creek	Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota state line.	6.39
Pine Creek (aka South Pine Creek)	Mouth (S26, T99N, R7W, Winneshiek Co.) to N. line of S21, T99N, R7W, Winneshiek Co.	2.80
Smith Creek (aka Trout River)	Mouth (S21, T98N, R7W, Winneshiek Co.) to S. line of S33, T98N, R7W, Winneshiek Co.	3.42
South Canoe Creek	From the mouth (S22, T99N, R08W Winneshiek Co.) to the bridge crossing at Winn Rd. (S21, T99N, R08W Winneshiek Co.)	1.90
Spring Branch Creek	Mouth (S10, T88N, R5W, Delaware Co.) to spring source (S35, T89N, R5W, Delaware Co.)	2.83
Storybook Hollow	Mouth (S7, T86N, R4E, Jackson Co.) to S. line of S12, T86N, R3E, Jackson Co.	1.37
Trout Run	Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach.	1.0
Twin Springs Creek	Mouth (S17, T98N, R8W, Winneshiek Co.) to springs in Twin Springs Park (S20, T98N, R8W, Winneshiek Co.)	0.61
Unnamed Creek (aka Cold Water Creek)	Mouth (S32, T100N, R9W, Winneshiek Co.) to N. line of Section 31, T100N, R9W, Winneshiek Co.)	2.46
Unnamed Creek (aka S. Fk. Big Mill)	Mouth (S8, T86N, R4E, Jackson Co.) to W. line of S17, T86N, R4E, Jackson Co.	0.97
Village Creek	Mouth (Allamakee Co.) to W. line of S19, T98N, R4W, Allamakee Co.	13.32
Waterloo Creek	Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line.	9.39
West Branch French Creek	From the mouth (S23, T99N, R05W, Allamakee Co.) to the confluence with Unnamed Creek (S26, T99N, R05W, Allamakee Co.)	0.67
Grand Total:		118.08

LAKES <u>NAME</u>	DESCRIPTION (Section, Township, Range)	SIZE (Acres)
Big Spirit Lake SGMA	S33, T100N, R36W	5684
West Okoboji Lake SGMA	S20, T99N, R36W	3,847