

FACT SHEET STATEMENT OF BASIS

PERMIT MODIFICATION UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY (CAAPF) GENERAL PERMIT NUMBER: UTG130000

CAAPF PERMIT MODIFICATION

Background

A fish hatchery operated by the Division of Wildlife Resources had an outbreak of aquatic nuisance animals that was significantly affecting operation of the hatchery. The use of copper pesticide is an effective treatment for the nuisance animal, however copper applications are prohibited under the Concentrated Aquatic Animal Production Facility (CAAPF) General permit. The purpose of this permit modification is to allow the application of copper at permitted facilities under certain permit conditions, namely treatment of nuisance aquatic animals.

Modification Summary

The CAAPF General Permit issued on April 6, 2020, will be modified to allow the use of copper pesticides at permitted facilities for treatment of nuisance pests, aquatic plants, and algae. Each facility that utilizes copper treatments will need to comply with the new permit modifications that allow the use of copper. The following will be required for facilities that utilize copper pesticides:

1. Part I.1.B: the permittee must change its notice of intent, by answering two new questions in the Central Data Exchange to trigger Discharge Monitoring Report (DMR) reporting for copper;
2. Part I.E.2.e: the CAAPF must comply with Tables 2 and 4;
3. Part I Table 2: the permittee must meet copper and hardness monitoring requirements and reporting requirements;
4. Part I.E.4: the permittee must comply with Table 4;
5. Part I Table 4: the permittee must comply with copper effluent limits, based on hardness, in Table 4;
6. Part I.E.5.b.1: the facility must follow chemical storage requirements for pesticides;
7. Part I.F.1.a: hardness monitoring results must be submitted to DWQ.
8. Part V: the CAAPF is required to obtain the Pesticide Application Permit for discharges of copper pesticides and other pesticides to waters of the State; and
9. Part IX: the definition of "Pesticide" was added.

During preparation of this proposed permit modification certain dates, spelling edits, table of contents changes, and minor language corrections may have been completed. Due to the nature of these changes, they were not considered major and are not required to be included in the public notice.

Proposed CAAPF Permit Modifications

Current permit language is shown in italics and is shown first. New wording is underlined and deleted content is crossed out. The proposed permit changes are shown in red text. The following changes are proposed:

1. Part I.B.1.h. Do you plan on using disinfectants, biocides, pesticides, and anti-fouling agents or other treatments at this facility at any time during the next five years?
2. Part I.B.1.i. Are you planning, in the next six months, to use treatments that would require copper monitoring per Part I of the Utah Aquaculture General Permit?
3. Part I.E.2.e. There shall be no discharge of copper sulfate, chelated copper, or other copper-compounds to waters of the State, unless the CAAPF complies with Table 2 and the facility’s applicable copper limit in Table 4.
4. Part I Table 2.

| Table 2 | Self-Monitoring and Reporting Requirements *a | | |
|--|---|-------------|--------|
| Parameter | Frequency | Sample Type | Units |
| Total Flow *d *e | Continuous | Measured | MGD |
| TSS, | Monthly | Grab | mg/L |
| pH | Monthly | Grab | SU |
| TDS, *c | Yearly | Grab | Tons |
| Total Dissolved Solids, mg/L *c | Monthly | Grab | mg/L |
| Total Residual Chlorine. mg/L | Daily | Grab | mg/L |
| Hardness, mg/L (Monitor only if facility applies copper pesticides) | 1 sample, collected at most 60 days prior to commencement of copper treatments | Grab | mg/L |
| Total Recoverable Copper, (ug/L) (Monitor only if facility applies copper pesticides) | 1. 1 week prior to commencement of treatments, (1 sample) 2. Weekly, during treatments 3. Weekly, 1 day, 8 days, and 15 days after cessation of treatments (total of 3 samples) | Grab | (ug/L) |

5. Part I.E.4. Facilities with pesticide treatments containing copper shall comply with facility-specific effluent limitations for copper in Table 4.

6. Part I Table 4.

Table 4: Effluent Limits for Facilities with Copper Pesticide Treatments

| Effluent Hardness mg/L | Copper Effluent Limitation (ug/L) |
|-----------------------------------|--|
| Less than 25 | 0.2 |
| 25-49 | 2.9 |
| 50-74 | 5.2 |
| 75-99 | 7.3 |
| 100-124 | 9.3 |
| 125-149 | 11.3 |
| 150-174 | 13.2 |
| 175-199 | 15.0 |
| 200-224 | 16.9 |
| 225-249 | 18.7 |
| 250-274 | 20.4 |
| 275-299 | 22.1 |
| 300-324 | 23.9 |
| 325-349 | 25.5 |
| 350-374 | 27.2 |
| 375-399 | 28.9 |
| 400+ | 30.5 |

7. Part I.E.5.b.1. Ensure proper storage of drugs, pesticides, and other chemicals to prevent spills that may result in the discharge to waters of the State.

8. Part I.F.1.a.

- a. The results of hardness sampling collected prior to copper treatments, shall be submitted to the CAAPF Permit Coordinator at DWQ within seven days of receipt of laboratory results at the following email address:

Donald Hall
 Division of Water Quality
dghall@utah.gov
 (801) 536-4492

9. Part V.

PESTICIDE APPLICATION PERMIT REQUIREMENTS

A. Requirement to submit a Notice of Intent for the UPDES Pesticide Application Permit

- 1. Any CAAPF that proposes to or does apply pesticide or its residual to a water of the state shall submit a NOI for the Pesticide Application Permit located at <https://deq.utah.gov/water-quality/updes-permitting-program#general>.
 - a. The NOI for the Pesticide Application Permit is due no fewer than 10 days prior to pesticide treatment.

- b. Coverage under the Pesticide Application Permit is required prior to application of a pesticide or its residual to a water of the state.

10. Part IX: DEFINITIONS

- 17. "Pesticide" means any of the following.

"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 desiccant, 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 Archaeobacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses (40 CFR 15S.2100(b)). Biochemical pesticide mean a pesticide that (1) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and (3) has a non-toxic mode of action to the target pest(s) (40 CFR 15S.2000(a)(1)). Plant incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof (40 CFR 174.3).

"Chemical Pesticides" - all pesticides not otherwise classified as biological pesticides.

"Pesticide" - means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer, except that the term "pesticide" shall not include any article that is a "new animal drug" within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(w)), that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such Act (21U.S.C. 321(x)) bearing or containing a new animal drug. The term pesticide" does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C' 321). For purposes of the preceding sentence, the term 'critical device" includes any device that introduced directly into the human body, either into or in contact with the. bloodstream or normally sterile areas of the body and the term semi-critical device" includes any device that contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body (FIFRA Section 2(u)).

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

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

Permit Duration

This permit modification be effective through the current permit expiration date of March 31, 2025.

Drafted by:

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(801) 536-4492

PUBLIC NOTICE

Public Notice Publication

The public notice began on: April 14, 2021

The public notice ended on: May 14, 2021

The Public Notice of the draft permit was published on the Utah Division of Water Quality website at <https://deq.utah.gov/water-quality/water-quality-public-notices>.

No comments were received during public notice.

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