

**567—66.1(455B) Aquatic pesticide.**

**66.1(1) Prohibited discharges.** Pesticides, including aquatic pesticides, shall not be applied to any water of the state designated in 567—subrule 61.3(5) as Class “A,” Class “C,” high quality, or high quality resource except as provided in 66.1(2).

**66.1(2) Allowable applications.** Aquatic pesticides may be applied to any water of the state designated in 567—subrule 61.3(5) as Class “A,” Class “C,” high quality, or high quality resource provided that the applicator has a valid Category 5—aquatic pest control certification from the department of agriculture and land stewardship pursuant to 21—paragraph 45.22(2) “c,” and has received a permit from the department in accordance with these rules.

**66.1(3) Requirements to obtain a permit to apply an aquatic pesticide.** The following information shall be submitted to the department to obtain the necessary permit for application of an aquatic pesticide. The information must be submitted on department Form 542-1409 entitled “Aquatic Pesticide Application to Prohibited Waters — Permit Application Form.” The form is available from the department. The completed application form shall be filed with the department at least 90 days prior to the anticipated period of aquatic pesticide application. The permit shall be issued for the period of time requested in the application, or such period of time as the department deems appropriate under the circumstances, but in no case shall the permit be valid for longer than the calendar year in which it was issued.

*a.* The applicator’s name, address, telephone number, and the Department of Agriculture and Land Stewardship (DALs) certification number or a copy of the certificate; and

*b.* The purpose or objective of applying the aquatic pesticide; and

*c.* The name, exact location, and extent of the body of water where the aquatic pesticide or aquatic pesticides shall be applied, the beginning period and frequency of application, and the rate of aquatic pesticide application; and

*d.* The brand name of the aquatic pesticide, the aquatic pesticide manufacturer, the Environmental Protection Agency registration number, and a listing and percentage by weight of the active ingredient to be applied; and

*e.* The name and location of known public and private water supplies within 2000 feet, and public and private wells within 50 feet of the application area; and

*f.* A sketch of the application area and important physical features within 2000 feet of the application area; and

*g.* The applicant’s signature and date of filing the application form.

**66.1(4) Basis for permit denial.** A permit shall be denied if any of the following conditions are found to be applicable.

*a.* Water quality data show a water quality standards violation for the aquatic pesticide, or its ingredients, within the same lake, wetland or reservoir as the requested area for aquatic pesticide application, or downstream of the requested area for aquatic pesticide application; or

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

*c.* The applicator does not possess a current Category 5—aquatic pest control certificate from DALs; or

*d.* The requested application of aquatic pesticide is not following label instructions for use of the aquatic pesticide; or

*e.* The active or inactive ingredients in the aquatic pesticide are regulated under the Safe Drinking Water Act (SDWA); or

*f.* A public or private water supply intake is within 2000 feet of the requested area of the aquatic pesticide application in a lake, reservoir, or wetland, or the public or private water supply intake is within 100 feet upstream or 2000 feet downstream of the requested area of the aquatic pesticide application in a river or stream; or

g. A shallow well, as defined in rule 567—40.2(455B), is located within 50 feet of the aquatic pesticide application area.

**66.1(5) *Special considerations.*** The conditions for a permit denial, 66.1(4)“b” (as it applies to quantifiable levels of copper only), “e,” “f,” and “g,” may be waived and a permit issued when the permit is being requested by the impacted water purveyor to correct or control water quality problems within the water supply or system.

The condition for a permit denial, 66.1(4)“e,” may be waived and a permit issued when the permit is being requested for application of an aquatic pesticide to a water body which is not designated Class “C,” but is designated Class “A,” high quality, or high quality resource.