MASSACHUSETTS MOSQUITO CONTROL
ANNUAL OPERATIONS REPORT

2012 Year of Report Date of Report: January 8, 2013

Project/District Name: **Central Mass. Mosquito Control Project**

Address: 111 Otis St.

City/Town: Northborough, MA Zip: 01532

Phone: (508) 393-3055 Fax: (508) 393-8492

E-mail: cmmcp@cmmcp.org

Report prepared by: *Tim Deschamps*

NPDES permit no. **MAG87A023**

If you have a mission statement, please include it here: The objective of the Project is to attain an efficient, economic mosquito control operation which will provide the best results possible and be consistent with all ecological aspects and the best interests of the member towns.

Our goal is to reduce mosquito exposure to the public, and the potential for disease transmission by mosquitoes, by utilizing proven, sound mosquito control techniques. CMMCP believes the best way to accomplish this task is by practicing an Integrated Pest Management (IPM) approach as it relates to mosquito control in Massachusetts. IPM utilizes a variety of control techniques and evaluation procedures. Control efforts are undertaken only after surveillance data has been collected and analyzed. Training, experience and common sense dictate our response in any given situation.

It is our desire and responsibility for this Project to have the best mosquito control for the communities that we serve.

ORGANIZATION SETUP:

Please list your Commissioner's names:

Richard Day, Chair
Dean mazzarella
Sam Telford
Pablo Noguera
Paul Mazzuchelli

Please list the Supt./Director's name: Tim Deschamps
Please list the Supt./Director's contact phone number: (508) 393-3055
Please list your Asst. Supt./Asst. Director's name: Tim McGlinchy

Do you have a website? Yes If yes, please list the web address here: http://www.cmmcp.org

Please list your staffing levels for the year of this report:

Full time: 20
Part time:
Seasonal: 5
Other: (please describe)

Please break these down into the following areas:

Administrative staff: 2.5
Field staff: 17.5
Please check off all that apply, and list employee name(s) next to each category:
☒ Public relations Tim Deschamps, Curtis Best, Tim McGlinchy, Frank Cornine, Juliana Miller, all field staff
☒ Information technology Tim Deschamps
☒ Entomologist curtis Best, Frank Cornine, Juliana Miller
☒ Wetland Scientist Katrina Proctor
☒ Biologist Frank Cornine
☒ Education Curtis Best, Juliana Miller, Frank Cornine, Tim Deschamps
☒ Laboratory Curtis Best, Juliana Miller, Frank Cornine
☒ Operations Tim McGlinchy
☒ Facilities Tim Welch
☒ Other (please list) Office Manager, Karen Millet

For the year of this report, we maintained:
28 vehicles
2 modified wetland equipment (list type) Link Belt 1600, John Deere 350
12 ULV sprayers (list type) ProMist HD
5 Larval control equipment (list type) Muryama backpack sprayers
Other (please be specific):

Comments: _____

How many cities & towns in your service area? 40
Please list: Acton; Ashland; Auburn; Ayer; Berlin; Billerica; Blackstone; Boxborough; Boylston, Chelmsford; Clinton; Dracut; Devens; Fitchburg; Holliston; Hopedale; Hopkinton; Hudson; Lancaster; Leominster; Littleton; Lunenburg; Marlborough; Milford; Millbury; Millville; Natick; Northborough; Northbridge; Sherborn; Shrewsbury; Southborough; Stow; Sturbridge; Tewksbury; Uxbridge; Webster; Westborough; Westford; Wilmington

***Please attach a link to a map of your service area if possible.**
http://www.cmmcp.org/area.htm

INTEGRATED PEST MANAGEMENT (IPM):

DEFINITION: a comprehensive strategy of pest control whose major objective is to achieve desired levels of pest control in an environmentally responsible manner by combining multiple pest control measures to reduce the need for reliance on chemical pesticides; more specifically, a combination of pest controls which addresses conditions that support pests and may include, but is not limited to, the use of monitoring techniques to determine immediate and ongoing need for pest control, increased sanitation, physical barrier methods, the use of natural pest enemies and a judicious use of lowest risk pesticides when necessary.

Please check off all of the services that you currently provide to your member cities and towns as part of your IPM program; details of these services are in the next sections.

☒ **Larval mosquito control**
☒ **Adult mosquito control**
☒ **Source reduction**
☒ **Ditch maintenance**
☐ **Open Marsh Water Management**
☒ **Adult mosquito surveillance**
☒ **Education, Outreach & Public education**
☒ **Research**
☐ **Other (please list):**

Comments: _____

LARVAL MOSQUITO CONTROL:

Do you have a larval mosquito suppression program? Yes

If yes, please describe the purpose of this program: To control mosquitoes in the larval stage to reduce mosquito emergence and reduce adulticide use

Please give the time frame for this program: March - October

Describe the areas that this program is used: etlands, catch basins, stormwater structures, containers (i.e. tires, etc.)

Do you use:
☒ **Ground applied (includes hand, portable and/or backpack)**
☒ **Helicopter applications**

☐ **Other (please list):**
Comments: _____

What products do you use in – (please use product name and EPA#)

Wetlands: Vectobac G, EPA# 73049-10; Agnique MMF, EPA #53263-28
Catch basins: Altosid WSP, EPA#2724-448; FourStar 45 day briquets, EPA#83362-3; Vectolex WSP, EPA#73049-20
Containers: Vectobac G, EPA#73049-10; Agnique MMF, EPA#53263-28; Vectolex WSP, EPA#73049-20
Other (please list):

Please list the rates of application for the areas listed above:

Wetlands: Vectobac G, 5-20lbs/acre; Agnique MMF, 0.2-1 gal./acre
Catch basins: Altosid WSP, 1 7 gram packet per basin, FourStar 45 day briquets, one per basin
Containers: Vectobac G, 5-20lbs/acre; Agnique MMF, 0.2-1 gal./acre, Vectoloex WSP, one packet per 100sq. ft.
Other:

What is your trigger for larviciding operations? (check all that apply)

☒ Larval dip counts – please list trigger for application: >1 larvae per 5 dips avg.
☒ Historical records
☒ Best professional judgment

Comments: _____

***Please attach a link to maps of treatment areas if possible. Basin application maps included as standard in town annual reports - check here: http://www.cmmcp.org/about.htm**

ADULT MOSQUITO CONTROL:

Do you have an adult mosquito suppression program? Yes

If yes, please describe the purpose of this program: To supress populations of adult mosquitoes

Please give the time frame for this program: May - October as weather allows

Describe the areas that this program is used: streets, yards, recreational areas, schools (under the Children's Protection Act regulations)

Do you use:
☒ **Truck applications**
☒ **Portable applications**
☐ **Aerial applications**
☐ **Other (please list):**
Comments: _____

Please list the names of the products used with EPA #:
1). Anvil 10+10, EPA# 1021-1688-8329
2). Suspend SC, EPA# 432-763
3).
4).
5).
6).

Please list your application rates for each product:
1). Anvil - 0.0012 lbs a.i./acre, 1.9 oz. per minute at 15mph (standard protocol)
2). Anvil - 0.0024 lbs a.i./acre, 3.8 oz. per minute at 15mph (vector control)
3). Suspend SC - 1oz./gal mixed, vehicle speed 10mph, flow rate 1 gal./minute
4).
5).
6).

Please describe the maximum amounts or frequency used in a particular time frame such as season and areas

once or twice per week, at least 24 hours apart

What is your trigger for adulticiding operations? (check all that apply)

☒ Landing rates - please list trigger for application >1 per minute*
☒ Light trap data - please list trigger for application >5 human-biting per night*
☒ Complaint calls - please list trigger for application >2 per square mile*
☒ Arbovirus data
☒ Best professional judgment

Comments: * recommendations from the mosquito control GEIR

***Please attach a link to maps of treatment areas if possible. n/a - street names listed in each annual report & on work reports given to local Board of Health**

SOURCE REDUCTION

Do you perform source reduction methods such as tire/container removal? Yes

If yes, please describe your program: The program consists of three components:

1. Clean-up of large waste tire dumping sites that we have databased and that require repeated larval control measures;
2. Residential waste tire removal (curb-side); and
3. Removal of waste tires discarded on the side of the road.

What time frame during the year is this method employed? year round

Comments: 3,263 tires (32.63 tons) recycled in 18 member communities in 2012

DITCH MAINTENANCE

Do you have a ditch maintenance program? Yes

Please check all that apply:
☒ Inland/freshwater
☐ Saltmarsh

If yes, please describe: Maintenance of existing ditch systems by removal of accumulated organic debris and other obstructions.

Please check off all that apply INLAND DITCH MAINTENANCE:

☒ **Hand tools**
☒ **Mechanized equipment**
☐ **Other (please list):**
Comments: _____

Please check off all that apply SALTMARSH DITCH MAINTENANCE:

☐ **Hand cleaning**
☐ **Mechanized cleaning**
☐ **Other (please list):**
Comments: no salt marsh in our service area

Please give an estimate of cumulative length of ditches maintained from the list above **INLAND**:

Hand cleaning 200,860 ft.
Mechanized cleaning 5,850 ft.
Other (please list):

Comments: _____

Please give an estimate of cumulative length of ditches maintained from the list above **SALTMARSH**:

Hand cleaning n/a
Mechanized cleaning n/a
Other (please list):

What time frame during the year is this method employed? n/a

Comments: _____

***Please attach a link to maps of ditch maintenance areas if possible.**

MONITORING (Measures of Efficacy)

Please describe monitoring efforts for each of the following:

Aerial Larvicide – wetlands: **one dip station per 250 acres**
Larvicide – catch basins:
Larvicide-hand/small area **as many as time & manpower allow - 200 checks in 2012**
Ground ULV Adulticide: **evaluation of vector control spraying in 2012**
Source Reduction: **as directed in the BMP**
Open Marsh Water Management:
Other (please list): **adverse effects for NPDES monitoring were done when technicians revisited a treated area - notations were made on their work reports (no adverse effects noted in 2012)**

Provide or list standard steps, criterion, or protocols regarding the documentation of efficacy, (pre and post data) and resistance testing (if any): **2007: To test the efficacy of the CMMCP standard adulticide procedure, two sites were chosen per week for seven weeks with mosquito collections made for both sites every weekday evening. One of these sites was selected to be sprayed in the standard manner while the other is not sprayed and is used as the control site. Collections were made for each site Monday through Friday with the experimental site being adulticided on Wednesday evenings. Test sites were chosen from service requests received, while the control sites were selected from nearby areas that the residents were informed that their property would be treated as an exclusion area for that week. Of the seven weeks of trials, four were at residential sites, two at recreational locations, and one was at a transfer station. 2008: A local collection of recreational fields was selected as the site for this project based primarily on layout and dense barrier foliage, ideal for this type of application. The treatment and control sites were on separate fields towards the opposite ends of the complex. Once established, pre-application surveillance began at the**

two sites using model 512 CDC miniature light traps baited with CO2 (500ml/min), along with model 1512 collection bottle rotators . These traps were place in the recreational field away from the foliage so that in order for the host-seeking mosquitoes to reach the traps, they would have to travel through the treated foliage. Bottle assays (2007, 2008, 2009, 2010, 2011 & 2012): The bottle assay procedure used by CMMCP was modeled after the CDC method where a baseline for resistance was established using specimens collected from an area without any historical adulticide exposure. This data could then be plotted against data from mosquito populations in areas where our records show past insecticide usage has occurred. This will determine if any degree of resistance has developed to our current adulticide product.

OPEN MARSH WATER MANAGEMENT

Do you have an OMWM program? No

If yes, please describe:

Please give an estimate of total square feet or acreage:

What time frame during the year is this method employed?

Comments: _____

***Please attach a link to maps of OMWM areas if possible.**

ADULT MOSQUITO SURVEILLANCE

Do you have an adult mosquito surveillance program? Yes

Please list the number (not location) of MDPH traps in your service area: 2-5 depending on season & budget/personnel restrictions

Please check off all the types of surveillance that apply to your program:

☒ Gravid traps	
☒ Resting boxes	
☐ CDC light traps	☐ Canopy
☒ CDC light traps w/CO_2	☒ Canopy
☐ ABC light traps	☐ Canopy
☐ ABC light traps w/CO_2	☐ Canopy
☐ NJ light traps	☐ Canopy
☐ NJ light traps w/CO_2	☐ Canopy

Other (please describe):

Please describe the purpose of this program: Monitor for species density, population trends and virus isolations

Do you maintain long-term trap sites in any of your areas? Yes

If yes, please describe how you chose these long-term sites. Prior virus isolations, geography and collection data

Please check off the species of concern in your service area:

☐ *Ae. albopictus*
☒ *Ae. cinereus*
☒ *Ae. vexans*
☒ *An. punctipennis*
☒ *An. quadrimaculatus*
☒ *Cq. perturbans*
☒ *Cx. pipiens*
☒ *Cx. restuans*
☐ *Cx. salinarius*
☒ *Cs. melanura*
☐ *Cs. morsitans*
☒ *Oc. abserratus*
☒ *Oc. canadensis*
☐ *Oc. cantator*
☒ *Oc. excrucians*
☒ *Oc. fitchii*
☒ *Oc. j. japonicus*
☐ *Oc. punctor*
☐ *Oc. sollicitans*
☐ *Oc. stimulans*
☒ *Oc. taeniorhynchus*
☒ *Oc. triseriatus*
☒ *Oc. trivittatus*
☒ *Ps. ferox*
☒ *Ur. sapphirina*

☐ Other (please list):

Do you participate in the MDPH Arboviral Surveillance program? Yes

How many pools do you submit weekly on average? 50-75

Please check off the arboviruses found in your area in the past 5 years:

☒ West Nile Virus
☒ Eastern Equine Encephalitis
☐ Other Please list:

Did the above listed diseases cause human or horse illnesses? Yes

Please explain: Numerous isolations of WNV (65) and EEE (10) in several mosquito species. Millbury, alpaca EEE; Westboro, human EEE

At what arbovirus risk level did the year begin in your area? (If more than one please list)

WNV: low-moderate

EEE: low

At what arbovirus risk level did the year end in your area? (If more than one please list)

WNV: moderate-high
EEE: moderate-severe

What time frame during the year is this method employed? May - October

Comments: _____

***Please attach a link to maps of surveillance areas if possible. Mosquito trap locations included as standard in town annual reports - check here: http://www.cmmcp.org/about.htm**

EDUCATION, OUTREACH & PUBLIC RELATIONS

Do you have an education/public outreach program program? Yes

If yes, please describe: Letters sent out to all school Superintendents regarding our program each year. Program describes mosquito biology and ways to minimize mosquito breeding from containers. Letters also sent to all Senior Centers regarding new educational program geared towards seniors.

Please check off all that apply:

☒ School based program
☒ Website
☒ PR brochures/handouts
☒ Community events
☒ Science fairs
☒ Meeting presentations
☒ Other (please describe): health fairs

Please give an estimate of attendance/participants in this program: 2,500+

Please list some events you participated in for the year of this report: too numerous to list, please call for details

What time frame during the year is this method employed? year round

Have you performed any research projects, efficacy, bottle assays, etc.? Yes

If yes, please elaborate on your research projects: Details on our website here: http://www.cmmcp.org/research.htm

Are you involved in any collaboration with academia, industry, environmental groups, etc.? Yes

If yes, please elaborate on your collaborations this past year: Mosquito Spraying Effects on Non-target Species w/Tufts School of Veterinary Medicine, Host-Seeking Activity of Mosquitoes in Central Mass. w/Norfolk County MCP + others

Please provide a list of technical reports, white/grey papers, publication in journal or trade magazines, etc. Details on our website here: http://www.cmmcp.org/research.htm

Does your staff participate in educational opportunities? Yes

If yes, please list the training and education your staff received this year: Clarke seminar; NMCA meeting; CPR/AED training, internal training, Frank Cornine is working towards an MPH

Please list the certifications and degrees held by your staff: Curtis Best, B.A. in Entomology: Frank Cornine, B.A. in Biology working on Masters in Public Health: Juliana Miller, B.A. in Biology; Tim McGlinchy, MS non-profit mgmt. Katrina Proctor certifications in wetland science; Tim Deschamps, numerous licenses and certifications

Comments: _____

BIOLOGICAL CONTROL EFFORTS

Do you have a biological control program? No

If yes, please describe:

Is this program the introduction of mosquito predators or the enhancement of habitat for native predators?

Please check off all that apply:

☐ Predatory fish
☐ Predatory invertebrates
☐ Other (please describe):

What time frame during the year is this method employed?

Comments: _____

INFORMATION TECHNOLOGY

Does your program use (check all that applies):

☒ Computers
☒ GIS mapping
☒ GPS equipment
☒ Computer databases
☒ Aerial Photography
☐ Other (please describe):

Please describe your capabilities in these areas: Beginning to use GIS systems; all computers networked

Please describe your current GIS abilities: Intermediate

Give details if possible on your GIS abilities:

Please describe any changes/enhancements in this area from the previous year: Addition of larval habitats and treatments in ArcView; Sentiel GIS being integrated

Comments: _____

REVENUES & EXPENDITURES

Please give a concise statement of revenues & expenditures for the prior fiscal year ending June 30.

1,801,893 budget FY13. $1,690,278 expended, $111,618 surplus.

List each **member municipality along with the corresponding (cherry sheet) funding assessment** dollar amount for the prior fiscal year.

Comments:

ACTON	**$58,247**
ASHLAND	**$35,643**
AUBURN	**$40,008**
AVON	**$22,710**
AYER	**$28,408**
BERLIN	**$78,689**
BILLERICA	**$26,275**
BLACKSTONE	**$25,455**
BOXBOROUGH	**$69,232**
BOYLSTON	**$34,321**
CHELMSFORD	**$17,248**
CLINTON	**$56,279**
DRACUT	**$67,479**
FITCHBURG	**$47,247**
HOLLISTON	**$13,696**

HOPEDALE	**$67,179**
HOPKINTON	**$34,620**
HUDSON	**$59,095**
LEOMINSTER	**$75,170**
LITTLETON	**$40,276**
LUNENBURG	**$58,564**
MARLBOROUGH	**$66,271**
MILFORD	**$44,252**
MILLBURY	**$38,233**
MILLVILLE	**$11,240**
NATICK	**$63,248**
NORTHBOROUGH	**$48,868**
NORTHBRIDGE	**$41,806**
SHERBORN	**$37,277**
SHREWSBURY	**$64,794**
SOUTHBOROUGH	**$39,054**
STOW	**$40,802**
STURBRIDGE	**$80,445**
TEWKSBURY	**$60,560**
UXBRIDGE	**$66,167**
WEBSTER	**$32,839**
WESTBOROUGH	**$58,272**
WESTFORD	**$79,755**
WILMINGTON	**$51,588**

PESTICIDE USAGE

Please total your pesticide usage with information from your Mass. Pesticide Use Report, WNV Larvicide Use records and contracted pesticide applications. Applications methods include; hand/backpack, aerial, ULV, mistblower, other (please explain)

Product Name: Vectobac G
EPA Reg. #: 73049-10
Application method: hand/backpack
Targeted life stage: Larvae
Total amount of concentrate applied: 2,856 lbs.
Comments: _____

Product Name: Vectobac G
EPA Reg. #: 73049-10
Application method: helicopter
Targeted life stage: Larvae
Total amount of concentrate applied: 10,200 lbs.
Comments: 3 towns - Billerica, Boxborough & Chelmsford

Product Name: Agnique MMF
EPA Reg. #: 53263-28
Application method: pump can
Targeted life stage: Larvae/pupae
Total amount of concentrate applied: 5.28 gal.
Comments: _____

Product Name: Altoside WSP
EPA Reg. #: 2724-448
Application method: hand
Targeted life stage: Larvae
Total amount of concentrate applied: 547.14 lbs.
Comments: catch basins only - 35,450 basins at 7 grams/basin

Product Name: FourStar Microbial 45 day briquets
EPA Reg. #: 83362-3
Application method: hand
Targeted life stage: Larvae
Total amount of concentrate applied: 3,627 45 day briquets
Comments: used as pre-emptive treatments in catch basins in prior year WNV areas

Product Name: Vectolex WSP
EPA Reg. #: 73049-20
Application method: hand
Targeted life stage: Larvae
Total amount of concentrate applied: 70.96 lbs.
Comments: swimming pools & catch basins

Product Name: Anvil 10+10
EPA Reg. #: 1021-1688-8329
Application method: truck (ulv)
Targeted life stage: Adult
Total amount of concentrate applied: 458 gal (10%)
Comments: _____

Product Name: Suspend SC
EPA Reg. #: 432-763
Application method: truck (barrier)
Targeted life stage: Adult
Total amount of concentrate applied: Westboro recreational areas for EEE control
Comments: _____

Product Name:
EPA Reg. #:
Application method:
Targeted life stage: Choose one

Total amount of concentrate applied:
Comments: _____

LARGE AREA EXCLUSIONS

Do you have large areas of pesticide exclusion, such as estimated or priority habitats? Yes

If yes, please explain, and attach maps or a web link if possible. Only a few ACEC's, Sudbury Valley Trustees Property, and Assabet River National Refuge

SPECIAL PROJECTS

Do you perform any inspectional services such as inspections at sewage treatment facilities or review sub division plans? No

If yes, please elaborate

Do you work with DPW departments or other local or state officials to address stormwater systems, clogged culverts or other areas that you have identified as man-made mosquito problem areas? Yes

If yes, please elaborate: On a requested, as needed basis

Have you worked with these departments on long term solutions? No

If yes, please elaborate:

Did you conduct or participate in any cooperative research or restoration projects?

If yes, please elaborate:

Did you or participate on any **State/Regional/National workgroups or panels or attend any meeting pertaining to the above**?

If yes, please elaborate:

CHILDREN AND FAMILIES PROTECTION ACT

Is your program impacted by the Children and Families Protection Act? Yes

If yes, please explain: Incomplete compliance by schools regarding our products, including larval control products

If you have data on compliance with this Act and your program, please list here: approx. 75% compliance

If you had difficulties with implementation of your program due to this law, please elaborate here: We have sent letters and hand delivered information packets to the School Superintendents' offices for 7 years now, compliance is slowly rising.

Comments:

NPDES SECTION

Did your program note any adverse incidents during this reporting period? No

If yes please list any corrective actions here: _____

GENERAL COMMENTS

Please list any comments not covered in this report: _____

Pesticide Discharge Management Plan (PDMP) Template

Introduction

Any Decision-maker who is required to submit an NOI, as required in the Pesticide General Permit (PGP) Part 1.2.2, and is a large entity, as defined in Appendix A, must prepare a Pesticide Discharge Management Plan (PDMP) by the time the Notice of Intent (NOI) is filed, with two exceptions:

- Any application is made in response to a Declared Pest Emergency Situation, as defined in Appendix A; or
- Any Decision-makers that is required to submit an NOI solely because their application results in a point source discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A.

To help you develop your Pesticide Discharge Management Plan (PDMP), the U.S Environmental Protection Agency (EPA) has created this electronic PDMP template. The template is designed to help guide you through the PDMP development process and help ensure that your PDMP addresses all the necessary elements stated in the pesticide general permit (PGP). In your PDMP, you may incorporate by reference any procedures or plans in other documents that meet the requirements of the PGP. The template can be used as guidance in determining whether a document meets the requirements of the permit.

This template covers the PDMP elements that the pesticide general permit requires; however, you are strongly encouraged to customize this template to reflect the conditions at your site.

Using the PDMP Template

Each section of this template includes “instructions” and space for project information. You should read the instructions for each section before you complete that section. This template was developed in Word so that you can easily add tables and additional text. Some sections may require only a brief description while others may require several pages of explanation.

Tips for completing the Template:

- The Template generally uses blue text where information is expected to be entered.
- Multiple pest management areas and use pattern(s) may be in the same PDMP.
- Pest management area(s) may be as large as an entire state or as small as cooling water intakes.
- Incorporate by reference any procedures or plans in other documents that meet the requirements of the permit. Attached a copy of any portions of any documents that you refer to in the PDMP.
- Modify this PDMP template so that it addresses the requirements in the pesticide general permit and meets the needs of your project. Consider adding permit citations in the PDMP when you address a specific permit requirement.

EPA notes that while EPA has made every effort to ensure the accuracy of all instructions and guidance contained in the Template, the actual obligations of regulated Decision maker(s) are determined by the relevant provisions of the permit, not by the Template. In the event of a conflict between the PDMP Template and any corresponding provision of the PGP, the permit is the final authority. EPA welcomes comments on the PDMP Template at any time and will consider those comments in any future revision of this document.

Pesticide Discharge Management Plan

for:

Central Massachusetts Mosquito Control Project
39 cities & towns in Worcester & Middlesex counties
111 Otis Street
Northborough, MA 01532

Decision-maker(s):

Central Massachusetts Mosquito Control Project
Timothy D. Deschamps, Executive Director
Timothy E. McGlinchy, Director of Operation
111 Otis Street
Northborough, MA 01532
Tel. (508) 393-3055
Fax. (508) 393-8492
E-mail: cmmcp@cmmcp.org

PDMP Contact(s):

Same as above

PDMP Preparation Date:

01/ 12 / 2012
Added to EPA template 03 / 23 / 2012

Contents

Pesticide Discharge Management Plan (PDMP) Template **1**
Introduction 1
Using the PMPD Template 1
SECTION 1: Operator Information **4**
SECTION 2: PDMP Team **5**
SECTION 3: Problem Identification **6**
3.1 Pest Problem Description 6
3.2 Action Threshold(s) 10
3.3 General Location Map ..... Attachment A
3.4 Water Quality Standards 11
SECTION 4: Pest Management Options Evaluation **12**
SECTION 5: Response Procedures **12**
5.1 Spill Response Procedures 15
5.1.1 Spill Containment 15
5.1.2 Spill Notification 16
5.2 Adverse Incident Response Procedures 16
5.2.1 Responding to an Adverse Incident 16
5.2.2 Notification of an Adverse Incident 17
SECTION 6: Documentation to Support Eligibility Considerations under Other Federal Laws **17**
SECTION 7: Signature Requirements **18**
SECTION 8: PDMP Plan Modifications **19**
SECTION 9: PDMP Availability **20**
Attachment A – General Location Map **22**
Attachment B – Pesticide General Permit **204**
Attachment C – NOI and Acknowledgement Letter from EPA/State **199**
Attachment D – Adverse Incident Report **205**
Attachment E – Corrective Action Log Template **211**
Attachment F – PDMP Amendment Log Template **212**
Attachment G – Subcontractor Certifications/Agreements Template **213**
Attachment H – Delegation of Authority Form Template **214**
Attachment I – Annual Reports and Other Record Keeping **215**

SECTION 1: Operator Information

Instructions (see PGP Part 1.0):

- Describe the Pest Management Area(s) and identify the type(s) of Pesticide Use Patterns, Operator type, and if there will be a discharge to a Tier 3 water.

Note: An "Operator" is defined in Appendix A of the PGP to mean any entity associated with the application of pesticides that results in a discharge to Waters of the United States that meets either of the following two criteria: (1) any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities); or (2) any entity with control over the decision to perform pesticide applications including the ability to modify those decisions. Operators identified in (1) above are referred to in the permit as Applicators while Operators identified in (2) are referred to in the permit as Decision-makers. As defined, more than one Operator may be responsible for complying with this permit for any single discharge from the application of pesticides.

A "Pest Management Area" is defined in Appendix A of the PGP to mean the area of land, including any water, for which an Operator has responsibility for and is authorized to conduct pest management activities as covered by the PGP permit (e.g., for an Operator who is a mosquito control district, the pest management area is the total area of the district). The Pest Management Area could include contiguous and non-continuous sites.

1. Provide a brief description of the Pest Management Area(s).

Central Mass. Mosquito Control (CMMCP) is charged with managing mosquito populations in 39 communities in both Middlesex and Worcester counties. Cities and towns in our service area lie in the following watersheds: Blackstone, Charles, Merrimac, Nashua, Shawsheen and SuAsCo. The CMMCP service area encompasses 703 square miles, or 449,920 acres. Pest problem areas can best be separated into 2 broad types within our service area that can be further divided into more specific groups based on habitat type. Current members of CMMCP include: Acton, Ashland, Auburn, Ayer, Berlin, Billerica, Blackstone, Boxborough, Chelmsford, Clinton, Devens, Dracut, Fitchburg, Holliston, Hopedale, Hopkinton, Hudson, Lancaster, Leominster, Littleton, Lunenburg, Marlborough, Milford, Millbury, Millville, Natick, Northborough, Northbridge, Sherborn, Shrewsbury, Southborough, Stow, Sturbridge, Tewksbury, Uxbridge, Webster, Westborough, Westford, Wilmington

2. Identify the Pesticide Use Patterns for this Pest Management Area that trigger the requirement to develop a Pesticide Discharge Management Plan. (check all that apply). Note: Decision-makers, that are a large entity, are required to develop a PDMP if they are required to submit an NOI. See Part 5.0 of the PGP for exceptions.
   a. ☒ Mosquitoes and Other Flying Insect Pests
   b. ☐ Weeds and Algae
   c. ☐ Animal Pests
   d. ☐ Forest Canopy Pests

3. Operator Type (check one):
   a. ☐ Federal Government
   b. ☐ State Government
   c. ☐ Local Government
   d. ☒ Mosquito control district (or similar)
   e. ☐ Irrigation control district (or similar)
   f. ☐ Weed control district (or similar)
   g. ☐ Other: If other, provide brief description of type of Operator:

SECTION 2: PDMP Team

Instructions (see PGP Part 5.1.1):

– List the Decision-maker, person or organization that prepared the PDMP and/or responsible for revising the PDMP, and the person or organization that will prepare and address corrective actions, adverse incident, and spills. Indicate respective responsibilities, where appropriate.

1. Decision-maker: *Any entity with control over the decision to perform pesticide applications including the ability to modify those decisions.*

   Company or Organization Name: Central Mass. Mosquito Control Project
   Name: Timothy D. Deschamps
   Address: 111 Otis Street
   City, State, Zip Code: Northborough, MA 01532
   Telephone Number: (508) 393-3055
   Email address: deschamps@cmmcp.org

   Company or Organization Name: Central Mass. Mosquito Control Project
   Name: Timothy E. McGlinchy
   Address: 111 Otis Street
   City, State, Zip Code: Northborough, MA 01532
   Telephone Number: (508) 393-3055
   Email address: mcglinchy@cmmcp.org

Team Member Name(s)	Individual Responsibilities
a. Edward Allard	Field Technician
b. Jay Begin	Crew Leader
c. Curtis Best	Staff Entomologist
d. Jonathan Briggs	Crew Leader
e. Frank Cornine	Field Biologist
f. Edward Croshaw	Field Technician
g. Timothy Deschamps	Executive Director
h. Richard Greite	Crew Leader
i. Sean Healy	Crew Leader
j. Timothy McGlinchy	Director of Operations
k. Julianna Miller	Field Biologist

l.	Michael Pojani	Crew Leader
m.	Katrina Proctor	Wetland Project Coordinator
n.	Jeffrey Provost	Field Technician
o.	Michael Tagg	Field Technician
p.	David Walsh	Field Technician
q.	Timothy Welch	Facility Manager
		Other field staff hired, trained and licensed after implementation of this plan

SECTION 3: Problem Identification

3.1 Pest Problem Description

Instructions (see PGP Part 5.1.2):

- Briefly describe the pest problem, including identification of the target pest(s), source of the pest problem, and source of data used to identify the problem in Parts 2.2.1, 2.2.2, 2.2.3, and 2.2.4 of the PGP.

Note: The response will be one or more paragraphs, depending on the nature and complexity of the project. The source of the pest problem may be unknown. EPA does not expect the Decision-maker(s) to conduct long term studies to determine the source of the pest problem.

1. Provide a brief summary of the pest problem in the table.

Summary of Pest Problem

Target Pest(s) *Note: Use common name*	Source of the pest problem	Data Source
Aedes vexans	A common woodland mosquito that has the potential to fly up to 5 miles. It is generally encountered in the spring, but can be found at other times of the year as well after flooding rains. This species has been implicated as a vector of eastern equine encephalitis (EEE), West Nile virus (WNV), and dog heartworm.	Prior historical records, best professional judgment
Coquillettidia perturbans	A fairly large mosquito that is often associated with aquatic habitats containing cattails, *Typha* spp. It is generally considered a bridge vector of EEE to mammals, but has	Prior historical records, best professional judgment

	also tested positive for WNV in the United States. It commonly takes blood meals from both bird and mammal species (including humans).	
Culex pipiens	The house mosquito, is our region's primary WNV vector. It prefers somewhat stagnant or polluted water conditions as larval habitat, and can be a common species in storm drain systems, especially in drainage lines equipped with sumps in the catch basins that tend to hold water on a permanent basis.	Prior historical records, best professional judgment
Culex restuans	An early season mosquito. Larval habitats for this species typically include a variety of semi-permanent waterways, including roadside ditches and woodland pools. It has been reported to carry both EEE and WNV, and may be an important vector in the initial amplification of these viruses in bird populations as birds appear to be its primary blood hosts.	Prior historical records, best professional judgment
Culex salinarius	A common *Culex* mosquito throughout much of the year in our region. Adults are readily attracted to light traps, and larvae are found in both freshwater and somewhat saline environments. This species has been recorded to carry dog heartworm, EEE, SLE, and WNV. It appears to be an opportunistic feeder of birds, mammals, and even reptiles, and may serve as an important bridge vector in the transmission of arbovirus in the southeastern United States.	Prior historical records, best professional judgment

Culiseta melanura *Cs. morsitans*	Swamp mosquitoes that occur in Atlantic White Cedar Swamps – hardwood floodplains and other aquatic habitats characterized by low pH. The larvae often are found within subterranean pockets that are difficult to treat with conventional larvicide agents. *Cs. melanura* almost exclusively obtains its blood meals from birds, and is our primary vector in the amplification of EEE in our area. It has also been found to carry WNV.	Prior historical records, best professional judgment
Ochlerotatus canadensis *Oc. excrucians*	are freshwater mosquitoes. Larvae develop in temporary or semi-permanent woodland pools. The females will bite in the woods any time of day, but are most active in the evening. They are aggressive and long-lived.	Prior historical records, best professional judgment
Ochlerotatus abserratus	A very common early spring to early summer mosquito pest of humans and other mammals. Larvae are found in temporary spring pools and margins of permanent waters in April. Readily bites in shaded areas during the day.	Prior historical records, best professional judgment
Anopheles punctipennis	Found occasionally in the spring and summer. This pest of humans and other mammals has a mildly annoying bite. The larvae are found in a wide variety of wetlands including permanent swamps and along the edges of ponds and slow moving streams.	Prior historical records, best professional judgment
Anopheles quadrimaculatus	A common summer mosquito. A pest of humans and other mammals that readily enters houses and has a mildly	Prior historical records, best professional judgment

	annoying bite. The population increases during the summer. The larvae are found in clear water amongst low vegetation or floating debris, in permanent swamps, and along the edges of ponds and slow moving streams.	
Ochlerotatus japonicus	A pest of humans and other mammals. Its preferred habitat is artificial containers and discarded tire casings. It is not believed at this time to be a voracious biter of man, however research done by CMMCP has shown it can be a pest. West Nile Virus has been isolated from this species.	Prior historical records, best professional judgment
Ochlerotatus triseriatus	Also a pest of humans and other mammals. Most of these larvae actually are found in old rimless tires, although some are found in other shaded artificial containers and in tree holes. When this mosquito is a pest, its breeding source is usually close by.	Prior historical records, best professional judgment

2. Provide a brief description of the pest problem.

    a. Central Mass. Mosquito Control (CMMCP) is charged with managing mosquito populations in 39 communities in both Middlesex and Worcester counties. Cities and towns in our service area lie in the following watersheds: Blackstone, Charles, Merrimac, Nashua, Shawsheen and SuAsCo. The CMMCP service area encompasses 703 square miles, or 449,920 acres. The CMMCP service area is known to contain nearly 50 species of mosquitoes, although CMMCP actively surveys and conducts control efforts primarily on 12-14 species.

3.2 Action Threshold(s)

Instructions (see PGP Part 5.1.2):

- Describe the action threshold(s) for pest(s) in the pest management area, including data used in developing the action threshold(s) and method(s) to determine when the action threshold(s) has been met.

Note: An action threshold is the point at which pest populations or environmental conditions necessitate that pest control action be taken based on economic, human health, aesthetic, or other effects. An action threshold may be based on current and/or past environmental factors that are or have been demonstrated to be conducive to pest emergence and/or growth, as well as past and/or current pest presence. Action thresholds are those conditions that indicate both the need for control actions and the proper timing of such actions.

1. Provide a brief summary of the action threshold(s) in the table.

Summary of Action Threshold(s)

Target Pests	Action Thresholds
Mosquito larvae in wetlands	1 larva per dip (using a standard 12 oz. dipper) over 5 dips.

2. Provide a brief description of the action threshold(s).

   Pest Management Objective: Prevent emergence of mosquito larvae. The storm water system (catch basins) may be treated in selected areas of the county where vector species have been found or there is a history of arbovirus activity.

   Target Pest: mosquito larvae

   Action Threshold: 1 larva over dip over 5 dips

   Basis for the action threshold: To be certain sufficient numbers of mosquito larvae exist to justify application.

   Method to determine when the action threshold has been met: Review work reports

Target Pests	Action Thresholds
Mosquito larvae in catch basins	Treatment in wet basins in priority areas

2. Provide a brief description of the action threshold(s).

   Pest Management Objective: Prevent emergence of mosquito larvae. The storm water system (catch basins) may be treated in selected areas of the county where vector species have been found or there is a history of arbovirus activity.

   Target Pest: mosquito larvae

   Action Threshold: Wet basins in priority areas

   Basis for the action threshold: To be certain sufficient numbers of mosquito larvae exist to justify application

   Method to determine when the action threshold has been met: Review work reports

3.3 General Location Map

Instructions (see PGP Part 5.1.2):

- Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) that identifies the geographic boundaries of the area to which the plan applies and location of the waters of the U.S.
- To improve readability of the map, some detailed information may be kept as an attachment to the site map and pictures may be included as deemed appropriate.

Include a copy of the general location map for this facility in Attachment A.

3.4 Water Quality Standards

Instructions (see PGP Part 5.1.2):

- Document waters impaired for pesticide(s) or any degradates for which there may be a discharge. Note: Operators are not eligible for coverage under the PGP for any discharges from a pesticide application to Waters of the United States if the water is identified as impaired by a substance which either is an active ingredient in that pesticide or is a degradate of such an active ingredient. See PGP Part 1.1.2.1.
- Indicate the location of all waters, including wetlands, on the general location map.
- Document any Tier 3 (Outstanding National Resource Waters) and any water(s) impaired for a specific pesticide or its degradates to which there may be a discharge.

Note: Decision-maker is not required to make a water quality standard (WQS) determination. Internet links to all state, territory and tribal water quality standards are available at: http://epa.gov/waterscience/standards/wqslibrary/.

Provide a brief summary of Tier 3 waters and waters impaired for pesticides.

No waterways in the CMMCP service area are impaired with any pesticides used by CMMCP. There are no Tier 3 waters in the CMMCP area.

SECTION 4: Pest Management Options Evaluation

Instructions (see PGP Part 5.1.3):

- Document your evaluation of the pest management options, including combination of the pest management options, to control the target pest(s) in the following sections:
  - No Action
  - Prevention
  - Mechanical/Physical Methods
  - Cultural Methods
  - Biological Control Agents
  - Pesticides
- In your evaluation, you must consider the impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness.

Note: All six pest management options may not be available for a specific use category and/or treatment area. However, the PDMP must include documentation of how the six pest management options were evaluated. The PGP does not require the use of the least toxic alternative or that non-pesticide methods be tried first. Combinations of various pest management options are frequently the most effective Pest Management Measures over the long term. The goal should be to emphasize long-term control rather than a temporary fix. "Pest Management Measure" is defined to be any practice used to meet the effluent limitations that comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, relevant legal requirements and other provisions that a prudent Operator would implement to reduce and/or eliminate pesticide discharges to waters of the United States.

1. Provide a brief description of the pest management options (include impact to water quality, impact to non-target organisms, feasibility, cost effectiveness and any relevant previous Pest Management Measures).

- Target Pest: Mosquito larvae
- No Action: Larvae will hatch into flying, biting adults (no impact to water quality, no impact to non-target organisms, not feasible, not cost effectiveness)
- Prevention: Remove containers (source reduction), public education, ditch maintenance (minimal impact to water quality, minimal impact to non-target organisms, feasible and cost effective)
- Mechanical/Physical Methods: Ditch maintenance, source reduction (tire removal) (minimal impact to water quality, minimal impact to non-target organisms, feasible and cost effective)
- Cultural Methods: Public education (no impact to water quality, no impact to non-target organisms, feasible and cost effective)
- Biological Control Agents: *Bacillus thuringiensis israelensis (Bti), Bacillus sphaericus (Bs)*, methoprene (minimal impact to water quality, minimal impact to non-target organisms, feasible and cost effective)
- Pesticides: Bti, Bs, methoprene, oils & surfactants (minimal impact to water quality, minimal impact to non-target organisms, feasible and cost effective)

2. Provide a summary of Pest Management Measures that will be or are implemented to meet the technology-based effluent limitations.

Control Measure Description.

1. A description of the control measures to demonstrate how the operators specifically plan to meet the applicable technology-based or water quality-based effluent limitations.

a. Prevention, mechanical/physical methods and cultural methods are by definition very similar in nature and share many characteristics. These methods can be as basic as simply emptying water from containers or as complex as repairing broken water lines which often require the involvement of other county departments, such as Public Works. Educational programming at local schools and area events allow CMMCP staff the opportunity to suggest ways that residents can assist in the prevention of mosquito problems by removing containers and articles from their yards that provide larval habitat, and to be mindful that birdbaths and pet water bowls could serve as mosquito sanctuaries when not properly maintained. CMMCP does have a tire recycling program available in its service area to all member communities.

b. Physical manipulation of environments such as removing blockages in ditches that serve as barriers to natural predators of mosquitoes are sometimes quick and effective means for our Field Technicians to resolve problems on a localized level.

c. CMMCP uses various biological control agents for the control of larval stages of mosquitoes. Formulations containing Bacillus sphaericus and/or Bacillus thuringiensis israelensis are used to treat freshwater larval habitats. Hormone mimics such as methoprene is used in to treat catch basin/storm drains, as a precaution against our primary WNV vector species.

d. Pesticides often are any abatement agency's last choice of control measures. These products are applied as directed by their respective label, and all equipment used in this process is closely monitored and calibrated by staff.

Operators will consider impact to non-target organisms, impact to water quality, pest resistance, feasibility, and cost effectiveness when evaluating and selecting the most efficient and effective means of pest management to minimize pesticide discharge to waters of the U.S.

A brief explanation of the control measures used at the site to reduce pesticide discharge, including evaluation and implementation of the six pest management tools:

a. no action

b. prevention

c. mechanical/physical methods

d. cultural methods

e. biological control agents

f. pesticides

Operators will consider impact to non-target organisms, impact to water quality, pest resistance, feasibility, and cost effectiveness when evaluating and selecting the most efficient and effective means of pest management to minimize pesticide discharge to waters of the U.S.

Control measures are evaluated separately on the basis of mosquito life stage as follows:

a. Efficacy can be determined from pre and post treatment trap counts when a trap site is located in the vicinity of a treatment area. In addition, landing rates taken by staff are used to supplement this data when trap sites are not located near a treatment area.

b. Larval control efficacy is easy to access. Post-treatment surveys verify successful treatments when using larvicide oils and films, or biological control measures, such as Bti products

Schedules and Procedures Pertaining to Control Measures Used to Comply with the Effluent Limitations

Application Rate and Frequency Procedures.

i. Application Rate Determination

1. Determine species and age of target mosquito(es)

2. Evaluate environmental conditions

3. Consider target area flora and fauna

4. Determine appropriate application rate based on product label recommendations, previous experience and efficacy tests.

ii. Frequency Determination

1. Determine target site treatment history with selected pesticide

2. Evaluate effect of selected pesticide use on frequency and quantity thresholds for active ingredient.

3. Consider alternate treatment options

iii. Resistance Considerations

1. Consider documented resistance of target species to selected pesticide and/or any other compounds that are in the same class or exhibit similar modes of action. Also consider the possibility of cross resistance. CMMCP performs resistance management testing each year.

Consider the use of alternate control options and/or product rotation.

SECTION 5: Response Procedures

5.1 Spill Response Procedures

5.1.1 Spill Containment

Instructions (See PGP Part 5.1.4):

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

Spill Prevention Procedures.

a. Perform daily inspections of pesticide storage areas.

b. All applicators in the field are all equipped with cell phones, and are given a list of the following contact names & numbers in case of an emergency situation or if any questions arise:

1. Police Dept. phone number for each town they are working in.
2. Poison Control Center phone number.
3. Home and cell phone numbers of the Executive Director and the Director of Operations of CMMCP.
4. Cell phone numbers of other CMMCP employees on shift.
5. Phone numbers for emergency spill response for Mass. Dept. of Environmental Protection and spill response contractors.

All trucks are equipped with a 3-ring binder with laminated pesticide MSDS sheets & labels, as well as other fact sheets. This information is also available at the CMMCP headquarters, and from the CMMCP website. All trucks are equipped with an emergency spill response kit if a pesticide spill were to occur. All emergency phone numbers are included on the face of these kits.

Chemical spill response plan:

1. Contain spill then notify a supervisor.
2. Isolate contaminated area.
3. Soak up spill with absorbent pads and/or absorbent granules. Collect material for disposal.
4. Clean contaminated vehicles and equipment according to label instructions.
5. Dispose of contaminated material according to label directions.

CMMCP Chemical List and PPE Requirements attached in Appendix I.

5.1.2 Spill Notification

Instructions (See PGP Part 5.1.4):

– Document the procedure for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.

1. Call 911
2. Call CMMCP supervisor
3. Contacting MassDEP Regional Offices:
    a. Northeast Regional Office – 205B Lowell Street, Wilmington, Massachusetts 01887 (978) 694-3200
    b. Southeast Regional Office - 20 Riverside Dr., Lakeville, MA 02347 (508) 946-2700
    c. Central Regional Office - 627 Main St., Worcester, MA 01608 (508) 792-7650
    d. Western Regional Office - 436 Dwight St., Springfield, MA 01103 (413) 784-1100
4. MassDEP 24-hour Spill Reporting (888) 304-1133
5. CHEMTREC: (800) 424-9300
6. CLEAN HARBORS: (800) 645-8265

5.2 Adverse Incident Response Procedures

5.2.1 Responding to an Adverse Incident

Instructions (See PGP Part 5.1.4):

– Document the procedures for responding to any adverse incident resulting from pesticide applications.

1. Report adverse incident on CMMCP work reports
2. Notify CMMCP supervisor
3. Fill out PGP Adverse Incident Report – Form OMB No. 2040 – NEW
    a. Follow instructions on Form OMB No. 2040 – NEW

5.2.2 Notification of an Adverse Incident

Instructions (See PGP Part 5.1.4):

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

1. Call CMMCP Supervisor
2. Fill out & follow instructions on Form OMB No. 2040 – NEW
3. MassDEP Regional Offices:
    a. Northeast Regional Office – 205B Lowell Street, Wilmington, Massachusetts 01887 (978) 694-3200
    b. Southeast Regional Office - 20 Riverside Dr., Lakeville, MA 02347 (508) 946-2700
    c. Central Regional Office - 627 Main St., Worcester, MA 01608 (508) 792-7650
    d. Western Regional Office - 436 Dwight St., Springfield, MA 01103 (413) 784-1100
4. MassDEP 24-hour Spill Reporting (888) 304-1133
5. CHEMTREC: (800) 424-9300
6. CLEAN HARBORS: (800) 645-8265
7. List of emergency medical facilities kept in a binder with all applicators

SECTION 6: Documentation to Support Eligibility Considerations under Other Federal Laws

Instructions (See PGP Part 5.1.5):

- If applicable, Decision-makers must keep documentation supporting their determination with regard to Part 1.1.2.4 (Endangered and Threatened Species and Critical Habitat Protection).

Include a copy of the documentation in Attachment C

Memorandum of understanding (MOU) in place with Division of Fisheries & Wildlife, Natural Heritage & Endangered Species Program (NHESP).

SECTION 7: Signature Requirements

Instructions (see PGP Part 5.1.6):

- The following certification statement must be signed and dated to certify that the PDMP is in accordance with Appendix B, Subsection B.11 of the PGP.

Note: This certification must be re-signed whenever necessary to address any of the triggering conditions for corrective action in Part 6.1 or when a change in pest control activities significantly changes the type or quantity of pollutants discharged.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the application of pesticides, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Timothy D. Deschamps Title: Executive Director

Signature: _____ Date: _____

SECTION 8: PDMP Plan Modifications

Instructions (see PGP Part 5.2):

- You must modify your PDMP whenever necessary to address any of the triggering conditions for corrective action in Part 6.1 or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to your PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, no later than 90 days after any change in pesticide application activities. The revised PDMP must be signed and dated in accordance with the PGP, Appendix B, Subsection B.11.
- You should include significant changes in the activities or their timing on the project, changes in personnel, updates to site maps, and so on.

SECTION 9: PDMP Availability

Instructions (see PGP Part 5.3):

- You must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided in Section III.3 of the NOI. The PDMP and all supporting documents must be readily available, upon request, and copies of any of these documents provided, upon request, to EPA; a State, Territorial, Tribal, or local agency governing discharges or pesticide applications within their respective jurisdictions; and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS). EPA may provide copies of your PDMP or other information related to this permit that is in its possession to members of the public.
- Any Confidential Business Information (CBI), as defined in 40 CFR Part 2, may be withheld from the public provided that a claim of confidentiality is properly asserted and documented in accordance with 40 CFR Part 2; however, CBI must be submitted to EPA, if requested, and may not be withheld from those staff within EPA, FWS, and NMFS cleared for CBI review.

ATTACHMENTS

Attach the following documentation to the PDMP:

Attachment A – General Location Map

Attachment B – Pesticide General Permit

Attachment C – NOI and Acknowledgement Letter from EPA/State

Attachment D – Adverse Incident Report

Attachment E – Corrective Action Log

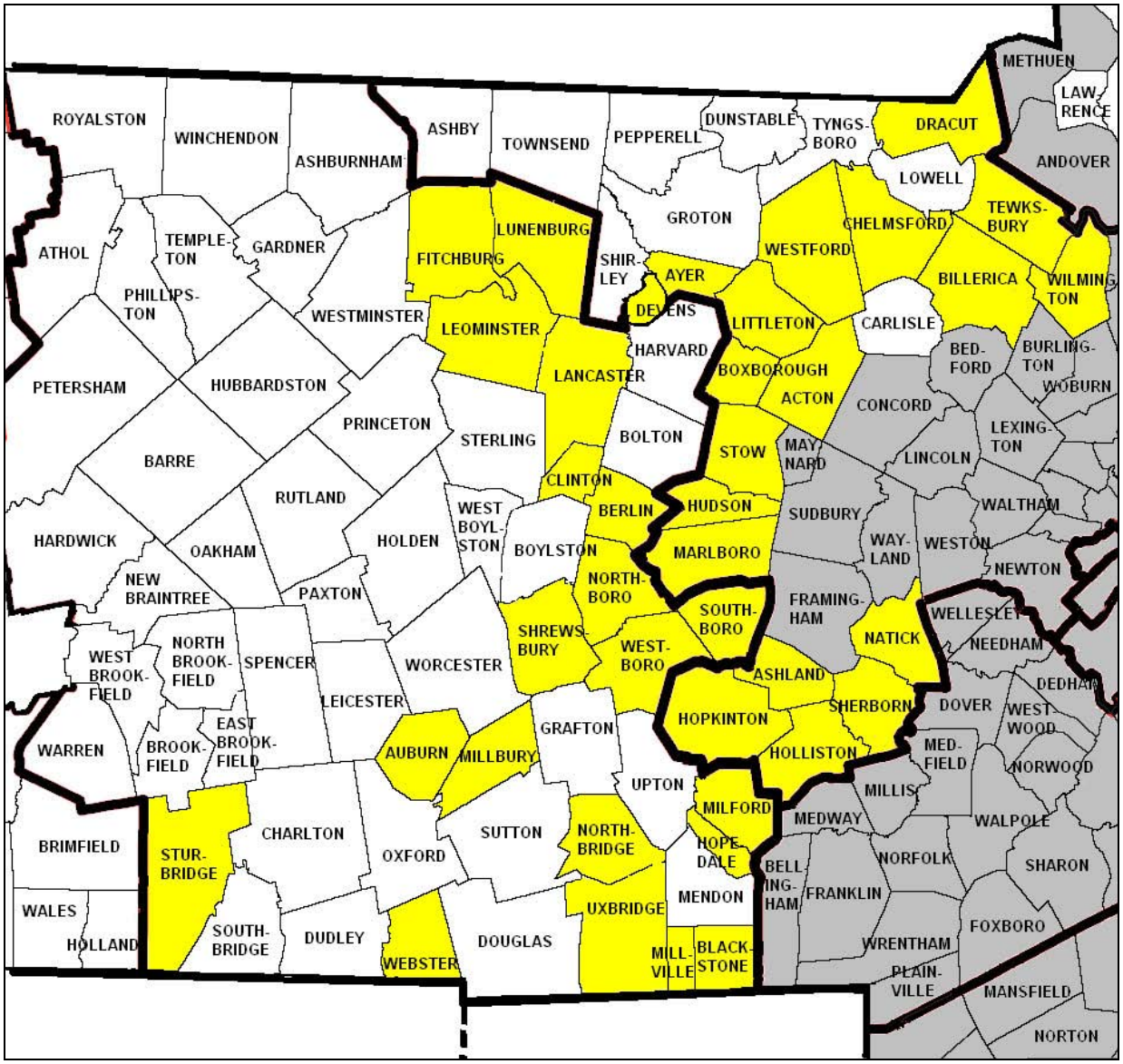
Attachment F – PDMP Amendment Log

Attachment G – Subcontractor Certifications/Agreements

Attachment H – Delegation of Authority

Attachment I – Annual Reports and Other Record Keeping

Attachment A – General Location Map



Attachment B – Pesticide General Permit

United States Environmental Protection Agency (EPA)
National Pollutant Discharge Elimination System (NPDES)

PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES 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 *United States Code* [U.S.C.] 1251 *et seq.*), any Operator of a point source discharge of pollutants (i.e., discharge) resulting from the application of pesticides and eligible for permit coverage under Part 1.1 and located in an area identified in Appendix C where this permit is available is authorized to discharge to Waters of the United States in accordance with the requirements of this permit. This permit is structured as follows:

- General permit conditions for all Operators are found in Parts 1 through 8;
- State- and tribal-specific permit conditions that apply to all Operators in those specific State or Indian Country Lands are found in Part 9;
- Definitions of terms used in the permit and standard permit conditions that apply to all Operators are found in Appendices A and B, respectively; and
- Permit forms, worksheets, and templates are found in Appendices D through G.

This permit becomes effective on October 31, 2011.

This permit and the authorization to discharge expire at midnight, October 31, 2016.

Provide the signature and date below:

Curt Spalding, Regional Administrator
EPA Region 1

Ariel Iglesias, Deputy Director, Division of Environmental Planning and Protection
EPA Region 2

Carl-Axel P. Soderberg, Division Director, Caribbean Environmental Protection Division
EPA Region 2

Jon M. Capacasa, Director, Water Division
EPA Region 3

Gail Mitchell, Acting Division Director, Water Protection Division
EPA Region 4

Tinka G. Hyde, Director, Water Division
EPA Region 5

William K. Honker, Acting Director, Water Quality Protection Division
EPA Region 6

Karen A. Flournoy, Acting Director, Water, Wetlands and Pesticides Division
EPA Region 7

Stephen S. Tuber, Assistant Regional Administrator, Office of Partnerships and Regulatory Assistance
EPA Region 8

Alexis Strauss, Director, Water Division
EPA Region 9

Michael A. Bussell, Director, Office of Water and Watersheds
EPA Region 10

Contents

1.0 Coverage under This Permit 1-1
1.1 Eligibility 1-1
1.2 Authorization to Discharge under This Permit 1-4
1.3 Alternative Permits 1-10
1.4 Severability 1-11
1.5 Other Federal and State Laws 1-11
1.6 Federally Listed Endangered and Threatened Species and Designated Critical Habitat 1-11
2.0 Technology-Based Effluent Limitations 2-1
3.0 Water Quality-Based Effluent Limitations 3-1
4.0 Monitoring 4-1
4.1 Visual Monitoring Requirements for Pesticide Applicators 4-1
4.2 Visual Monitoring Requirements for all Operators 4-1
5.0 Pesticide Discharge Management Plan 5-1
5.1 Contents of the Pesticide Discharge Management Plan 5-1
5.2 Pesticide Discharge Management Plan Modifications 5-3
5.3 Pesticide Discharge Management Plan Availability 5-3
6.0 Corrective Action 6-1
6.1 Situations Requiring Revision of Pest Management Measures 6-1
6.2 Corrective Action Deadlines 6-1
6.3 Effect of Corrective Action 6-1
6.4 Adverse Incident Documentation and Reporting 6-2
6.5 Reportable Spills and Leaks 6-4
6.6 Other Corrective Action Documentation 6-5
7.0 Recordkeeping and Annual Reporting 7-1
7.1 Recordkeeping for All Operators 7-1
7.2 Recordkeeping for All Operators who are For-Hire Applicators 7-2
7.3 Recordkeeping for Any Decision-maker Who is or Will be Required to Submit an NOI and Who is a Small Entity 7-2
7.4 Recordkeeping for Any Decision-maker Who is or Will be Required to Submit an NOI and Who is a Large Entity 7-3
7.5 Retention of Records for All Operators 7-4
7.6 Annual Reporting for Any Decision-maker Who is or Will be Required to Submit an NOI and Who is a Large Entity 7-4
7.7 Annual Reporting for Any Decision-maker with Discharges to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, and Who is a Small Entity 7-5
8.0 EPA Contact Information and Mailing Addresses 8-1
8.1 EPA Headquarters Addresses 8-1
8.2 EPA Regional Addresses 8-2
9.0 Permit Conditions Applicable to Specific States (including Territories) and Indian Country Lands 9-1

Appendices

Appendix A. Definitions, Abbreviations, and Acronyms A-1
Appendix B. Standard Permit Conditions B-1
Appendix C. Areas Covered (and NPDES Permit Numbers) C-1
Appendix D. Notice of Intent Form D-1
Appendix E. Notice of Termination Form E-1
Appendix F. Pesticide Discharge Evaluation Worksheet F-1
Appendix G. Annual Report Template G-1
Appendix H. Adverse Incident Template H-1
Appendix I. Endangered Species Procedures I-1

1.0 Coverage under This Permit

This permit covers any Operator who meets the eligibility requirements identified in Part 1.1 and if so required, has submitted a Notice of Intent (NOI) in accordance with Part 1.2.

For the purpose of this permit, "Operator" is defined in Appendix A to mean any entity associated with the application of pesticides which results in a discharge to Waters of the United States that meets either of the following two criteria: (1) any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities); or (2) any entity with control over the decision to perform pesticide applications including the ability to modify those decisions. Operators identified in (1) above are referred to in this permit as Applicators while Operators identified in (2) are referred to in this permit as Decision-makers. As defined, more than one Operator may be responsible for complying with this permit for any single discharge from the application of pesticides.

For purposes of this permit, all Operators are defined as either an Applicator or a Decision-maker or both an Applicator and a Decision-maker.

When an Operator is both an Applicator and a Decision-maker, the Operator must comply with all applicable requirements imposed on both Applicators and Decision-makers. When the permit references all "Operators," both Applicators and Decision-makers must comply.

1.1 Eligibility

1.1.1 Activities Covered

This permit is available to Operators who discharge to Waters of the United States from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (collectively called *pesticides*), when the pesticide application is for one of the following pesticide use patterns:

a. **Mosquito and Other Flying Insect Pest Control—**to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include mosquitoes and black flies.

b. **Weed and Algae Pest Control—**to control weeds, algae, and pathogens that are pests in water and at water's edge, including ditches and/or canals.

c. **Animal Pest Control—**to control animal pests in water and at water's edge. Animal pests in this use category include fish, lampreys, insects, mollusks, and pathogens.

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

1.1.2 Limitations on Coverage

1.1.2.1 Discharges to Water Quality Impaired Waters

Operators are not eligible for coverage under this permit for any discharges from a pesticide application to Waters of the United States if the water is identified as impaired by a substance which either is an active ingredient in that pesticide or is a degradate of such an active ingredient. For purposes of this permit, impaired waters are those that have been identified by a state, tribe, or EPA pursuant to section 303(d) of the CWA as not meeting applicable state or tribal water quality standards. Impaired waters, for the purposes of this permit, consist of both waters with EPA-approved or EPA-established total maximum daily loads (TMDLs) and waters for which EPA has not yet approved or established a TMDL. A list of those waters is available at www.epa.gov/OWOW/tmdl/. If a discharge from a pesticide application would not be eligible under this permit because the water is listed as impaired for that specific pesticide, but there is evidence that shows the water is no longer impaired, Operators may submit this information to EPA consistent with Table 1-2 in Part 1.2.3, and request that coverage be allowed under this permit.

1.1.2.2 Discharges to Waters Designated as Tier 3 for Antidegradation Purposes

Except for discharges from pesticide applications made to restore or maintain water quality or to protect public health or the environment that either do not degrade water quality or only degrade water quality on a short-term or temporary basis, Operators are not eligible for coverage under this permit for discharges to Waters of the United States if the water is designated by a state or tribe as Tier 3 (Outstanding National Resource Waters) for antidegradation purposes under Title 40 of the *Code of Federal Regulations* (CFR) 131.12(a)(3). A list of Tier 3 waters in geographic areas covered under this permit is available on EPA's website at www.epa.gov/npdes/pesticides.

1.1.2.3 Discharges Currently or Previously Covered by another Permit

Discharges are not eligible for coverage under this permit if any of the following circumstances apply:

a. The discharge is covered by another NPDES permit, or

b. The discharge was included in a permit that in the past 5 years has been or is in the process of being denied, terminated, or revoked by EPA (this does not apply to the routine reissuance of permits every 5 years).

1.1.2.4 Endangered and Threatened Species and Critical Habitat Protection

Coverage under this permit is available only for discharges and discharge-related activities that are not likely to adversely affect species that are federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) or habitat that is federally-designated as critical under the ESA ("critical habitat"), except as provided in Criterion B, C, and, for 60 days, D, below. As one of the provision in this permit that help limit adverse effects to these resources, the six criteria (A-F) below relate to the impacts a prospective discharger's activities may have on a subset of these listed species and critical habitat. Specifically, the conditions below relate to potential impacts on NMFS Listed Resource of Concern, as defined in Appendix A. These are resources that have been identified through

consultation with NMFS as having potential vulnerability that warrants the additional protections entailed in compliance with A-F. Other provisions that protect listed species more broadly include Section 1.6, which requires compliance with any conditions resulting from an ESA Section 7 consultation or ESA Section 10 permit, and the waiting period between NOI submittal and authorization to discharge, which provides an opportunity for NMFS and the U.S. Fish and Wildlife Service, EPA, and members of the public to identify any potential impacts on listed species and for EPA to notify the permittee if further conditions or an individual permit are necessary.

A step-by-step guide for determining eligibility with these conditions relating to the protection of NMFS Listed Resources of Concern, as defined in Appendix A, is provided in Appendix I of the permit. To demonstrate eligibility, Decision-makers must meet one or more of the following six criteria (A-F) for the entire term of coverage under the permit:

Criterion A. Pesticide application activities will not result in a point source discharge to one or more Waters of the United States containing National Marine Fisheries Service (NMFS) Listed Resources of Concern, as defined in Appendix A, for this permit.

Criterion B. Pesticide application activities for which permit coverage is being requested will discharge to one or more receiving Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, but consultation with NMFS under section 7 of the ESA has been concluded for pesticide application activities covered under this permit. Consultations can be either formal or informal, and would have occurred only as a result of a separate federal action. The consultation addressed the effects of pesticide discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and must have resulted in either:

i. A biological opinion from NMFS finding no jeopardy to federally-listed species and no destruction/adverse modification of federally-designated critical habitat; or
ii. Written concurrence from NMFS with a finding that the pesticide discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat.

Criterion C. Pesticide application activities for which permit coverage is being requested will discharge to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, but all "take" <u>of these resources</u> associated with such pesticide application activities <u>has</u> been authorized through NMFS' issuance of a permit under section 10 of the ESA, and such authorization addresses the effects of the pesticide discharges and discharge-related activities on federally-listed species and federally-designated critical habitat. (The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. See Section 3 of the Endangered Species Act, 16 U.S.C. § 1532(19).)

Criterion D. Pesticide application activities were, or will be, discharged to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, but only in response to a Declared Pest Emergency Situation. Decision-makers must provide EPA with their rationale supporting the determination whether the discharge is likely to adversely affect NMFS Listed Resources of Concern, including the description of appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects.

Criterion E. Pesticide application activities for which permit coverage is being requested in the NOI will discharge to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A. Eligible discharges include those where the Decision-maker includes in the NOI written correspondence from NMFS that pesticide application activities performed consistent with appropriate measures will avoid or eliminate the likelihood of adverse effects to Listed Resources of Concern. Eligibility under this criterion is contingent upon the Decision-maker following the measures described in correspondence from NMFS designed to avoid or eliminate the likelihood of adverse effects.

Criterion F. Pesticide application activities for which permit coverage is being requested in the NOI will discharge to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A. Eligible discharges include those from pesticide application activities that are demonstrated by the Decision-maker as not likely to adversely affect NMFS Listed Resources of Concern or that the pest poses a greater threat to the NMFS Listed Resources of Concern than does the discharge of the pesticide. Decision-makers must provide EPA with their documentation demonstrating the basis for their finding.

1.2 Authorization to Discharge under This Permit

1.2.1 How to Obtain Authorization

The following discharges, consistent with the permit eligibility provisions in Part 1.1, are automatically authorized by this permit beginning October 31, 2011.

- Eligible discharges made prior to the NOI submission deadline. See Table 1-2 in Part 1.2.3;
- Eligible discharges that result from the application of a pesticide as part of *pesticide research and development*, as defined in Appendix A;
- Eligible discharges for which submission of an NOI is not required. See Parts 1.2.2 and 1.2.3.

To obtain authorization under this permit for all other eligible discharges, a Decision-maker must submit a timely, complete, and accurate NOI consistent with the requirements of Parts 1.2.2 and 1.2.3.

1.2.2 Decision-makers Required to Submit an NOI

Any "Decision-maker who is or will be required to submit an NOI" as defined in Appendix A, is identified in Table 1-1.

For calculating annual treatment area totals for purposes of determining if an NOI must be submitted, see the definition for "annual treatment area threshold" in Appendix A of the permit.

An NOI provides notice to EPA that a Decision-maker intends to discharge to Waters of the United States from pesticide application activities eligible for coverage under this permit. Information required is provided on the NOI form included in Appendix D. The

NOI must identify the pest management area where the Decision-maker will conduct activities resulting in discharges to Waters of the United States to be covered under this permit. If the activities will result in discharges to any Tier 3 water, eligible under Part 1.1.2.2, the NOI must specifically identify the Tier 3 water by the name listed at www.epa.gov/npdes/pesticides.

If required to submit an NOI, a Decision-maker must submit the NOI once, in accordance with the deadlines in Part 1.2.3, Table 1-2. The Decision-maker must submit an updated NOI if the criteria in Part 1.2.3, Table 1-3 are met. The Decision-maker must prepare and submit the NOI using EPA's electronic Notice of Intent system (eNOI) available on EPA's website (www.epa.gov/npdes/pesticides/eNOI) unless eNOI is otherwise unavailable or the Decision-maker has obtained a waiver from the requirement to use eNOI for submission of the NOI. Decision-makers waived from the requirement to use eNOI for NOI submission must certify on the paper NOI submitted to EPA that use of eNOI will incur undue burden or expense compared to using the paper Notice of Intent form and then provide a basis for this determination. EPA will immediately post on that website all NOIs received. Late NOIs will be accepted, but authorization to discharge will not be retroactive.

Coverage will be available for the duration of the permit for Decision-makers who file an NOI, including the Decision-makers' employees, contractors, subcontractors, and other agents, for all activities identified on the NOI unless coverage is terminated pursuant to Parts 1.2.5 or 1.3. If a submitted NOI is not timely, accurate, or complete, any employee, contractor, subcontractor or other entity that discharges without the required NOI is not covered by this permit.

Applicators who are not also Decision-makers do not need to submit an NOI.

1.2.3 Discharge Authorization Date

Except for discharges identified in Tables 1-1 through 1-3, any Operator with eligible discharges is automatically authorized to discharge under this permit without submission of an NOI. Decision-makers with eligible discharges identified in Tables 1-1 through 1-3 are authorized under this permit consistent with the requirements in those tables.

On the basis of a review of an NOI or other information, EPA may delay authorization to discharge beyond any timeframe identified in Table 1-2, determine that additional technology-based and/or water quality-based effluent limitations or other conditions are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3.

All Operators with eligible discharges are authorized for permit coverage through January 12, 2012 without submission of an NOI. After January 12, 2012, all Operators with eligible discharges for which an NOI is not required also are automatically covered under this permit. After January 12, 2012, all Decision-makers with eligible discharges for which an NOI is required are required to submit an NOI consistent with the earliest applicable due date identified in Table 1-2. Decision-makers may submit multiple NOIs with different activities on each of those NOIs such that discharges from different activities are authorized at different times.

Decision-makers who are required to submit an NOI, but are discharging between October 31, 2011 and January 12, 2012, must begin complying with Part 2.2 requirements as of October 31. 2011.

Table 1-1. Decision-makers Required to Submit NOIs

PGP Part/ Pesticide Use	Which Decision-makers Must Submit NOIs?	For Which Pesticide Application Activities?
All four use patterns identified in Part 1.1.1	Any Decision-maker with an eligible discharge to a Tier 3 water (Outstanding National Resource Water) consistent with Part 1.1.2.2	Activities resulting in a discharge to a Tier 3 water
All four use patterns identified in Part 1.1.1	Any Decision-maker with an eligible discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A	Activities resulting in a discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A
1.1.1(a) - Mosquito and Other Flying Insect Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All mosquito and other flying insect pest control activities resulting in a discharge to Waters of the United States.
	Mosquito control districts, or similar pest control districts	All mosquito and other flying insect pest control activities resulting in a discharge Waters of the United States.
	Local governments or other entities that exceed the *annual treatment area threshold* identified here	Adulticide treatment if more than 6,400 acres during a calendar year
1.1.1(b) - Weed and Algae Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All weed and algae pest control activities resulting in a discharge to Waters of the United States.
	Irrigation and weed control districts, or similar pest control districts	All weed and algae pest control activities resulting in a discharge to Waters of the United States.
	Local governments or other entities that exceed the *annual treatment area threshold* identified here	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
1.1.1(c) - Animal Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All animal pest control activities resulting in a discharge to Waters of the United States.
	Local governments or other entities that exceed the *annual treatment area threshold* identified here	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
1.1.1.(d) - Forest Canopy Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All forest canopy pest control activities resulting in a discharge to Waters of the United States.
	Local governments or other entities that exceed the *annual treatment area threshold* identified here	Treatment if more than 6,400 acres during a calendar year

Table 1-2. NOI Submittal Deadlines and Discharge Authorization Dates for Discharges from the Application of Pesticides[1]

After January 12, 2012, any eligible discharge for which an NOI is required must submit an NOI consistent with the earliest due date identified below. If EPA receives an NOI on or before January 2, 2012 (or on or before December 12, 2011, for discharges to Waters of the United States containing NMFS Listed Resources of Concern), uninterrupted coverage continues[2]. NOI due dates for any discharges occurring on or after January 12, 2012 are as follows:		
Operator Type	**NOI Submission Deadline**	**Discharge Authorization Date [2]**
Any Decision-maker with any discharge to Waters of the United States containing NMFS Listed Resources of Concern, except for those discharges in response to a Declared Pest Emergency Situation, as defined in Appendix A.	At least 30 days before any discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A.[5]	No earlier than 30 days after EPA posts on the Internet a receipt of a complete and accurate NOI. [3,5]
Any Decision-maker with a discharge in response to a Declared Pest Emergency for which that activity triggers the NOI requirement identified in Part 1.2.2, except for any discharges to Waters of the United States containing NMFS Listed Resources of Concern.	At least 30 days after beginning discharge.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation.
Any Decision-maker with any discharge to Waters of the United States containing NMFS Listed Resources of Concern, in response to a Declared Pest Emergency Situation, as defined in Appendix A.	Within 15 days after beginning to discharge in response to a Declared Pest Emergency Situation.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation for a period of at least 60 days. [4]
Any Decision-maker that exceeds any annual treatment area threshold.	At least 10 days before exceeding an annual treatment area threshold.	No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI.
Any Decision-maker otherwise required to submit an NOI as identified in Table 1-1.	At least 10 days before any discharge for which an NOI is required.	No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI.

[1] State, territory and tribal specific requirements in addition to the requirements in this table are provided in Part 9.0.

[2] On the basis of a review of an NOI or other information, EPA may delay authorization to discharge beyond any timeframe identified in Table 1-2, determine that additional technology-based and/or water quality-based effluent limitations or other conditions are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3.

[3] Within 30 days after EPA posts on the Internet receipt of a complete and accurate NOI, for those areas with NMFS Listed Resources of Concern, as defined in Appendix A, NMFS will provide EPA with a determination as to whether it believes the eligibility criterion of "not likely to adversely affect listed species or designated critical habitat" has been met, could be met with conditions that NMFS identifies, or has not been met. EPA expects to rely on NMFS's determination in deciding whether to withhold authorization. If NMFS does not provide EPA with this information within 30 days of EPA posting on the Internet receipt of a complete and accurate NOI, the discharges will be authorized 30 days after EPA posts on the Internet receipt of a complete NOI.

[4] In any Declared Pest Emergency Situation in areas with Waters of the United States containing NMFS Listed Resources of Concern, NMFS will have 30 days after submission of an NOI to provide EPA with a determination as to whether it believes the eligibility criteria of "not likely to adversely affect listed species or designated critical habitat" has been met, could be met with conditions that NMFS identifies, or has not been met. EPA expects to rely on NMFS's determination in deciding whether to disallow continued permit coverage or if additional conditions are necessary. If NMFS does not provide EPA with a recommendation within 30 days of EPA posting on the Internet receipt of a complete and accurate NOI, authorization for these discharges will continue. If EPA identifies additional permit conditions or prohibitions, or includes additional permit conditions or prohibitions recommended by NMFS, as necessary to qualify discharges for particular Operators as eligible for coverage beyond 60 days under the PGP, those conditions remain in effect for the life of the permit.

[5] EPA may authorize certain discharges in less than 30 days, but no fewer than 10 days, for any discharges authorized under Criterion B, C, or E of Part 1.1.2.4 (for which NMFS has already evaluated the effects of these discharges).

Table 1-3. NOI Change of Information Submittal Deadlines and Discharge Authorization Dates

Operator Type	NOI Submission Deadline	Discharge Authorization Date
Any Decision-maker requiring permit coverage for a pest management area not identified on a previously submitted NOI for this permit, except for discharges to any; (1) Tier 3 water or (2) Waters of the United States containing NMFS Listed Resources of Concern. Except for such waters, changes other than identification of a new pest management area or a new pesticide use pattern do not require a revised NOI submittal.	At least 10 days before beginning to discharge in that newly identified area unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 30 days after beginning discharge.	No earlier than 10 days after EPA posts on the Internet the receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.
Any Decision-maker discharging to a Tier3 water not identified by name on a previously submitted NOI for this permit, except for Tier 3 waters containing NMFS Listed Resources of Concern	At least 10 days before beginning to discharge in that newly identified Tier-3 water unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 30 days after beginning discharge.	No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.
Any Decision-maker with any discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, not identified on a previously submitted NOI for this permit. This includes changes in any treatment area, pesticide product, method or rate of application, or approximate dates of applications.	At least 30 days before beginning to discharge in that newly identified water containing NMFS Listed Resources of Concern unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 15 days after beginning discharge.	No earlier than 30 days after EPA posts on the Internet receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.

1.2.4 Continuation of This Permit

If this permit is not reissued or replaced before the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and remain in force and effect. If an Operator was authorized to discharge under this permit before the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of the following:

a. A Decision-maker is authorized for coverage under a reissued permit or a replacement of this permit, following the timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and in compliance with the requirements of the NOI;

b. A Decision-maker submits a Notice of Termination and that notice is processed and posted on the Internet consistent with Part 1.2.5.1;

c. An NPDES individual permit for a discharge resulting from application of a pesticide that would otherwise be covered under this permit is issued or denied;

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

e. EPA has informed the Operator that its discharge is no longer covered under this permit.

1.2.5 Terminating Coverage

1.2.5.1 Submitting a Notice of Termination. To terminate permit coverage, a Decision-maker who is required to submit an NOI as identified in Part 1.2.2, must submit a complete and accurate Notice of Termination. Information required to be included in a Notice of Termination is provided in Appendix E. Decision-makers required to submit a Notice of Termination must prepare and submit that information using EPA's electronic eNOI system (www.epa.gov/npdes/eNOI) unless eNOI is otherwise unavailable or EPA waives the electronic submission requirement for an Operator consistent with the requirements identified on the Notice of Termination form in Appendix E. The authorization to discharge under this permit terminates at 11:59 p.m. of the day that a complete Notice of Termination is processed and posted on EPA's website (www.epa.gov/npdes). If a Decision-maker submits a Notice of Termination without meeting one or more of the conditions identified in Part 1.2.5.2, the Notice of Termination is not valid. Decision-makers are responsible for complying with the terms of this permit until authorization is terminated. If required to submit annual reports pursuant to Part 7 prior to the termination of authorization under this permit, Decision-makers must file an annual report for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the following year.

1.2.5.2 When to Submit a Notice of Termination. A Decision-maker who is required to submit an NOI as identified in Part 1.2.2 must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

a. A new Decision-maker has taken over responsibility of the pest control activities covered under an existing NOI;

b. The Decision-maker has ceased all discharges from the application of pesticides for which permit coverage was obtained and does not expect to discharge during the remainder of the permit term for any of the use patterns as identified in Part 1.1.1; or

c. The Decision-maker has obtained coverage under an NPDES individual permit or an alternative NPDES general permit for all discharges required to be covered by an NPDES permit, unless coverage was obtained consistent with Part 1.3, in which case coverage under this permit will terminate automatically.

1.2.5.3 Termination for Operators not Required to Submit an NOI. Operators covered under this permit, who are not required to submit an NOI, are terminated from permit coverage when there is no longer a discharge from the application of pesticides or the discharges are covered under an NPDES individual permit or alternative NPDES general permit.

1.3 Alternative Permits

1.3.1 Requirements for Coverage under an Alternative Permit

In accordance with 40 CFR 122.64 and 124.5, EPA may require Operators to apply for and/or obtain authorization to discharge under either an NPDES individual permit or an alternative NPDES general permit.

If EPA requires an Operator to apply for an NPDES individual permit, EPA will notify the Operator in writing that a permit application is required. Such a notification will include a brief statement of the reasons for the decision and will provide application information. In addition, for Operators whose discharges are authorized under this permit, any notice will set a deadline to file the permit application and will include a statement that on the effective date of the NPDES individual permit, coverage under this general permit will terminate. EPA may grant additional time to submit the application if an Operator submits a request setting forth reasonable grounds for additional time. If covered under this permit and the Operator fails to submit an NPDES individual permit application as required by EPA, the applicability of this permit to such Operator is terminated at the end of the day specified by EPA as the deadline for application submittal. EPA may take enforcement action for any unpermitted discharge or violation of any permit requirement.

1.3.2 Operator Requesting Coverage under an Alternative Permit

If an Operator does not want to be covered by this general permit but needs permit coverage, the Operator can apply for an NPDES individual permit. In such a case, the Operator must submit an individual permit application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to EPA at the applicable EPA Regional Office listed in Part 8 of this permit. The request may be

granted by issuance of an NPDES individual permit or authorization of coverage under an alternative NPDES general permit.

When an individual NPDES permit is issued, or the Operator is authorized under an alternative NPDES general permit to discharge a pollutant to Waters of the United States as a result of a pesticide application, authorization to discharge under this permit is terminated on the effective date of the NPDES individual permit or the date of authorization of coverage under the alternative NPDES general permit.

1.4 Severability

Invalidation of a portion of this permit does not render the whole permit invalid. EPA's intent is that the permit will remain in effect to the extent possible; if any part of this permit is invalidated, the remaining parts of the permit will remain in effect unless EPA issues a written statement otherwise.

1.5 Other Federal and State Laws

Operators must comply with all other applicable federal and state laws and regulations that pertain to the application of pesticides. For example, this permit does not negate the requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and its implementing regulations to use registered pesticides consistent with the product's labeling. In fact, applications in violation of certain FIFRA requirements could also be a violation of the permit and therefore a violation of the CWA (e.g. exceeding label application rates). Additionally, other laws and regulations might apply to certain activities that are also covered under this permit (e.g., United States Coast Guard regulations).

1.6 Federally Listed Endangered and Threatened Species and Designated Critical Habitat

Operators must comply with all conditions and/or requirements that address discharges from activities also covered under this permit resulting from any of the following pre-existing situations:

a. ESA Section 7 consultation that Operators have completed with FWS and/or NMFS, and/or

b. ESA Section 10 permit issued to the Operator by FWS and/or NMFS.

2.0 Technology-Based Effluent Limitations

This Part includes technology-based effluent limitations applicable to all Operators, as defined in Appendix A, for any discharges authorized under this permit, with compliance required upon beginning such discharge. All Operators are classified as either "Applicators" or "Decision-makers," as defined in Appendix A, or both. Applicators must perform the tasks identified in Part 2.1 – Applicators' Responsibilities. Decision-makers must perform the tasks identified in Part 2.2 – Decision-makers' Responsibilities. There may be instances when a single entity acts as both an Applicator and a Decision-maker.

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

As stated in Part 1.5, this permit requires all Operators to comply with all other applicable federal or state laws and regulations that pertain to application of pesticides by the Operator.

2.1 Applicators' Responsibilities

– To meet the effluent limitations of this permit, all Applicators must implement Part 2.1 to minimize the discharge of pesticides to Waters of the United States from the application of pesticides, through the use of Pest Management Measures, as defined in Appendix A.

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

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

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

2.2 Decision-makers' Responsibilities: For All Decision-makers

To meet the effluent limitations in Part 2.2, all Decision-makers must minimize the discharge of pesticides to Waters of the United States from the application of pesticides, through the use of Pest Management Measures, as defined in Appendix A.

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

Decision-Maker's Responsibilities: For Any Decision-maker Who is or Will be Required to Submit an NOI

To meet the effluent limitations of this permit, prior to pesticide application, any Decision-maker is or will be required to submit an NOI as required in Part 1.2.2, except

those Decision-makers that will need to submit an NOI only because they discharge to Waters of the United States containing NMFS Listed Resources of Concern and that also comply with provisions in Part 1.6, must also implement Parts 2.2.1 - 2.2.4 to minimize the discharge of pesticides to Waters of the United States from the application of pesticides, through the use of Pest Management Measures, as defined in Appendix A.

2.2.1 Mosquito and Other Flying Insect Pest Control

This part applies to discharges from the application of pesticides for mosquito and other flying insect pest control as defined in Part 1.1.1.

a. Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:

1. Establish densities for larval and adult mosquito or flying insect pest populations or identify environmental condition(s), either current or based on historical data, to serve as action threshold(s) for implementing Pest Management Measures;
2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;
3. Identify known breeding sites for source reduction, larval control program, and habitat management;
4. Analyze existing surveillance data to identify new or unidentified sources of mosquito or flying insect pest problems as well as sites that have recurring pest problems; and
5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.1.a.

b. Pest Management Options. Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control mosquitoes or other flying insect pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

1. No action
2. Prevention
3. Mechanical or physical methods
4. Cultural methods

5. Biological control agents
6. Pesticides

c. Pesticide Use. If a pesticide is selected to manage mosquitoes or flying insect pests, and application of the pesticide will result in a discharge to Waters of the United States, any Decision-maker who is or will be required to submit an NOI must:

1. Conduct larval and/or adult surveillance in an area that is representative of the pest problem or evaluate existing larval surveillance data, environmental conditions, or data from adjacent areas prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met;
2. Reduce the impact on the environment and on non-target organisms by applying the pesticide only when the action threshold(s) has been met;
3. In situations or locations where practicable and feasible for efficacious control, use larvicides as a preferred pesticide for mosquito or flying insect pest control when the larval action threshold(s) has been met; and
4. In situations or locations where larvicide use is not practicable or feasible for efficacious control, use adulticides for mosquito or flying insect pest control when the adult action threshold(s) has been met.

2.2.2 Weed and Algae Pest Control

This part applies to discharges from the application of pesticides for control of weeds, algae, and pathogens as defined in Part 1.1.1.

a. Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-makers who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:

1. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
2. Identify target pest(s);
3. Identify possible factors causing or contributing to the pest problem (e.g., nutrients, invasive species, etc);
4. Establish any pest- and site-specific action threshold, as defined in Appendix A, for implementing Part 2.2.2.b; and
5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.2.a.

b. Pest Management Options. Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must

select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

1. No action
2. Prevention
3. Mechanical or physical methods
4. Cultural methods
5. Biological control agents
6. Pesticides

c. Pesticide Use. If a pesticide is selected to manage pests, and application of the pesticide will result in a discharge to Waters of the United States, any Decision-maker who is or will be required to submit an NOI must:

1. Conduct surveillance in an area that is representative of the pest problem prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met; and
2. Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action threshold has been met.

2.2.3 Animal Pest Control

This part applies to discharges from the application of pesticides for control of animal pests as defined in Part 1.1.1.

a. Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:

1. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
2. Identify target pest(s);
3. Identify possible factors causing or contributing to the problem (e.g., nutrients, invasive species);
4. Establish any pest- and site-specific action threshold, as defined in Appendix A, for implementing Part 2.2.3.b; and
5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.3.a.

b. Pest Management Options Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each year thereafter prior to the first pesticide application during that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

1. No action.
2. Prevention
3. Mechanical or physical methods
4. Biological control agents
5. Pesticides

c. Pesticide Use. If a pesticide is selected to manage pests and application of the pesticide will result in a discharge to Waters of the United States, any Decision-maker who is or will be required to submit an NOI must:

1. Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the action threshold(s) is met; and
2. Reduce the impact on the environment and non-target organisms by evaluating site restrictions, application timing, and application method in addition to applying the pesticide only when the action threshold(s) has been met.

2.2.4 Forest Canopy Pest Control

This part applies to discharges from the application of pesticides for forest canopy pest control as defined in Part 1.1.1.

a. Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application in that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:

1. Establish any pest- and site-specific action threshold, as defined in Appendix A, for implementing Part 2.2.4.b;
2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;
3. Identify current distribution of the target pest and assess potential distribution in the absence of Pest Management Measures; and
4. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.4.a.

b. Pest Management Options Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

1. No action
2. Prevention
3. Mechanical/physical methods
4. Cultural methods
5. Biological control agents
6. Pesticides

c. Pesticide Use. If a pesticide is selected to manage forestry pests, and application of the pesticide will result in a discharge to Waters of the United States, any Decision-maker who is or will be required to submit an NOI must:

1. Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the pest action threshold is met;
2. Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when the action threshold(s) has been met; and
3. Evaluate using pesticides against the most susceptible developmental stage.

3.0 Water Quality-Based Effluent Limitations

All Operators must control discharges as necessary to meet applicable numeric and narrative state or tribal water quality standards, for any discharges authorized under this permit, with compliance required upon beginning such discharge.

If at any time an Operator becomes aware (e.g., through self-monitoring or by notification from the state or tribe), or EPA determines, that the Operator's discharge causes or contributes to an excursion of any applicable water quality standard, the Operator must take corrective action as required in Part 6 and Appendix B, Section B.3, up to and including the ceasing of the discharge, if necessary.

4.0 Monitoring

4.1 Visual Monitoring Requirements for Pesticide Applicators

During any pesticide application with discharges authorized under this permit, all Applicators must, when considerations for safety and feasibility allow, visually assess the area to and around where pesticides are applied for possible and observable adverse incidents, as defined in Appendix A, caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

4.2 Visual Monitoring Requirements for all Operators

During any Operator post-application surveillance of any pesticide application with discharges authorized under this permit, all Operators must visually assess the area to and around where pesticides were applied for possible and observable adverse incidents, as defined in Appendix A, caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

5.0 Pesticide Discharge Management Plan

Any Decision-maker who is or will be required to submit an NOI, as required in Part 1.2.2, and is a *large entity*, as defined in Appendix A, must prepare a Pesticide Discharge Management Plan (PDMP) by the time the NOI is filed, with two exceptions (for which a PDMP is not required to be developed):

– Any application is made in response to a Declared Pest Emergency Situation, as defined in Appendix A; or

Any Decision-maker that is required to submit an NOI solely because their application results in a point source discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A.

The PDMP does not contain effluent limitations; the effluent limitations are specified in Parts 2 and 3 of the permit. The PDMP documents how Decision-makers will implement the effluent limitations in Parts 2 and 3 of the permit, including the evaluation and selection of Pest Management Measures to meet those effluent limitations in order to minimize discharges. In the PDMP, Decision-makers may incorporate by reference any procedures or plans in other documents that meet the requirements of this permit. If Decision-makers rely upon other documents to comply with the effluent limitations in this permit, such as a pre-existing pest management plan, the Decision-maker must attach to the PDMP a copy of any portions of any documents that are used to document the implementation of the effluent limitations.

5.1 Contents of the Pesticide Discharge Management Plan.

The PDMP must include the following elements:

a. Pesticide Discharge Management Team
b. Problem Identification
c. Pest Management Options Evaluation
d. Response Procedures
   1. Spill Response Procedures
   2. Adverse Incident Response Procedures
e. Documentation to support eligibility considerations under other federal laws
f. Signature Requirements.

5.1.1 PDMP Team. Decision-makers must identify all the persons (by name and contact information) that compose the team as well as each person's individual responsibilities, including:

a. Person(s) responsible for managing pests in relation to the pest management area
b. Person(s) responsible for developing and revising the PDMP; and
c. Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements;

5.1.2 Problem Identification. Decision-makers must document the following:

a. Pest problem description. Document a description of the pest problem at the pest management area, including identification of the target pest(s), source(s) of the pest problem, and source of data used to identify the problem in Parts 2.2.1, 2.2.2, 2.2.3, and 2.2.4.

b. Action Threshold(s). Describe the action threshold(s) for the pest management area, including data used in developing the action threshold(s) and method(s) to determine when the action threshold(s) has been met.

c. General location map. In the plan, include a general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and location of the Waters of the United States and

d. Water quality standards. Document any Tier 3 (Outstanding National Resource Waters) and any water(s) identified as impaired by a substance which either is an active ingredient or a degradate of such an active ingredient.

5.1.3 Pest Management Options Evaluation

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

5.1.4 Response Procedures. Decision-makers must document the following procedures in the PDMP:

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

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

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

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

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

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

5.1.5 Documentation to Support Eligibility Considerations under Other Federal Laws. Decision-makers must keep, with the PDMP, documentation supporting their determination with regard to Part 1.1.2.4 (Endangered and Threatened Species and Critical Habitat Protection).

5.1.6 Signature Requirements. Decision-makers must sign, date and certify the PDMP in accordance with Appendix B, Subsection B.11.

5.2 Pesticide Discharge Management Plan Modifications.

Decision-makers must modify the PDMP whenever necessary to address any of the triggering conditions for corrective action in Part 6.1, or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to the PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, no later than 90 days after any change in pesticide application activities. The revised PDMP must be signed and dated in accordance with Appendix B, Subsection B.11.

5.3 Pesticide Discharge Management Plan Availability.

Decision-makers must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided in Section III.3 of the NOI. The PDMP and all supporting documents must be readily available, upon request, and copies of any of these documents provided, upon request, to EPA; a State, Tribal, or local agency governing discharges or pesticide applications within their respective jurisdictions; and representatives of the United States Fish and Wildlife Service (FWS) or NMFS. EPA may provide copies of the PDMP or other information related to this permit that is in its possession to members of the public. Any Confidential Business Information (CBI), as defined in 40 CFR Part 2, may be withheld from the public provided that a claim of confidentiality is properly asserted and documented in accordance with 40 CFR Part 2; however, CBI must be submitted to EPA, if requested, and may not be withheld from those staff within EPA, FWS, and NMFS cleared for CBI review.

6.0 Corrective Action

All Operators must comply with the provisions of Part 6 for any discharges authorized under this permit, with compliance required upon beginning such discharge.

6.1 Situations Requiring Revision of Pest Management Measures

Operators must review and, as necessary, revise the evaluation and selection of Pest Management Measures consistent with Part 2.1 and 2.2 for the following situations:

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

b. Operators become aware, or EPA concludes, that Pest Management Measures are not adequate/sufficient for the discharge to meet applicable water quality standards.

c. Any monitoring activities indicate failure to meet applicable technology-based effluent limitations in Part 2.

d. An inspection or evaluation of activities by an EPA official, or local, state, or tribal entity, reveals that modifications to the Pest Management Measures are necessary to meet the effluent limitations in this permit.

e. Any Operator observes or is otherwise made aware of an adverse incident as defined in Appendix A.

6.2 Corrective Action Deadlines

If an Operator determines that changes to Pest Management Measures are necessary to eliminate any situation identified in Part 6.1, such changes must be made before or, if not practicable, as soon as possible after the next pesticide application that results in a discharge.

6.3 Effect of Corrective Action

The occurrence of a situation identified in Part 6.1 may constitute a violation of the permit. Correcting any situation identified in Part 6.1 does not absolve Operators of liability for any original violation. However, failure to comply with Part 6.2 constitutes an additional permit violation. EPA will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

EPA may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements more stringent than specified in this permit. Those requirements and schedules will supersede those of Part 6.1 and 6.2 if such requirements conflict.

6.4 Adverse Incident Documentation and Reporting

6.4.1 Twenty-Four (24)-Hour Adverse Incident Notification

6.4.1.1 Adverse Incident Notification Required

Except as provided for in Part 6.4.4, if an Operator observes or is otherwise made aware of an adverse incident, as defined in Appendix A, which may have resulted from a discharge from a pesticide application, the Operator must immediately notify the appropriate EPA Incident Reporting Contact, as identified at www.epa.gov/npdes/pesticides. This notification must be made by telephone within 24 hours of the Operator becoming aware of the adverse incident and must include at least the following information:

a. The caller's name and telephone number;

b. Operator name and mailing address;

c. If covered under an NOI, the NOI NPDES permit tracking number assigned by EPA;

d. The name and telephone number of a contact person, if different than the person providing the 24-hour notice;

e. How and when the Operator became aware of the adverse incident;

f. Description of the location of the adverse incident;

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

h. Description of any steps the Operator has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects; and

i. If known, the identity of any other Operators authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident.

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

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

6.4.1.2 Adverse Incident Notification Not Required

Reporting of adverse incidents is not required under this permit in the following situations:

a. An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application;

b. An Operator has been notified by EPA, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents;

c. An Operator receives information of an adverse incident, but that information is clearly erroneous; or

d. An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

6.4.2 Thirty (30)-Day Adverse Incident Written Report

Except as provided for in Part 6.4.4, within 30 days of a reportable adverse incident pursuant to Part 6.4.1.1, Operators must provide a written report of the adverse incident to the appropriate EPA Regional office at the address listed in Part 8 and to the state lead agency for pesticide regulation (see http://npic.orst.edu/state1.htm). The adverse incident report must include at least the following information:

a. Information required to be provided in Part 6.4.1.1;

b. Date and time the Operator contacted EPA notifying the Agency of the adverse incident, who the Operator spoke with at EPA, and any instructions received from EPA;

c. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc);

d. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms;

e. Magnitude and scope of the affected area (e.g., aquatic square area or total stream distance affected);

f. Pesticide application rate; intended use site (e.g., on the bank, above waters, or directly to water); method of application; and the name of pesticide product and EPA registration number;

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

h. If laboratory tests were performed, an indication of which test(s) were performed, and when; additionally, a summary of the test results must be provided within 5 days after they become available if not available at the time of submission of the 30-day report;

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

j. Signature, date, and certification in accordance with Appendix B, Subsection B.11.

6.4.3 Adverse Incident to Threatened or Endangered Species or Critical Habitat

Notwithstanding any of the other adverse incident notification requirements of this section, if an Operator becomes aware of an adverse incident affecting a federally listed threatened or endangered species or its federally designated critical habitat which may have resulted from a discharge from the Operator's pesticide application, the Operator must immediately notify NMFS in the case of an anadromous or marine species, or FWS in the case of a terrestrial or freshwater species. This notification must be made by telephone, to the contacts listed on EPA's website at www.epa.gov/npdes/pesticides, immediately upon the Operator becoming aware of the adverse incident, and must include at least the following information:

a. The caller's name and telephone number;

b. Operator name and mailing address;

c. The name of the affected species;

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

e. Description of the location of the adverse incident;

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

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

Additional information on federally-listed threatened or endangered species and federally-designated critical habitat is available from NMFS (www.nmfs.noaa.gov) for anadromous or marine species or FWS (www.fws.gov) for terrestrial or freshwater species.

6.4.4 Notification and Reporting for Adverse Incidents Involving Multiple Operators

Where multiple Operators are authorized for a discharge that results in an adverse incident, notification and reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of the written report required in Part 6.4.2 is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

6.5 Reportable Spills and Leaks

6.5.1 Spill, Leak, or Other Unpermitted Discharge Notification

Where a leak, spill, or other release into Waters of the United States containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs in any 24-hour period, an Operator must notify the National Response Center immediately at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as the Operator has knowledge of the release. Contact information must be in locations that are readily accessible and available in the area where the spill, leak, or other unpermitted discharge may occur.

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

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

If an Operator becomes aware of a spill, leak, or other unpermitted discharge which triggers the notification in Part 6.5.1 and results in an adverse incident, then the Operator must report the incident per the guidelines in Part 6.4.1 and 6.4.2. If the spill, leak, or other unpermitted discharge triggers the notification in Part 6.5.1, but does not result in

an adverse incident, then the Operator must document and retain the following information within 30 days of becoming aware of the situation:

a. Information required to be provided in Part 6.5.1;

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

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

6.6 Other Corrective Action Documentation

For situations identified in Part 6.1, other than for adverse incidents (addressed in Part 6.4), or reportable spills or leaks (addressed in Part 6.5), Operators must document the situation triggering corrective action and planned corrective action within 30 days of becoming aware of that situation, and retain a copy of this documentation. This documentation must include the following information:

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

b. Brief description of the situation;

c. Date the problem was identified;

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

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

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

7.0 Recordkeeping and Annual Reporting

The recordkeeping and annual reporting requirements vary depending on the type of Operator, whether a Decision-maker is a small or large entity, or whether a Decision-maker is required to submit an NOI solely because the discharge overlaps with NMFS Listed Resources of Concern, as defined in Appendix A. Table 7-1 references applicable requirements for the range of Operators covered under this permit.

Table 7-1: Applicable Recordkeeping and Annual Reporting Requirements for Different Types of Operators.

PGP Part	Applicable Type of Operator
7.1	Recordkeeping: All Operators
7.2	Recordkeeping: All Operators who are For-Hire Applicators, as defined in Appendix A
7.3	Recordkeeping: Any Decision-maker required to submit an NOI and who is a *small entity*[1]
7.4	Recordkeeping: Any Decision-maker required to submit an NOI and who is a *large entity*[2]
7.5	Retention of Records: All Operators
7.6	Annual Reporting: Any Decision-maker required to submit an NOI and who is a *large entity*[2]
7.7	Annual Reporting: Any Decision-maker with discharges to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, and who is a *small entity*[1]

[1]**Small Entity** – As defined in Appendix A, is any (1) public entity that serves a population of 10,000 or less or (2) private enterprise that does not exceed the Small Business Administration size standard as identified at: www.sba.gov/contractingopportunities/officials/size/table/index.html.

[2]**Large Entity** - As defined in Appendix A, is any (1) public entity that serves a population greater than 10,000 or (2) private enterprise that exceeds the Small Business Administration size standard as identified at: www.sba.gov/contractingopportunities/officials/size/table/index.html.

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

EPA recommends that all Decision-makers, who are or may be required to submit an NOI based on their annual treatment area, keep records of acres or linear miles treated for all applicable use patterns covered under this general permit. The records should be kept up-to-date to help Decision-makers determine if the annual treatment area threshold, as identified in Part 1.2.2, is met during any calendar year.

7.1 Recordkeeping For All Operators – All Operators must keep the following records:

a. A copy of any Adverse Incident Reports (See Part 6.4.2);

b. Rationale for any determination that reporting of an identified adverse incident is not required, consistent with allowances identified in Part 6.4.1.2;

c. A copy of any corrective action documentation (See Part 6.6); and,

d. A copy of any spill and leak or other unpermitted discharge documentation (See Part. 6.5.2)

7.2 Recordkeeping for All Operators who are For-Hire Applicators –

Beginning January 12, 2012, any Operator who is a For-Hire Applicator, as defined in Appendix A, must retain the following records:

a. Documentation of equipment calibration; and

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

   1. Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters, either by name or by location, to which pesticide(s) are discharged;
   2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
   3. Target pest(s);
   4. Name of each pesticide product used including the EPA registration number;
   5. Quantity of each pesticide product applied to each treatment area;
   6. Pesticide application date(s); and
   7. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

7.3 Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Small Entity –

Beginning January 12, 2012, any Decision-maker required to submit an NOI that is defined as a *small entity*, must retain the following records at the address provided on the NOI:

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

b. Documentation of equipment calibration (only if Decision-maker is also the Applicator);

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

   1. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any Waters of the United States, either by name or by location, to which pesticide(s) are discharged;
   2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
   3. Target pest(s) and explanation of need for pest control;
   4. Description of pest management measure(s) implemented prior to the first pesticide application;

5. Company name and contact information for pesticide applicator;
6. Name of each pesticide product used including the EPA registration number;
7. Quantity of each pesticide product applied to each treatment area;
8. Pesticide Application Start Date;
9. Pesticide Application End Date; and
10. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

A worksheet for documenting this information on each treatment area is provided in Appendix F, Pesticide Discharge Evaluation Worksheet.

7.4 Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Large Entity – Beginning January 12, 2012, any Decision-maker required to submit an NOI that is defined as a *large entity* must retain the following records at the address provided on the NOI:

a. Copy of the NOI submitted to EPA, any correspondence exchanged between the Decision-maker and EPA specific to coverage under this permit, and a copy of the EPA acknowledgment letter with the assigned permit tracking number;
b. A copy of the PDMP, including any modifications made to the PDMP during the term of this permit;
c. Copy of annual reports submitted to EPA;
d. Documentation of equipment calibration (only if Decision-maker is also the Applicator);
e. Information on each treatment area to which pesticides are discharged, including:
    1. Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any Waters of the United States, either by name or by location, to which pesticide(s) are discharged;
    2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
    3. Target pest(s) and explanation of need for pest control;
    4. Action Thresholds;
    5. Method and/or data used to determine that action threshold(s) has been met;
    6. Description of pest management measure(s) implemented prior to the first pesticide application;
    7. Company name and contact information for pesticide applicator;
    8. Name of each pesticide product used including the EPA registration number;
    9. Quantity of each pesticide product applied to each treatment area;
    10. Pesticide application date(s); and

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

7.5 Retention of Records for All Operators – All required records must be documented as soon as possible but no later than 14 days following completion of each pesticide application. Operators must retain any records required under this permit for at least 3 years after the Operator's coverage under this permit expires or is terminated. Operators must make available to EPA, including an authorized representative of EPA, all records kept under this permit upon request and provide copies of such records, upon request.

7.6 Annual Reporting for Any Decision-maker Required to Submit an NOI and Who is a Large Entity – Any Decision-maker required to submit an NOI and is defined as a *large entity* in Appendix A, must submit an annual report to EPA. Once a Decision-maker meets the obligation to submit an annual report, the Decision-maker must submit the annual report each calendar year thereafter for the duration of coverage under this general permit, whether or not the Decision-maker has discharges from the application of pesticides in any subsequent calendar year. Decision-makers must submit the annual report electronically through EPA's notice processing system (eNOI), available at www.epa.gov/npdes/pesticides, unless eNOI is otherwise unavailable or the Decision-maker meets the waiver requirements for submitting a paper annual report. Decision-makers waived from the requirement to use eNOI for annual report submission must certify on the paper annual report submitted to EPA the rationale for eligibility to use the waiver. The annual report must be submitted to EPA Headquarters (either through eNOI or if eNOI is otherwise unavailable or the Decision-maker meets the eNOI waiver requirement, to the EPA Headquarters address identified in Part 8.1) no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. Annual reporting requirements begin with those discharges occurring during calendar year 2012.

Any decision-maker required to submit an NOI based on an annual treatment area threshold must include information for the calendar year, with the first annual report required to include activities for the portion of the calendar year after the point at which the Decision-maker exceeded the annual treatment area threshold. If the Decision-maker first exceeds an annual treatment area threshold after December 1, an annual report is not required for that first partial year but an annual report is required thereafter, with the first annual report submitted also including information from the first partial year.

When Decision-makers terminate permit coverage, as specified in Part 1.2.5, an annual report must be submitted for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the next year.

The annual report must contain the following information:

a. Decision-maker's name and contact information;

b. NPDES permit tracking number(s);

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

d. For each treatment area, report the following information:

1. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any Waters of the United States, either by name or by location, to which pesticide(s) are discharged;
2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy) and target pest(s);
3. Company name(s) and contact information for pesticide applicator(s), if different from the Decision-maker;
4. Total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);
5. Whether this pest control activity was addressed in the PDMP prior to pesticide application;
6. If applicable, an annual report of any adverse incidents as a result of these treatment(s), for incidents, as described in Part 6.4.1; and
7. If applicable, description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

7.7 Annual Reporting for Any Decision-maker with Discharges to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, and Who is a *Small Entity*

– Any Decision-maker required to submit an NOI for discharges to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, and is a *small entity*, as defined in Appendix A, must submit an annual report to EPA. Once a Decision-maker meets the obligation to submit an annual report, the Decision-maker must submit the annual report each calendar year thereafter for the duration of coverage under this general permit, whether or not the Decision-maker has discharges from the application of pesticides in any subsequent calendar year. Decision-makers must submit the annual report electronically through EPA's notice processing system (eNOI), available at www.epa.gov/npdes/pesticides, unless eNOI is otherwise unavailable or the Decision-maker meets the waiver requirements for submitting a paper annual report. Decision-makers waived from the requirement to use eNOI for annual report submission must certify on the paper annual report submitted to EPA the rationale for eligibility to use the waiver. The annual report must be submitted to EPA Headquarters (either through eNOI or if eNOI is otherwise unavailable or the Decision-maker meets the eNOI waiver requirement, to the EPA Headquarters address identified in Part 8.1) no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. Annual reporting requirements begin with those discharges occurring during calendar year 2012.

When Decision-makers terminate permit coverage, as specified in Part 1.2.5, an annual report must be submitted for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the next year.

The annual report must contain the following information for any discharges to Waters of the United States containing NMFS Listed Resources of Concern:

a. Decision-maker's name and contact information;
b. NPDES permit tracking number(s);
c. Contact person name, title, e-mail address (if any), and phone number; and
d. For each treatment area, report the following information:
    1. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any Waters of the United States, either by name or by location, to which pesticide(s) are discharged;
    2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy) and target pest(s);
    3. Company name(s) and contact information for pesticide applicator(s), if different from the Decision-maker;
    4. Total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);
    5. The approximate date(s) of any discharge;
    6. If applicable, an annual report of any adverse incidents as a result of these treatment(s), for incidents, as described in Part 6.4.1; and
    7. If applicable, description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

8.0 EPA Contact Information and Mailing Addresses

Decision-makers must submit any Notice of Intent, Notice of Termination, and annual report, as appropriate, using EPA's electronic eNOI system (www.epa.gov/npdes/eNOI) unless eNOI is otherwise unavailable or EPA waives the electronic submission requirement for an Operator consistent with the requirements identified on the Notice of Intent form in Appendix D, the Notice of Termination form in Appendix E, or the annual report form in Appendix G. If eNOI is unavailable or the Decision-maker is otherwise waived from electronic submission, Operators must submit these notices to EPA Headquarters at the address specified in Part 8.1.

Within 30 days of becoming aware of an adverse incident, Operators must send all incident reports under Part 6.4 to the appropriate EPA Regional offices (see Part 8.2) for the jurisdiction within which the incident occurred and to the appropriate state or tribal lead agency for pesticide regulation in that jurisdiction (see http://npic.orst.edu/state1.htm).

All other written correspondence concerning discharges in any state, Indian Country land, or from any federal facility covered under this permit and directed to the EPA, including individual permit applications, must be sent to the address of the appropriate EPA Regional Office listed below in Part 8.2.

Note: If EPA notifies Operators (either directly, by public notice, or by making information available on the Internet) of other reporting options that become available at a later date (e.g., electronic submission), Operators may take advantage of those options, in accordance with the instructions provided by EPA, to satisfy the reporting requirements of this permit.

8.1 EPA Headquarters Addresses

Via United States Mail:

United States Environmental Protection Agency
Office of Water, Water Permits Division
Mail Code 4203M, ATTN: NPDES Pesticides
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Via overnight/express delivery:

United States Environmental Protection Agency
Office of Water, Water Permits Division
Room 7420, ATTN: NPDES Pesticides
1201 Constitution Avenue, NW
Washington, DC 20004
Phone: 202-564-9545

8.2 EPA Regional Addresses

Region 1: Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, and Maine

United States EPA Region 1
Office of Ecosystem Protection
5 Post Office Square, Suite 100
Mail code OEP 06-1
Boston, MA 02109-3912

Region 2: New Jersey, New York, Puerto Rico, and Virgin Islands

For Puerto Rico and the Virgin Islands:
United States EPA Region 2
Caribbean Environmental Protection Division
Environmental Management Branch
Centro Europa Building
1492 Ponce de Leon Avenue, Suite 417
San Juan, PR 00907-4127

For New Jersey and New York:
United States EPA Region 2
Division of Environmental Planning and Protection
290 Broadway
New York, NY 10007-1866

Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia

United States EPA Region 3
Water Protection Division (3WP40)
1650 Arch Street
Philadelphia, PA 19103

Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

United States EPA Region 4
Water Management Division
Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303

Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin

United States EPA Region 5
Water Division
NPDES Programs Branch
77 W. Jackson Boulevard
Mail Code WN16J
Chicago, IL 60604

Region 6: Arkansas, Louisiana, Oklahoma, Texas, and New Mexico (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)

United States EPA Region 6
NPDES Pesticides Permitting
P.O. Box 50625
Dallas, TX 75205

Region 7: Iowa, Kansas, Missouri, and Nebraska

United States EPA, Region 7
901 N. 5th Street
Kansas City, KS 66101

Region 8: Colorado, Montana, North Dakota, South Dakota, Wyoming, Utah (except see Region 9 for Goshute Reservation and Navajo Reservation lands), the Ute Mountain Reservation in New Mexico, and the Pine Ridge Reservation in Nebraska

United States EPA Region 8
8P-W-WW
1595 Wynkoop Street
Denver, CO 80202-1129

Region 9: Arizona; California; Hawaii; Nevada; Guam; American Samoa; the Commonwealth of the Northern Mariana Islands; the Goshute Reservation in Utah and Nevada; the Navajo Reservation in Utah, New Mexico, and Arizona; the Duck Valley Reservation in Idaho; and Fort McDermitt Reservation in Oregon

United States EPA Region 9
Water Management Division, WTR-5
75 Hawthorne Street
San Francisco, CA 94105

Region 10: Alaska, Idaho, Oregon (except see Region 9 for Fort McDermitt Reservation), and Washington

United States EPA Region 10
Office of Water and Watersheds OWW-130
1200 6th Avenue, Suite 900
Seattle, WA 98101

9.0 Permit Conditions Applicable to Specific States (including Territories) and Indian Country Lands

The provisions of this Part provide modifications or additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the state or tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific states, Indian country, and federal facilities. States, Indian country and federal facilities not included in this Part do not have any modifications or additions to the applicable conditions of this permit.

9.1 EPA Region 1

9.1.1 Commonwealth of Massachusetts, except Indian country

a. The Department concurs that applicants for coverage under the Pesticide General Permit should be authorized to discharge as long as the following conditions are met:

i. State conditions specific to Aquatic Weed and Algae Control section of the Pesticide General Permit:

(In accordance with Massachusetts General Law Chapter 111, Section 5E unless otherwise noted)

1. The Massachusetts Department of Environmental Protection must provide written approval of the Pesticide General Permit Notice of Intent prior to the applicant receiving coverage under the permit.
2. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Environmental Protection's approval of the chemical treatment as it relates to the provisions of the Wetlands Protection Act. *(Massachusetts General Law Chapter 131, Section 40).*
3. Chemical treatments must be performed by an applicator currently licensed by the Massachusetts Department of Agricultural Resources Pesticide Bureau *(Massachusetts General Law Chapter 132B, Section 10 and 333 Code of Massachusetts Regulations 10.00).*
4. Chemicals used for treatments must be currently approved for use in the state by the Massachusetts Department of Agricultural Resources Pesticide Bureau *(Massachusetts General Law Chapter 132B, Section 6 and 333 Code of Massachusetts Regulations 6.00).*
5. Since chemical treatments constitute the alteration of wetland resources, a Notice of Intent must be filed in accordance with the Wetlands Protection Act *(Massachusetts General Law Chapter* 131, *Section 40)* and Wetlands Protection Regulations *(310 Code of Massachusetts Regulations 10.00).* This condition does not apply when treatment is undertaken with algaecide containing copper approved by the Massachusetts Department of Environmental Protection and used by legally established water supply

agencies to control taste and odors. *(310 Code of Massachusetts Regulations 22.20B(8)).* This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities *(314 Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).

6. Applicants for coverage under this permit shall obtain a final Order of Conditions or Negative Determination of Applicability (Wetlands Protection Act) from the local Conservation Commission or a Massachusetts Department of Environmental Protection Emergency Order prior to treatment *(Massachusetts General Law Chapter 40, Section* 8C). Applicants are required to provide a copy of a valid Order of Conditions or Negative Determination of Applicability annually to the Department of Environmental Protection prior to application of chemicals authorized under this permit. This condition does not apply when treatment is undertaken with algaecide containing copper approved by the Massachusetts Department of Environmental Protection and used by legally established water supply agencies to control taste and odors. *(310 Code of Massachusetts Regulations 22.20B(8)).* This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities (314 *Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).
7. Shoreline areas of the lake or pond must be posted with signs warning the general public of any water use restrictions stated on the chemical label for a minimum of one week. This is especially important at bathing beaches and other areas of common access. The signs shall clearly state that the chemical treatment is being conducted pursuant to a permit issued by the US Environmental Protection Agency "EPA" and the Massachusetts Department of Environmental Protection "MassDEP". A new sign shall be posted for each treatment event. This condition does not apply when treatment is undertaken with algaecide containing copper approved by the Massachusetts Department of Environmental Protection and used by legally established water supply agencies to control taste and odors. This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities *(314 Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).
8. The Massachusetts Department of Environmental Protection may require the applicant for coverage under this permit to cease application of chemicals to a body of water at any time following the issuance of coverage under this permit if the Department determines that the chemical treatment will be ineffective, or will result in unreasonable restrictions on

current water uses, or will produce unnecessary adverse side effects on non-target flora or fauna.

9. Chemical application shall be applied in accordance with the manufacturer's label directions, existing pesticide use laws, and any conditions imposed by other local or state agencies.
10. Issuance of coverage under this permit does not release the applicant for coverage under this permit from liability resulting from the negligent or reckless application of chemicals.
11. Applicants must implement state conditions for the use of alum (appended). This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities *(314 Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).
12. Applicants must implement state conditions for electronic notification (appended). This condition does not apply when treatment is undertaken with algaecide containing copper approved by the Massachusetts Department of Environmental Protection and used by legally established water supply agencies to control taste and odors. This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities *(314 Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).
13. Applicants must implement state conditions for the use of products containing 2,4-D (appended). This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities *(314 Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).
14. Applicants must implement state conditions for any chemical or site specific situation as deemed necessary by the Massachusetts Department of Environmental Protection.
15. By December 31st each year the applicant for coverage under this permit shall submit, in electronic form, an annual Treatment Summary report to the Massachusetts Department of Environmental Protection certifying the treatment date, application rate, location and the total weight/volume for each chemical used in the treatment. This condition does not apply when treatment is undertaken with algaecide containing copper approved by the Massachusetts Department of Environmental Protection and used by legally established water supply agencies to control taste and odors. This condition does not apply to the introduction of pollutants from nonpoint

source agricultural and silvicultural activities *(314 Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).

16. The NOI shall indicate whether the proposed treatment is within a Zone II of a drinking water groundwater supply.
17. The NOI shall indicate whether the proposed treatment is to a surface public water supply.

ii. State conditions specific to Aquatic Nuisance Animal Control section of the Pesticide General Permit:

(In accordance with Massachusetts General Law Chapter 111, Section 5E unless otherwise noted)

1. The Massachusetts Department of Environmental Protection must provide written approval of the Pesticide General Permit Notice of Intent prior to the applicant receiving coverage under the permit.
2. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Environmental Protection's approval of the chemical treatment as it relates to the provisions of the Wetlands Protection Act. *(Massachusetts General Law Chapter* 131, *Section 40).*
3. Chemical treatments must be performed by an applicator currently licensed by the Massachusetts Department of Agricultural Resources Pesticide Bureau *(Massachusetts General Law Chapter 132B, Section 10 and 333 Code of Massachusetts Regulations 10.00).*
4. Chemicals used for treatments must be currently approved for use in the state by the Massachusetts Department of Agricultural Resources Pesticide Bureau *(Massachusetts General Law Chapter 132B, Section 6 and 333 Code of Massachusetts Regulations 6.00).*
5. Since chemical treatments constitute the alteration of wetland resources, a Notice of Intent must be filed in accordance with the Wetlands Protection Act *(Massachusetts General Law Chapter* 131, *Section 40)* and Wetlands Protection Regulations *(310 Code of Massachusetts Regulations 10.00).* This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities *(314 Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).
6. Applicants for coverage under this permit shall obtain a final Order of Conditions or Negative Determination of Applicability (Wetlands Protection Act) from the local Conservation Commission or a Massachusetts Department of Environmental Protection Emergency Order prior to treatment *(Massachusetts General Law Chapter 131, Section 40).* This condition does not apply to the introduction of pollutants from

nonpoint source agricultural and silvicultural activities *(314 Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).

7. Shoreline areas of the lake or pond must be posted with signs warning the general public of any water use restrictions stated on the chemical label for a minimum of one week. This is especially important at bathing beaches and other areas of common access. The signs shall clearly state that the chemical treatment is being conducted pursuant to a permit issued by the US Environmental Protection Agency "EPA" and the Massachusetts Department of Environmental Protection "MassDEP". A new sign shall be posted for each treatment event. This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities *(314 Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).
8. The Massachusetts Department of Environmental Protection may require the applicant for coverage under this permit to cease application of chemicals to a body of water at any time following the issuance of coverage under this permit if the Department determines that the chemical treatment will be ineffective, or will result in unreasonable restrictions on current water uses, or will produce unnecessary adverse side effects on non-target flora or fauna.
9. Chemical application shall be applied in accordance with the manufacturer’s label directions, existing pesticide use laws, and any conditions imposed by other local or state agencies.
10. Issuance of coverage under this permit does not release the applicant for coverage under this permit from liability resulting from the negligent or reckless application of chemicals.
11. Applicants must implement state conditions for any chemical or site specific situation as deemed necessary by the Massachusetts Department of Environmental Protection.
12. By December 31st each year the applicant for coverage under this permit shall submit, in electronic form, an annual Treatment Summary report to the Massachusetts Department of Environmental Protection certifying the treatment date, application rate, location and the total weight/volume for each chemical used in the treatment. This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities *(314 Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).

13. The NOI shall indicate whether the proposed treatment is within a Zone II of a drinking water groundwater supply.
14. The NOI shall indicate whether the proposed treatment is to a surface public water supply.
15. Applicants must implement state conditions for the use of products containing 2,4-D (appended). This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities *(314 Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).
16. Applicants must implement state conditions for electronic notification (appended). This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities *(314 Code of Massachusetts Regulations 3.05(5))* or normal maintenance or improvement of land in agricultural use as defined in 310 Code of Massachusetts Regulations 10.04 and 314 Code of Massachusetts Regulations 9.03(4).

iii. State conditions specific to Mosquito and Other Flying Pest Control section of the Pesticide General Permit:

(In accordance with Massachusetts General Law Chapter 252 *unless otherwise noted)*

1. The Massachusetts Department of Environmental Protection must provide written approval of the Pesticide General Permit Notice of Intent prior to the applicant receiving coverage under the permit.
2. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Environmental Protection's approval of the chemical treatment as it relates to the provisions of the Wetlands Protection Act *(Massachusetts General Law Chapter 131, Section 40).*
3. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Fisheries and Wildlife approval of the chemical treatment as it relates to the provisions of the Rare & Endangered Species Act *(321 Code of Massachusetts Regulations 10.04).*
4. Chemical treatments must be performed by an applicator currently licensed by the Massachusetts Department of Agricultural Resources Pesticide Bureau *(Massachusetts General Law Chapter 132B, Section 10 and 333 Code of Massachusetts Regulations 10.00)* and in accordance with any provisions or policies instituted by the State Reclamation and Mosquito Control Board *(Massachusetts General Law Chapter 252).*
5. Chemicals used for treatments must be currently approved for use in the state by the Massachusetts Department of Agricultural Resources Pesticide

Bureau *(Massachusetts General Law Chapter 132B, Section 6 and 333 Code of Massachusetts Regulations 6.00).*

6. Applicants for coverage under this permit must adhere to the public notification provisions of the Child Protection Act *(Chapter 85 of the Acts of 2000).*
7. The Massachusetts Department of Environmental Protection may require the applicant for coverage under this permit to cease application of chemicals to a body of water at any time following the issuance of coverage under this permit if the Department determines that the chemical treatment will be ineffective, or will result in unreasonable restrictions on current water uses, or will produce unnecessary adverse side effects on non-target flora or fauna.
8. Chemical application shall be applied in accordance with the manufacturer's label directions, existing pesticide use laws, and any conditions imposed by other local or state agencies.
9. Issuance of coverage under this permit does not release the applicant for coverage under this permit from liability resulting from the negligent or reckless application of chemicals.
10. Applicants must implement state conditions for any chemical or site specific situation as deemed necessary by the Massachusetts Department of Environmental Protection.
11. Applicants must comply with state law and regulations regarding spills and leaks associated with the application of pesticides covered under this permit. *(Massachusetts General Law Chapter 132B, 333 Code of Massachusetts Regulations 10.00 and Massachusetts General Law Chapter 21E, Section 7).*

iv. State conditions specific to Forest Canopy Pest Control section of the Pesticide General Permit:

(In accordance with Massachusetts General Law Chapter 252 & 132B and 333 Code of Massachusetts Regulations 13.00 unless otherwise noted)

1. The Massachusetts Department of Environmental Protection must provide written approval of the Pesticide General Permit Notice of Intent prior to the applicant receiving coverage under the permit.
2. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Environmental Protection's approval of the chemical treatment as it relates to the provisions of the Wetlands Protection Act. *(Massachusetts General Law Chapter 131, Section 40).*
3. Chemical treatments must be performed by an applicator currently licensed by the Massachusetts Department of Agricultural Resources Pesticide Bureau *(Massachusetts General Law Chapter 132B, Section 10 and 333 Code of Massachusetts Regulations 10.00).*

4. Chemicals used for treatments must be currently approved for use in the state by the Massachusetts Department Agricultural Resources Pesticide Bureau *(Massachusetts General Law Chapter 132B, Section 6 and 333 Code of Massachusetts Regulations 6.00).*
5. The Massachusetts Department of Environmental Protection may require the applicant for coverage under this permit to cease application of chemicals to a body of water at any time following the issuance of coverage under this permit if the Department determines that the chemical treatment will be ineffective, or will result in unreasonable restrictions on current water uses, or will produce unnecessary adverse side effects on non-target flora or fauna.
6. Chemical application shall be applied in accordance with the manufacturer's label directions, existing pesticide use laws, and any conditions imposed by other local or state agencies.
7. Issuance of coverage under this permit does not release the applicant for coverage under this permit from liability resulting from the negligent or reckless application of chemicals.
8. Applicants must implement state conditions for any chemical or site specific situation as deemed necessary by the Massachusetts Department of Environmental Protection.

v. APPENDIX - STATE POLICIES:

1. <u>Alum/aluminum sulfate treatment conditions:</u>

   a.) In all cases the chemicals added may not cause or contribute to any fish kill or other negative aquatic impact.

   b.) pH and alkalinity: The pH of the pond or lake water must be maintained within a pH range of 6.0 - 7.5 to minimize potential aluminum solubility and toxicity. If the pond has an ambient pH outside this range the applicant should adjust the treatment as needed to attain the pH range, and if the final pH after treatment is still not within the range then water samples from treated and untreated areas should be sampled and analyzed for total aluminum and dissolved aluminum with detection limits of 10 ppb or less.

   c.) Reporting: Any observations of dead, dying or stressed fish (e.g. fish swimming at the surface) or wildlife deemed to be caused by the approved treatment shall be reported as quickly as possible to the MA Department of Environmental Protection and the Massachusetts Division of Fisheries & Wildlife. Any pH reading outside the target range of 6.0 - 7.5 should be further investigated and reported to the MA Department of Environmental Protection. All required water quality monitoring data, fish and wildlife observations and a narrative description of the treatment, including any on-site modifications to the application plan to maintain pH within the desired range shall be

included in the report to the MA Department of Environmental Protection certifying the treatment specifics.

2. Electronic Notification: Electronic notification of treatment must be made to the Massachusetts Division of Fisheries & Wildlife (Richard.Hartley@state.ma.us and Colleen.Hubbard@state.ma.us) and the Massachusetts Department of Environmental Protection (Robert.Kubit@state.ma.us). Notification that treatment was performed or postponed shall be made within 24 hours of treatment. The notification message should include waterbody, town, state tracking number and chemicals used.
3. Use of Products Containing 2,4-D: Prior to each use of any product containing 2,4-D, applicants must request and receive written approval from the Massachusetts Department of Environmental Protection. Each request will be reviewed for potential impact to drinking water wells and site specific conditions may be required. At a minimum, the applicant must provide notice to all lake abutters prior to treatment with 2,4-D. A copy of the notice sent to abutters, date sent and list of those it was sent to must be included in the annual Treatment Summary report.

9.1.2 Indian Country lands within the State of Massachusetts

a. No additional requirements

9.1.3 Indian Country lands within the State of Connecticut

a. No additional requirements

9.1.4 State of New Hampshire

a. No additional requirements

9.1.5 Indian Country lands within the State of Rhode Island

a. No additional requirements

9.1.6 Federal Facilities in the State of Vermont

a. No additional requirements

9.2 EPA Region 2

9.2.1 Indian Country lands within the State of New York

a. No additional requirements

9.2.2 The Commonwealth of Puerto Rico

a. No additional requirements

9.3 EPA Region 3

9.3.1 The District of Columbia

a. Additional requirements:

i. Compliance with District of Columbia Laws and Regulations. Discharges covered by the PGP must comply with the District of Columbia Water

Pollution Control Act of 1984, as amended, (D.C. Official Code § 8-103.01 *et seq*.) and its implementing regulations in Title 21, Chapters 11 and 19 of the District of Columbia Municipal Regulations. Nothing is this permit will be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to District of Columbia laws and regulations.

ii. Submission of Notice of Intent and Notice of Termination. Copies of Notice of Intent and Notice of Termination shall be submitted to the District Department of the Environment (Department) at the same time they are submitted to EPA.

iii. Submission of Pesticide Discharge Management Plan (PDMP). The Pesticide Discharge Management Plan (PDMP) shall be submitted to the Department for review and approval prior to submitting NOI to EPA to ensure compliance with the District of Columbia laws and regulations.

iv. Pesticide Discharge Management Plan (PDMP) Modification. Any update or amendment of the PDMP shall be submitted to the Department within (7) days of its finalization.

v. Submission of Corrective Action Plans. Copies of Corrective Action plans, reports, and documentations shall be submitted to the Department.

vi. Authorization to Inspect. The permittee shall allow the Department to inspect any facilities, equipment, practices, or operations regulated or required under this permit and to access records maintained under the conditions of this permit.

vii. Submission of Reports. Signed copies of all analytical data and reports required under this permit shall be submitted to the Department at the same time they are submitted to EPA.

viii. Additional Information. If requested by the Department, the permittee is required to provide additional information necessary for a case-by-case eligibility determination to assure compliance with District of Columbia laws and regulations.

ix. Where to Submit Information. All required or requested documents shall be sent to the:

District Department of the Environment
Attention: Associate Director, Water Quality Division
1200 First Street, N.E., 5th Floor
Washington, DC 20002

9.3.2 Federal Facilities in the State of Delaware

a. No additional requirements

9.4 EPA Region 4

9.4.1 Indian Country lands within the State of Alabama

a. No additional requirements

9.4.2 Indian Country lands within the State of Florida

a. No additional requirements

9.4.3 Indian Country lands within the State of Mississippi

a. No additional requirements

9.4.4. Indian Country lands within the State of North Carolina

a. No additional requirements

9.5 EPA Region 5

9.5.1 Indian Country lands with the State of Michigan

a. No additional requirements

9.5.2 Indian Country lands within the State of Minnesota

a. Sokaogon Chippewa Community

i. Applications of pesticides within the Sokaogon Chippewa Community are not eligible for discharge coverage under this permit. Contact EPA Region 5 office for an individual permit application.

9.5.3 Indian Country lands within the State of Wisconsin

a. Bad River Band of Lake Superior Tribe of Chippewa Indians

i. Only those activities specifically authorized by the PGP are authorized by this Certification. This Certification does not authorized impact to cultural properties, or historical sites, or properties that may be eligible as such.

ii. An operator meeting the eligibility requirements listed in the PGP and planning to discharge any amount of pesticide within the exterior boundaries of the Bad River Reservation under the PGP must notify the Tribe prior to the discharge. This notification is required for all discharges under the PGP within the Bad River Reservation boundaries regardless if the operator is required to submit a Notice of Intent to the U.S. EPA. The operator shall provide information consistent with the NOI form applicable to the PFP, which can be obtained from the EPA's webpage: http://cfpub.epa.gov/npdes. Notification shall be sent to the following address:

Bad River Tribe's Natural Resources Department
P.O. Box 39
Odanah, WI 54861

iii. An operator meeting the eligibility requirements listed in the PGP and required to submit a Notice of Intent (NOI) to obtain coverage under the PGP must submit a copy of the NOI to the Tribe at the same time it is submitted to the U.S. EPA. The operator must also submit a copy of the Notice of termination to the Tribe at the same time it is submitted to the U.S. EPA. Copies shall be sent to the following address:

Bad River Tribe's Natural Resources Department
P.O. Box 39
Odanah, WI 54861

iv. An operator meeting the eligibility requirements listed in the PGP and planning to discharge any amount of pesticide within the exterior of the Bad

River Reservation under the PGP must prepare a Pesticide Discharge Management Plan. The operator must submit a copy of the PDMP to the following addresses prior to the discharge:

Bad River Tribe's Natural Resources Department
P.O. Box 39
Odanah, WI 54861

Bad River tribal Historic Preservation Office
P.O. Box 39
Odanah, WI 54861

v. Discharges to wild rice waters will not be permitted 14 days prior to the anticipated opening of the Tribe's wild rice harvest season. Discharges will continue to be prohibited until the closing of the Tribe's wild rice harvest season. Question regarding the opening and closing of the wild rice harvest season can be directed to the Tribe's Natural Resources Department at (715) 682-7123.

vi. The Tribe's CWA 401 Certification for the PGP will be reviewed and revised upon federal approval of the Tribe's water quality standards to ensure the activity authorized by the PGP will not violate tribal water quality standards.

b. Lac du Flambeau Band of Lake Superior Chippewa Indians

i. Applications of pesticides within the Lac du Flambeau Reservation are not eligible for discharge coverage under this permit. Contact EPA Region 5 office for an individual permit application.

c. Fond du Lac Reservation

i. Applications of pesticides within the Fond du Lac Reservation are not eligible for discharge coverage under this permit. Contact EPA Region 5 office for an individual permit application.

d. Grand Portage Band of Lake Superior Chippewa

i. Only those activities specifically authorized by the General Permit are authorized by this Certification. This Certification does not authorize impacts to cultural properties, or historical sites, or properties that may be eligible for listing as such.

ii. All pesticide application discharges authorized by the General Permit must comply with the Grand Portage Water Quality Standards, the Water Resources Ordinance, and Applicable Federal Standards (as defined in the Water Resources Ordinance). As such, appropriate steps must be taken to ensure that biological and chemical pollutants associated with pesticide applications are prevented from entering Waters of the Reservation. All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of Waters of the Reservation, including groundwater.

iii. A copy of the Pesticide Discharge Management Plan (the "Plan") required by the General Permit must be submitted to the Board at least 30 days in advance of sending the requisite Notice of Intent to EPA. The Board may require

monitoring of pesticide application discharges as determined on a case-by-case basis. If the Board determines that a monitoring plan is necessary, the monitoring plan must be prepared and incorporated into the Plan before the Notice of Intent is submitted to the EPA. The Plan should be sent to:

Grand Portage Environmental Resources Board
P.O. Box 428
Grand Portage, MN 55605

iv. Copies of the Notice of Intent and Notice of Termination required under the General Permit must be submitted to the Board at the address above at the same time they are submitted to the EPA.

v. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Grand Portage Water Quality Standards and any Applicable Federal Standards.

vi. Discharges that the Board has determined to be or that may reasonably be expected to be contributing to a violation of Grand Portage Water Quality Standards or Applicable Federal Standards are not authorized by this certification.

vii. The Board retains full authority provided by the Water Resources Ordinance to ensure compliance with and to enforce the provisions of the Water Resource Ordinance, the Grand Portage Water Quality Standards, Applicable Federal Standards, and these certification conditions.

viii. Appeals related to Board actions taken in accordance with any of the preceding conditions may be heard by the Grand Portage Tribal Court.

ix. As provided by the Water Resources Ordinance, any interested party may request that a public hearing be scheduled regarding the Board's decision to grant conditional certification of the 2011 General Permit. Such a request must be directed to the following address within 30 days of this notice:

Grand Portage Environmental Resources Board
P.O. Box 428
Grand Portage, MN 55605

9.6 EPA Region 6

9.6.1 Indian Country lands within the State of Louisiana

a. No additional requirements

9.6.2 The State of New Mexico except Indian Country Lands

a. No additional requirements

9.6.3 Indian Country lands within the State of New Mexico, except Navajo Reservation Lands (See Region 9) and Ute Mountain Reservation Lands (See Region 8)

a. Ohkay Owingeh

i. Ohkay Owingeh Office of Environmental Affairs must be provided with a copy of the Notice of Intent (NOI), and Notice of Termination (NOT) at the same time it is submitted to the U.S. EPA.

Ohkay Owingeh Office of Environmental Affairs
P.O. Box 717
Ohkay Owingeh, NM 87566
505-852-4212 Tel
505-852-1432 Fax

ii. A copy of the proposed action (project plan) must be provided to the tribe upon their request.

b. Pueblo of Isleta

i. Copies of all Notifications, associated analytical data, and written reports for actions covered under this permit occurring on Pueblo of Isleta lands or within five river miles of the northern exterior boundary of Pueblo of Isleta lands shall be provided to the Pueblo of Isleta Governor's Office and the Pueblo of Isleta Department of Natural Resources at same time they are provided to the U.S. Environmental Protection Agency. Any correspondence between applicant and EPA related to corrective action, enforcement, monitoring, or adverse incident written reports should likewise be routed to the Pueblo of Isleta Governor's Office and Pueblo of Isleta Natural Resources Department. All requested materials shall be sent to: Honorable Frank E. Lujan, Governor, Pueblo of Isleta, P.O. Box 1270, Isleta, NM 87022 and Pueblo of Isleta Department of Natural Resources, same address.

c. Pueblo of Sandia

i. Copies of all Notices of Intent (NOI) submitted to the EPA must also be sent concurrently to the Pueblo of Sandia at the following address. Discharges are not authorized by this permit unless an accurate and complete NOI has been submitted to the Pueblo of Sandia

Regular U.S. Delivery Mail:
Pueblo of Sandia Environment Department
Attention: Water Quality Manager
481 Sandia Loop
Bernalillo, NM 87004

ii. The Pesticide Discharge Management Plan (PDMP) must be available to the Pueblo of Sandia Environment wither electronically or hard copy upon request for review. The PDMP must be made available at least ten (10) days before pesticide application begins. The ten (10) day period will give tribal staff time to become familiar with the project site, prepare for pesticide inspections, and determine compliance with the Pueblo of Sandia Water Quality Standards. Failure to provide a PDMP to the Pueblo of Sandia may result in denial of the pesticide application or pesticide application delay.

iii. An "Authorization to Proceed Letter" with site specific mitigation requirements will be sent out to the permittee when a review of the OI and SWPPP is completed by the Pueblo of Sandia Environment Department. This

approval will allow the construction to proceed if all applicable requirements are met.

iv. Before submitting a Notice of Termination (NOT) to the EPA, permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through a site visit or documentation that requirements from Section 1.2.5.2 have been met. A short letter stating the NOT is acceptable and all requirements have been met will be sent to the permittee to add to the permittee's NOT submission to EPA.

v. Copies of all NOT submitted to the EPA must also be sent concurrently to the Pueblo of Sandia at the following address.

Regular U.S. Delivery Mail:
Pueblo of Sandia Environment Department
Attention: Water Quality Manager
481 Sandia Loop
Bernalillo, NM 87004

d. Taos Pueblo

i. Copies of all Notifications, associated analytical data, and written reports for actions covered under this permit occurring on Taos Pueblo lands shall be provided to the Taos Pueblo Governor's Office as well as the Taos Pueblo Environmental Office at the same time they are provided to the U.S. EPA.

ii. Any correspondence between applicant and EPA related to corrective action, enforcement, monitoring, or adverse incident written reports should likewise be routed to Taos Pueblo

iii. All requested material shall be sent to:

Taos Pueblo Governor's Office
P.O. Box 1846
Taos, NM 87571

Taos Pueblo Environmental Office
P.O. Box 1846
Taos, NM 87571

9.6.4 The State of Oklahoma, except Indian Country lands

a. In accordance with Oklahoma's Water Quality Standards (OAC 785:45-5-25, OAC 785:46-13-4, and OAC 785:46-13-5), certification of the PGP is denied for specified discharges to the following areas:

i. New discharges to any waterbody designated Scenic River or Outstanding Resource Waters (ORW) in Oklahoma's Water Quality Standards and all waters of the state located within their watersheds. Existing discharges as of June 11, 1989 are allowed provided there is no increased load of any pollutant discharged. Permittees that are existing dischargers must document their eligibility as an existing discharger and how they will comply with the no increased loading restriction. Prior to seeking coverage under the permit, this documentation must be submitted to the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) for a determination that the

discharge is eligible for coverage. This documentation and the ODAFF determination shall be maintained with the other records required to be kept by Part 7.0 of the permit and the Oklahoma Combined Pesticide Law, 2 O.S. § 3-83 and shall be available upon request to State and Federal inspectors. If the PGP requires the discharger to submit a Notice of Intent (NOI), a copy of the ODAFF determination shall be submitted with the NOI.

ii. New discharges to any waterbody or watershed designated High Quality Water (HQW) or Sensitive Public and Private Water Supply (SWS) in Oklahoma's Water Quality Standards. Provided, new discharges to Tier 2 Areas are allowed in those circumstances where the discharger demonstrated that the discharge will result in the maintaining or improving water quality. Permittees must document their eligibility and demonstrate how their new discharge will maintain or improve water quality. Prior to seeking coverage under the permit, this documentation must be submitted to the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) for a determination that the discharge is eligible for coverage. This documentation and the ODAFF determination shall be maintained with the other records required to be kept by Part 7.0 of the permit and the Oklahoma Combined Pesticide Law, 2 O.S. § 3-83 and shall be available upon request to State and Federal inspectors. If the PGP requires the discharger to submit a Notice of Intent (NOI), a copy of the ODAFF determination shall be submitted with the NOI. Existing discharges in Tier 2 Areas as of June 11, 1989 are allowed. Permittees that are existing dischargers must document their eligibility as an existing discharger. Prior to seeking coverage under the permit, this documentation must be submitted to the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) for a determination that the discharge is eligible for coverage. This documentation and the ODAFF determination shall be maintained with the other records required to be kept by Part 7.0 of the permit and the Oklahoma Combined Pesticide Law, 2 O.S. § 3-83 and shall be available upon request to State and Federal inspectors. If the PGP requires the discharger to submit a Notice of Intent (NOI), a copy of the ODAFF determination shall be submitted with the NOI.

iii. New discharges or increased pollutant loading from existing discharges as of June 11, 2989 to any waterbody located within the boundaries of an area listed in Table 1 of Appendix B in Oklahoma's Water Quality Standards are allowed only under such conditions that ensure that the recreational and ecological significance of these waters will be maintained. Permittees must document their eligibility. Permittees that are new dischargers or existing dischargers proposing an increased pollutant loading must demonstrate how their new discharge or increased pollutant loading will ensure that the recreational and ecological significance of these waters will be maintained. Permittees that are existing dischargers must document their eligibility as an existing discharger. Prior to seeking coverage under the permit, this documentation must be submitted to the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) for a determination that the discharge is eligible for coverage. This documentation and the ODAFF determination shall be maintained with the

other records required to be kept by Part 7.0 of the permit and the Oklahoma Combined Pesticide Law, 2 O.S. § 3-83 and shall be available upon request to State and Federal inspectors. If the PGP requires the discharger to submit a Notice of Intent (NOI), a copy of the ODAFF determination shall be submitted with the NOI.

iv. This certification applies only to pesticide application activities required to be permitted by the PGP. Terrestrial applications of pesticides, even within Tier 2 or Tier 3 Areas (watersheds), are not affected by this permit or certification.

9.6.5 Indian Country lands within the State of Oklahoma

a. No additional restrictions

9.6.6 Discharges in the State of Texas that are not under the authority of the Texas Commission on Environmental (formerly TNRCC), including activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline, except Indian Country lands

a. No additional restrictions

9.6.7 Indian Country lands within the State of Texas

a. No additional restrictions

9.7 EPA Region 7

9.7.1 Indian Country lands within the State of Iowa

a. No additional restrictions

9.7.2 Indian Country lands within the State of Kansas

a. No additional restrictions

9.7.3 Indian Country lands within the State of Nebraska, except Pine Ridge Reservation lands

(See Region 8)

a. No additional restrictions

9.8 EPA Region 8

9.8.1 Federal Facilities in the State of Colorado, except those located on Indian Country Lands

a. No additional restrictions

9.8.2. Indian Country lands within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico

a. Ute Mountain Ute Tribe

i. Operators seeking to apply pesticides that could result in discharges to Tier 3 waters of the Tribe must apply for individual NPDES permit from the EPA.

9.8.3. Indian Country lands within the State of Montana

a. The Confederated Salish and Kootenai Tribes

i. Operators must follow conditions found in the Integrated Noxious Weed Management Plan and Amendments (Plan, CSKT 1993 b), the 2000 Forest

Management Plan, and recent NEPA documents for conducting herbicide applications. The conditions listed below must be included in the contract specific provisions or by a standard design practice.

1. Pesticides would be used to the water's edge only when the product's label allows such use
2. When runoff potential is high, applicator would stay at least 10 feet from the edge of a natural break (ridge top) that leads into wetland or riparian areas.
3. Applications within 50 feet of sensitive surface water would occur when wind speed is >10mph.
4. Drift reducing additives would be used when working within 50 feet of open-water and wetland/riparian areas.
5. Pesticide mixing and loading would take place at least 500 feet from sensitive surface and ground-water areas unless spill containment devices (absorbant mats) are used and an anti back-siphoning device is used when drafting water.
6. Work would confirm to the CSKT Best Management Practices (CSKT 2000, from the Forest Management Plan).
7. Only pesticides labeled for aquatic use would be applied near water bodies.
8. Tordon would not be applied in riparian zones.
9. All spray equipment would be calibrated in advance to help avoid contamination of surface and ground water sources.

ii. The Operator must submit to the Tribal NRD a copy of the completed contract 30 days prior to the application start date.

9.8.4 Indian Country lands within the State of North Dakota

a. No additional restrictions

9.8.5 Indian Country lands within the State of South Dakota, as well as the portion of the pine Ridge Reservation located in Nebraska (see Region 7**)**

a. No additional restrictions

9.8.6 Indian Country lands within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)

a. No additional restrictions

9.8.7 Indian Country lands within the State of Wyoming

a. No additional restrictions

9.9 EPA Region 9

9.9.1 The Island of American Samoa

a. Operator must meet the American Samoa Water Quality Standards

9.9.2 Indian Country lands within the State of Arizona, as well as Navajo reservation lands in New Mexico (See Region 6) and Utah (See Region 8)

a. Hopi Tribe
   i. No additional restrictions.
b. Hualapai Reservation
   i. Applications of pesticides within the Hualapai Reservation are not eligible for discharge coverage under this permit. Contact EPA Region 9 office for an individual permit application.
c. Navajo Nation
   i. Operators must submit copies of the Notice of Intent (NOI) to the Navajo Nation Environmental Protection Agency for applications located on Navajo lands.

      Navajo Nation Environmental Protection Agency
      Surface & Ground Water Protection Department
      P.O. Box 339
      Window Rock, AZ 86515

   ii. Applications located on Navajo lands and covered under the PGP will be subject to compliance inspections by Navajo EPA staff with active Federal Inspector Credentials under the authority of the Clean Water Act.
d. White Mountain Apache Tribe
   i. Any pesticide application to be made under the PGP must also be made in accordance with a Trial Pesticides Use Permit, to be filed with the White Mountain Apache Tribe Hydrology & Water Resources Program in accordance with 33 USC 1341 (d).

9.9.3 Indian Country lands within the State of California

a. Big Pine Paiute Tribe of the Owens Valley
   i. No additional restrictions
b. Bishop Paiute Tribe
   i. Pursuant to the *Bishop Paiute Tribe's Water Quality Control Plan, Updated August 2008*, "Pesticide concentration, individually, or collectively, shall not exceed the lowest detectable level, using the most recent detection procedures available. There shall not be an increase in pesticide concentrations found in bottom sediments. There shall be no detectable increase in bioaccumulation of pesticides in aquatic life."
   ii. Tribe must be notified of any adverse incidents and provided copies of adverse incident reports and corrective action documentation.
   iii. Copies of Notice of Intents for proposed PGP discharges affecting Bishop Paiute Tribe water shall be submitted to the Environmental Management Office for review and comment b the TEPA Board.
   iv. Copies of Pesticide Discharge Management Plan shall be provided to the Environmental Management Office for review and comment by the TEPA Board.

v. Copies of Notice of Termination for proposed PGP discharges affecting Bishop Paiute Tribe waters shall be submitted to the Environmental Management Office for review by the TEPA Board.

vi. Any substantive changes in the National Pollutant Discharge Elimination System permit that may affect water quality shall require immediate notification of the Environmental Management Office.

vii. Environmental Management Office shall be informed of when activities covered under the PGP will occur and allowed to observe the pesticide application activities affecting Bishop Paiute Tribe waters.

9.9.4 The Island of Guam

a. Operator must comply with the following conditions

i. Certification is not provided for applications using aircraft pesticide spraying (22-GAR-Division 3 Section 15702 (c) over the Northern Aquifer to prevent or minimize ground water contamination to Guam's Sole Source Aquifer with its existing beneficial use as drinking water. Application of pesticides from aircraft to waters that are subject to NPDES permitting requirements would require authorization through NPDES permitting method other than the PGP. The ground water drinking source shall be protected in accordance with the Guam Water Quality Standards 2001 Revision 22 GAR 2 Section 5102 (b) (1) (2) for Category G-1 Zone Resource Zone and 2) Category G-2 Recharge Zone and Guam Water Resources and Operating Regulations (22 GAR 2 Section 7130 on Well head Protection Program).

ii. Person(s) who apply general use pesticides as a primary part of their or duties shall be required to meet specific training requirements, as set forth in the regulations. Anyone who applies pesticides on Guam as part of their work (i.e., who responsibly expect to be paid for their service) must complete a Core training, pass the exam and obtain IF from the Guam Environmental Protection Agency, regardless is the pesticide is an over-the-counter Pesticide or a Restricted Use Pesticide (PL-30-197-Pesticide Act- (d)) and obtain certification from Guam Environmental Protection Agency for every person who applies restricted pesticides (PL-29-26- Pesticide Act 50107).

iii. Discharges of any pesticide applied to a surface water drinking source such as Fena Reservoir, Ugum and its tributaries up-stream from the surface drinking waters are ineligible for coverage under the PGP and would require coverage under an alternative NPDES permit from USEPA. Such discharges shall adhere to the Safe Drinking Water Act and Safe Drinking Water Regulations (10 GCA, Div. 2, chapter 53 Safe Drinking Water Act).

iv. The Pesticide General Permit (PGP) shall adhere to limitations listed (Guam Water Quality Standards 2001 Revisions, Appendix A Priority Toxic Pollutants, II Aquatic Life Criteria Toxic Pollutants and III Numerical Criteria for Priority Toxic Pollutants) or federal toxic pollutants thresholds concentration.

v. The Pesticide General Permit must set appropriate measures and conditions to protect Guam's threatened and Endangered Species and Outstanding Resource Waters of exceptional recreational or ecological significance as determined by

the Guam EPA Administrator (Guam Water Quality Standards 2001 Revisions, Section 5102 Categories of Waters, D. Outstanding Resource Waters). Visual surveys and consultation with Division of Aquatic and Wildlife Resources on locally threaten and Endangered Species shall be required.

vi. Alternate values shall apply in Guam for the limitation on coverage listed in Part 1.2.2 Table 9-1 of the PGP, "Annual Treatment Area Thresholds" as follows:

Table 9-1. Annual Treatment Area Thresholds

PGP Part	Pesticide Use	Annual threshold
2.2.1	Mosquitoes and Other Flying Insect Pests	5 acres of treatment area
2.2.2	Aquatic Weed and Algae	
	• In Water	2 acres of treatment area
	• At Water's Edge	1 linear mile of treatment area at water's edge
2.2.3	Aquatic Nuisance Animal Control	
	• In Water	5 acres of treatment area
	• At Water's Edge	1 linear mile of treatment area at water's edge
2.2.4	Forest Canopy Pest Control	2 acres of treatment

9.9.5 Commonwealth of the Northern Mariana Islands

a. No additional restrictions

9.9.6 Indian Country lands within the State of Nevada, as well as the Duck Valley reservation in Idaho, the Fort McDermitt Reservation in Oregon (See Region 10) and the Goshute Reservation in Utah (See Region 8)

a. Pyramid Lake Paiute Tribe

i. No additional restrictions

9.10 EPA Region 10

9.10.1 The State of Alaska, except Indian Country lands

a. Additional restrictions:

i. The Alaska Water Quality Standards in 18 AAC 70.020 define residues in fresh and marine waters as "floating solids, debris, sludge, deposits, foam, scum, or other residues."

ii. The annual treatment thresholds requiring submission of a Notice of Intent (NOI) should be modified for Alaska (Table 9-2) as follows:

iii. Provide a copy of the Notice of Intent (NOI) for those authorizations required in Alaska to Alaska Department of Environmental Conservation at the following address:

Alaska Department of Environmental Conservation
Wastewater Discharge Authorization Program
Pesticide NOI

555 Cordova Street
Anchorage, AK 99501

Or via email with pdf to: dec-wqreporting@alaska.gov

Table 9-2. Annual Treatment Area Thresholds for Alaska

PGP Part	Pesticide Use	Annual threshold
2.2.1	Mosquitoes and Other Flying Insect Pests	6400 acres of treatment area
2.2.2	Aquatic Weed and Algae	
	• In Water	80 acres of treatment area
	• At Water's Edge	20 linear mile of treatment area at water's edge
2.2.3	Aquatic Nuisance Animal Control	
	• In Water	80 acres of treatment area
	• At Water's Edge	20 linear mile of treatment area at water's edge
2.2.4	Forest Canopy Pest Control	6400 acres of treatment

9.10.2 Indian Country lands within the State of Alaska

a. No additional conditions.

9.10.3 The State of Idaho, except Indian Country lands

a. Conditions Applicable to All Pesticide Use Patterns:

i. In the event of an unauthorized release of hazardous materials to waters of the U.S. that requires reporting in accordance with Part 6.5.1 of the Draft PGP, then the Operator shall: 1) stop the spill; 2) contain the spilled material; 3) call 911; and 4) collect , remove, and properly dispose of the material (IDAPA 58.01.02.850). Some pesticides may be considered hazardous materials, and it is the Operator's responsibility to know whether the chemical pesticide(s) being used are considered a hazardous material.

b. Conditions Applicable to Applications of Aquatic, Chemical Pesticides for Purposes of Controlling Pests in Navigable Waters of the U.S.:

i. If application is directly into navigable waters subject to the jurisdiction of the CWA (waters of the U.S.) that contain public drinking water systems (PDWS) surface water intake(s) the Operator must notify (See Condition # 6) the appropriate DEQ Regional Office Administrator as well as the PDWS operator(s)/owner(s) at least seven (7) days prior to the application if:

- the pesticide contains at least one of the following chemicals: endothall, diquat, 2,4-D, or glyphosate; and
- the targeted pest control area is within 600 feet of the intake or within the distance restrictions (associated with domestic use) specified on the label, whichever distance is greater. The targeted pest control area is that area within the waters of the U.S. where

the aquatic, chemical pesticide is expected to perform its intended purpose.

This notification requirement also applies to applications into jurisdictional tributaries of waters of the U.S. with PDWS intake(s) if the application falls within the distance specified above. Waters of the U.S. with PDWS intake(s) are listed in Table 9-3. Contact information for the DEQ Regional Office Administrators can be obtained at: http://www.deq.idaho.gov/about/office_locations.cfm.

Table 9-3a. Idaho water bodies with public water supply intakes

County	Stream Name	Segment boundaries
Ada	Boise River	Diversion Dam to Eagle Island
Benewah	Adams Creek	Headwaters to St. Maries River
	Rochat Creek	Headwaters to St. Joe River
Boise	Bogus Creek	Headwaters to Shafer Creek
	Elk Creek	Ross Fork to Mores Creek
	Mores Creek	Grimes Creek to Lucky Peak Reservoir
	Payette River	Confluence of NF and SF Payette River to Black canyon Reservoir
	Payette River MF	Big Bulldog Creek to SF Payette River
	Warm Springs Creek	Headwaters to MF Payette River
Bonner	Berry Creek	Headwaters to Colburn Creek
	Little Sand Creek	Headwaters to Sand Creek
	Pend Oreille Lake	Clark Fork River inflow to Rocky Point (eastern and northern portions of the lake)
	Pend Oreille River	Pend Orille Lake to Albeni falls Dam
	Sand Creek	Headwaters to Pend Oreille Lake
	Strong Creek	Headwaters to Pend Oreille Lake
Boundary	Brown Creek	Headwaters to Twentymile Creek
	Kootenai River	Moyie River to Deep Creek
	Meadow Creek	Headwaters Moyie river
	Myrtle Creek	Jim Creek to Kootenai river
	Skin Creek	Headwaters to Moyie River
	Twenty Mile Creek	Headwaters to Brown Creek
Clearwater	Canal Gulch Creek	Headwaters to Orofino Creek
	Clearwater River	Lolo Creek to NF Clearwater River
Clearwater	Dworshak Reservoir	Three Meadow Group Campground to Freeman Creek (western portion of lake)
	Dworshak reservoir	Big Eddy Recreation Site to dam
	Elk Creek	Headwaters to Elk Creek Reservoir
	Orofino Creek	Headwaters to Clearwater River

County	Stream Name	Segment boundaries
Custer	Garden Creek	Headwaters to Salmon River
Elmore	Montezuma Creek EF	Headwaters to MF Boise river
	Snake River	Clover Creek to Browns Creek
Idaho	Elk Creek	Confluence of Big Elk and Little Elk Creeks to American River
	Clearwater River	Confluence of SF and MF Clearwater River to Lolo Creek
	Wall Creek	Headwaters to Sally Ann Creek
Kootenai	Coeur d' Alene Lake	Carlin Bay to Gond Bay (eastern side of lake) Rock Point to Stevens Point (western side of lake) Wolf Lodge Bay to Coeur d' Alene (northern side of lake)
	Hayden Lake	Hayden Creek to Jim Creek
Latah	Big Meadow Creek	Headwaters to WF Little Bear Creek
	Potlatch river	Big Bear Creek to Clearwater River
Lemhi	Jessie Creek	Headwaters to Salmon River
	Pollard Creek	Headwaters to Salmon river
	Salmon River	Williams Creek to Pollard Creek
	Chipps Creek	Headwaters to Pollard Creek
Nez Perce	Big Canyon Creek	Headwaters to Clearwater river
	Clearwater River	Lower Granite Dam Pool
Payette	Payette river	Black Canyon Reservoir to Snake river
Shoshone	Boulder Creek	Headwaters to SF Coeur d'Alene River
	Deadman Creek	Headwaters to SF Coeur d'Alene River
	Lake Creek	Headwaters to SF Coeur d'Alene River
	Mill Creek	Headwaters to SF Coeur d'Alene River
	Placer Creek	Headwaters to SF Coeur d'Alene River
	Canyon Creek	Headwaters to SF Coeur d'Alene River
Valley	Boulder Creek	Headwaters to EF SF Salmon River
Valley	Payette Lake	Ponderosa Park to outlet at NF Payette River outlet Shellworth island to Cougar Island
Washington	Snake river	Boise River to Weiser river
	Weiser River	Keithly Creek to Snake River

ii. If a chemical pesticide containing endothall, diquat, glyphosate, or 2,4-D is applied directly into waters of the U.S. within the distance outlined in Condition #1 of this subsection, then the Operator shall conduct water quality monitoring as follows:

A. Water quality monitoring shall be specific to the pesticide applied.

B. Water quality monitoring shall be conducted at the downstream edge of the targeted pest control area or at the PDWS intake, whichever location is agreed upon by DEQ and the PDWS operator(s)/owner(s).

C. Water quality monitoring shall begin at least within 3 days of the pesticide application, unless an alternative waiting period is specified by DEQ.

D. Water quality monitoring shall be conducted at least weekly following the initial day of treatment or at an alternative frequency that is specified by DEQ.

E. Water sampled shall be analyzed at a laboratory that is certified for drinking water analyses (http://www.deq.idaho.gov/water/assist_business/pws/labs_certified.xlx).

F. Water quality monitoring shall continue until chemical residues fall below the maximum contaminant levels in Table 9-3b.

Table 9-3b. Maximum Contaminant Levels

Chemical	Maximum Contaminant Level (ug/L)
Diquat	20
Endothall	100
Glyphosate	700
2,4-D	70

G. Water quality monitoring results shall be summarized and sent to the appropriate DEQ Regional Office Administrator.

iii. If the application is directly into waters of the U.S. subject to appropriation under the laws of the State of Idaho, the Operator shall provide advanced notice to owners of water rights and water permits for domestic and agricultural use that are on record with the Idaho Department of water Resources and tat have an authorized point of diversion located within the distance specified in Condition (i) of this subsection. No notice is required to owners of diversions that are located upstream from a pesticide application. Information about water right or water permit owners may be obtained at: http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp.

Seasonal or annual notifications will fulfill the advanced notice requirement of this condition. Notification may be achieved by a variety of methods, including but not limited to: email, posting on a web page, billing notice, letter, news release, or door hanger. The notification shall contain the information specified in Condition (vi) of this subsection.

iv. If an application is into waters of the U.S. that may be used for recreational activities, then the Operator shall post notices at boat launches and public swimming beaches. The Operator shall follow the FIFRA instructions, where applicable, for posting requirements. If the FIFRA label does not have specific requirements for posting notices, then the Operator shall comply with the following:

A. The notice shall be placed at location(s) accessible by the public (e.g. docks or information kiosks) and the extent of posting shall be limited to the target pest control area.

B. The notice shall be posted prior to treatment.

C. The notice shall indicate the date(s) of application, the product used, the purpose of the application, any water us restrictions, and Operator phone number.

D. The notice shall be removed within 2-weeks after the pest control project has been completed.

Operators are not required to post notice for applications to canals or drainage delivery systems that were constructed for the sole purpose of water conveyance.

v. For applications of chemical pesticides (e.g. Rotenone or Antimycin A) to waters of the U.S. for the sole purpose of eradicating aquatic mollusks or vertebrate animals, the Operator must notify (see Condition (vi) of this subsection) the appropriate DEQ Regional Office Administrator at least 7 days prior to the application.

vi. When notifications are required, they must include the following information: Operator name and telephone number; general location of the targeted pest control area and anticipated schedule of application(s); pesticide that will be used; and any water use restrictions associated with the pesticide labeling information. Notifications to the DEQ Regional Office Administrator shall be in writing and may be submitted via email, hand delivery, or ground mail.

vii. These conditions shall not apply to Operators applying pesticides to man-made waterways (as defined in section 010.51 of the Idaho WQS) which they own, operate or maintain for irrigation water delivery or drainage purposes.

9.10.4 Indian Country lands within the State of Idaho, except Duck Valley Reservation lands (See Region 9)

a. No additional restrictions

9.10.5 Indian County lands within the State of Oregon, except Fort McDermitt Reservation lands (See Region 9)

a. Confederated Tribes of The Warm Springs Reservation of Oregon

i. Limitations on Coverage

*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 Warm Springs Reservation if the water is identified as impaired by that pesticide or its degradates. For purposes of this permit, impaired waters are those that have been identified by EPA pursuant to Section 303(d) of the CWA or by the Warm Springs Tribe as not meeting applicable Tribal water quality standards. Impaired waters for the purposes of this certification include both waters with EPA-approved or EPA-established Total Maximum Daily Loads (TMDLs) and waters for which EPA has not yet approved or established a TMDL.

*Discharges to Waters Designated as Tier 3 for Antidegradation Purposes***.** Certification for discharges from a pesticide application to waters designated by the Warm Springs Tribes or EPA as Tier 3 (Outstanding National Resource Waters) for anti-degradation purposes under 40 CFR 131.12(a)(3) and Tribal Ordinances 80 and 81 is not contemplated in this document.

ii. Authorization to Discharge Under the PGP Permit

To obtain authorization under this permit, an operator must:

A. Meet the eligibility requirements identified in EPA PGP and

B. Meet any Tribal restrictions required by Warm Springs Tribal Ordinance 74, 80 and 81.

If you are an operator identified in PGP Part 1.2.2, submit a complete and accurate Notice of Intent (NOI) to EPA and the Warm Springs Tribe.

If you apply pesticides that result in a discharge and know or reasonably should have known that those activities will exceed one or more of the pesticide application annual (i.e., calendar year) treatment area thresholds listed in Table 9-4 below for the “treatment area,” as defined in PGP Appendix A.

Table 9-4. Annual Treatment Area Thresholds

Pesticide Use	Annual Threshold
Mosquitoes and Other Flying Insect Pests	640 acres of treatment area
Aquatic Weed and Algae Control:	
-In Water	20 acres of treatment area[1]
- At Water's Edge:	20 linear miles of treatment area at water's edge[2]
Aquatic Nuisance Animal Control:	
-In Water	20 acres of treatment area[1]
- At Water's Edge	20 linear miles of treatment area at water's edge[2]
Forest Canopy Pest Control	640 acres of treatment area

1 Calculations should include the area of the applications made to: (1) waters of the Warm Springs Reservation and (2) conveyances with a hydrologic surface connection to waters of the Warm Springs Reservation. At the time of pesticide application. For calculating annual treatment area totals, count each pesticide application activity as a separate activity. For example, applying pesticides twice a year to a ten acre site should be counted as twenty acres of treatment area.

2 Calculations should include the linear extent of the application made at water's edge adjacent to: (1) waters of the Warm Springs Reservation and (2) conveyances with a hydrologic surface connection to waters of the Warm Springs Reservation at the time of pesticide application. For calculating annual treatment totals, count each pesticide application activity and each side of a linear water body as a separate activity or area. For example, treating both sides of a ten mile ditch is equal to twenty miles of water treatment area.

iii. Discharge Authorization Date

Beginning October 31, 2011, you must be covered under an NPDES permit for discharges to waters of the United States and specifically to the waters of the Warm Springs Reservation as a result of the application of a pesticide. Operators are authorized to discharge under this permit consistent with Table 9-5 below.

Table 9-5. Discharge Authorization Date

Category	NOI Submittal Deadline	Discharge Authorization Date
Operators not required to submit an NOI to EPA.	Not applicable.	Immediately after approval is obtained from Warm Springs Tribes.
Operators who know or should have reasonably known, prior to commencement of discharge, that they will exceed an annual treatment area threshold identified in PGP Part 1.2.2 for that year.	At least 10 days prior to commencement of discharge.	No earlier than 10 days after EPA posts on the Internet receipt of your complete and accurate NOI. Approval of project must be obtained from the Warm Springs Tribes before commencement of any project.
Operators who do not know or would reasonably not know until after commencement of discharge, that they will exceed an annual treatment area threshold identified in PGP Part 1.2.2 for that year.	At least 10 days prior to exceeding an annual treatment area threshold.	Original authorization terminates when annual treatment area threshold is exceeded. Operator is reauthorized no earlier than 10 days after EPA posts on the Internet receipt of your complete and accurate NOI. Approval of project must be obtained from the Warm Springs Tribes before commencement of any project.
Operators commencing discharge in response to a declared pest emergency situation as defined in Appendix A.	No later than 30 days after commencement of discharge.[1]	Immediately, for activities conducted in response to declared pest emergency situation. Approval of project must be obtained from the Warm Springs Tribes before commencement of any project.

1 In the event that a discharge occurs prior to your submitting an NOI, you must comply with all other requirements of the PGP immediately.

Based on a review of the NOI EPA may delay authorization for further review, or may determine that additional technology based and/or water quality based effluent limitations are necessary, or may deny coverage under the PGP and require submission of an application for an individual NPDES permit as detailed in PGP Part 1.3. In this event, EPA will notify the Warm Springs Tribes of their decision and consult with the Tribes on any individual NPDES permit proposed to be issued for the Warm Springs Reservation.

iv. Continuation of this Permit

If this PGP is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and remain in force and effect.

Terminating Coverage. To terminate permit coverage, an operator who is required to submit an NOI as identified in PGP Part 1.2.2, must submit a complete and accurate Notice of Termination to EPA and the Warm Springs Tribes.

v. EPA Requiring Coverage Under an Alternative Permit

EPA may require you to apply for and/or obtain authorization to discharge under either an individual NPDES permit or an alternative NPDES general permit in accordance with 40 CFR 122.64 and 124.5. In this event, EPA will notify the Warm Springs Tribes of their decision and consult with the Tribes on any individual NPDES permit proposed to be issued for the Warm Springs Reservation.

vi. Operator Requesting Coverage under an Alternative Permit

If you do not want to be covered by this general permit, but need permit coverage, you can apply for an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 40 CFR 122.26I(1)(ii), with reasons supporting the request, to EPA. In this event, EPA will notify the Warm Springs Tribes of opera’or's decision and consult with the Tribes on any individual NPDES permit proposed to be issued for the Warm Springs Reservation.

vii. Other Federal and State and Tribal Laws

All applicants must comply with Warm Springs Tribes Ordinances 45, 74, 80 and 81 & Tribal Code Chapters 433 and 479. In addition, they must comply with all other applicable federal state and Tribal laws and regulations that pertain to application of pesticides. For example, this permit does not negate the requirements under FIFRA and its implementing regulations to use registered pesticides consistent with the prod’ct's labeling. Additionally, there are other laws and regulations that may apply to certain activities that are also covered under this permit (e.g., United States Coast Guard regulations).

viii. Federally-Listed Endangered and Threatened Species and Designated Critical Habitat Additional Requirements to Protect Listed Species and Critical Habitat.

[Procedures to assist in protecting listed species and critical habitat are currently being considered by EPA in consultation with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) under section 7 of the ESA. Additional discussion of the nature of permit conditions being discussed for incorporation into the final permit is provided in Part III.10.F of the permit fact sheet.]

In the event NMFS or FWS determine that they would require additional measures to protect listed species and/or critical habitat, EPA will notify the Warm Springs Tribes of this decision and consult with the Tribes on a "government to government" basis regarding any measures proposed to be issued for the Warm Springs Reservation.

Tribal Ordinance 74, the Integrated Resource Management Plan for the Warm Springs Reservation addresses the protection of Locally Rare and Culturally significant species and all requirements of this plan must be followed.

ix. Integrated Pest Management (IPM) Practices

All applicants must follow Section 2.2 of the PGP and any additional requirements for spraying pesticides on the Warm Springs Reservation in accordance with Warm Springs Tribal ordinances 45, 74, 80 & 81 and the specific Project Assessment on Pesticide and herbicide use.

x. Water Quality-Based Effluent Limitations

Discharges must be controlled as necessary to meet applicable numeric and narrative tribal water quality standards.

If at any time applicant become aware, or Tribe or EPA determines, that the discharge causes or contributes to an excursion of applicable water quality standards, corrective action must be taken immediately and as required in PGP Part 6.

xi. Pesticide Discharge Management Plan (PDMP)

Applicants must prepare a PDMP for pest management area which must be kept up-to-date thereafter for the duration of coverage under this general permit, even if your discharges subsequently fall below the applicable NOI threshold. The PDMP consistent with the deadline outlined in Table 9-6 below must be developed and submitted to EPA and the Warm Springs Tribes.

The PDMP does not contain effluent limitations; the limitations are contained in PGP Parts 2 and 3 of the permit. The PDMP documents how applicant will implement the effluent limitations in PGP Parts 2 and 3 of the permit, including your evaluation and selection of control measures to meet those effluent limitations and minimize discharges. Contents of the PDMP are described fully in the PGP Section 5 and must be followed. Applicant wishing to spray on the Warm Springs Reservation will retain a copy of the final PDMP and immediately make copy available to the Warm Springs Tribes.

Table 9-6. Pesticide Discharge Management Plan Deadline

Operators not required to submit an NOI.	**Submit plan to Warm Springs Tribes.**
CATEGORY	**PDMP DEADLINE**
Operators who know or should have reasonably known, prior to commencement of discharge, that they will exceed an annual treatment area threshold identified in PGP Part 1.2.2 for that year. Operators who do not know or would reasonably not know until after commencement of discharge, that they will exceed an annual treatment area threshold identified in PGP Part 1.2.2 for that year.	Prior to first pesticide application covered under this permit. Prior to exceeding an annual treatment area threshold.
Operators commencing discharge in response to a declared pest emergency situation as defined in PGP Appendix A that will cause the operator to exceed an annual treatment area threshold.	No later than 90 days after responding to declared pest emergency situation.

xii. Effect of Corrective Action

The occurrence of a situation identified in PGP Part 6.1 may constitute a violation of the permit. All corrective measures described in PGP part 6 must be followed. The Warm Springs Tribes must be informed immediately of any corrective actions taken or required.

xiii. Recordkeeping and Annual Reporting

Applicant must keep written records as required in the PGP part 7. These records must be accurate and complete and sufficient to demonstrate compliance with the conditions of the permit. Applicant will also send copies of all EPA required reports to the Warm Springs Tribes at the same time required by the PGP.

xiv. Contact Information and Mailing Addresses

Mr. Stanley Smith, Tribal Council Chairman
Confederated Tribes of Warm Springs
PO Box C, Warm Springs, OR. 97761

Mr. Roy Spino, Chairman, Water Control Board
Confederated Tribes of Warm Springs
PO Box C, Warm Springs, OR. 97761

Mr. Charles Calica, Secretary Treasurer
Confederated Tribes of Warm Springs
PO Box C, Warm Springs, OR. 97761.

Mr. Robert Brunoe, General Manager Branch of Natural Resources
Confederated Tribes of Warm Springs
PO Box C, Warm Springs, OR. 97761

Mr. D. R. Sehgal, Manager, Tribal Environmental Office Manager
Confederated Tribes of Warm Springs
PO Box C, Warm Springs, OR. 97761

b. Confederated Tribes of the Umatilla Indian Reservation

i. The Operator shall be responsible for achieving compliance with the Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) Water Quality Standards

ii. The Operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTUIR Water Resources Program at the address below, at the same time it is submitted to EPA.

Confederated Tribes of the Umatilla Indian
Reservation Water Resources Program
46411 Timine Way
Pendleton, OR 97801
(541) 429-7200 Tel

iii. The Operator shall be responsible for submitting all Pesticide Discharge Management Plans (PDMP) required under this general permit to the CTUIR Water Resources Program for review and determination that the PDMP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.

iv. The Operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the CTUIR Water Resources Program at the same time it is reported to EPA.

v. Tribal Cultural Resources:

The EPA is the lead federal agency for the issuance of NPDES Pesticide General Permits for Point Source Discharges from the Application of Pesticides (PGP) and must ensure that the operators comply with section 106 of the National Historic Preservation Act (NHPA). The CTUIR Tribal Historic Preservation Office (THPO) requests copies of each NOI which will define whether or not the undertaking has the potential to affect historic properties (including traditional gathering areas) and if so, define the undertaking's area of potential effect (APE). To be in compliance with the NHPA and be eligible for coverage under this permit, the EPA shall ensure the operator must meet the following criteria:

I. The THPO will be provided 30 days to comment on the APE as defined in the permit application.

II. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://nps.gov/history/local-law/arch_stnds_0.htm) and documented using Oregon Reporting Standards http://www.oregon.gov/OPRD/HCD/ARCH/docs/StateofOregonArchaeologicalSurveyandReportingStandards.pdf

III. The resulting report must be submitted to the THPO and the THPO must concur with the findings and recommendations before an y ground disturbing work can occur. The THPO requires 30 days to review all reports.

IV. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate effects to historic properties.

For more information regarding the specifics of the cultural resource process, see 36 CFR Part 800.

9.10.6. Federal Facilities in the State of Washington, except those located on Indian Country lands

a. Additional conditions:

i. **Requirements for Pesticide Applicators**

Permittees must be licensed in the State of Washington to apply pesticides and must comply with chapters 16-228 Washington Administrative Code (WAC), 15.58 Revised Code Washington (RCW), and 17.21 RCW.

ii. **Requirements for Pesticide Application**

A. Permittees may only use pesticide products that are FIFRA labeled and must comply with the products' FIFRA label. Permit requirements do not reduce the requirements on the FIFRA label. The pesticide product must be labeled for the Permittee's intended use

B. The application of pesticide products must not cause or contribute to violations of the Water Quality Standards for Surface Water of the State of Washington (chapter 173-201A WAC), Ground Water Quality Standards (chapter 173- 200 WAC), Sediment Management Standards (chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (40 CFR 131.36). Discharges that do not comply with these standards are prohibited.

Citations:

- Chapter 90.48 RCW
- RCW 90.48.010
- Chapter 173-201A WAC
- Chapter 173-226 WAC
- 173-226-070 WAC

iii. **Allowed Active Ingredients and Conditions For Use**

Restrictions on the active ingredients allowed, when, and how pesticide products may be applied (Conditions i – xii) are technology-based requirements Ecology has determined to meet AKART for the control of pollution. AKART requirements protect the existing beneficial uses of waters of the state provided for in Chapter 173-201A WAC.

The Permittee must avoid treatments that restrict public water use during the opening week of fishing season, Memorial Day weekend, Independence Day weekend, and Labor Day weekend and must minimize treatments that restrict public water use during weekends.

Citations:

- Chapter 90.48 RCW
- RCW 90.48.010
- Chapter 173-201A WAC
- WAC 173-201A-020
- WAC 173-201A-300
- WAC 173-201A-410(4)(c)(i and ii)
- Chapter 173-226 WAC
- WAC 173-226-070
- WAC 173-226-090

iv. **Aquatic Mosquito Control**

A. Allowed Active Ingredients

1. Bacillus sphaericus (strain H-5a5b)
2. Bacillus thuringiensis israelensis (Bti)
3. Malathion
4. Methoprene
5. Monomolecular surface films
6. Paraffinic white mineral oil
7. Spinosad
8. Temephos
9. Etofenprox
10. Malathion
11. Naled
12. Natural Pyrethrins
13. Permethrin
14. Piperonyl Butoxide (PBO)
15. Prallethrin
16. Resmethrin
17. Sumithrin (d-phenothrin)

B. Additional Restrictions

1. The Permittee may apply larvicides provided one or more of the following conditions are met.

   a. Pretreatment surveillance of a potential larvicide application site indicates that at least one larvae/pupae is present in at least one of three dips. In the event that the Permittee finds larvae/pupae, and the area is treated, the Permittee may continue pre-emptive

larvicide treatments without dipping for the remainder of the treatment season.

b. Methoprene may be used as a pre-emergent dry-land treatment on intermittently flooded areas that have a historical record of mosquito hatches following flooding.

c. The application site is in, or adjacent to a county in which mosquito, bird, animal, or human mosquito-borne disease cases are confirmed during the current treatment season.

d. The treatment site is a catch basin, storm drain, and utility or transportation vault.

2. Permittees may only use paraffinic white mineral oil or malathion as larvicides if other pesticides are ineffective at a specific treatment site and the water body is non-fish bearing. To determine if the water body is fish bearing, consult with Washington Department of Fish and Wildlife (WDFW). Contact information for WDFW Regional Wildlife Biologists may be accessed at http://wdfw.wa.gov/about/contact/.

3. The Permittee may not apply temephos in lakes, streams, in the littoral zone of water bodies, or on sites listed in Condition iv.B4 of Section 9.10.6 of this permit. The permit allows the use of temephos is allowed only in response to the development of pesticide resistance within a specific larval mosquito population.

4. Due to the present of sensitive, threatened, candidate, or endangered only Bacillus thuringiensis israelensis (Bti) and Bacillus sphaericus (H-5a5b) may be used in the following areas:

a. Grant County, north of Moses Lake, within the Crab Creek watershed: T21N R27E Sections 1, and 12; T21N R28E Sections 7, 17, 18, 19, 28, 29, 30, 31, 32, and 33.

b. Grant County, south and west of Moses Lake and south of Interstate-90, the northern portion of the Potholes: T19N R27E Sections 33, 34, 35, and 36; T19N R28E Sections 29 and 30, 31, 32; T18N R27E Sections 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17; T18N R28E Sections 5, 6, 7, 8, 17, and 18.

c. Grant County, area within and near the Sun Lakes – Dry Falls State Park wetlands: T24NR27E and 28E.

d. Kitsap County: lakes, ponds, and wetlands located in T22N R1W Sections 1, 2, 10, 11, and 12.

e. Skamania County, east of Carson, all waters in T3N R8E Sections 23, 24, 25, 26, and 36; T3NR9E Sections 30 and 31.

f. Thurston County, west of Yelm: lakes, ponds, and wetlands located in T17N R1E Sections 8, 9, 16, and 21.

g. Thurston County, T16N R4W Sections 31, 32, and 33.

v. **Aquatic Plant and Algae Management**

A. This section applies to products applied to the eradication of noxious and WSDA quarantine list weeds and the control nuisance and noxious weeds in lakes, rivers, streams, other standing and flowing waterbodies (not including irrigation canals), emergent vegetation around waterbodies, and roadside and ditch banks. This does not cover activities in saltwater areas.

B. Weed Eradication

Eradication projects target only state-listed noxious weeds or plants listed on the WSDA quarantine-list. The goal is the complete and permanent removal of these species from the entire water body. As such, littoral zone limitations do not apply to eradication of noxious weeds or weeds on the quarantine list. Impacts to non-target plants are acceptable to the extent needed to eradicate the target plants. Eradication is allowed only for:

1. All noxious weeds as identified in chapter 16-750 WAC.
2. Plants listed on the quarantine list as identified in chapter 16-752 WAC.
3. Non-native and potentially invasive plants not listed on the above lists, as determined by the WSNWCB, WSDA, or Ecology.

C. Nuisance and Noxious Weed Control

The goal is to maintain native aquatic vegetation for habitat while allowing partial plant removal for recreation and other beneficial uses. Permit requirements differ depending on plant growth forms and the legal status of the plant species in Washington. Minimal impact to non-target plants is acceptable to the extent needed to control the target plants.

Nuisance plants are native plants that grow in such quantity that they restrict the beneficial uses of a waterbody as defined in chapter 173-201A WAC.

1. Aquatic noxious weed control

The Permittee may apply herbicides to:

a. 100 percent of noxious weeds if they are Class A weeds, Class B weeds in areas where they are designated for control, as identified in chapter 16-750 WAC, and Class C weeds where they are selected for control by a county Noxious Weed Control Board (RCW 17.10.080).
b. 100 percent of any submersed noxious or quarantine-list weeds not covered under (a) if the Permittee conducts weed control using a selective herbicide.

c. 100 percent of any emergent or floating-leaved noxious weeds and quarantine listed weeds.

2. Aquatic nuisance plant control

The Permittee may apply chemicals to:

a. No more than 25 feet on either side of a dock or no more than an area 50 feet wide per lot for individual treatments targeting submersed and floating-leaved plants. Treatment of the vegetated area may extend up to 25 feet beyond the end of the dock. On individual lots with no docks, treatment of the vegetated area can extend up to 50 feet from the shore.
b. No more than 40 percent of emergent shoreline plants such as cattails and bulrush on individual lots for individual treatments.
c. A percentage of a water body's littoral zone based on the littoral acres of the water body and the size of the water body.
    i. The geographic area where the Permittee applies chemicals must remain the same for the entire length of the permit coverage up to the maximum percentage of the littoral zone allowed for by water body size.
    ii. All untreated littoral areas must include native vegetation from the shore to the edge of the littoral zone where the plants stop growing in deeper water.
    iii. The cumulative percentage of the littoral zone where herbicides may be applied must not exceed the amount allowed below:
        1) In water bodies up to 15 acres in size, the Permittee may apply herbicides to no more than 75 percent of the littoral zone.
        2) In water bodies over 15 acres and up to 50 acres in size, the Permittee may apply herbicides to no more than 60 percent of the littoral zone.
        3) In water bodies over 50 acres and up to 500 acres in size, the Permittee may apply herbicides to no more than 50 percent of the littoral zone.
        4) In water bodies over 500 acres in size, the Permittee may apply herbicides to no more than 30 percent of the littoral zone.

3. Roadside and ditch bank plant control

a. For activities conducted by state and local agencies, the Permittee may apply herbicides to 100 percent of the plants within the right of way.

b. The Permittee may apply herbicides to no more than 40 percent of native vegetation of roadsides and ditches on privately owned individual lots, but may apply herbicide to 100 percent of any noxious or quarantine-listed weeds.

4. Algae control.
The Permittee may apply algaecides to the entire water body or sections of the water body, as needed, when cyanobacteria or other potentially toxic or environmentally harmful algae species are expected to form blooms in the water body.

The Permittee may apply algaecides to filamentous algae so long as the treated areas do not exceed the maximum amount of littoral zone allowed for treatment in Condition v.C.2.c.111 of Section 9.10.6 of this permit. Different littoral zone limitations apply to the herbicide fluridone. See Treatment Limitations in Table 9-7.

5. Nutrient Inactivation
The Permittee may apply approved buffering agents and alum and calcium hydroxide/oxide and calcium carbonate as phosphorus inactivation products to the entire water body or sections of the water body per permit sections Table 9-8.

D. Allowed Active Ingredients

1. 2,4-D, Amine Formulation
2. 2,4-D, Ester Formulation
3. Diquat: Dibromide
4. Endothall, Dipotassium salt (e.g. Aquathol)
5. Endothall, Monopotassium salt (e.g. Hydrothol)
6. Fluridone
7. Glyphosate
8. Imazamox
9. Imazapyr
10. Sodium carbonate peroxyhydrate
11. Triclopyr TEA
12. Adjuvants: Agri-Dex™, Bond™, Bronc Max™, Bronc Plus Dry-EDT™, Class Act NG™, Competitor™, Cut-Rate™, Cygnet Plus™, Dyne-Amic™, Exciter™, Fast Break™, Fraction™, Intensify™, Interlock™, Kinetic™, Level 7™, LI-700™, Liberate™, Magnify™, One-Ap XL™, Pro AMS Plus Activator Penetrant™, Sinker™, Spray-Rite™, Tactic™, Tronic™

13. Nutrient Inactivation Products: aluminum sulfate, sodium aluminate, calcium hydroxide/oxide, and calcium carbonate. See Table 9.8 for specific restrictions on nutrient inactivation products.
14. Marker dyes, shading and water clarification products. See Table 9.9 for specific restriction on these products.

E. Additional Restrictions

1. Identified Wetlands

The Permittee may only treat high use areas to provide for safe recreation and boating in identified and/or emergent wetlands. Treated area must be limited to protect native vegetation. For eradication projects, the Permittee must make every effort to protect native wetland vegetation while removing noxious species.

2. Permittee must use Washington Department of Natural Resources (WDNR) Natural Heritage Program database to determine if sensitive, threatened, or endangered (rare) plants are present in the proposed treatment area. If a rare plant does occur in or around the waterbody, the Permittee must survey for the rare plant and mitigate for impacts to it. The rare plant database is currently located at http://www1.dnr.wa.gov/nhp/refdesk/plants.html.

3. The Application of Products

a. The Permittee must comply with the specific restrictions/limitations on the use of each chemical listed in Tables 9.7 – 9.9 below.

b. When there are potable water restrictions on the product label, the Permittee must not apply any chemical until it has notified people who withdraw drinking water from the water body. If requested by the affected water user(s), the Permittee must provide an alternative drinking water supply until the intake water tests at or below the concentration specified for that chemical in Table 9.7, or until the period specified in Table 9.7 for that chemical has elapsed. If there is no drinking water restriction listed in Table 9.7, the Permittee must follow all label conditions for potable water supply. If requested by a water user, the Permittee must provide advance notice of pending treatments on a time schedule agreed to by all parties.

c. If the treatment affects potable water use on water bodies with municipal or community drinking water intakes, the Permittee must obtain written consent to the treatment from the municipality or community. The Permittee must keep this consent letter for 5 years.

d. People withdrawing water under a legal water right or claim for irrigation or livestock watering purposes may request an alternate water supply during the treatment if the label has restrictions for those uses. The Permittee must provide an alternative water supply until the intake water tests at or below the irrigation restriction concentration or livestock drinking water concentration on the product label or until the time interval specified on the label has elapsed. If requested by a water user, the Permittee must provide advance notice of pending treatments on a time schedule agreed to by all parties.

e. The Permittee must follow EDFW's Fish and Wildlfe Treatment Windows for Ecology's Aquatic Plant and Algae Management Permit (Treatment Windows) to protect salmon, steelhead, and bull trout populations and other sensitive species and habitats. WDFW may periodically update the Treatment Windows as new information becomes available see: http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/aquatic_plants/permitdocs/wdfwtiming.pdf. If a waterbody is not listed in the Treatment Windows, the default window is July 15 – October 31, both dates inclusive. Contact the regional WDFW biologist to develop a new timing window if the default window will not provide for adequate treatment.

f. The Permittee must follow the specific restrictions and advisories identified in Tables 9.7-9.9 below. Recreational restrictions/advisories apply to swimming, boating, water skiing, etc. Swimming restrictions/advisories apply to primary contact activities such as swimming, wading, and water skiing. Drinking water restrictions apply to residents drinking lake water as their sole source of potable water or where they hold a water right for potable water.

F. Monitoring Requirements

1. Application of Herbicides and Algaecides

a. The Permittee must monitor dissolved oxygen levels pre- and post-treatment when contact herbicides are used in water bodies on the 303(d)-list for dissolved oxygen. Immediately before treating, the Permittee must monitor surface and bottom dissolved oxygen concentrations at a sampling location in the center and at the edge of the proposed treatment area(s).

b. The Permittee must select at least one representative treatment area to monitor each time the water body is treated. The Permittee must monitor post-treatment surface and bottom dissolved oxygen concentrations no earlier than seven days and no later than 14 days after the treatment, at the same time of day that the pre-treatment

monitoring occurred and at the same sites and depths. The Permittee must keep the data for 5 years and make it available upon request.

2. Application of Phosphorus Inactivation Products

   a. Aluminum sulfate or sodium aluminate (alum)

      For whole or partial lake treatments, the Permittee must measure, at a minimum, surface water pH once in the morning prior to any alum addition and once in the afternoon one hour after alum addition has stopped for that day. The Permittee must continue this monitoring regime for the duration of the treatment and for 24 hours following treatment completion. The monitoring location must be representative of water body-wide conditions. If the pH decreases to less than 6.2, the Permittee must stop treatment, analyze for alkalinity, and must take immediate steps to increase the pH.

   b. Calcium hydroxide/oxide or calcium carbonate treatment

      The Permittee must measure pH once on the day before treatment, and once in the morning and once in the afternoon for the duration of the treatment and for 24 hours following treatment. If the pH is above 9.0 due to the effects of the treatment (rather than through photosynthesis), the Permittee must stop treatment.

   c. Continuous Injection Systems

      The Permittee must measure pH at a minimum once every two weeks during the first month of continuous injection and thereafter once a month for the duration of the injection process. The Permittee must ensure that pH measurements represent water body-wide conditions, unless the injection system is in an isolated area in relation to the main water body (e.g., in a bay with a narrow channel to the main water body). For isolated areas of water bodies, the Permittee must measure pH at the end of the bay and in the main water body.

Table 9-7. Specific Restrictions on the Application of Herbicides and Algaecides for Control and Eradication Projects

Active Ingredient	Subject to Timing	Restrictions/ Advisories	Treatment Limitations	Other Specific Restrictions
2, 4 – D (amine)	Yes for salmon, steelhead, bull trout – check timing table for other priority species	Swimming advisory during treatment, and for 24-hours post-treatment (in the treated area)	**Control projects only**: Do not apply within 400 feet of an outlet stream if there is an outflow.	Ensure that residents drinking lake water turn off their intakes and do not resume drinking treated water for 28 days following application. As an alternative to waiting, treated water may be used for drinking once the 2,4-D level in the intake water is determined to be 0.07 mg/L or less, or the applicator complied with label setback distances.
2, 4 – D (ester)	See other specific restrictions – Yes for salmon, steelhead, bull trout – check timing table for other priority species	Swimming restriction during treatment, and for 24-hours post-treatment (in the treated area)	None	Do not use in salmon-bearing waters.
Diquat	Yes for salmon, steelhead, bull trout – check timing table for other priority species	Swimming advisory during treatment, and for 24-hours post-treatment (in the treated area)	• Do not spray on emergent shoreline vegetation(e.g. cattails, bulrush) or algae. • Do not pour Diquat directly from container.	Ensure that residents drinking lake water turn off their intakes and do not resume drinking treated water for 10 days following application. As an alternative to waiting, treated water may be used for drinking once the Diquat level in the intake water is determined to be 0.02 mg/L or less.
Endothall Dipotassium salt (Aquathol™)	Yes for salmon, steelhead, bull trout – check timing table for other priority species	Swimming advisory during treatment, and for 24-hours post-treatment (in the treated area)	**Control projects only:** Do not apply within 400 ft of an outlet stream if there is an outflow.	Ensure that residents drinking lake water turn off their intakes and do not resume drinking treated water for 28 days following application. As an alternative to waiting, treated water may be used for drinking once the endothall level in the intake water is determined to be 0.10 mg/L or less.

Table 9-7. Specific Restrictions on the Application of Herbicides and Algaecides for Control and Eradication Projects

Active Ingredient	Subject to Timing	Restrictions/ Advisories	Treatment Limitations	Other Specific Restrictions
Endothall Monopotassium salt (Hydrothol 191™)	Yes for salmon, steelhead, bull trout – check timing table for other priority species	Swimming advisory during treatment, and for 24-hours post-treatment (in the treated area)	Use for control of filamentous algae, cyanobacteria, or harmful algae only. See Condition v.C.4 of Section 9.10.6 of this permit. Limit concentrations to 0.2-mg/L of active ingredient	• Treatment must occur from the shoreline outward into the water body. • Ensure that residents drinking lake water turn off their intakes and do not resume drinking treated water for 14 days following application. As an alternative to waiting, treated water may be used for drinking once the endothall level in the intake water is determined to be 0.1 mg/L or less.
Fluridone	No for fish, but check timing table for other sensitive species.	None	Unless operating under a plan to eradicate a noxious weed, fluridone application is further limited to no more than 50 percent of the littoral zone in lakes up to 50 acres and no more than 40 percent of the littoral zone in lakes from 50 - 500 acres.	None
Glyphosate	No for fish, but check timing table for other sensitive species.	None	None	None
Sodium carbonate peroxyhydrate	No for fish, but check timing table for other sensitive species.	Swimming advisory during treatment, and for 2-hours post-treatment (in the treated area	Do not treat plants growing on the shore.	None
Imazapyr	No for fish, but check timing table for other sensitive species.	None	None	None
Imazamox	No for fish, but check timing table for other sensitive species.	None	None	None

Table 9-7. Specific Restrictions on the Application of Herbicides and Algaecides for Control and Eradication Projects

Active Ingredient	Subject to Timing	Restrictions/ Advisories	Treatment Limitations	Other Specific Restrictions
Triclopyr TEA	No for fish, but check timing table for other sensitive species.	Swimming advisory during treatment, and for 12-hours post-treatment (in the treated area)	Aerial applications are not allowed.	Ensure that residents drinking lake water turn off their intakes and do not resume drinking treated water for 28 days following application. As an alternative to waiting, treated water may be used for drinking once the triclopyr level in the intake water is determined to be 0.4 mg/L or less, or the applicator complied with label setback distances.

Table 9-8. Nutrient Inactivation Products

Product	Subject to Timing	Restrictions/ Advisories	Treatment Limitations	Other Specific Restrictions
Alum	• No for fish, but check timing table for sensitive species. • Timing should address aquatic plant biomass that may interfere with inactivation of sediment phosphorus (requiring early spring or fall treatment).	None	• Application must cease when wind speed is greater than 15 miles per hour • Powdered alum must be mixed with water to form a slurry before applying to the water surface. • The pH of lake water during treatment must remain between 6.0 and 8.5 based on lake average. • Only aluminum compounds suitable for water treatment may be used. • Buffering materials must be available for use.	• A jar test must be completed prior to whole lake treatments only if a buffer other than sodium aluminate is used or a ratio of liquid alum to liquid sodium aluminate differs from 2:1 by volume. • An on-site storage facility is required for any treatment requiring 9,000 gallons of alum or more, or the project proponent must have a plan to store any unused alum or buffering products. • Follow the monitoring requirements in Condition v.F.2 under Section 9.10.6 of this permit
Calcium	No for fish, but check timing table for sensitive species.	None	The pH must remain between 6.0 and 9.0.	• A jar test must be completed prior to treatment to identify proper dosing levels. This jar test needs to be conducted at least over a 24-hour period to ensure that the pH response is at equilibrium with water chemistry. • Follow the monitoring requirements in Condition v.F.2 under Section 9.10.6 of this permit

Note: The products Nutrient Inactivation products listed above are not registered as pesticides through FIFRA or regulated under any other federal laws or regulations. A licensed applicator is not needed for the application of any of these products to waters of the United States.

Table 9-9. Biological Water Clarifiers, Shading Products

Product	Restrictions
Shading products	Do not apply directly to rivers or streams or any lake that discharges to other surface waters of the state.
Biological Water Clarifiers	Use only in water bodies with no discharge to other surface waters of the state during and for two weeks after treatment.

Note: These restrictions are in addition to the federal FIFRA label requirements (when applicable).

vi. **Aquatic Noxious Weed Control**

A. This section applies to products applied to control emergent Washington state noxious and quarantine list weeds in the riparian areas around waterbodies, including salt water. This section does not apply to the in-water application of products to control aquatic plants. For in-water use, refer to Condition v of Section 9.10.6 of this permit. Noxious weeds as identified in chapter 16-750 WAC.

Plants authorized for treatment include:

1. Noxious weeds as identified in chapter 16-750 WAC.
2. Plants listed on the WSDA quarantine list as identified in chapter 16-752 WAC.
3. Non-native and potentially invasive plants not listed on the above lists, as determined by the WSNWCB, WSDA, the Washington Invasive Species Council (WISC), or Ecology.

B. Allowed Active Ingredients

1. Bispyribac-sodium
2. Carfentrazone-ethyl
3. 2,4-D, Amine Formulation
4. Flumioxazin
5. Glyphosate
6. Imazamox
7. Imazapyr
8. Penoxsulam
9. Triclopyr TEA
10. Adjuvants: Agri-Dex™, Bond™, Bronc Max™, Bronc Plus Dry-EDT™, Class Act NG™, Competitor™, Cut-Rate™, Cygnet Plus™, Dyne-Amic™, Exciter™, Fast Break™, Fraction™, Intensify™, Interlock™, Kinetic™, Level 7™, LI-700™, Liberate™, Magnify™, One-Ap XL™, Pro AMS Plus Activator Penetrant™, Sinker™, Spray-Rite™, Tactic™, Tronic™
11. Marker Dyes

C. Additional Restrictions

Permittees shall make herbicide applications only for the control of state listed noxious weeds and weeds on the quarantine list that are found in aquatic environments. Noxious weed means those species of plants listed as Noxious class A, B, and C weeds by the Washington State Noxious Weed Control Board in accordance with 17.10 RCW. WSDA maintains the quarantine list in accordance with 17.24 RCW.

vii. **Irrigation System Aquatic Weed Control**

A. Allowed Active Ingredients

1. Copper (dissolved)
2. Acrolein
3. Endothall, Dipotassium salt (e.g. Aquathol)
4. Endothall, Monopotassium salt
5. Xylene
6. Sodium Carbonate Peroxyhydrate
7. Fluridone
8. Imazapyr

B. Additional Restrictions

1. Point of Compliance
   a. The point of compliance means the location where water treated with pesticides enters a surface water body.
   b. For Amon Wasteway, Snipes Creek Wasteway, Sulphur Creek Wasteway, and Crab Creek, the point of compliance shall be at or above the following locations:
      i. Amon Wasteway where it exits the golf course at Gage Road (approximately latitude 46.22715, longitude -119.26024).
      ii. Snipes Creek Wasteway at the Benton 29.32 Lateral (near McCreadie Road) (approximately at latitude 46.25630, longitude -119.67406).
      iii. Sulphur Creek Wasteway at Sheller Road (approximately at latitude 46.33167, longitude -119.98021).
      iv. Crab Creek at Red Rock Coulee / DCC1 wasteway (approximately at latitude 46.84693, longitude -119.58673).

2. Discharge Limitations
   a. The discharge of any allowed active ingredient (Condition vii.A.1-8 of Section 9.10.6 of this permit) must not exceed values identified in Table 9-10.

Table 9-10. Point of Compliance Discharge Limitations

Parameter	Maximum Instantaneous Concentration
Copper (dissolved)	25 ug/l
Acrolein	21 ug/l
Dipotassium Salt of Endothall	• mg/l (acid equivalent) from March 1 to July 15 • 2.5 mg/l (acid equivalent) from July 16 to February 29 • See Condition vii.B.6 under Section 9.10.6 of this permit
Mono Salt of Endothall	• 50 ug/l (acid equivalent) • See Condition vii.B.6 under Section 9.10.6 of this permit
Xylene	5.1 mg/l
Sodium Carbonate Peroxyhydrate	See Condition vii.B.3 under Section 9.10.6 of this permit
Fluridone	See Condition vii.B.4under Section 9.10.6 of this permit
Imazapyr	See Condition vii.B.5 under Section 9.10.6 of this permit

The maximum instantaneous concentration means the highest allowable discharge at any time.

3. For sodium carbonate peroxyhydrate applications, the permittee need not conduct monitoring under Condition vii.C under Section 9.10.6 of this permit
4. For fluridone applications:
   a. The permittee shall only apply fluridone between October 1 and March 31.
   b. The permittee shall only apply in-water fluridone to slow-moving or quiescent waters.
   c. The permittee shall conduct fluridone treatments in a manner that will prevent treated water from reaching a point of compliance for at least eight weeks after application.
   d. The permittee need not conduct monitoring under Condition vii.C under Section 9.10.6 of this permit.
5. For imazapyr applications:
   a. The permittee shall only apply imazapyr between October 1 and March 31.
   b. The permittee shall only apply imazapyr to slow-moving or quiescent waters.
   c. The permittee shall conduct imazapyr treatments in a manner that will prevent treated water from reaching a point of compliance for at least two weeks after application.

d. The permittee need not conduct monitoring under Condition vii.C under Section 9.10.6 of this permit

6. For endothall applications, the permittee must not release endothall from irrigation canals at times that smolting salmonids are present.

C. Monitoring Requirements

The permittee shall monitor all pesticide applications where the treated water eventually flows to a point of compliance according to Table 9-11.

Table 9-11: Sampling Schedule

Monitoring Site	Parameter	Method Detection Limit	Minimum Sampling Frequency	Sample Type
Point(s) of Compliance	Flow	N/A	Concurrent with all other samples	Measurement
Point(s) of Compliance	Copper, dissolved	5 ug/L	2 times per treatment See Condition vii.C.1 under Section 9.10.6 of this permit.	Grab
Point(s) of Compliance	Hardness (only when monitoring copper)	1 mg/l	Concurrently with copper sampling	Grab
Point(s) of Compliance	Acrolein	2 ug/l	2 times per treatment (Condition vii.C.1under Section 9.10.6 of this permit)	Grab
Point(s) of Compliance	Endothall	12 ug/l	2 times per treatment (Condition vii.C.1 under Section 9.10.6 of this permit	Grab
Point(s) of Compliance	Xylene	1 mg/l	2 times per treatment (Condition vii.C.1 under Section 9.10.6 of this permit)	Grab
None	Sodium Carbonate	N/A	None	None
None	Fluridone	N/A	None	None
None	Imazapyr	N/A	None	None

1. The permittee shall take the two samples to identify the highest concentration of the pesticide. The permittee shall take both samples during the peak pesticide concentration at the compliance point.
   a. If the travel time is 20 hours or more, the permittee shall space their sampling at least two hours apart.
   b. If the travel time is less than 20 hours, the permittee shall space their samples at 10% of the travel time of the pesticide.
   c. If the permittee is tracking multiple treatments simultaneously, the permittee shall use the shortest travel time to determine if the permittee follows Condition vii.C.1.a or Condition vii.C.1.b under Section 9.10.6 of this permit.
2. If all treated water is consumed (i.e. used on-farm) and the end of the canal/spillway is dry, the permittee need not conduct monitoring.

3. The premittee must keep all monitoring records for a period of 5 years and make them available upon request.
4. In some situations, the permittee prevents treated water from reaching some points of compliance by closing side canals/spillways. (For example, a permittee closes a gate to a spillway while treating the primary canal and all the treated water passes the closed gate.) The permittee shall conduct full monitoring (Condition vii.C under Section 9.10.6 of this permit) at the points of compliance corresponding to the closed canals/spillways when the canals/spillways are reopened unless the closed canal/spillway is kept closed for double the travel time it takes the treated water to reach the point of closure. In this situation, no monitoring is required. For this special situation only, the travel time is counted from when the pesticide application ends. (For example, if a treatment ends at 1:00 and it takes four hours to pass the closed gate at 5:00, the permittee shall keep the gate closed for another four hours until 9:00 for this special situation to apply).
5. Time Travel Study
   a. The permittee shall support all monitoring by completing a time travel study at each application site.
   b. Time travel studies shall determine the amount of time it takes the pesticide to travel from the application site to the point of compliance.
   c. The flow conditions during the time travel study shall mimic the conditions during pesticide application.
   d. The permittee shall use time travel studies that are less than five years old.
   e. Time travel studies are only required for pesticide applications that flow to a point of compliance.
6. Sampling and Analytical Procedures
   a. The permittee shall ensure that all samples and measurements taken to meet the requirements of this permit are representative of the volume, concentration, and nature of the monitored parameters.
   b. The permittee shall ensure that sampling and analytical methods used to meet the monitoring requirements specified in this permit conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR 136 or to the latest revision of Standard Methods for the Examination of Water and Wastewater (APHA.
   c. Acrolein testing may follow the procedures of Solid Waste Method 8260.

viii. **Fish Management**

A. Allowed Active Ingredients

1. Rotenone
2. Antimycin-A
3. (Potassium Permanganate ($KMnO_4$) is the only chemical permitted to neutralize rotenone treated waters when necessary to prevent damage to non-targeted organisms and maintain water quality outside of the area intended for rotenone treatment.

B. Additional Restrictions

1. In order to prevent unnecessary damage to the environment, the permittee shall follow the best management practices defined below on the day of application.

   Powdered rotenone formulations shall be applied in such a way that minimizes airborne dust, using the best available technology such as the method outlined in "Utah's Procedure for Mixing Powdered Rotenone into a Slurry" (Thompson et al. 2001).

   In order to prevent an exceedance of water quality standards outside the area intended for rehabilitation, rotenone treatment should only take place in lakes that are not discharging to downstream waters. This is accomplished by limiting treatments to lakes with closed basins or conducting treatments only during periods of low water, usually September or October.

   In instances where treated waters may potentially discharge to downstream waters resulting in an exceedance of water quality standards outside the treatment area, such discharge shall be prevented by installing adequate temporary water control measures.

   When it is necessary and unavoidable to discharge rotenone treated waters to downstream waters, the permittee shall conduct pretreatment water quality and biological monitoring.

   Treated waters shall be effectively neutralized and detoxified using potassium permanganate so that water quality standards are not exceeded below the neutralization zone. For purposes of this section, neutralization zone is defined as the downstream waters where potassium permanganate has been applied but has not yet fully neutralized the rotenone, due to the lag time normally associated with detoxification. The neutralization zone is typically considered the distance that water can be expected to travel in 20 minutes. Since the neutralization zone may contain toxic levels of rotenone and potassium permanganate, some fish mortalities may occur in this zone.

   Below the neutralization zone, rotenone must be totally neutralized and residual potassium permanganate levels maintained at a non-toxic level of 1 mg/L, not to exceed 2 mg/L. Live trout cars will be set up

below the neutralization zone to monitor the effectiveness of detoxification measures.

Detoxification procedures must utilize calibrated equipment to achieve the minimum effective concentration of potassium permanganate to oxidize the rotenone within the neutralization zone. Potassium permanganate concentrations must be closely monitored using a field calibrated spectrophotometer to keep residual permanganate levels at a level that effectively neutralizes rotenone while preventing damage to aquatic life downstream of the treatment area and neutralization zone.

2. In order to minimize the discharge of inert ingredients contained in liquid rotenone formulations, only powdered rotenone formulations shall be utilized, except in very limited cases when the Permittee finds it necessary to treat waters that are inaccessible by boat, such as weedy shorelines or marshy areas.

3. Monitoring

   The Permittee must conduct monitoring on each water body treated with aquatic pesticides to determine the extent and duration of the short-term water quality reduction resulting from rotenone applications. The Permittee must monitor according to Tables 9-12 and 9-13.

Table 9-12. Rotenone Monitoring Schedule

Parameters	Units	Minimum Sampling Frequency	Sample Type
Rotenone Toxicity - Trout Bioassay: 48-hr live box test (5 trout); 100% survival of rainbow trout	Number of days until 100% survival	Once post-treatment, approximately 3-8 weeks after treatment	Observation (no lab accreditation required)
If rotenone formulations containing Benzene are used: VOC, semi-VOC, plus any other inert ingredients listed on MSDS[1]	µg/L	1. 24 hours after treatment; 2. four weeks after treatment	Grab
pH	Standard	Once pretreatment	Grab
Temperature	°F	Once pretreatment	Grab
Alkalinity[2]	mg/L $CaCO_3$	Once pretreatment[2]	Grab
Organic demand[2,3]	Standard [3]	Once pretreatment[2]	Grab
Zooplankton sampling	See below [4]	1. Pre-treatment; 2. Six months after treatment; 3. One year after treatment	Composite[4]

[1] If rotenone formulations containing Benzene are used, test for the following parameters: VOC (EPA method 8310) and semi-VOC (EPA method 502.2). Also test for any other inert ingredients listed on MSDS (i.e. the MSDS for Prentox ® Prenfish™ Toxicant lists naphthalene; 1,2,4-trimethylbenzene; and acetone).

[2] Only if neutralization of rotenone with potassium permanganate is required.

[3] Use the guidelines provided in Engstrom-Heg (1971) to determine organic demand for KMnO4.

[4] Lakes only. Zooplankton sampling protocols set forth on Page 4-5 of "Water Quality Assessments of Selected Lakes within Washington State - 1998" Department of Ecology, December 2000, Publication No. 00-03-039

Table 9-13. Downstream Monitoring Schedule Table

Parameters	Units	Minimum Sampling Frequency	Sample Type
Rotenone Toxicity - Trout Bioassay: 48-hour live box test (5 trout)	% Survival	1. Begin test at time of treatment and 2. Repeat at one week intervals until upstream treated water is detoxified per upstream bioassay.	Observation (no lab accreditation required)
Rotenone [1]	mg/L	Once 24 hours following treatment	Grab
*If liquid rotenone is used: VOC, semi-VOC, plus any other inerts[2]	ug/L	1. 24 hours after treatment, and 2. four weeks after treatment	Grab
pH	Standard	Once pretreatment	Grab
Temperature	°F	Once pretreatment	Grab
Alkalinity[3]	mg/L $CaCO_3$	Once pretreatment[3]	Grab
Organic Demand[3,4]	Standard[4]	Once pretreatment[3,4]	Grab
Zooplankton Sampling	See Below[5]	1. Pre-treatment, 2. Six months after treatment, and 3. One year after treatment	Composite[5]

[1] Analyze using methods set forth in Dawson et al. (1983);

[2] If rotenone formulations containing Benzene are used, test for the following parameters: VOC (EPA method 8310) and semi-VOC (EPA method 502.2). Also test for any other inert ingredients listed on MSDS (i.e. the MSDS for Prentox ® Prenfish™ Toxicant lists naphthalene; 1,2,4-trimethylbenzene; and acetone).

[3] Only if neutralization of rotenone with potassium permanganate is required.

[4] Use the guidelines in Engstrom-Heg (1971) for measuring organic demand for KMnO4.

[5] Lakes only. Zooplankton sampling protocols set forth on Page 4-5 of "Water Quality Assessments of Selected Lakes within Washington State - 1998" Department of Ecology, December 2000, Publication No. 00-03-039;

[6] "Macroinvertebrate monitoring" includes gathering benthic invertebrate samples and summarizing the data using the benthic index of biotic integrity (B-IBI) and a ratio measure of the number of observed taxa divided by the number of expected taxa, the River Invertebrate Prediction and Classification System (RIVPACS). All bioassessment sampling and related habitat survey data, laboratory analysis, quality assurance, and data analysis shall follow the protocols in *Benthic Macroinvertebrate Biological Monitoring Protocols for Rivers and Streams: 2001 Revision*, Plotnikoff and Wiseman, August 2001 (http://www.ecy.wa.gov/biblio/0103028.html).

ix. **Invasive Moth Control**

A. Allowed Active Ingredients

1. Bacillus thuringiensis var. kurstaki based pesticides
2. Adjuvants that may be used for invasive moth control include latex-based adjuvants.

B. Additional Restrictions

1. Monitoring Requirements

The permittee must monitor all pesticide application activities. Minimum Monitoring must include the parameters listed in Table 9-14. The premittee must keep their records of their monitoring and make it available upon request.

One sampling event must be conducted per treatment season. When treatments are not conducted, no sampling is required. One grab

sample of water must be tested for concentrations pesticide active ingredient before and immediately after the application (including indirect applications) to waters. This monitoring is required to determine impacts on the receiving environment.

Table 9-14. Invasive Moth Monitoring Table

Item or Parameter	Minimum Frequency	Type of Sample
Date, start/stop times for application	Each day when spraying occurs	Record
Total acres sprayed	Each day when spraying occurs	Record
Wind speed	Each day when spraying occurs	Record
Location of application	Each day when spraying occurs	Record
Name of applicator	Each day when spraying occurs	Record

x. **Aquatic Invasive Species**

A. Allowed Active Ingredients

1. Chloride for marine and freshwater application.
2. Potassium chloride for marine and freshwater application.
3. Chlorine compounds including chlorine dioxide, sodium chlorite, sodium hypochlorite, and calcium hypochlorite for marine and freshwater application.
4. Acetic acid for marine and freshwater application
5. Calcium hydroxide/oxide (lime) and carbon dioxide for marine and freshwater application.
6. Rotenone for freshwater application.
7. Antimycin-A for freshwater application.
8. Potassium permanganate (KMnO4) for freshwater application.
9. Endothall, Monopotassium salt (e.g., Hydrothol)
10. Sodium carbonate peroxyhydrate for freshwater application.
11. Methoprene for freshwater application.
12. Chelated copper compounds for freshwater application.
13. Pseudomonas fluorescens strain CLO145 for freshwater application.
14. Heating/cooling (temperature alteration) for marine and freshwater application.

B. Additional Restrictions

1. Activities Covered

Activities covered include management activities for nonnative invasive aquatic animals and nonnative invasive marine algae that result in the discharge of chemicals or control products into surface waters of the state of Washington. Surface waters include fresh, brackish, marine, and estuarine waters. Products subject to this

condition include algaecides, herbicides, insecticides, molluscicides, piscicides and any other chemical or product appropriate for use in managing these organisms.

Management activities are organized into two categories: Marine Projects and Freshwater Projects.

2. Marine Projects

Marine projects occur in marine or estuarine waters and target nonnative invasive animals and nonnative invasive algal species. Marine projects are allowed for:

a. Animal species as identified in WAC 220-12-090.

b. Animals or marine algae listed on the Washington Aquatic Nuisance Species Committee "watch list" of invasive species or on the Washington Invasive Species Council (WISC) management priority list (http://www.invasivespecies.wa.gov/priorities.shtml).

c. Animals listed by the United States Fish and Wildlife Service (USFWS) as injurious wildlife under the Lacey Act (18 U.S.C. 42; 50 CFR 16).

d. Nonnative *potentially invasive* marine animals and algae not listed on the above lists, as determined by Ecology in consultation with the Washington Department of Fish and Wildlife (WDFW), or the Washington Department of Natural Resources (WDNR), or the Washington Department of Agriculture (WSDA), or the WISC, or the Washington Aquatic Nuisance Species (ANS) Committee, or applicable federal agencies such as the USFWS.

3. Freshwater Projects

Freshwater projects occur in rivers, streams, lakes, ponds, brackish inland water bodies, *wetlands*, or wet areas and target nonnative invasive freshwater animals are allowed for:

a. Prohibited or unlisted freshwater animals as identified in WAC 220-12-090.

b. Freshwater animals listed on the Washington Aquatic Nuisance Species Committee "watch list" of invasive species or on the Washington Invasive Species Council (WISC) management priority list (http://www.invasivespecies.wa.gov/priorities.shtml).

c. Freshwater animals listed by the USFWS as injurious wildlife under the Lacey Act (18 U.S.C. 42; 50 CFR 16).

d. Nonnative potentially invasive freshwater animals not listed on the above lists, as determined by Ecology in consultation with WDFW, or WDNR, or WSDA, or WISC, or the ANS Committee, or applicable federal agencies such as the USFWS.

4. Specific Restrictions on the Application of Products
   a. Except for *emergencies*, the Permittee must limit treatments that restrict public water use during weekends in *high use areas* or *highly populated areas*.
   b. Permittees must comply with the specific application restrictions for each product as identified in Tables 9-15 and 9-16. WDFW developed the timing windows identified in Tables 9-15 and 9-16 to avoid adverse impacts to priority species (federal-and-state-listed and other sensitive and vulnerable species). WDFW may periodically update the Treatment Windows when new information becomes available. Restrictions/Advisories identified in Tables 9-15 and 9-16: Recreational restrictions apply to swimming, boating, water skiing, etc. Swimming restrictions apply to primary contact activities such as swimming, wading, and water skiing.
   c. The Permittee must use Washington Department of Natural Resources Natural Heritage Program database to determine if sensitive, threatened, or endangered (rare) plants are present in the proposed treatment area. If a rare plant does occur in or around the waterbody, the Permittee survey for the rare plant and mitigate for impacts if necessary. The rare plant database is located at http://www.1.dnr.wa.gov/nhp/refdesk/platns.html.

Table 9-15. Marine Application Restrictions

Chemical or Control Measure	Subject to Timing Windows	Restrictions/ Advisories	Treatment Limitations
Sodium chloride & Potassium chloride	No, but check with WDFW before treatment to determine critical habitat areas.	None	• Limit treatments to the lowest effective concentration or amount of these salts necessary to kill the targeted organism. • Limit treatment to docks, boat hulls, and fixed objects or defined areas. • Spray or apply directly on target organisms when if they are out of water (apply at low tide). • The Permittee may treat defined areas, such as marinas or coves, if the Permittee can limit water exchange behind impermeable barriers.
Chlorine	No, but check with WDFW before treatment to determine critical habitat areas.	If treating in an area accessible by the public, post buoys around the treatment **area.**	• Limit treatments to the lowest effective concentration or amount (e.g,. if using swimming pool pellets) to kill the targeted organism. • Where practicable, use chlorine dioxide/sodium chlorite instead of sodium hypochlorite or calcium hypochlorite. • Use under tarpaulins or impermeable covers secured over the invasive organisms. Seal edges to the substrate as thoroughly as possible. • Limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers. • Leave tarpaulins on for at least one day before removing. If this is not possible, test for chlorine using a swimming pool test kit and neutralize any residual chlorine using ascorbic acid (vitamin C) before removing the cover.
Acetic Acid	No, but check with WDFW before treatment to determine critical habitat areas.	If treating in an area accessible by the public, post buoys around the treatment area. Restrict swimming for 12 hours in the treatment area if spraying directly on organisms. Restrict public access to area when diluting concentrated acid.	• Limit treatments to the lowest effective concentration to kill the targeted organism (vinegar concentrations – 5-10% are reported to be effective for soft-bodied marine organisms). • Use under tarpaulins or impermeable covers secured over the invasive organisms. Seal the edges to the substrate as thoroughly as possible. • Limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers. • Remove covers as soon as the target organisms are dead. • Spray directly on target organisms if they are out of water (tidal). • The Permittee may treat defined areas, such as marinas, if the Permittee can limit water exchange behind impermeable barriers.

Table 9-15. Marine Application Restrictions

Chemical or Control Measure	Subject to Timing Windows	Restrictions/ Advisories	Treatment Limitations
Calcium hydroxide/oxide (lime)	No, but check with WDFW before treatment to determine critical habitat areas.	If in an area accessible by the public, post buoys around the treatment area.	• Limit treatments to the lowest effective concentration or amount necessary to kill the targeted organism. • Use under tarpaulins or impermeable covers secured over the invasive organisms and limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers. • Remove covers as soon as the target organism is dead. • For direct applications, apply only to target organisms (e.g. invasive echinoderms). Do not treat un-infested areas.
Heat/Freezing	No, but check with WDFW before treatment to determine critical habitat areas.	None	• Limit treatment to docks, boat hulls, and fixed objects or defined areas • May use in conjunction with pressure washing to remove invasive organisms from docks and infrastructure.

Table 9-16. Freshwater Application Restrictions

Chemical	Timing Windows	Restrictions/ Advisories	Treatment Limitations
Sodium chloride & Potassium chloride	No, but check with WDFW before treatment to determine critical habitat areas.	None	• Use under tarpaulins or impermeable covers secured over the invasive organisms. • Limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers. • The Permittee may treat defined areas, such as coves or marinas, if the Permittee can limit water exchange behind impermeable barriers. **Whole Lake** • The Permittee may treat ***small water bodies*** with potassium chloride where the threat of the invasive species outweighs other environmental damage and where water can be contained. • For nonnative mussel eradication projects with potassium chloride, the Permittee must take steps to restore native mussel populations in the treated water body, when practicable.
Chlorine	Yes, also check with WDFW before treatment to determine critical habitat areas.	Advise no swimming in area when placing chemicals under covers and removing covers.	• Limit treatments to the lowest effective concentration or amount (e.g. if using swimming pool pellets) necessary to kill the targeted organism. • Where practicable, use chlorine dioxide/sodium chlorite instead of sodium hypochlorite or calcium hypochlorite. • Use under tarpaulins or impermeable covers secured over the invasive organisms. Seal edges to the substrate as thoroughly as possible. • Limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers. • Leave tarpaulins on for at least one day before removing. If this is not possible, test for chlorine using a swimming pool test kit and neutralize any residual chlorine using ascorbic acid (vitamin C) before removing the cover.

Table 9-16. Freshwater Application Restrictions

Chemical	Timing Windows	Restrictions/ Advisories	Treatment Limitations
Acetic Acid	No, but check with WDFW before treatment to determine critical habitat areas.	Advise no swimming in area when placing chemicals under covers and removing covers.	• Limit treatments to the lowest effective concentration to kill the targeted organism (vinegar concentrations – 5-10% are reported to be effective for soft-bodied organisms). • Use under tarpaulins or impermeable covers secured over the invasive organisms. Seal the edges to the substrate as thoroughly as possible. • Limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers. • Remove covers as soon as the target organisms are dead
Calcium hydroxide/ oxide (lime)	No	No	• Whole water body applications permitted. • The pH of the receiving water must remain between 6 and 9. Stop treatment if pH goes above 9.0.
Rotenone	Yes, also check with WDFW before treatment to determine critical habitat areas.	Follow EPA label restrictions	• Endangered Species Act (ESA) listed fish species must not be present at the time of treatment and for three months following treatment, unless the state and federal fish agencies approve a treatment. • Except for emergencies or when in situations where invasive species may move out of water body if treatment is delayed, limit treatment to periods of low water, usually September or October, unless the water body has a closed basin. • Limit airborne dust. In open water areas accessible by boat, use powdered rotenone mixed with water and apply as a slurry. • Use liquid rotenone for spot applications only in areas that are not practicably accessible by boat. • Unless the outlet is being treated for invasive species, in water bodies with flowing outlets, rotenone must be neutralized to eliminate downstream impacts. Below the neutralization zone (distance the water travels in 20 minutes), the rotenone must be totally neutralized using potassium permanganate. Residual potassium permanganate, not to exceed 2 mg/L past the neutralization zone. • Follow monitoring requirements in Invasive Species Monitoring Tables 9-17 – 9-20. • Restock the water body with appropriate fish species after eradication of the target species. • Unless the outlet is being treated for invasive species, in water bodies with flowing outlets, rotenone must be neutralized to eliminate downstream impacts. Below the neutralization zone (distance the water travels in 20 minutes), the rotenone must be totally neutralized using potassium permanganate. Residual potassium permanganate, not to exceed 2 mg/L past the neutralization zone. • Follow monitoring requirements in Invasive Species Monitoring Tables 9-17 – 9-20. • Restock the water body with appropriate fish species after eradication of the target species.

Table 9-16. Freshwater Application Restrictions

Chemical	Timing Windows	Restrictions/ Advisories	Treatment Limitations
Antimycin-A	Yes, also check with WDFW before treatment to determine critical habitat areas.	Follow EPA label restrictions	• Use only in shallow water bodies and streams. • ESA-listed species must not be present at the time of treatment and for three months following treatment, unless the state and federal fish agencies approve the treatment. • Except for emergencies or in situations where invasive species may move out of water body if treatment is delayed, limit treatment to periods of low water, usually September or October, unless the water body has a closed basin. • Unless the outlet is being treated for invasive species, in water bodies with flowing outlets, antimycin-A must be neutralized to eliminate downstream impacts. Below the neutralization zone (distance the water travels in 20 minutes), the antimycin-A must be totally neutralized using KMnO4. Residual KMnO4, not to exceed 2 mg/L past the neutralization zone. • Follow monitoring requirements in Invasive Species Monitoring Tables 9-17 – 9-20. • Restock the water body with appropriate fish species after eradication of the target species.
Potassium permanganate (KMnO4)	Yes, also check with WDFW before treatment to determine critical habitat areas.		• Use under tarpaulins or impermeable covers secured over the invasive organisms. • Limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers. • The Permittee may treat defined areas, such as marinas, if the Permittee can limit water exchange behind impermeable barriers. • The Permittee may treat enclosed, small water bodies where the threat of the invasive species outweighs other environmental damage. • When used to neutralize rotenone or antimycin treated waters – use calibrated equipment to achieve the minimum effective concentration of potassium permanganate necessary to oxidize the rotenone within the neutralization zone.
Endothall (Hydrothol 191™)	Yes	Contact **recreational restriction** during and 24-hours after treatment (in the entire water body)	• Treatment shall occur from the **shoreline** outward into the waterbody. • Juvenile salmon species and ESA-listed species must not be present at the time of treatment.
Sodium carbonate peroxyhydrate	No	Swimming advisory during treatment, and 2-hour post-treatment	None
Methoprene	No	None	• Do not apply in state-listed restricted use areas identified in Condition iv.B.4 under Section 9.10.6 of this permit without consulting with WDFW habitat biologists.

Table 9-16. Freshwater Application Restrictions

Chemical	Timing Windows	Restrictions/ Advisories	Treatment Limitations
Chelated Copper	Yes	None	• Use lowest effective concentration to kill targeted organism • Sediment copper concentrations in the treatment area must be less than 110 mg/kg (emergency exception for zebra or quagga mussel treatment, if there are no other suitable controls available). • Do not apply copper if the water hardness is less than 50 mg/L expressed as calcium carbonate (emergency exception for zebra or quagga mussel treatment). • Do not apply copper if the pH is less than 6.0 (emergency exception for zebra or quagga mussel treatment). • Juvenile salmon species and Endangered Species Act listed species must not be present at the time of treatment, unless the state and federal fish agencies approve the treatment.
***P. fluorescens* strain CLO145**	No	None	None
Heating/ cooling	No, check with WDFW for critical habitat areas.	None	• Limit treatment to docks, boat hulls, and fixed objects or defined areas. • Direct heat or cold only at target organisms • May use in conjunction with pressure washing to remove invasive organisms from docks and infrastructure.

5. Monitoring for Specific Chemicals

   The Permittee must monitor for specific chemicals/products as identified in Tables 9-17 – 9-20. All laboratory results for chemical concentrations must include the following information:

   a. Sampling date
   b. Sample location (water body name and location within the water body)
   c. Date of analysis
   d. Parameter name
   e. Chemical Abstract Service (CAS) number
   f. Analytical method number
   g. Method detection limit (MDL)
   h. Laboratory practical quantitation limit (PQL)
   i. Reporting units
   j. Concentration detected

Table 9-17: Invasive Species Monitoring

Chemical or Control Measures	Specific Monitoring Requirements
Sodium chloride & Potassium chloride	• For whole lake treatments or treatments of areas sequestered behind barriers within a larger fresh water body, the Permittee must at a minimum measure potassium or sodium chloride concentrations at one or more representative sampling locations pre-treatment, one, and five days post-treatment to determine actual water body concentrations.
Chlorine	• The Permittee must monitor for chlorine concentrations under impermeable covers on a representative number of sites before removing the covers. Permittee may use swimming pool test kits for this purpose. • If monitoring demonstrates that undercover chlorine concentrations are always under 0.5 mg/L before removal (at a representative number of sites and for the same chlorine formulation), the Permittee may suspend monitoring upon Ecology approval.
Acetic Acid	• When removing impermeable covers, monitor pH levels in the receiving water before and immediately after cover removal • When directly spraying the organisms, monitor the pH of receiving waters directly adjacent to the organisms immediately before and after treatment.
Calcium hydroxide/oxide (lime)	**For Freshwater Treatments Only** • Measure pH once a day before treatment; once in the morning and once in the afternoon during treatment; and for ten days following treatment at a representative site within the water body. • For applications using continuous injection systems, measure pH once in the morning and once in the afternoon
Rotenone and Antimycin-A	• See Tables 9-18 – 9-20 for specific monitoring requirements for rotenone and antimycin-A.
Copper	• Before applying copper, measure sediment copper concentrations in a composite sample of sediment from a representative treatment area (composite sample from 5 areas with sediment taken from the top 5 cm of sediment and homogenized). • Measure pH and hardness prior to treatment.
Heat/Freezing	• If used in conjunction with pressure washing to remove invasive organisms from docks and infrastructure, measure the temperature of the receiving water immediately before and immediately after the activity.

Table 9-18. Pre-treatment monitoring for rotenone and antimycin-A

Parameters	Units	Minimum Sampling Frequency	Type	Sampling Point
pH	Standard	Once	Grab	Representative
Temperature	°Fahrenheit (F)	Once	Grab	Representative
Alkalinity[1]	mg/L $CaCO_3$	Once	Grab	Worst-case scenario
Organic demand[1,2]	Standard	Once	Grab	Worst-case scenario

[1]Only required when the Permittee uses potassium permanganate to neutralize rotenone.
[2]The Permittee must use the guidelines provided in Engstrom-Heg (1971) to determine organic demand for $KMnO_4$.

Table 9-19. Post-treatment monitoring for rotenone and antimycin-A

Parameters	Units	Minimum Sampling Frequency	Type	Sampling Point
pH	Standard	Once	Grab	Representative
Temperature	°F	Once	Grab	Representative
Rotenone Trout Toxicity Bioassay: 24-hr live box test (five trout); 60% trout survival	Hours until 60% survival	Once approximately three to eight weeks after treatment	Observation (No lab accreditation required)	Worst-case scenario
If the Permittee applies liquid rotenone: **Volatile Organic Compound (VOC)**, semi VOC, and any other inert ingredients listed on the **Material Safety Data Sheet (MSDS)**[1]	µg/L	Four weeks post treatment and every week thereafter until non-detection	Grab	Worst-case scenario

[1]The Permittee must sample for VOC and semi-VOC when the liquid rotenone product used contains solvents that are listed on the label and/or the MSDS.

Table 9-20. Monitoring for downstream and neutralized waters after rotenone or antimycin-A treatment

Parameters	Units	Minimum Sampling Frequency	Type	Sampling Point
pH	Standard	• Once pre-treatment • Once post-treatment	Grab	Representative
Temperature	°F	• Once pre-treatment • Once post-treatment	Grab	Representative
Alkalinity[1]	mg/L as $CaCO_3$	• Once pre-treatment	Grab	Worst-case scenario
Organic demand[1,2]	Standard	• Once pre-treatment	Grab	Worst-case scenario
Rotenone (if applied)[3]	mg/L	• Once 24 hours after treatment	Grab	Worst-case scenario
If the permittee applies liquid rotenone: VOC, semi-VOC, and any other inert ingredients listed on the MSDS[3]	µg/L	• 24 hours post treatment • Four weeks post treatment	Grab	Worst-case scenario
Antimycin-A (if applied)[3]	µg/L	• Once 24 hours following treatment	Grab	Worst-case scenario
Rotenone Trout Toxicity Bioassay: 24-hr live box test (5 trout)	% survival	• Begin test at time of treatment • Repeat weekly until upstream water is detoxified.	Observation (No lab accreditation required)	Worst-case scenario

[1] Only required when the Permittee uses potassium permanganate to neutralize the rotenone.

[2] The Permittee must use the guidelines provided in Engstrom-Heg (1971) to determine organic demand for $KMnO_4$.

[3] The Permittee must use EPA approved testing methods in 40 CFR Part 136

xii. **Forest Canopy Pest Control**

Permittees performing forest canopy pest control must follow the requirements in Title 76 RCW (Forests and Forest Products).

xiii. **Annual Reporting**

A. Permittees must submit an annual report to Ecology containing the following for the treatment season:

1. Permit Number,
2. Permittee Name,
3. Name of the location/waterbody treated.,
4. Active ingredient(s) used(e.g. Bti, permethrin, etc.),
5. Total amount of active ingredient applied for each season,
6. Total acreage applied to,
7. Measurement units (pounds or gallons), and
8. Attach any other monitoring and reporting requirements (e.g., annual monitoring reports) to the annual report when submitting it to Ecology.
9. Attach any Treatment Window determinations from WDFW to the annual report, including lake name, location (lat/long), treatment windows dates, and the reason for the treatment restrictions (e.g. salmonid smolts, grebe nesting, etc). This should be in a letter or email from WDFW staff confirming the Treatment Window change.

B. Ecology must receive the annual report by December 31 of each year. Mail the annual report to:

Department of Ecology
Water Quality Program
Attn: Aquatic Pesticides Permit Manager
PO Box 47600
Olympia, WA 98504

xiv. **Public Notice**

Ecology includes public notification and treatment area postings in the pesticide permits it issues. State law does not require the public notification and treatment area postings. They are intended to respect the public's right to know (transparency in government), and to protect the public health and welfare by reducing the public's exposure to pesticides. Ecology strongly recommends that the public be provide with public notice of pesticide treatments through public notification and treatment area postings.

The permittee could publish a public notice in a newspaper of general circulation in the area where treatment will occur, prior to the first application of the season. The newspaper notice could contain:

1. Proposed schedule of treatments for the season.

2. Common name of the water body to be treated.
3. Chemicals to be used.
4. Any water use restrictions or precautions
5. Contact information of the Permittee and any agency staff involved.
6. Ecology's regional twenty-four (24) hour Emergency number.
7. Notification shall explain the project and explain that any treated areas will be flagged no more than 48 hours before treatment begins.

   The Permittee is encouraged to use Ecology posting templates contained in each pesticide permit to post the treated areas, where feasible, at 100-foot intervals to 400 feet beyond the boundary of the treatment area. Signs posting treatment areas should be posted before treatment commenced, but no more than 48 hours before the start of treatment. Signs should also be posted in the commonly spoken language of the area where treatment is occurring.

9.10.7 Indian Country lands within the State of Washington

a. Puyallup Tribe of Indians

   i. Applications of pesticides within the Puyallup Tribe Reservation are not eligible for discharge coverage under this permit. Contact EPA Region 10 office for an individual permit application.

Appendix A
Definitions, Abbreviations, and Acronyms

A.1 Definitions

Action Threshold – the point at which pest populations or environmental conditions necessitate that pest control action be taken based on economic, human health, aesthetic, or other effects. An action threshold may be based on current and/or past environmental factors that are or have been demonstrated to be conducive to pest emergence and/or growth, as well as past and/or current pest presence. Action thresholds are those conditions that indicate both the need for control actions and the proper timing of such actions.

Active Ingredient – any substance (or group of structurally similar substances if specified by the Agency) that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of FIFRA sec. 2(a). [40 CFR 152.3] Active ingredient also 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 the production of such a pesticidal substance. [40 CFR 174.3]

Adverse Incident – means an unusual or unexpected incident that an Operator has observed upon inspection or of which the Operator otherwise become aware, in which**:**

(1) There is evidence that a person or non-target organism has likely been exposed to a pesticide residue, <u>and</u>

(2) The person or non-target organism suffered a <u>toxic or adverse effect</u>.

The phrase <u>toxic or adverse effects</u> includes effects that occur within Waters of the United States on non-target plants, fish or wildlife that are unusual or unexpected (e.g., effects are to organisms not otherwise described on the pesticide product label or otherwise not expected to be present) as a result of exposure to a pesticide residue, and may include:

- Distressed or dead juvenile and small fishes
- Washed up or floating fish
- Fish swimming abnormally or erratically
- Fish lying lethargically at water surface or in shallow water
- Fish that are listless or nonresponsive to disturbance
- Stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants
- Other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.)

The phrase, <u>toxic or adverse effects</u>, also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals that occur either from direct contact with or as a secondary effect from a discharge (e.g., sickness from consumption of plants or animals containing pesticides) to Waters of the United States that are temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).

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

For calculating annual treatment areas for Mosquitoes and Other Flying Insect Pest Control and Forest Canopy Pest for comparing with any threshold in Table 1-1, count each pesticide application activity to a treatment area (i.e., that area where a pesticide application is intended to provide pesticidal benefits within the pest management area) as a separate area treated. For example, applying pesticides three times a year to the same 3,000 acre site should be counted as 9,000 acres of treatment area for purposes of determining if such an application exceeds an annual treatment area threshold. The treatment area for these two pesticide use patterns is additive over the calendar year.

For calculating annual treatment areas for Weed and Algae Control and Animal Pest Control for comparing with any threshold in Table 1-1, calculations should include either the linear extent of or the surface area of waters for applications made to Waters of the United States or at water's edge adjacent to Waters of the United States. For calculating the annual treatment area, count each treatment area only once, regardless of the number of pesticide application activities performed on that area in a given year. Also, for linear features (e.g., a canal or ditch), use the length of the linear feature whether treating in or adjacent to the feature, regardless of the number of applications made to that feature during the calendar year. For example, whether treating the bank on one side of a ten-mile long ditch, banks on both sides of the ditch, and/or water in that ditch, the total treatment area is ten miles for purposes of determining if an NOI is required to be submitted. Additionally, if the same 10 miles area is treated more than once in a calendar year, the total area treated is still 10 miles for purposes of comparing with any threshold in Table 1-1. The treatment area for these two pesticide use patterns is not additive over the calendar year.

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

Biological Control Agents – these agents are organisms that can be introduced to Operator sites, such as herbivores, predators, parasites, and hyperparasites. [Source: 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(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 158.2000(a)(1)] Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in

a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 CFR 174.3]

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

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

Decision-maker – any entity with control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to Waters of the United States.

Decision-maker Who is or Will be Required to Submit an NOI – any Decision-maker covered under the PGP who knows or should have known that an NOI will be required for those discharges beginning January 12, 2012. Excluded from this definition are those activities for which an NOI is required based solely on that Decision-Maker exceeding an annual treatment area threshold.

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

(1) Significant risk to human health;

(2) Significant economic loss; or

(3) Significant risk to:

(i) Endangered species,

(ii) Threatened species,

(iii) Beneficial organisms, or

(iv) The environment.

Director – a Regional Administrator of the Environmental Protection Agency or an authorized representative. [Excerpted from 40 CFR 122.2]

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

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

EPA Approved or Established Total Maximum Daily Loads (TMDLs) – "EPA Approved TMDLs" are those that are developed by a State and approved by EPA. "EPA Established TMDLs" are those that are issued by EPA.

Facility or Activity – any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. [40 CFR 122.2]

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

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

Impaired Water (or "Water Quality Impaired Water" or "Water Quality Limited Segment") – a water is impaired for purposes of this permit if it has been identified by a State, Tribe or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State or Tribal water quality standards (these waters are called "water quality limited segments" under 40 CFR 130.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

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

Inert Ingredient – any substance (or group of structurally similar substances if designated by the Agency), other than an active ingredient, that is intentionally included in a pesticide product,. [40 CFR 152.3] Inert ingredient also means any substance, such as a selectable marker, other than the active ingredient, where the substance is used to confirm or ensure the presence of the active ingredient, and includes the genetic material necessary for the production of the substance, provided that genetic material is intentionally introduced into a living plant in addition to the active ingredient. [40 CFR 174.3]

Large Entity - any entity that is not a "small entity."

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 United States through the use of Pest Management Measures to the extent technologically available and economically practicable and achievable.

NMFS Listed Resources of Concern – federally-listed endangered and threatened species and federally-listed critical habitat for which NMFS' 2011 *Endangered Species Act Section 7 Consultation Biological Opinion on the U.S. Environmental Protection Agency's Proposed Pesticides General Permit* concluded the interim final permit, absent any additional mitigating measures, would either jeopardize the continued existence of such species or destroy or adversely modify such critical habitat. The Biological Opinion included a Reasonable and Prudent Alternative, implemented through this permit, to avoid likely jeopardy to listed species or adverse modification of critical habitat. Additional information, including maps noting where

these resources overlap with PGP areas of coverage is available at www.epa.gov/npdes/pesticides.

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

Operator – for the purpose of this permit, means any entity associated with the application of pesticides which results in a discharge to Waters of the United States that meets either of the following two criteria:

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

(ii) any entity with control over the decision to perform pesticide applications including the ability to modify those decisions.

Person – an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

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

(a) Any vertebrate animal other than man;

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

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

(d) Any fungus, bacterium, virus, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs (as defined in FFDCA sec. 201(g)(1)) and cosmetics (as defined in FFDCA sec. 201(i)).

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

Pest Management Measure – any practice used to meet the effluent limitations that comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, relevant legal requirements and other provisions that a prudent Operator would implement to reduce and/or eliminate pesticide discharges to waters of the United States.

Pesticide – means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer, except that the term ‘‘pesticide’’ shall not include any article that is a “new animal drug” within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(w)), that has been

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

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

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

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

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

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

Pesticide Residue – 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, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. [40 CFR 122.2]

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

Small Entity - any (1) private enterprise that does not exceed the Small Business Administration size standard as identified at 13 CFR 121.201, or (2) local government that serves a population of 10,000 or less.

State - means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands.

Target Pest – the organism(s) toward which pest management measures are being directed.

Tier 3 Waters – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 waters are identified by States or Tribes as having high quality waters constituting an Outstanding National Resource Water (ONRW), which may include waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

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. [See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7]

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

Waters of the United States – EPA regulations at 40 CFR 122.2 define Waters of the United States as follows:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) All interstate waters, including interstate "wetlands;"

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) Which are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as Waters of the United States under this definition;

(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) The territorial sea; and

(g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. [40 CFR 230.3 (s)]

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not Waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA. [40 CFR 122.2]

Delineated Waters of the United States may or may not be wet at the time of discharge; however, discharges to such are still considered discharges to Waters of the United States. Also, this permit refers to the term "Waters of the United States' to identify those point source discharges required to obtain NPDES permit coverage. Any modification to the regulatory definition of "Waters of the United States" at 40 CFR 122.2 during the effective term of this permit becomes the legal standard for identifying those point source discharges required to obtain NPDES permit coverage consistent with the effective date of such regulations. See EPA's website for up-to-date guidance on identifying Waters of the United States.

Water Quality Impaired – See 'Impaired Water'.

Water Quality Standards – 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. See P.U.D. o. 1 of Jefferson County et al v. Wash Dept of Ecology et al, 511 US 701, 705 (1994). States, Tribes and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)). Where necessary, EPA has the authority to promulgate federal water quality standards.

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

A.2 Abbreviations and Acronyms

CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CWA	Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)
eNOI	electronic NOI system
EPA	U. S. Environmental Protection Agency
ESA	Endangered Species Act
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act, 7 USC 136 et seq.
FWS	U. S. Fish and Wildlife Service
IPM	Integrated Pest Management
NEPA	National Environmental Policy Act
NMFS	U. S. National Marine Fisheries Service
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NRC	National Response Center
ONRW	Outstanding National Resource Water
PDMP	Pesticide Discharge Management Plan
SARA	Superfund Amendments and Reauthorization Act
TMDL	Total Maximum Daily Load
U.S.C.	United States Code
WQS	Water Quality Standard

Appendix B.
Standard Permit Conditions

Standard permit conditions in Appendix B generally are consistent with the permit provisions required in 40 CFR 122.41 but are modified to reflect the nature of discharges covered under this general permit.

B.1 Duty to Comply

Operators must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

A. Operators must comply with effluent standards or prohibitions established under CWA section 307(a) for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement.

B. Penalties for Violations of Permit Conditions: EPA will periodically adjust for inflation the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (61 FR 252, December 31, 1996, pp. 69359–69366, as corrected in 62 FR 54, March 20, 1997, pp.13514–13517) as mandated by the Debt Collection Improvement Act of 1996. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every 4 years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties following were adjusted for inflation starting in 1996.

1. *Criminal Penalties*

1.1 *Negligent Violations.* The CWA provides that any person who negligently violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than $2,500 nor more than $25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person will be subject to criminal penalties of not more than $50,000 per day of violation or by imprisonment of not more than two years, or both.

1.2 *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person will be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

1.3 *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury will upon conviction be subject to a fine of not more than $250,000 or by imprisonment of not more than

15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person will be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, will, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can fined up to $2,000,000 for second or subsequent convictions.

1.4. *False Statement.* The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit will, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance will, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

2. *Civil Penalties.* The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently $37,500 per day for each violation).

3. *Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows

3.1 *Class I Penalty.* Not to exceed the maximum amounts authorized by CWA section 309(g)(2)(A) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently $11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500).

3.2 *Class II Penalty.* Not to exceed the maximum amounts authorized by CWA section 309(g)(2)(B) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently $11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $157,500).

B.2 Duty to Reapply

Except as otherwise provided for in Part 1.2.4 of the permit, if an Operator wishes to continue an activity regulated by this permit after the expiration date of this permit, the Operator must apply for and obtain authorization as required by the new permit once EPA issues it.

B.3 Need to Halt or Reduce Activity Not a Defense

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

B.4 Duty to Mitigate

Operators must 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.

B.5 Proper Operation and Maintenance

Operators must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which the Operators installs or uses to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which the Operator installs only when the operation is necessary to achieve compliance with the conditions of this permit.

B.6 Permit Actions

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

B.7 Property Rights

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

B.8 Duty to Provide Information

Operators must furnish to EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), within a reasonable time, any information that EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. Operators must also furnish to EPA or an authorized representative upon request, copies of records required to be kept by this permit.

B.9 Inspection and Entry

Operators must allow EPA, or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to do the following:

A. Enter upon an Operator's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

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

D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

B.10 Monitoring and Records

A. Operators must retain records of all reports required by this permit, and records of all data used to complete the NOI for this permit, for a period of at least 3 years from the date the permit expires or the date the Operator's authorization is terminated. That period may be extended by request of EPA at any time.

[As written, this permit does not require Operators to perform the type of sample collection and monitoring described in the following sections of this appendix, B.10.B through B.10.F. However, where EPA requires any monitoring, consistent with Part 1.2.3 of the Permit, the sample collection and monitoring requirements in B.10.B through B.10.F of this appendix apply to those Operators that collect samples.]

B. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.

C. Operators must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, for a period of at least 3 years from the date the permit expires or the date the Operator's authorization is terminated. This period may be extended by request of EPA at any time.

D. Records of monitoring information must include the following:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses

E. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

F. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit will, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

B.11 Signatory Requirements

A. All applications, including NOIs, must be signed as follows:

1. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions that govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit or the agency (e.g., Regional Administrator of EPA).

B. Any Pesticide Discharge Management Plan (PDMP), including changes to the PDMP to document any corrective actions taken as required by Part 6, and all reports submitted to EPA, must be signed by a person described in Appendix B, Subsection B.11.A above or by a duly authorized representative of that person. A person is a duly authorized representative only if the following are true:

1. The authorization is made in writing by a person described in Appendix B, Subsection B.11.A;
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity such as the position of superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
3. The signed and dated written authorization is included in the PDMP. A copy must be submitted to EPA, if requested.

C. All other changes to the PDMP, and other compliance documentation required under this permit, must be signed and dated by the person preparing the change or documentation.

D. Changes to Authorization. If an authorization under Appendix B, Subsection B.11.A is no longer accurate because the application activities have been purchased by a different entity, a new NOI satisfying the requirements of Subsection B.11.A must be submitted to EPA. However, if the only change that is occurring is a change in contact information or a

change in the Operator's address, the Operator need only make a modification to the existing NOI submitted for authorization.

E. Any person signing documents in accordance with Appendix B, Subsections B.11.A or B.11.B above must include the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

F. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance will, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

B.12 Reporting Requirements

A. Anticipated noncompliance. Operators must give advance notice to EPA of any planned changes in the permitted activity which may result in noncompliance with permit requirements.

B. Transfers. This permit is not transferable to any person except after notice to EPA. Where an Operator wants to transfer coverage under the permit to a new Operator, the original Operator (i.e., the first Operator) must submit a Notice of Termination pursuant to Part 1.2.5. The new Operator must submit a NOI in accordance with Part 1.2. See also requirements in Appendix B, Subsections B.11.B and B.11.D.

C. Pesticide Monitoring Reports. This permit does not require Operators to report monitoring results routinely; however, EPA may, pursuant to Part 1.2.3, require certain Operators to monitor and report such results. In such instances, provisions of B.12.C apply.

1. Monitoring data must be submitted to EPA at the appropriate Regional address identified in Part 9.2.
2. If an Operator monitors any pollutant more frequently than required using test procedures approved under 40 CFR Part 136 or as otherwise specified by EPA, the results of this monitoring must be included in reporting of monitoring data submitted to EPA.
3. Calculations for all limitations that require averaging of measurements must use an arithmetic mean unless otherwise specified by EPA.

D. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

E. Twenty-four hour reporting.

1. In addition to adverse incident and spill reporting requirements in Parts 6.4 and 6.5, respectively, Operators must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time the Operator becomes aware of the circumstances. A written submission must also be provided within 5 days of the time the Operator becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
2. For purposes of this permit, Operators must submit a 24-hour report under this section for any upset, as defined in Appendix B, Subsection B.13, which exceeds any effluent limitation in the permit.
3. EPA may waive the written report on a case-by-case basis for reports under Appendix B, Subsection B.12.E.2 if the oral report has been received within 24 hours.

F. Other noncompliance. Operators must report all instances of noncompliance not reported under Appendix B, Subsections 12.A, 12.D, and 12.E, at the time any applicable annual or monitoring reports are submitted. The reports must contain the information listed in Appendix B, Subsection 12.E.1.

G. Other information. Where an Operator becomes aware of its failure to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, the Operator must promptly submit such facts or information.

B.13 Upset

A. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the Operator's reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Appendix B, Subsection B.13.C are met. Any determination made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is not final administrative action subject to judicial review. See 40 CFR 122.41(n)(2).

C. Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). An Operator who wishes to establish the affirmative defense for an upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that

1. An upset occurred and that the Operator can identify the cause(s) of the upset;
2. The permitted activity was at the time being properly operated; and

3. The Operator submitted notice of the upset as required in Appendix B, Subsection B.12.E.2 (24 hour notice).
4. The Operator complied with any remedial measures required under Appendix B, Subsection B.4.

D. Burden of proof. In any enforcement proceeding, the Operator, as the one seeking to establish the occurrence of an upset, has the burden of proof. See 40 CFR 122.41(n)(4).

Appendix C.
Areas Covered (and NPDES Permit Numbers)

1. EPA Region 1: Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont

Where EPA is Permitting Authority

MAG87#### Massachusetts, including Indian Country lands within Massachusetts
CTG87###E Indian Country lands within Connecticut
NHG87#### New Hampshire
RIG87###E Indian Country lands within Rhode Island
VTG87###E Federal facilities within Vermont

2. EPA Region 2: New Jersey, New York, Puerto Rico, United States Virgin Islands

Where EPA is Permitting Authority

NYG87###E Indian Country lands within New York State
PRG87#### Puerto Rico

3. EPA Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

Where EPA is Permitting Authority

DCG87#### The District of Columbia
DEG87###E Federal facilities within Delaware

4. EPA Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Where EPA is Permitting Authority

ALG87###E Indian Country lands within Alabama
FLG87###E Indian Country lands within Florida
MSG87###E Indian Country lands within Mississippi
NCG87###E Indian Country lands within North Carolina

5. EPA Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Where EPA is Permitting Authority

MIG87###E Indian Country lands within Michigan
MNG87###E Indian Country lands within Minnesota, excluding Sokaogon Chippewa Community
WIG87###E Indian Country lands within Wisconsin, excluding Lac du Flambeau Band of Lake Superior Chippewa Indians and Fond du Lac Reservation

6. EPA Region 6: Arkansas, Louisiana, Oklahoma, Texas, New Mexico (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)

Where EPA is Permitting Authority

LAG87###E	Indian Country lands within Louisiana
NMG87####	New Mexico, including Indian Country lands within New Mexico, except Navajo Reservation Lands (see Region 9) and Ute Mountain Reservation Lands (see Region 8)
OKG87####	Oklahoma, including Indian Country lands
TXG87###E	Discharges in Texas that are not under the authority of the Texas Commission on Environmental Quality (formerly TNRCC), including activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline, including Indian Country lands.

7. EPA Region 7: Iowa, Kansas, Missouri, Nebraska (except see Region 8 for Pine Ridge Reservation Lands)

Where EPA is Permitting Authority

IAG87###E	Indian Country lands within Iowa
KSG87###E	Indian Country lands within Kansas
NEG87###E	Indian Country lands within Nebraska, except Pine Ridge Reservation lands (see Region 8)

8. EPA Region 8: Colorado, Montana, North Dakota, South Dakota, Wyoming, Utah (except see Region 9 for Goshute Reservation and Navajo Reservation Lands), the Ute Mountain Reservation in NM, and the Pine Ridge Reservation in Nebraska

Where EPA is Permitting Authority

COG87###E	Federal facilities within Colorado, including those on Indian Country lands within Colorado as well as the portion of the Ute Mountain Reservation located in New Mexico
MTG87###E	Indian Country lands within Montana
NDG87###E	Indian Country lands within North Dakota
SDG87###E	Indian Country lands within South Dakota as well as the portion of the Pine Ridge Reservation located within Nebraska (see Region 7)
UTG87###E	Indian Country lands within Utah, except Goshute and Navajo Reservation lands (see Region 9)
WYG87###E	Indian Country lands within Wyoming

9. EPA Region 9: California, Hawaii, Nevada, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Goshute Reservation in Utah and Nevada, the Navajo Reservation in Utah, New Mexico, and Arizona, the Duck Valley Reservation in Idaho, and the Fort McDermitt Reservation in Oregon

Where EPA is Permitting Authority

ASG87####	The Island of American Samoa
AZG87###E	Indian Country lands within Arizona, as well as Navajo Reservation lands within New Mexico (see Region 6) and Utah (See Region 8), excluding for Hualapai Reservation
CAG87###E	Indian Country lands within California
GUG87####	The Island of Guam
JAG87####	Johnston Atoll
MWG87####	Midway Island, Wake Island, and other unincorporated U.S. possessions
NIG87####	Commonwealth of the Northern Mariana Islands
NVG87###E	Indian Country lands within Nevada, as well as the Duck Valley Reservation within Idaho, the Fort McDermitt Reservation within Oregon (see Region 10) and the Goshute Reservation within Utah (see Region 8)

10. EPA Region 10: Alaska, Washington, Idaho (except see Region 9 for Duck Valley Reservation Lands), and Oregon (except see Region 9 for Fort McDermitt Reservation)

Where EPA is Permitting Authority

AKG87####	Alaska, including Indian Country lands within Alaska
IDG87####	Idaho, including Indian Country lands within Idaho, except Duck Valley Reservation lands (see Region 9), excluding Puyallup Tribe Reservation
ORG87###E	Indian Country lands within Oregon, except Fort McDermitt Reservation lands (see Region 9)
WAG87###E	Federal Facilities in Washington, including those on Indian Country lands within Washington, excluding Puyallup Tribe Reservation

Appendix D. Notice of Intent Form

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
NOTICE OF INTENT (NOI) OF COVERAGE UNDER THE PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

Form Approved
OMB No.
2040-NEW

Submission of this completed Notice of Intent (NOI) constitutes notice that the Operator identified in Section B intends to be authorized to discharge pollutants to Waters of the United States within the pest management area identified in Section C under EPA's Pesticide General Permit. Submission of this NOI constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part 1 of the permit; agrees to comply with all applicable terms and conditions of the permit; and understands that continued authorization under the permit is contingent on maintaining eligibility for coverage. To be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement for large entities to prepare a Pesticide Discharge Management Plan (PDMP) prior to NOI submittal. Refer to the instructions at the end of this form to complete your NOI.

Electronic Submission Waiver (skip if submitting through EPA's eNOI system)

☐ I hereby acknowledge my waiver request from the use of EPA's electronic Notice of Intent system (eNOI) because my use of eNOI will incur undue burden or expense over my use of this paper NOI form.

Briefly describe the reason why use of the electronic system causes undue burden or expense.

_____

_____

A. Notice of Intent Status

1. Mark whether this is the first time you are requesting coverage under the Pesticide General Permit or if this is a change of information for a discharge already covered under the Pesticide General Permit. If this is a change of information, supply the NPDES permit tracking number for the discharge.

a. ☐ Original NOI Submission

b. ☐ NOI Change of Information: (NPDES Permit Tracking Number)

Please note: When selecting A.1.b please fill out Section B (Operator Name and Mailing Address) and the fields of the NOI that need to be modified.

B. Operator Information

1. Operator Name:

2. IRS Employer Identification Number (EIN): –

3. Operator Type (check one):

a. ☐ Federal government

b. ☐ State government

c. ☐ Local government

d. ☐ Mosquito control district (or similar)

e. ☐ Irrigation control district (or similar)

f. ☐ Weed control district (or similar)

g. ☐ Other: If other, provide brief description of type of operator:

4. Are you a large entity as defined in Appendix A of the permit? (check one):

☐ Yes ☐ No

Please note: If you answer "Yes" to question 4 you are required to develop a Pesticide Discharge Management Plan (PDMP) and submit an Annual Report reflecting all pesticide uses for which you are requesting permit coverage under this NOI.

5. In which state are your pest management areas located? Please specify only one state per NOI:

6. Mailing Address:

a. Street:

b. City: c. State: d. ZIP Code: –

e. Telephone: – – Ext f. Fax: – –

g. Contact Name:

h. E-mail:

C. Pest Management Areas: Complete Section C for each Pest Management Area for which coverage under EPA's Pesticide General Permit is desired. Copy this section for non-electronic submissions.

Pest Management Area #___ of ##___

1. Pest Management Area Name: _____

Provide a map of the location of the Pest Management Area (attach map) or describe the location of the Pest Management Area in detail.

_____

_____

_____

_____

2. Are any of your activities for which you are requesting coverage under this NOI occurring on Indian Country Lands? ☐ Yes ☐ No

If yes, identify the reservation or otherwise describe those areas:

_____

_____

3. Are any of your activities (in this pest management area) for which you are requesting coverage under this NOI occurring on areas considered "federal facilities" as defined by the permit? ☐ Yes ☐ No

4. Mailing address and contact information of the pesticide applicator (or check here ☐ if same as provided in Section B):

a. Street:

b. City: c. State: d. ZIP Code: –

e. Telephone: – – Ext f. Fax: – –

g. Contact Name:

h. E-mail:

5. Pesticide Use Patterns to be included in this Pest Management Area (check all that apply):

a. ☐ Mosquito and Other Flying Insect Pest Control

b. ☐ Weed and Algae Pest Control

c. ☐ Animal Pest Control

d. ☐ Forest Canopy Pest Control

6. Receiving Waters (check one):

a. ☐ Coverage requested for all Waters of the United States within the Pest Management Area identified above.

b. ☐ Coverage requested specifically for the following Waters of the United States within the Pest Management Area identified above.

_____

_____

c. ☐ Coverage requested for all Waters of the United States within the Pest Management Area identified above except for:

_____

_____

7. Tier 3 Waters

Is coverage requested for discharge to a Tier 3 water (Outstanding National Resource Water) of the United States? ☐ Yes ☐ No

If yes, answer a and b:

a. Name of Tier 3 water(s): _____

b. Provide rationale for determination that pesticide discharge is necessary to protect water quality, the environment, and/or public health and that any such discharge will not degrade water quality or will degrade water quality only on a short-term or temporary basis:

_____

_____

_____

8. Water Quality Impaired Waters

Operators are not eligible for coverage under this permit for any discharges from a pesticide application to Waters of the United States if the waters are identified as impaired by a substance which is either an active ingredient of the pesticide designated for use or is a degradate of such an active ingredient. See Part 1.1.2.1 of the permit. Check one:

a. ☐ Waters are NOT impaired by any substance which is either an active ingredient of a pesticide to be discharged or a degradate of such an active ingredient

b. ☐ Waters are on a current state list as being impaired by a substance which is either an active ingredient of a pesticide to be discharged or a degradate of such an active ingredient; however, evidence is attached documenting that the waters are no longer impaired.

D. Endangered Species Protection: Complete Section D for each Pest Management Area for which coverage under EPA's Pesticide General Permit is desired. Copy this section for non-electronic submissions.

Pest Management Area #___ of ##___

1. Identify the criterion for which you are eligible for permit coverage as it applies to Federally Listed Threatened or Endangered Species (i.e., Species) and/or Federally Designated Critical Habitat (i.e., Habitat) (check one):

a. ☐ Pesticide application activities will not result in a point source discharge to one or more Waters of the United States containing National Marine Fisheries Service (NMFS) Listed Resources of Concern, as defined in Appendix A, of the PGP.

b. ☐ Pesticide application activities for which permit coverage is being requested will discharge to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the PGP, but consultation with NMFS under Section 7 of the Endangered Species Act (ESA) has been concluded for pesticide application activities covered under the PGP. Consultations can be either formal or informal, and would have occurred only as a result of a separate federal action. The consultation addressed the effects of pesticide discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and must have resulted in either:

i. A biological opinion from NMFS finding no jeopardy to federally-listed species and no destruction/adverse modification of federally-designated critical habitat; or

ii. Written concurrence from NMFS with a finding that the pesticide discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat.

c. ☐ Pesticide application activities for which permit coverage is being requested will discharge to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the PGP, but all "take" of these resources associated with such pesticide application activities has been authorized through NMFS' issuance of a permit under section 10 of the ESA, and such authorization addresses the effects of the pesticide discharges and discharge-related activities on federally-listed species and federally-designated critical habitat. (The term "take" means to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. See Section 3 of the Endangered Species Act, 16 U.S.C. § 1532 (19).)

d. ☐ Pesticide application activities were, or will be, discharged to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the PGP, but only in response to a Declared Pest Emergency Situation.

e. ☐ Pesticide application activities for which permit coverage is being requested in the NOI will discharge to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the PGP. Eligible discharges include those where the Decision-maker includes in the NOI written correspondence from NMFS that pesticide application activities performed consistent with appropriate measures will avoid or eliminate the likelihood of adverse effects to NMFS Listed Resources of Concern.

f. ☐ Pesticide application activities for which permit coverage is being requested in the NOI will discharge to one or more Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the PGP. Eligible discharges include those from pesticide application activities that are demonstrated by the Decision-maker as not likely to adversely affect NMFA Listed Resources of Concern or that the pest poses a greater threat to the NMFS Listed Resources of Concern than does the discharge of the pesticide.

2. If you checked criterion d or criterion f above, provide the following information for all discharges to Waters of the United States containing NMFS Listed Resources of Concern identified within the pest management area for which permit coverage is being requested. For discharges pursuant to criterion d, Declared Pest Emergency Situations, information for items a through g should also include any discharges that have already occurred prior to NOI submission as well as the activities you performed in the 15 day period before submission of this NOI was required. In some cases, implementation of pest management measures as specified in the permit involves a degree of "adaptive management" such that exact timing and quantities of applications cannot be determined in advance for the duration of the permit. In such cases, the permittee must provide the required information to the extent feasible and consistent with the implementation of the selected pest management measures.

a. Describe the location of the pest management area in detail or provide a map of the location:

_____

b. Pest(s) to be controlled:

_____

_____

c. Pesticide product(s) to be discharged and method of application: _____

d. Planned quantity and rate of discharge(s) for each method of application: _____

e. Number of planned discharges: _____

f. Approximate date(s) of planned discharge(s): _____

g. Your rationale supporting your determination that you meet the criterion for which you are submitting this NOI, including appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects. For certifications pursuant to Criterion D, indicate whether the discharge is likely to adversely affect NMFS Listed Resources of Concern and, if so, any feasible measures to avoid or eliminate such adverse effects (attach additional pages as necessary):

_____

_____

_____

_____

_____

_____

_____

_____

E. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name:

Title:

E-Mail:

Signature/Responsible Official: _____ Date: / /

NOI Preparer (Complete if NOI was prepared by someone other than the certifier)

Preparer Name:

Organization:

Phone: – – Ext Date: / /

E-Mail:

Who Must File a NOI with EPA?

Any Operator, as described in the Part 1.2.2 of the permit and meeting the eligibility requirements identified in Part 1.1 of the permit and Table 1 below must submit a complete and accurate NOI. As required in the permit, only certain Operators that are also Decision-makers must submit NOIs.

Table 1. Decision-Makers Required to Submit NOIs

PGP Part/ Pesticide Use	Which Decision-Makers Must Submit NOIs?	For Which Pesticide Application Activities?
All four use patterns identified in Part 1.1.1	Any Decision-maker with an eligible discharge to a Tier 3 water (Outstanding National Resource Water) consistent with Part 1.1.2.2	Activities resulting in a discharge to a Tier 3 water
All four use patterns identified in Part 1.1.1	Any Decision-maker with an eligible discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A	Activities resulting in a discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A
1.1.1(a) - Mosquito and Other Flying Insect Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All activities resulting in a discharge for which the Federal or State agency is responsible for pest control
	Mosquito control districts, or similar pest control districts	All activities resulting in a discharge for which the Decision-maker is responsible for pest control
	Local governments or other entities that exceed the annual treatment area threshold identified here	Adulticide treatment if more than 6,400 acres during a calendar year
1.1.1(b) - Weed and Algae Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All activities resulting in a discharge for which the Federal or State agency is responsible for pest control
	Irrigation and weed control districts, or similar pest control districts	All activities resulting in a discharge for which the Decision-maker is responsible for pest control
	Local governments or other entities that exceed the annual treatment area threshold identified here	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
1.1.1(c) - Animal Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All activities resulting in a discharge for which the Federal or State agency is responsible for pest control
	Local governments or other entities that exceed the annual treatment area threshold identified here	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
1.1.1.(d) - Forest Canopy Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All activities resulting in a discharge for which the Federal or State agency is responsible for pest control
	Local governments or other entities that exceed the annual treatment area threshold identified here	Treatment if more than 6,400 acres during a calendar year

If you have questions about whether you need to file an NOI or questions about completing the form, see www.epa.gov/npdes/pesticides or contact the NOI Center toll free at 866-352-7755.

One NOI can be submitted for multiple pest management areas in a state for which you are seeking permit coverage; however, no more than one state can be included on any single NOI form.

When to File the NOI Form?

Do not file your NOI until you have obtained and thoroughly read a copy of the permit. A copy of the permit is on EPA's website (www.epa.gov/npdes/pesticides).The permit describes procedures to ensure your eligibility, prepare your Pesticide Discharge Management Plan (PDMP), and complete the NOI form questions—all of which must be done before you sign the NOI certification statement attesting to the accuracy and completeness of your NOI. You will also need a copy of the permit once you have obtained coverage so that you can comply with the implementation requirements of the permit. Note: PDMP is not required for 1) any application made in response to a Declared Pest Emergency Situation, as defined in Appendix A of the permit; and 2) any Decision-maker that is required to submit an NOI solely because their application results in a point source discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the permit.

All eligible discharges are authorized for permit coverage through January 12, 2012 without submission of an NOI. For any discharges after January 12, 2012, Decision-makers meeting the eligibility requirements identified in the Part 1.1of the permit and Table 1 must submit a complete and accurate NOI according to Tables 2, and 3 and consistent with the requirements of the Part 1.2 of the permit. For example, for discharges occurring on or before January 12, 2012 but continuing after January 12, 2012, NOIs are due no later than January 3, 2012 to ensure uninterrupted coverage.

Table 2. NOI Submittal Deadlines and Discharge Authorization Dates for Discharges from the Application of Pesticides [1]

After January 12, 2012, any eligible discharge for which an NOI is required must submit an NOI consistent with the earliest due date identified below. If EPA receives an NOI on or before January 2, 2012 (or on or before December 12, 2011, for discharges to Waters of the United States containing NMFS Listed Resources of Concern), uninterrupted coverage continues.2 NOI due dates for any discharges occurring on or after January 12, 2012 are as follows:		
Operator Type	NOI Submission Deadline	Discharge Authorization Date[2]
Any Decision-maker with any discharge to Waters of the United States containing NMFS Listed Resources of Concern, except for those discharges in response to a Declared Pest Emergency Situation, as defined in Appendix A.	At least 30 days before any discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A.[5]	No earlier than 30 days after EPA posts on the Internet a receipt of a complete and accurate NOI.[3, 5]
Any Decision-maker with a discharge in response to a Declared Pest Emergency for which that activity triggers the NOI requirement identified in Part 1.2.2, except for any discharges to Waters of the United States containing NMFS Listed Resources of Concern.	At least 30 days after beginning discharge.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation.
Any Decision-maker with any discharge to Waters of the United States containing NMFS Listed Resources of Concern, in response to a Declared Pest Emergency Situation, as defined in Appendix A.	Within 15 days after beginning to discharge in response to a Declared Pest Emergency Situation.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation for a period of at least 60 days.[4]
Any Decision-maker that exceeds any annual treatment area threshold.	At least 10 days before exceeding an annual treatment area threshold.	No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI.
Any Decision-maker otherwise required to submit an NOI as identified in Table 1	At least 10 days before any discharge for which an NOI is required	No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI.

[1] State, territory and tribal specific requirements in addition to the requirements in this table are provided in Part 9.0.

[2] On the basis of a review of an NOI or other information, EPA may delay authorization to discharge beyond any timeframe identified in Table 2, determine that additional technology-based and/or water quality-based effluent limitations or other conditions are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3 of the permit.

[3] Within 30 days after EPA posts on the Internet receipt of a complete and accurate NOI, for those areas with NMFS Listed Resources of Concern, as defined in Appendix A of the permit, NMFS will provide EPA with a determination as to whether it believes the eligibility criterion of "not likely to adversely affect listed species or designated critical habitat" has been met, could be met with conditions that NMFS identifies, or has not been met. EPA expects to rely on NMFS' determination in deciding whether to withhold authorization. If NMFS does not provide EPA with this information within 30 days of EPA posting on the Internet receipt of a complete and accurate NOI, the discharges will be authorized 30 days after EPA posts on the Internet receipt of a complete NOI.

[4] In any Declared Pest Emergency Situation in areas with Waters of the United States containing NMFS Listed Resources of Concern, NMFS will have 30 days after submission of an NOI to provide EPA with a determination as to whether the eligibility criteria of "not likely to adversely affect listed species or designated critical habitat" has been met, could be met with conditions that NMFS identifies, or has not been met. EPA expects to rely on NMFS' determination in deciding whether to allow continued permit coverage and if additional conditions are necessary. If NMFS does not provide EPA with a recommendation within 30 days of EPA posting on the Internet receipt of a complete and accurate NOI, authorization for these discharges will continue. If EPA identifies additional permit conditions, or includes additional permit conditions recommended by NMFS, as necessary to qualify discharges as eligible for coverage beyond 60 days under the PGP, those conditions remain in effect for the life of the permit.

[5] EPA may authorize certain discharges in less than 30 days, but no fewer than 10 days, for any discharges authorized under Criterion B, C, or E of Part 1.1.2.4 (for which NMFS has already evaluated the effects of these discharges).

Table 3. NOI Change of Information Submittal Deadlines and Discharge Authorization Dates

Operator Type	NOI Submission Deadline	Discharge Authorization Date
Any Decision-maker requiring permit coverage for a pest management area not identified on a previously submitted NOI for this permit, except for discharges to any; (1) Tier 3 water, or (2) Waters of the United States containing NMFS Listed Resources of Concern. Except for such waters, changes other than identification of a new pest management area or a new pesticide use pattern do not require a revised NOI submittal.	At least 10 days before beginning to discharge in that newly identified area unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 30 days after beginning discharge.	No earlier than 10 days after EPA posts on the Internet the receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.
Any Decision-maker discharging to a Tier3 water not identified by name on a previously submitted NOI for this permit, except for Tier 3 waters containing NMFS Listed Resources of Concern	At least 10 days before beginning to discharge in that newly identified area unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 30 days after beginning discharge.	No earlier than 10 days after EPA posts on the Internet the receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.
Any Decision-maker with any discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, not identified on a previously submitted NOI for this permit. This includes changes in any treatment area, pesticide product, method or rate of application, or approximate dates of applications.	At least 30 days before beginning to discharge in that newly identified treatment area unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 15 days after beginning discharge.	No earlier than 30 days after EPA posts on the Internet receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.

Where to File the NOI Form

The Decision-maker must prepare and submit the NOI using EPA's electronic Notice of Intent system (eNOI) available on EPA's website (www.epa.gov/npdes/pesticides/enoi) unless eNOI is otherwise unavailable or the Decision-maker has filed a waiver from the requirement to use eNOI for submission of the NOI. The Electronic Submission Waiver is at the top of this form. Decision-makers waived from the requirement to use eNOI for NOI submission must certify to EPA on this form that use of eNOI will incur undue burden or expense over the use of the paper NOI form and then provide a basis for that determination.

EPA will immediately post on the pesticides eNOI Website all NOIs received. Late NOIs will be accepted, but authorization to discharge will not be retroactive.

If you file a waiver from using eNOI; you must send the NOI to one of the addresses listed below.

Via United States Mail:
United States Environmental Protection Agency
Office of Water, Water Permits Division
Mail Code 4203M, ATTN: NPDES Pesticides
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Via overnight/express delivery:
United States Environmental Protection Agency
Office of Water, Water Permits Division
EPA East Building - Room 7420, ATTN: NPDES Pesticides
1201 Constitution Avenue, NW
Washington, DC 20004
Phone: 202-564-9545

If you have questions, contact EPA's Pesticides Notice Processing Center toll free at 866-352-7755.

- If you file a paper NOI, submit the original with a signature in ink. Do not send copies. Also, faxed copies will not be accepted.
- If you are required to develop a PDMP, that document does not need to be submitted for review unless specifically requested by EPA. You must keep a copy of your PDMP on-site or otherwise make it available to facility personnel responsible for implementing provisions of the permit.

Completing the NOI Form

To complete this form, type or print in uppercase letters in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above. You may also use this paper form as a checklist for the information you will need when filing an NOI electronically via EPA's Pesticides eNOI System.

Section A. NOI Status

1. Indicate if this is the first time you are requesting coverage under the permit or if this is a change of information.

a. Check this box if this is the first time you are requesting coverage under the permit for these discharges. If this is the first time you are requesting coverage, refer to Table 2 for NOI submittal deadlines and discharge authorization dates. Note: All eligible discharges are authorized for permit coverage through January 12, 2012 without submission of an NOI.

b. Check this box if this is a change of information for a discharge already covered under the permit. If this is a change of information, supply the NPDES permit tracking number that you received in your confirmation letter or e-mail from EPA's Pesticide Notice Processing Center. You can find the tracking number assigned to your previous NOI using EPA's eNOI System (www.epa.gov/npdes/pesticides/enoi). For additional details regarding a change of information, see Table 3. Also fill out Section B of this form (Operator Name and Mailing Address) and the associated fields of information that need to be modified on the NOI.

Section B. Operator Information

1. Provide the legal name of the person, firm, public organization or any other public entity that is the Decision-maker for the pesticides applications described in this notice. A Decision-maker is an Operator who has control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to Waters of the United States.
2. Provide the Employer Identification Number (EIN from the Internal Revenue Service (IRS)), commonly referred to as your tax payer ID number. If the operator does not have an EIN, enter "N/A" in the space provided.
3. Indicate the type of Operator: federal government, state government, local government, mosquito control district (or similar), irrigation control district (or similar), weed control district (or similar), or other. If other, provide brief description of type of Operator in the space provided.
4. Indicate whether or not you are a "large entity" as defined in Appendix A of the permit. Note that if you are a large entity, you are required to develop a Pesticide Discharge Management Plan (PDMP) and submit future Annual Reports reflecting all pesticide uses for which you are requesting permit coverage under this NOI.
5. Indicate which state your pest management areas are located. Specify only one state per NOI. If there is more than one state, additional NOIs must be submitted.
6. Provide the Decision-maker's mailing address, telephone number, fax number (optional), name, and e-mail address. Correspondence will be sent to this address.

Section C. Pest Management Area: Information for each Pest Management Area for which coverage under EPA's Pesticide General Permit is desired.

1. Indicate whether you are submitting an NOI for multiple pest management areas. A pest management area is the area of land, including any water, for which you have responsibility and are authorized to conduct pest management activities as covered by this permit (e.g., if you are a mosquito control district, your pest management area is the total area of the district). You must complete a Section C for each pest management area. If you are submitting an NOI for only one area, enter "1" of "1." If you are submitting NOIs for multiple pest management areas, enter the number for the NOI for which you are requesting coverage followed by the total number of pest management areas for which you are requesting coverage. Enter the name of the pest management area. Attach a map of the pest management area or describe the location of the pest management area in the space provided.
2. Indicate whether pesticide application will occur on Indian County Lands, and if so, provide the name of the reservation, if applicable.
3. Indicate whether pesticide application will occur on a Federal Facility, as defined in Appendix A of the permit.
4. Enter the mailing address of the contact person for the pest management area. If this address is the same as the Decision-maker's mailing address, indicate that by checking the box. If it is a different address, enter the mailing address, telephone number, fax number (optional), contact name, and e-mail address.
5. Indicate the pesticide use patterns for the pest management area for which the NOI is required. For additional information regarding pesticide use patterns, see Part 1.1.1 of the permit. Check all the use patterns that apply to the pest management area.
6. Indicate if permit coverage is being requested for all Waters of the United States within the pest management area or if permit coverage is being requested to specific Waters of the United States within the pest management area. If specific waters are being requested, write the names of the waterbodies. If permit coverage is being requested for all waters of the United States within the pest management area except for specific waterbodies, name those specific waterbodies in the space provided. EPA's Water Locator Tool can help you identify the closest receiving water to your facility (http://cfpub.epa.gov/npdes/stormwater/tmdltool.cfm).
7. Indicate if permit coverage is being requested to discharge to a Tier 3 (Outstanding National Resource Water) Water of the United States. If yes, write the name(s) of the Tier 3 water(s) in the space provided. Describe and demonstrate why it is necessary to apply the pesticide discharge to protect the water quality, environment, and/or public health and that any such discharge will not degrade water quality or will degrade water quality only on a short-term or temporary basis.
8. Verify that waters within the pest management area are either not impaired by substances which are either active ingredients in the pesticide planned for use or degradates of such active ingredients, OR that evidence shows that the target waters in question are no longer impaired. See Part 1.1.2.1 of the permit for more information on discharges to Water Quality Impaired Waters.

Section D. Endangered Species Protection. Complete Section D for each Pest Management Area for which coverage under EPA's PGP is desired.

Identify the Pest Management Areas, corresponding to those in Part C.

1. Coverage under the permit is available only for discharges and discharge-related activities, as defined in Appendix A of the permit, that are not likely to jeopardize the continued existence of any species that are federally- listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) and not likely to result in the adverse modification or destruction of habitat that is federally-designated as critical under the ESA ("critical habitat") except as provided in criterion b, c, and for at least 60 days, d, below. For a subset of listed species and critical habitat, identified as NMFS Listed Resources of Concern and defined in Appendix A, there are specific criteria for determining eligibility. To demonstrate eligibility, you must meet one or more of the six criteria (a-f) for the entire term of coverage under the permit.
2. If you checked criterion d or criterion f, you are required to provide a description of the location of the pest management area or a map of the location, the pest(s) to be controlled, pesticide product(s) to be discharged and method of application, planned quantity and rate of discharge(s) for each application method, number of planned discharges, approximate date(s) of planned discharge(s), and the rational supporting your determination that you meet the criterion for which the Decision-maker is submitting this NOI and documentation demonstrating the finding of "not likely to adversely affect." If you certify under criteria f and do not hear from EPA within 30 days, you may assume your discharge is authorized. For certifications pursuant to Criterion d, indicate whether the discharge is likely to adversely affect NMFS Listed Resources of Concern and, if so, any feasible measures to avoid or eliminate such adverse effects. If you are certifying under criterion d (which allows you to discharge 15 days before you even submit your NOI), your NOI should describe both the pest emergency activities you plan to do after you submit your NOI as well as the activities you performed in that 15 day period before you had to submit the NOI. See Part 1.1.2.4 of the permit for more information regarding Endangered and Threatened Species and Critical Habitat Protection. If you certify under criterion d and do not hear from EPA, you may assume that permit authorization continues unless notified otherwise.EPA may authorize certain discharges in less than 30 days, but no fewer than 10 days, for any discharges authorized under criterion b, c, or e (for which NMFS has already evaluated the effects of these discharges). If you certify under one of these criteria and do not hear from EPA within 30 days, you may assume your discharge is authorized.

Section E. Certification

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) Federal statutes provide for severe penalties for submitting false information. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, means:

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

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

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, state, federal, or other public facility: by either a principal executive or ranking elected official.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the PDMP contact or a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the NOI preparer.

Paperwork Reduction Act Notice

The public reporting and recordkeeping burden for this collection of information is estimated to average 2.5 hours or 150 minutes per response.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed NOI form to that address.

Appendix E. Notice of Termination Form

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
NOTICE OF TERMINATION (NOT) OF COVERAGE UNDER THE PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

Form Approved
OMB No.
2040-NEW

Electronic Submission Waiver (skip if using eNOI)

☐ I hereby acknowledge my waiver request from the use of EPA's electronic Notice of Intent system (eNOI) because my use of eNOI will incur undue burden or expense over my use of this paper Notice of Termination form.

Briefly describe the reason why use of the electronic system causes undue burden or expense.

_____

_____

_____

_____

A. Permit Information

1. NPDES Permit Tracking Number: ☐☐☐☐☐☐☐☐☐

2. Reason for termination (check one only):

☐ a. You have ceased all discharges from the application of pesticides for which you obtained permit coverage and you do not expect to discharge during the remainder of the permit term.

☐ b. You have obtained permit coverage under an NPDES individual permit or alternative NPDES general permit for all pesticide discharges requiring NPDES permit coverage.

☐ c. A new Operator has taken over decision-making responsibility for the pest control activities covered under an existing NOI. Provide the transfer date and the new Operator information. Date of transfer: ☐☐ / ☐☐ / ☐☐☐☐

New Operator Name: ☐☐☐☐☐☐☐☐☐

C. Certification

I certify under penalty of law that I have met at least one of the reasons for terminating permit coverage listed in Section A above. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge pesticides to waters of the United States. This document and all attachments were prepared under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. Additionally, I understand that the submittal of this Notice of Termination does not release a pesticide Operator from liability for any violations of the Clean Water Act.

Printed Name:

Title:

E-Mail:

Signature/Responsible Official: _____ Date: / /

NOT Preparer (Complete if NOT was prepared by someone other than the certifier)

Preparer Name:

Organization:

Phone: – – Ext Date: / /

E-Mail:

Who Must File an NOT Form with EPA?

Any Operator required to submit a Notice of Intent (NOI) is required to submit a Notice of Termination (NOT) to end coverage under this permit. However, if EPA notifies the Operator to apply for an NPDES individual permit or alternative general permit, coverage under this permit terminates automatically. Dischargers automatically covered under this permit as identified in Part 1.2.3 of the permit are likewise automatically terminated upon permanent cessation of discharge consistent with any of the criteria identified in Part 1.2.5.3 of the permit. As required in the permit, only certain Operators that are also Decision-makers must submit NOIs.

If you have questions about whether you need to file an NOT or questions about completing the form, see www.epa.gov/npdes/pesticides or contact the NOI Center toll free at 866-352-7755.

When to File the NOT Form?

Operators must file the NOT form within 30 days after one or more of the conditions in Part 1.2.5.2 of the permit have been met.

Where to File the NOT Form?

Consistent with Part 1.2.5.1 of the permit, the Operator must submit the NOT using EPA's electronic Notice of Intent (eNOI) System available on EPA's website (www.epa.gov/npdes/pesticides/enoi) unless eNOI is otherwise unavailable or the Operator files a waiver from the requirement to use eNOI for submission of the NOT. The Electronic Submission Waiver is at the top of this NOT form. An Operator waived from the requirement to use eNOI for any NOT submission must certify to EPA on this form that use of eNOI will incur undue burden or expense over the use of the paper NOT form and then provide a basis for that determination.

Filing electronically is the fastest way to terminate permit coverage and help ensure that your NOT is complete.

If you do file a waiver from using eNOI; you must send the NOT to one of the addresses listed below.

Via United States Mail:
United States Environmental Protection Agency
Office of Water, Water Permits Division
Mail Code 4203M, ATTN: NPDES Pesticides
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Via overnight/express delivery:
United States Environmental Protection Agency
Office of Water, Water Permits Division
EPA East Building - Room 7420, ATTN: NPDES Pesticides
1201 Constitution Avenue, NW
Washington, DC 20004
Phone: 202-564-9545

If you file a paper NOT, submit the original form with a signature in ink. Do not send copies. Also, faxed copies will not be accepted.

Completing the NOI Form

To complete this form, type or print in uppercase letters in the appropriate areas only. Make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above. You can also use this paper form as a checklist for the information you will need when filing an NOT electronically via EPA's Pesticides eNOI system.

Section A. Permit Information

1. Enter the existing NPDES Permit Tracking Number assigned by eNOI or the EPA's Pesticides Processing Center. You can find the tracking number assigned to your previous NOI using EPA's eNOI System (www.epa.gov/npdes/pesticides/enoi).

2. Select the appropriate box to indicate why you are submitting an NOT to end permit coverage. Select one of the three termination options:

   a. Select this box if you have ceased all discharges from the application of pesticides for which you obtained permit coverage and you do not expect to discharge during the remainder of the permit term.

   b. Select this box if you have obtained NPDES individual permit coverage or alternative NPDES permit coverage.

   c. Select this box if a new Operator has taken over decision-making responsibility of pest control activities covered under an existing NOI and you are no longer the Operator. Provide the date of transfer and the name and contact information of the new Operator.

Section B. Operator Information

1. Provide the full legal name of the person, firm, public organization, or other entity that is the Operator who is the Decision-maker for the pesticide application described in this application.

2. Provide the Operator's IRS Employer Identification Number.

3. Provide the Operator's mailing address and telephone number. Correspondence will be sent to this address.

4. Provide a contact person's full legal name and e-mail address. This person will be contacted regarding any NOT communication.

Section C. Certification

Carefully read the certification statement. By completing and submitting the NOT, the Operator certifies that every applicable general permit requirement will be met. Provide the printed full legal name, title and email address of the certifier. Sign and date the form. (CAUTION: An unsigned or undated NOT form will prevent the termination of permit coverage.) Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

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

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

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, state, federal, or other public facility: by either a principal executive or ranking elected official.

If the NOT was prepared by someone other than the certifier (for example, if the NOT was prepared by the PDMP contact or a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the NOT preparer.

Paperwork Reduction Act Notice

The public reporting and recordkeeping burden for this collection of information is estimated to average 0.5 hours or 30 minutes per response.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed NOT form to that address.

Appendix F. Pesticide Discharge Evaluation Worksheet

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
PESTICIDE DISCHARGE EVALUATION WORKSHEET FOR THE PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

Form Approved
OMB No.
2040-NEW

This worksheet is for any Operator who is also a Decision-maker required to submit a Notice of Intent (NOI) and is a small entity, as defined in Appendix A of the Pesticide General Permit (PGP). The information on this worksheet must be retained for each pesticide application activity.

A. General Information

1. Operator Name:
2. Worksheet Preparer Name:
3. Pest Management Area: # __ of ## ____
4. Pest Management Area Name: _____
5. Indicate the pesticide use pattern for the Pest Management Area:
   a. ☐ Mosquito and Other Flying Insect Pests b. ☐ Weed and Algae Pests c. ☐ Animal Pests d. ☐ Forest Canopy Pests
6. For each treatment area (use additional pages for each treatment area):
   a. Provide a description of the treatment area within this Pest Management Area, including location description:

   _____

   _____

   b. Size of treatment area (in acres or linear feet): _____ acres or _____ linear feet.
   c. Name or location of any Waters of the United States to which discharges occurred:

   _____

   _____

B. Pest Evaluation

1. Identify the target pest(s) and explain why pest control is needed:

   _____

   _____

   _____

   _____

2. Describe Pest Management Measure(s) implemented before the first pesticide application:

   _____

   _____

   _____

   _____

C. Pesticide Application

1. Name and contact information for pesticide applicator(s):

   Company Name:

   Street:

   City: State: Zip Code: -

   Contact Name:

   Phone: – – Ext

   E-mail:

2. Pesticide application start date: __ / __ / ____ Pesticide application end date: __ / __ / ____

3. Name of each pesticide product used, EPA registration number, and quantity of pesticide applied (as packaged or as formulated): Circle lbs or gallons.

Product Name	Product Name	Product Name
EPA Reg. No.	EPA Reg. No.	EPA Reg. No.
Quantity (lbs or gallons)	Quantity (lbs or gallons)	Quantity (lbs or gallons)
Application method:	Application method:	Application method:

4. Visual monitoring was conducted during pesticide application and/or post-application? ☐ Yes. ☐ No. If no, describe why not?

5. Any adverse effects identified during visual monitoring? ☐ Yes. ☐ No. If yes, describe.

D. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for recording false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name:

Title:

E-Mail:

Signature/Responsible Official: Date: __ / __ / ____

Pesticide Discharge Evaluation Worksheet Preparer (Complete if worksheet was prepared by someone other than the certifier)

Preparer Name:

Organization:

Phone: ___ – ___ – ____ Ext ____ Date: __ / __ / ____

E-Mail:

Instructions for Completing the Pesticide Discharge Evaluation Worksheet (PDEW) for the PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

Who Must Complete a PDEW?

Any Operator, who is a Decision-maker required to submit a Notice of Intent (NOI) and is a small entity as defined in Appendix A of the permit may complete this Pesticide Discharge Evaluation Worksheet (PDEW) to meet the requirements of Part 7.4 of the PGP.

Pest management area, as defined in Appendix A of the permit, can be a large area (e.g., an entire town) or a very specific well-defined management area (e.g., a lake). Thus, a pest management area can have one or more treatment areas. Operators required to retain the information contained on this worksheet must do so for each treatment area. For treatment areas with the same or similar pests, the Operator can use one worksheet to document pest management activities for those multiple treatment areas.

When to Complete a PDEW?

Before any pesticide application, any Operator using this form to meet its obligations under the PGP must complete Part B of this worksheet. Part C, except for the pesticide application end date and total quantity of pesticide applied, must be completed as soon as possible but no later than 14 days after the first pesticide application. The total quantity of pesticide applied and the pesticide application end date must be completed as soon as possible but no later than 14 days after completion of pesticide application for this project.

Any Operator using this form to meet its obligations under the PGP must retain this worksheet for at least 3 years from the date that coverage is granted under the PGP or when the permit expires or is terminated. These Operators must make this worksheet available to EPA, including an authorized representative of EPA, upon request.

Completing the PDEW

To complete this form, type or print in uppercase letters in the approriate areas only. Make sure you complete all questions.

Section A. General Information

1. Enter the Operator's full legal name.
2. Enter the full legal name of the person completing the form.
3. Section A should be completed for each Pest Management Area. Indicate which Pest Management Area out of the total number of Pest Management Areas for which the section is being completed (i.e., Pest Management Area 1 of 10 total Pest Management Areas).
4. Enter the name of the Pest Management Area.
5. Identify the pesticide use pattern(s) for the Pest Management Area.
6. For each treatment area, provide a brief description and location description of the treatment area within the Pest Management Area; size of the treatment area in acres or linear feet, and name or location of any Waters of the United States to which discharges occur.

Section B. Pest Evaluation

1. Identify the target pest(s) and provide a brief description of why pest control is needed.
2. Provide a brief description of any Pest Management Measure(s) implemented before pesticide application. For example, identify if you have performed physical control techniques such as pulling weeds, removing breeding habitat, or trapping animals.

Section C. Pesticide Application

1. Provide the company name and contact information of the pesticide applicator.
2. Enter the date that the pesticide application began and ended.
3. Enter the name of each pesticide product used including the EPA Registraion Number, the quanity of pesticide applied, and the method used to apply the pesticide (e.g., fixed wing aircraft, backpack sprayer).
4. Indicate if visual monitoring was conducted during the pesticide application and/or post-application. If visual monitoring was not performed, provide a brief description of why visual monitoring was not conducted.
5. Indicate if there were any adverse effects identifed during visual monitoring. Provide a brief decription of any adverse effects that were identified.

Section D. Certification

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) Federal statutes provide for severe penalties for submitting false information. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, means:

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

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

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, state, federal, or other public facility: by either a principal executive or ranking elected official.

If the PDEW was prepared by someone other than the certifier (for example, if the PDEW was prepared by a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the PDEW preparer.

Paperwork Reduction Act Notice

The public reporting and recordkeeping burden for this collection of information is estimated to average 1 hour or 60 minutes per response.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed Pesticide Discharge Evaluation Worksheet to this address.

Appendix G. Annual Report Template

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
ANNUAL REPORTING FORM FOR THE PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

Form Approved
OMB No.
2040-NEW

This form is for any Operator that is a Decision-maker required to submit an NOI. The annual report must be submitted no later than February 15 of the following year for all pesticide activities covered under the permit occurring during the previous calendar year as detailed in Part 7 of the permit.

Electronic Submission Waiver (skip if using eNOI)

☐ I hereby acknowledge my waiver request from the use of EPA's electronic Notice of Intent system (eNOI) because my use of eNOI will incur undue burden or expense over my use of this paper Annual Reporting form.

Briefly describe the reason why use of the electronic system causes undue burden or expense:

_____

_____

A. General Information

1. NPDES Permit Tracking Number: ☐☐☐☐☐☐☐☐☐

2. Operator Name: ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

3. Operator Contact Information:

   a. Street: ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

   b. City: ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ c. State: ☐☐ d. ZIP Code: ☐☐☐☐☐ – ☐☐☐☐

   e. Telephone: ☐☐☐ – ☐☐☐ – ☐☐☐☐ Ext ☐☐☐☐ f. Fax: ☐☐☐ – ☐☐☐ – ☐☐☐☐

4. Contact Information:

   a. Contact Name: ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

   b. Title: ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

   c. E-mail: ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

B. Adverse Incidents and Corrective Actions

1. Was an adverse incident observed and/or corrective actions taken for any Pest Management Area for which you have coverage under the permit?

   a. ☐ No adverse incidents were observed or corrective action was taken. (Proceed to Section C)

   b. ☐ Yes, an adverse incident was observed and/or a corrective action was taken. (Complete questions 2-6 for each Pest Management Area in which adverse incidents were observed or corrective actions were taken. Copy this section for non-electronic submissions).

Pest Management Area #____ of ##____

2. Pest Management Area Name: _____

3. If applicable, provide the date for any adverse incidents as a result of those treatment(s), as described in Part 6.4 of the permit (use additional pages, if needed):

   Date of adverse incident observation: ☐☐ / ☐☐ / ☐☐☐☐

4. Date and time the Operator contacted EPA to notify the Agency of the adverse incident, who the Operator spoke with at EPA, and any instructions received from EPA.

   a. Date: ☐☐ / ☐☐ / ☐☐☐☐

   b. Time: _____

   c. Who the Operator spoke with at EPA: _____

   d. Instructions received from EPA:

   _____

   _____

5. Date of submission of Thirty (30)-Day Adverse Incident Written Report: ☐☐ / ☐☐ / ☐☐☐☐

6. Describe any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s), subsequent to those steps described in the Thirty (30)-Day Adverse Incident Written Report:

   _____

   _____

   _____

   _____

   _____

C. Pest Management Area(s) (use additional pages for each Pest Management Area)

Pest Management Area # ___ of ## ___

1. Have any discharges from pest control activities occurred in this calendar year?
   a. ☐ No discharge from pest control activities this calendar year. Note: Checking this box completes Section C if you had no discharge from pest control activities this year. Proceed to section D.
   b. ☐ Yes. Proceed to question 2.
2. Indicate the pesticide use pattern for the Pest Management Area:
   a. ☐ Mosquito and Other Flying Insect Pest Control b. ☐ Weed and Algae Pest Control c. ☐ Animal Pest Control d. ☐ Forest Canopy Pest Control
3. For each treatment area (use additional pages for each treatment area):
   a. Provide a description of the treatment area within this Pest Management Area, including location description:

      _____

      _____

   b. Size of treatment area (in acres or linear feet): _____ acres or _____ linear feet.
   c. Name or location of any Waters of the United States to which discharges occurred:

      _____

      _____

   d. Target Pest(s): _____
   e. Did any pesticide application activities result in a discharge to Waters of the United States containing NMFS Listed Resources of Concern as defined in Appendix A of the permit?

      ☐ Yes ☐ No If yes, approximate date(s) of any discharges: _____
4. Name and contact information for pesticide applicator(s) (or check here if same as provided in Section A): ☐

   Company Name: _____

   Street: _____

   City: _____ State: ___ Zip Code: _____ - ____

   Contact Name: _____ Title: _____

   Phone: ___ – ___ – ____ Ext ____

   E-mail: _____
5. Was this pest control activity addressed in your Pesticide Discharge Monitoring Plan (PDMP) before pesticide application: ☐ Yes ☐ No ☐ Not Applicable
6. Enter the total amount of each pesticide product applied for the reporting year by the product name, EPA Registration Number(s) and by application method. Circle if quantity indicated is in lbs or gallons: Add additional pages if necessary.

Product Name _____

_____ – _____ Quantity Applied (lbs or gallons of product):

Application method:

a. ☐ Aerially by fixed-wing _____ lbs or gallons
b. ☐ Aerially by rotary aircraft _____ lbs or gallons
c. ☐ Land-based sprayer (includes backpack, land vehicle mounted sprayers, high pressure canopy sprayer) _____ lbs or gallons
d. ☐ Aquatic vehicle mounted sprayer _____ lbs or gallons
e. ☐ Direct mixture (includes metering, subsurface applications) _____ lbs or gallons
f. ☐ Chemigation _____ lbs or gallons
g. ☐ Other (specify): _____ _____ lbs or gallons

Product Name _____

_____ – _____ Quantity Applied (lbs or gallons of product):

Application method:

a. ☐ Aerially by fixed-wing _____ lbs or gallons
b. ☐ Aerially by rotary aircraft _____ lbs or gallons
c. ☐ Land-based sprayer (includes backpack, land vehicle mounted sprayers, high pressure canopy sprayer) _____ lbs or gallons
d. ☐ Aquatic vehicle mounted sprayer _____ lbs or gallons
e. ☐ Direct mixture (includes metering, subsurface applications) _____ lbs or gallons
f. ☐ Chemigation _____ lbs or gallons
g. ☐ Other (specify): _____ _____ lbs or gallons

D. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name:

Title:

E-Mail:

Signature/Responsible Official: _____ Date: / /

Annual Report Preparer (Complete if the Annual Report was prepared by someone other than the certifier)

Preparer Name:

Organization:

Phone: – – Ext Date: / /

E-Mail:

Instructions for Completing the Annual Report Form for the Pesticide General Permit (PGP) for Discharges from the Application of Pesticides

Who Must File an Annual Report with EPA?

Any Operator that is a Decision-maker required to submit a Notice of Intent (NOI) and is a large entity as defined in Appendix A of the permit and any Decision-maker required to submit an NOI solely because of their application results in a discharge to Waters of the United States containing NMFS Listed Resources of Concern, must submit an annual report to EPA each calendar year. Once required to submit an annual report for one year, an annual report must be filed each subsequent year of this permit whether or not you have discharges from the application of pesticides in accordance with Section 7.6 of the permit.

When to File an Annual Report?

Any Operator required to file an annual report must submit the annual report no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. If the Operator is required to submit an NOI based on an annual treatment area threshold, the annual report must include information for the calendar year, with the first annual report required to include activities for the portion of the calendar year after the point at which the Operator exceeded the annual treatment area threshold. If the Operator first exceeds an annual treatment area threshold after December 1 in a calendar year, an annual report is not required for that first partial year but annual reports are required thereafter, with the first annual report submitted also including information from the first partial year.

When Operator terminates permit coverage, as specified in Part 1.2.5 of the permit, an annual report must be submitted for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the following year.

Where to File the Annual Report?

The Operator must prepare and submit the Annual Report using EPA's electronic Notice of Intent (eNOI) system available on EPA's website (www.epa.gov/npdes/pesticides/enoi) unless eNOI is otherwise unavailable or the Operator has filed a waiver from the requirement to use eNOI for submitting the Annual Report. The Electronic Submission Waiver is at the top of this form. Any Operator waived from the requirement to use eNOI for Annual Report submission must certify to EPA on this form that use of eNOI will incur undue burden or expense over the use of the paper Annual Report form and then provide a basis for that determination.

If you do file a waiver from using eNOI; you must send the Annual Report to one of the addresses listed below.

Via United States Mail:
United States Environmental Protection Agency
Office of Water, Water Permits Division
Mail Code 4203M, ATTN: NPDES Pesticides
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Via overnight/express delivery:
United States Environmental Protection Agency
Office of Water, Water Permits Division
EPA East Building - Room 7420, ATTN: NPDES Pesticides
1201 Constitution Avenue, NW
Washington, DC 20004
Phone: 202-564-9545

If you have questions, contact EPA's Pesticides Notice Processing Center toll free at (866) 352-7755.

If you file a paper Annual Report, please submit the original with a signature in ink. Do not send copies. Also, faxed copies will not be accepted.

Completing the Annual Report Form

To complete this form, type or print in uppercase letters in the appropriate areas only. Make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above. You may also use this paper form as a checklist for the information you will need when filing an Annual Report electronically via EPA's Pesticides eNOI system.

Section A. General Information

1. Enter your permit tracking number that you received in your NOI confirmation letter or e-mail from EPA's Pesticide Notice Processing Center. You can find the tracking number assigned to your NOI by using EPA's eNOI System (www.epa.gov/npdes/pesticides/enoi).
2. Provide the legal name of the person, firm, public organization or any other public entity who is the Decision-maker for the pesticides applications described in this report. A Decision-maker is an Operator who has control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to Waters of the United States.
3. Enter the address, telephone number, and fax number of the Operator.
4. Provide the full legal name, title and e-mail address of a contact person for the Annual Report.

Section B. Adverse Incidents and Corrective Actions

1. Identify if an adverse incident was observed and corrective actions were taken for any Pest Management Area for which you have coverage under the permit. If no, proceed to Section C. If yes, complete Section B for each Pest Management Area for which an adverse incident was observed or corrective action was taken.
2. Enter the name of the Pest Management Area.
3. If applicable, enter the date of any adverse incidents resulting from the treatments, as described in Part 6.4 of the permit. Use additional pages if there are multiple dates to be described.
4. Enter the date and time the Operator contacted EPA to notify the Agency of the adverse incident, pursuant to Part 6.4.1.1 of the permit.
   a. Indicate the date of the contact.
   b. Indicate the time of the contact.
   c. Indicate who the Operator spoke with at EPA.
   d. Indicate any instructions received from EPA.
5. Enter the date that the Thirty (30)-Day Adverse Incident Written Report was submitted, pursuant to Part 6.4.2 of the permit.
6. Provide a description of any corrective action(s) resulting from pesticide application activities and the rationale for the action(s), performed subsequently to or in addition to any actions described in the Thirty (30)-Day Adverse Incident Written Report.

Section C. Pest Management Area(s)

Section C should be completed for each Pest Management Area. Indicate which Pest Management Area out of the total number of Pest Management Areas for which the section is being completed (i.e., Pest Management Area 1 of 10 total Pest Management Areas).

1. Identify if you had a discharge from pest control activities this calendar year. Check yes if you had discharge from pest control activities this calendar year. Check no if you had no discharge from pest control activities this calendar year. Note: Checking the no box completes Section C
2. Select the box for the type of pesticide use pattern for the Pest Management Area.
3. Provide a description of the treatment area (use additional pages for each treatment area).
   a. Provide a description of the treatment area, including a description of the location.
   b. Provide the size of the treatment area in acres or linear feet.
   c. Provide the name or location of any Waters of the United States to which discharges occur.
   d. Provide a description of the target pest(s).
   e. Indicate whether any pesticide application activities resulted in a discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the permit. If yes, provide approximate date(s) of the discharge. Additional information on NMFS Listed Resources of Concern is available on EPA's website at www.epa.gov/npdes/pesticides.

NOTE: Copy this page and attach additional pages as necessary

4. Provide the company name(s), mailing address, a contact person, contact person's title, telephone number and e-mail address for the pesticide applicator(s). If the information is the same as Section A, check the appropriate box and proceed to the next question.
5. Indicate if the pest control activity was addressed in your PDMP before pesticide application.
6. Enter the total amount of each pesticide product applied for the reporting year by the product name, EPA Registration Number(s) and by application method. Circle whether the quantity applied is in pounds or gallons. Copy and attach additional pages, as necessary.

Section D. Certification

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) Federal statutes provide for severe penalties for submitting false information. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, means:

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

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

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, state, Federal, or other public facility: by either a principal executive or ranking elected official.

If the Annual Report was prepared by someone other than the certifier (for example, if the Annual Report was prepared by the PDMP contact or a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the Annual Report preparer.

Paperwork Reduction Act Notice

The public reporting and recordkeeping burden for this collection of information is estimated to average 8 hours or 480 minutes per response.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed Annual Reporting Form to this address.

NOTE: Copy this page and attach additional pages as necessary

Appendix H. Adverse Incident Report Template

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
THIRTY (30)-DAY ADVERSE INCIDENT WRITTEN REPORT FOR
THE PESTICIDE GENERAL PERMIT (PGP)
FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

Form Approved
OMB No.
2040-NEW

This form is for Operators required to submit a written report of any reportable adverse incidents to the appropriate EPA Regional office and to the state lead agency for pesticide regulation. Where multiple Operators are authorized for a discharge that results in an adverse incident, reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of this report is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

A. Reportable Adverse Incident.

Is the adverse incident reportable? Reporting of adverse incidents is not required under the PGP in the following situations: (a) An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application; (b) An Operator has been notified by EPA, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents; (c) An Operator receives information of an adverse incident, but that information is clearly erroneous; or (d) An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

☐ Yes. You must complete this report and submit it to the appropriate EPA Regional office and to the state lead agency for pesticide regulation.

☐ No. STOP. You are not required to complete this report. However, you may consider using this form to document the incident and your rationale for why reporting of the adverse incident is not required. This information may be useful to support your rationale should you be questioned on such.

B. Information from the 24-Hour Adverse Incident Notification

When an Operator observes or is otherwise made aware of an adverse incident, which may have resulted from a discharge from a pesticide application, the Operator must immediately notify the appropriate EPA Incident Reporting Contact, as identified at www.epa.gov/npdes/pesticides. This notification must be made by telephone within 24 hours of the Operator becoming aware of the adverse incident. Operators must include in the written report the information provided to EPA in the 24-hour adverse incident notification (PGP Part 6.4.1.1). Attach additional information if necessary.

1. Caller's Contact Information:

   a. Name: _____

   b. Telephone Number: ___ – ___ – ____ Ext ____

2. Operator Information:

   a. Operator Name: _____

   b. Mailing Address:

   Street: _____

   City: _____ State: __ ZIP Code: _____ – ____

3. NOI NPDES Permit Tracking Number: _____ (Enter "NA" if not applicable)

4. Contact person, if different than the person providing the 24-hour notice under item 1 above:

   a. Name: _____

   b. Telephone Number: ___ – ___ – ____ Ext ____

5. Describe how and when the Operator became aware of the adverse incident:

   _____

   _____

6. Describe the location of the adverse incident:

   _____

   _____

7. Describe the adverse incident identified and the pesticide product, including EPA pesticide registration number in item 7a below, for each product applied in the area of the adverse incident:

a. Pesticide Registration Number:

Pesticide Registration Number:

8. Describe any steps the Operator has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects:

9. Identify any other Operators authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident and if so, provide details of your notification of those other Operator(s):

C. Date and Time the Operator Notified EPA of the Adverse Incident

1. Date EPA was contacted: / /

2. Time EPA was contacted:

3. Name and/or title of the person the Operator spoke with at EPA:

a. Name:

b. Title:

4. Instructions received from EPA:

D. Other Information Required in the Thirty (30) Day Adverse Incident Report

Please attach additional information if necessary.

1. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc):

2. Describe the circumstances of the adverse incident including species affected, estimated number of affected individuals, and approximate size of dead or distressed organisms:

3. Describe the magnitude and scope of the affected area (e.g. aquatic square area or total stream distance affected):

4. Provide the pesticide application rate, intended use site (e.g., on the bank, above waters, or directly to water), method of application, and the name of pesticide product and EPA registration number.

Pesticide application rate:		Pesticide application rate:	
Intended use site:		Intended use site:	
Method of application:		Method of application:	
Product:		Product:	
EPA Reg. No.:		EPA Reg. No.:	

5. Describe the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied):

6. Provide an indication of which laboratory test(s), if any, were performed, and when. (Note: A summary of the test results must be provided within 5 days after they become available, if not available at the time of submission of this report.):

7. Describe the actions to be taken to prevent recurrence of adverse incidents:

E. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name:

Title:

E-Mail:

Signature/Responsible Official: _____ Date: / /

Adverse Incident Report Preparer (Complete if Adverse Incident Report was prepared by someone other than the certifier)

Preparer Name:

Organization:

Phone: – – Ext Date: / /

E-Mail:

Instructions for Completing and Submitting the Thirty (30) Day Adverse Incident Written Report for the Pesticide General Permit (PGP) for Discharges from the Application of Pesticides

Who Must Submit a 30-day Adverse Incident Report?

All Operators who observe or are otherwise made aware of a reportable adverse incident pursuant to Part 6.4 of the permit must submit on adverse incident report.

However, even for those identified adverse incidents for which the Operator is not required to report, EPA recommends that Operators consider using this form to document the incident and the rationale for why reporting of the adverse incident is not required. This information may be useful to support a rationale should this determination be questioned.

An adverse incident, as defined in the Appendix A of the permit, is an unusual or unexpected incident that an Operator has observed upon inspection or of which the Operator otherwise became aware, in which: (1) there is evidence that a person or non-target organism has likely been exposed to a pesticide residue, and (2) the person or non-target organism suffered a toxic or adverse effect. See Appendix A of the permit, for the complete definition of adverse incident.

Where multiple Operators are authorized for a discharge that results in an adverse incident, notification and reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of the written report required in Part 6.4.2 of the permit is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

When to File the Adverse Incident Report

Operators must a provide a written report of any reportable adverse incidents to the appropriate EPA Regional office and to the state lead agency for pesticide regulation within 30 days of the adverse incident pursuant to Part 6.4.1.1 of the permit.

Where to File the 30-day Adverse Incident Report

The Operator must immediately notify the appropriate EPA Incident Reporting Contact, as identified at www.epa.gov/npdes/pesticides of the adverse incident within 24 hours. The Operator(s) must provide a written report of the adverse incident to the appropriate EPA Regional office at the address listed in Part 8 of the permit and to the state lead agency for pesticide regulation (see http://npic.orst.edu/state1.htm).

If an Operator becomes aware of an adverse incident affecting a federally listed threatened or endangered species or its federally designated critical habitat which may have resulted from a discharge from the Operator's pesticide application, the Operator must immediately notify the National Marine Fisheries Service (NMFS) in the case of an anadromous or marine species, or the United States Fish and Wildlife Service (FWS) in the case of a terrestrial or freshwater species.

Completing the 30-day Adverse Incident Report

To complete this form, type or print in uppercase letters in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the appropriate EPA Regional office.

Section A. Reportable Adverse Incident

The Operator is required to submit this Adverse Incident Report if the adverse incident is reportable. Check yes if the adverse incident is reportable. If an Adverse Incident Report is not required, check no. No further action is needed on this form. Reporting of adverse incidents is not required under the PGP in the following situations:

a. An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application;
b. An Operator has been notified by EPA, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents;
c. An Operator receives information notifying the Operator of an adverse incident, but that information is clearly erroneous; or
d. An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

Section B. Information from the 24-hour Adverse Incident Notification

1. Provide contact information for the person that called EPA to report the adverse incident.
   a. Enter the legal name of the caller.
   b. Enter the phone number of the caller.
2. Provide the Operator's contact information.
   a. Enter the legal name of the Operator.
   b. Enter the mailing address of the Operator.
3. If an NOI was filed as required in Part 1.2 of the permit, enter the NPDES Permit Tracking Number assigned by eNOI or the EPA's Pesticides Processing Center. You can find the tracking number assigned to your NOI using EPA's eNOI System (www.epa.gov/npdes/pesticides/enoi). If no NOI submitted, enter "NA" for not applicable.
4. Provide information for a contact person, if different than the person that called EPA to report the adverse incident.
   a. Enter the legal name of the contact person.
   b. Enter the phone number of the contact person.
5. Provide a description of how and when the Operator became aware of the adverse incident.
6. Provide a description of the location of the adverse incident.
7. Provide a description of the adverse incident and the pesticide product used in the adverse incident. Include the EPA pesticide registration number for each product applied in the area of the adverse incident. Attach additional pages if necessary
8. Provide a description of any steps the Operator has taken to correct, repair, remedy, clean up or otherwise address the adverse effects of the incident.
9. Identify any other Operators authorized for coverage under the permit for discharges from the pesticide application activities that resulted in the adverse incident. If other Operators are authorized under this permit, provide details of your notification of those other Operator(s).

Section C. Date and Time the Operator Notified EPA of the Adverse Incident

1. Enter the date that EPA was contacted to report the adverse incident.
2. Enter the time EPA was contacted to report the adverse incident.
3. Provide the legal name and title of the person contacted at EPA.
4. Provide a description of the instructions received by EPA.

Section D. Other Information Required in the Thirty (30) Day Adverse Incident Report

1. Enter the location of the adverse incident and include the names of any waters affected. Please include the appearance of those waters (sheen, color, clarity, etc.).
2. Provide a description of the circumstances of the adverse incident including species affected, estimated number of affected individuals and approximate size of dead or distressed organisms.
3. Provide a description of the magnitude and scope of the affected area. Include aquatic square area or total stream distance affected, if possible.
4. Provide the pesticide application rate, intended use site (e.g., on the bank, above waters, or directly to water), method of application, and the name of pesticide product and EPA registration number.
5. Provide a description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied).
6. Indicate which laboratory test(s) were performed and when, if laboratory tests were performed. The summary of the test results must be provided within 5 days after they become available, if not available at the time of submission of this report.
7. Provide a description of the actions to be taken to prevent recurrence of adverse incidents.

Section E. Certification

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) Federal statutes provide for severe penalties for submitting false information. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

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

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

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, state, federal, or other public facility: by either a principal executive or ranking elected official.

If the report was prepared by someone other than the certifier (for example, if the report was prepared by a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the report preparer and the date that the report was prepared.

Paperwork Reduction Act Notice

The public reporting and recordkeeping burden for this collection of information is estimated to average 4 hours or 240 minutes per response.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed Adverse Incident Report to this address.

Appendix I. Endangered Species Procedures

Assessing the Effects of Your Discharge and Discharge-Related Activities

You must meet at least one of the criteria in Part 1.1.2.4 of the permit to be eligible for coverage under this permit. You must follow the procedures in this appendix to certify eligibility to discharge to Waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the permit, and determine under which of the eligibility criteria, if any, you qualify. NMFS Listed Resources of Concern for the PGP are provided at www.epa.gov/npdes/pesticides. When evaluating the potential effects of your activities, you must consider effects to NMFS Listed Resources of Concern within each treatment area identified in your NOI that contains such Resources. Discharges not meeting at least one of these criteria are not eligible for coverage under this permit. No discharges to Waters of the United States containing NMFS Listed Resources of Concern are eligible for coverage under the PGP unless those discharges are specifically identified and certified on a complete and accurate NOI form submitted to EPA. These discharges will be authorized 30 days after EPA posts the NOI on the Internet at www.epa.gov/npdes/pesticides, unless EPA notifies you otherwise within the 30-day period, or unless the discharges are in response to a Declared Pest Emergency Situation in which case the discharges are authorized immediately for a period of at least 60 days from the date this discharge began.

Step One: *Determine if NMFS Listed Resources of Concern are Present in the Treatment Area*

First, you should determine whether any discharges from your pesticide application activities in any treatment areas included under your NOI are likely to overlap directly with any NMFS Listed Resources of Concern, as identified at www.epa.gov/npdes/pesticides. The website provides maps and lists of Waters of the United States where the NMFS Listed Resources of Concern are present and contact information for regional NMFS offices in those areas. If you determine that any of your discharges are to Waters of the United States containing NMFS Listed Resources of Concern, you should proceed to Step Two. If you determine that no discharges from your pesticide application activities are to Waters of the United States containing NMFS Listed Resources of Concern, you can certify that the activity meets Criterion A (check box A on the NOI corresponding to Criterion A). In this case, you do not have to further consider any requirements related to Criteria B-F. Note that if you are not otherwise required to submit an NOI, you do not need to submit an NOI merely to document that you meet Criterion A. However, if you are required to submit an NOI anyway, you should document on the NOI that you meet Criterion A.

Step Two: *Determine if a Previous ESA-Related Action has Already been Completed for your Activities*

For each discharge to Waters of the United States containing NMFS Listed Resources of Concern, Decision-makers should determine whether they are eligible under either Criterion B or C because of a previously completed ESA Section 7 consultation, or a previously issued ESA Section 10 permit, respectively as follows:

- The effects of your activities have been addressed in a consultation under ESA Section 7 on a separate Federal action and the consultation resulted in a concurrence by NMFS that the discharge was not likely to adversely affect listed species or critical habitat or NMFS concluded in a biological opinion that the discharge or discharges were not likely to jeopardize listed species or destroy or adversely modify critical habitat, either as part of your activities as planned or as modified with a reasonable and prudent alternative (check box B corresponding to Criterion B). For example, most federal agencies that apply pesticides have already consulted with NMFS, as required under 50 C.F.R. § 402.01(a), and can therefore certify under this criterion.

- The effects of your activities have been addressed through approval of a Habitat Conservation Plan under Section 10 of the ESA (check box C corresponding to Criterion C). Your pesticide discharges may be authorized by this PGP if some activity is authorized through the issuance of a permit under section 10 of the ESA and that authorization addressed the effects of your pesticide discharges on federally-listed species and designated critical habitat. You must follow NMFS procedures when applying for an ESA Section 10 permit (see 50 CFR 222.22). Application instructions for section 10 permits for NMFS can be obtained by accessing the NMFS website (www.nmfs.noaa.gov) or by contacting the appropriate NMFS regional office.

If you believe an existing ESA-related action may have already been completed for your planned pesticide application activities but you are uncertain of the details, you should contact your regional NMFS office (contact information available at www.epa.gov/npdes/pesticides). If an existing ESA-related action has not already been completed for your activities, proceed to Step Three.

Step Three: *Determine if the Pesticide Application is in Response to a Declared Pest Emergency Situation*

Determine if all the discharges to Waters of the United States containing NMFS Listed Resources of Concern and that are to be included in the NOI are being performed in response to a Declared Pest Emergency Situation, as defined in Appendix A of the permit (check box D corresponding to Criterion D). In such a case, an NOI must be filed no later than 15 days after beginning to discharge with that NOI identifying:

1. The location of the pest management area in detail or include a map of the location;
2. Pest(s) to be controlled;
3. Pesticide product(s) to be discharged and method of application;
4. Planned quantity and rate of discharge(s) for each method of application;
5. Number of planned discharges;
6. Approximate date(s) of planned discharge(s); and

7. The rational supporting the determination whether the discharge is likely to adversely affect NMFS Listed Resources of Concern, including the description of appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects.

Information provided for items 1 through 6 above must also include any discharges that have already occurred in the days (up to 15) prior to NOI submission. The discharge or discharges to address these Declared Pest Emergency Situations are authorized under the general permit for at least 60 days after beginning to discharge. You may continue to discharge after 60 days unless EPA advises the Operator that additional conditions or an individual permit are necessary. NMFS will, within 30 days of submission of the NOI, advise EPA whether the past and planned future discharges meet the eligibility criterion of not likely to adversely affect NMFS Listed Resources of Concern; whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. EPA will advise the Decision-maker within 15 days after receiving notification from NMFS whether the discharge or discharges qualify for coverage beyond the 60-day authorization provided under the permit. If EPA identifies additional conditions to qualify discharges as eligible for coverage beyond 60 days under the permit, those conditions remain in effect for the life of the permit. EPA expects to rely on NMFS' determination in identifying eligibility for continuing authorization, either with or without additional conditions. If you do not hear from EPA within 45 days of submitting your NOI, you may assume that your authorization to discharge continues unless and until notified otherwise by EPA.

If your pesticide application is not in response to a Declared Pest Emergency Situation, proceed to Step Four.

Step Four: *Determine if the Pesticide Application is not likely to adversely affect NMFS Listed Resources of Concern.*

The PGP provides two options for Decision-makers to demonstrate that discharges from pesticide applications to Waters of the United States containing NMFS Listed Resources of Concern are not likely to adversely affect those resources for the activities for which the Decision-maker is seeking permit coverage. These options include: (1) obtaining confirmation from a NMFS Regional Office prior to NOI submission that discharges are not likely to adversely affect NMFS Listed Resources of Concern, or (2) self-certifying in the NOI that based on your analysis, you have concluded that discharges are not likely to adversely affect NMFS Listed Resources of Concern. Descriptions of procedures that are to be followed for these two options are described below.

- Option 1 (Criterion E): For each treatment area that will include discharges to Waters of the United States containing NMFS Listed Resources of Concern, you may contact your Regional NMFS Office and request input regarding your planned discharges. If NMFS determines that your planned discharges are found to meet eligibility criteria for use (i.e., not likely to adversely affect NMFS Listed Resources of Concern), you have satisfied your eligibility obligations under Criterion E and you may submit your NOI for coverage under the PGP (check box E corresponding to Criterion E). As part of certifying your compliance with Criterion E, you must submit information received from NMFS

acknowledging the discharges that they have determined are not likely to adversely affect NMFS Listed Resources of Concern and establishing any additional requirements for your permit eligibility. To maintain eligibility under the permit for those discharges, you must abide by those additional requirements for the duration of your coverage under the PGP.

– Option 2 (Criterion F): You must self-certify in your NOI that your discharge is not likely to adversely affect NMFS Listed Resources of Concern. To do so, you will have to take appropriate measures to avoid or eliminate the likelihood of adverse effects prior to applying for PGP coverage. These measures may be relatively simple, such as applying pesticides to waters at concentrations below those found to cause adverse effects, or during seasons when species of concern are not present Provided you are able to implement appropriate measures, you may proceed with submitting your NOI for coverage under the PGP (check box F corresponding to Criterion F). As part of certifying your compliance with Criterion F, you must submit information to support your findings, including:

1. The location of the pest management area in detail or include a map of the location;
2. Pest(s) to be controlled;
3. Pesticide product(s) to be discharged and method of application;
4. Planned quantity and rate of discharge(s) for each method of application;
5. Number of planned discharges;
6. Approximate date(s) of planned discharge(s); and
7. The rational supporting the determination that the criterion for which the NOI is submitted is being met, including the description of appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects.

This information will be posted online and also will be sent to NMFS for their review.

NMFS will, within 30 days of submission of the NOI, advise EPA whether it believes the planned discharges meet the eligibility criteria of not likely to adversely affect NMFS Listed Resources of Concern, whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. EPA will advise the Decision-maker as to whether the intended discharges qualify to proceed under the General Permit or whether an individual permit will be required. EPA expects to rely on NMFS' determination in identifying eligibility for authorization, either with or without additional conditions. If you do not hear from EPA within 30 days, you may assume that your discharge is authorized without further conditions.

You must comply with any terms and conditions imposed under the eligibility requirements to ensure that your pesticide discharges and discharge-related activities are protective of listed species and/or critical habitat. If the eligibility requirements cannot be met and maintained, then you are not eligible for coverage under this PGP. In these instances, you may consider applying to EPA for an individual permit, or revising your pesticide application activities so as to comply with these eligibility conditions and resubmitting an NOI to EPA that documents this revised eligibility.

Attachment C – NOI and Acknowledgement Letter from EPA/State

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES)
PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES
REPORT

A. Notice of Intent Status

Mark whether this is the first time you are requesting coverage under this General Permit or if this is a change of information for a discharge already covered under this General Permit. If this is a change of information, supply the NPDES permit tracking number for the discharge.

☐ Original NOI Submission ☐ NOI Change of Information

(NPDES Permit Tracking #): MAG87A023

Status: Active

B. Operator Information

1. Operator Name: Central Massachusetts Mosquito Control Project

2. IRS Employer Identification Number (EIN):

3. Operator Type (check one):
   - ○ Federal government
   - ○ State government
   - ○ Local government
   - ◉ Mosquito control district (or similar)
   - ○ Irrigation control district (or similar)
   - ○ Weed control district (or similar)
   - ○ Other: If other, provide brief description of type of operator:

4. Are you a large entity as defined in Appendix A of the PGP? (check one):
   ◉ Yes ○ No
   Please note: If you answer "Yes" to question 4 you are required to develop a PDMP and submit an Annual Report reflecting all pesticide uses for which you are requesting permit coverage.

5. In what state are your pest management areas located? Please specify only one state per NOI: Massachusetts

6. Mailing Address:

a. Street:	111 Otis St.				
b. City:	Northborough	c. State:	Massachusetts	d. ZIP Code:	01532
e. Telephone:	5083933055	f. Fax:	5083938492		
g. Contact Name:	Tim Deschamps				
h. E-mail:	deschamps@cmmcp.org				

C. Operator Information: Complete Section C for each Pest Management Area for which coverage under EPA's Pesticide General Permit is desired. Copy this section for non-electronic submissions.

Pest Management Area # 1 #of ## 1

1. Pest Management Area Name: CMMCP Service Area

Provided a map of the location of the Pest Management Area for this use (attach map), or describe the location of the Pest Management Area in detail.

CMMCP Service Area

2. Are any of your activities for which you are requesting coverage under this NOI occur on Indian Country Lands?

○ Yes ◉ No

If yes, identify the reservation or otherwise describe those areas:

3. Are any of your activities (in this pest management area) for which you are requesting coverage under this NOI considered "federal facilities" as defined by the PGP?

☐ Yes ☑ No

4. Mailing address and contact information (or check here 0 if same as provided in Section B):

a. Street:	111 Otis St.				
b. City:	Northborough	c. State:	Massachusetts	d. ZIP Code:	01532
e. Telephone:	5083933055	f. Fax:	5083938492		
g. Contact Name:	Tim Deschamps				
h. E-mail:	deschamps@cmmcp.org				

5. Pesticide Use Patterns to be included in this Pest Management Area (check all that apply):

☑ Mosquitoes and Other Flying Insect Pests ☐ Animal Pest Control
☐ Weeds and Algae ☐ Forest Canopy Pests

6. Receiving Waters (check one):

◉ Coverage requested for all waters of the United States within the Pest Management Area identified above.
○ Coverage requested specifically for the following waters of the United States within the Pest Management Area identified above.
○ Coverage requested for all waters of the United States within the Pest Management Area identified above except for:

7. Tier 3 Waters

Is coverage requested for discharge to a Tier 3 (Outstanding National Resource Water) water of the United States?

○ Yes ◉ No

If yes, answer 1) and 2):

1) Name of Tier 3 water(s):

2) Provide rationale for determination that pesticide discharge is necessary to protect water quality, the environment, and/or public health and that any such discharge will not degrade water quality or will degrade water quality only on a short-term or temporary basis:

8. Water Quality Impaired Waters

Operators are not eligible for coverage under this permit for any discharges from a pesticide application to Waters of the United States if the waters are identified as impaired by a substance which is either an active ingredient the pesticide designated for use or is a degradate of such an active ingredient. See Part 1.1.2.1 of the PGP.

☑ Waters are NOT impaired by any substance which is either an active ingredient of a pesticide to be discharged or a degradate of such an active ingredient

☐ Waters are on a current state list as being impaired by a substance which is either an active ingredient of a pesticide to be discharged or a degradate of such an active ingredient; however, evidence is attached documenting that the waters are no longer impaired.

D. Endangered Species Protection: Complete Section D for each Pest Management Area for which coverage under EPA's Pesticide General Permit is desired. Copy this section for non-electronic submissions.

1. Federally Listed Threatened or Endangered Species (i.e., Species) and/or Federally Designated Critical Habitat

- [x] A. Pesticide application activities will not result in a point source discharge to any receiving water identified in Appendix XXX as containing NMFS-listed resources of concern for this permit.
- [ ] B. Pesticide application activities for which permit coverage is being requested will discharge to one or more receiving waters containing NMFS-listed resources of concern, but consultation with NMFS under section 7 of the ESA has been concluded for pesticide application activities covered under this permit. Consultations can be either formal or informal, and would have occurred only as a result of a separate federal action. The consultation addressed the effects of pesticide discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and must have resulted in either:

  i. A biological opinion finding no jeopardy to federally-listed species or destruction/adverse modification of federally-designated critical habitat; or

  ii. Written concurrence from NMFS with a finding that the pesticide discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat.
- [ ] C. Pesticide application activities for which permit coverage is being requested will discharge to one or more receiving waters containing NMFS-listed resources of concern, but pesticide application activities are authorized through the issuance of a permit under section 10 of the ESA, and authorization addresses the effects of the pesticide discharges and discharge-related activities on federally-listed species and federally-designated critical habitat.
- [ ] D. Pesticide application activities were, or will be, performed in areas with NMFS-listed resources but only in response to a declared pest emergency situation.
- [ ] E. Pesticide application activities for which permit coverage is being requested will discharge to one or more receiving waters containing NMFS-listed resources of concern. Eligible discharges include those from pesticide application activities performed consistent with appropriate measures to avoid or eliminate the likelihood of adverse effects as provided in writing from NMFS, and the Operator provides EPA with the required relevant supporting information from NMFS.
- [ ] F. Pesticide application activities for which permit coverage is being requested will discharge to one or more receiving waters containing NMFS-listed resources of concern. Eligible discharges include those from pesticide application activities that are demonstrated not likely to adversely affect federally-listed species or their designated critical habitat.

E. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that the applicant has sufficient title, right, or interest in the property where the proposed activity occurs.

Printed Name: Timothy D. Deschamps

Title: Executive Director

E-Mail: cmmcp@cmmcp.org

Signature/Responsible Official: Timothy D. Deschamps Date: 2012-03-17

NOI Preparer (Complete if NOI was prepared by someone other than the certifier)

Prepared by: Timothy D Deschamps

Organization: Central Massachusetts Mosquito Control Project

Phone: 5083933055 Date: 2012-01-08

E-Mail: cmmcp@cmmcp.org

Timothy D. Deschamps

From: Kubit, Robert (DEP) [robert.kubit@state.ma.us]
Sent: Thursday, January 26, 2012 1:56 PM
To: 'deschamps@cmmcp.org'
Cc: papadopoulos.george@epa.gov
Subject: MassDEP Pesticide General Permit NOI Approval

Good afternoon Tim,

In accordance with the NPDES Pesticide General Permit 9.1.1.a.iii.1, the Massachusetts Department of Environmental Protection must provide written approval of the Pesticide General Permit Notice of Intent prior to the applicant receiving coverage under the permit. The Pesticide General Permit Notice of Intent you submitted on behalf of the Central Massachusetts Mosquito Control District has been has been reviewed and approved. Please keep a copy of this approval on file with the Notice of Intent.

If you have any questions, please let me know.

Bob

Robert Kubit, P.E.
MassDEP
Division of Watershed Management
627 Main Street
Worcester MA 01608
Telephone: (508) 767-2854
Email: robert.kubit@state.ma.us
Fax: (508) 791-4131

Attachment D – Adverse Incident Report

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
THIRTY (30)-DAY ADVERSE INCIDENT WRITTEN REPORT FOR
THE PESTICIDE GENERAL PERMIT (PGP)
FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

Form Approved
OMB No.
2040-NEW

This form is for Operators required to submit a written report of any reportable adverse incidents to the appropriate EPA Regional office and to the state lead agency for pesticide regulation. Where multiple Operators are authorized for a discharge that results in an adverse incident, reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of this report is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

A. Reportable Adverse Incident.

Is the adverse incident reportable? Reporting of adverse incidents is not required under the PGP in the following situations: (a) An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application; (b) An Operator has been notified by EPA, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents; (c) An Operator receives information of an adverse incident, but that information is clearly erroneous; or (d) An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

☐ Yes. You must complete this report and submit it to the appropriate EPA Regional office and to the state lead agency for pesticide regulation.

☐ No. STOP. You are not required to complete this report. However, you may consider using this form to document the incident and your rationale for why reporting of the adverse incident is not required. This information may be useful to support your rationale should you be questioned on such.

B. Information from the 24-Hour Adverse Incident Notification

When an Operator observes or is otherwise made aware of an adverse incident, which may have resulted from a discharge from a pesticide application, the Operator must immediately notify the appropriate EPA Incident Reporting Contact, as identified at www.epa.gov/npdes/pesticides. This notification must be made by telephone within 24 hours of the Operator becoming aware of the adverse incident. Operators must include in the written report the information provided to EPA in the 24-hour adverse incident notification (PGP Part 6.4.1.1). Attach additional information if necessary.

1. Caller's Contact Information:

   a. Name: _____

   b. Telephone Number: ___ – ___ – ____ Ext ____

2. Operator Information:

   a. Operator Name: _____

   b. Mailing Address:

   Street: _____

   City: _____ State: __ ZIP Code: _____ – ____

3. NOI NPDES Permit Tracking Number: _____ (Enter "NA" if not applicable)

4. Contact person, if different than the person providing the 24-hour notice under item 1 above:

   a. Name: _____

   b. Telephone Number: ___ – ___ – ____ Ext ____

5. Describe how and when the Operator became aware of the adverse incident:

   _____

   _____

6. Describe the location of the adverse incident:

   _____

   _____

7. Describe the adverse incident identified and the pesticide product, including EPA pesticide registration number in item 7a below, for each product applied in the area of the adverse incident:

a. Pesticide Registration Number:

Pesticide Registration Number:

8. Describe any steps the Operator has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects:

9. Identify any other Operators authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident and if so, provide details of your notification of those other Operator(s):

C. Date and Time the Operator Notified EPA of the Adverse Incident

1. Date EPA was contacted: / /

2. Time EPA was contacted:

3. Name and/or title of the person the Operator spoke with at EPA:

a. Name:

b. Title:

4. Instructions received from EPA:

D. Other Information Required in the Thirty (30) Day Adverse Incident Report

Please attach additional information if necessary.

1. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc):

2. Describe the circumstances of the adverse incident including species affected, estimated number of affected individuals, and approximate size of dead or distressed organisms:

3. Describe the magnitude and scope of the affected area (e.g. aquatic square area or total stream distance affected):

4. Provide the pesticide application rate, intended use site (e.g., on the bank, above waters, or directly to water), method of application, and the name of pesticide product and EPA registration number.

Pesticide application rate:		Pesticide application rate:	
Intended use site:		Intended use site:	
Method of application:		Method of application:	
Product:		Product:	
EPA Reg. No.:		EPA Reg. No.:	

5. Describe the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied):

6. Provide an indication of which laboratory test(s), if any, were performed, and when. (Note: A summary of the test results must be provided within 5 days after they become available, if not available at the time of submission of this report.):

7. Describe the actions to be taken to prevent recurrence of adverse incidents:

E. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name:

Title:

E-Mail:

Signature/Responsible Official: _____ Date: / /

Adverse Incident Report Preparer (Complete if Adverse Incident Report was prepared by someone other than the certifier)

Preparer Name:

Organization:

Phone: – – Ext Date: / /

E-Mail:

Instructions for Completing and Submitting the Thirty (30) Day Adverse Incident Written Report for the Pesticide General Permit (PGP) for Discharges from the Application of Pesticides

Who Must Submit a 30-day Adverse Incident Report?

All Operators who observe or are otherwise made aware of a reportable adverse incident pursuant to Part 6.4 of the permit must submit on adverse incident report.

However, even for those identified adverse incidents for which the Operator is not required to report, EPA recommends that Operators consider using this form to document the incident and the rationale for why reporting of the adverse incident is not required. This information may be useful to support a rationale should this determination be questioned.

An adverse incident, as defined in the Appendix A of the permit, is an unusual or unexpected incident that an Operator has observed upon inspection or of which the Operator otherwise became aware, in which: (1) there is evidence that a person or non-target organism has likely been exposed to a pesticide residue, and (2) the person or non-target organism suffered a toxic or adverse effect. See Appendix A of the permit, for the complete definition of adverse incident.

Where multiple Operators are authorized for a discharge that results in an adverse incident, notification and reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of the written report required in Part 6.4.2 of the permit is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

When to File the Adverse Incident Report

Operators must a provide a written report of any reportable adverse incidents to the appropriate EPA Regional office and to the state lead agency for pesticide regulation within 30 days of the adverse incident pursuant to Part 6.4.1.1 of the permit.

Where to File the 30-day Adverse Incident Report

The Operator must immediately notify the appropriate EPA Incident Reporting Contact, as identified at www.epa.gov/npdes/pesticides of the adverse incident within 24 hours. The Operator(s) must provide a written report of the adverse incident to the appropriate EPA Regional office at the address listed in Part 8 of the permit and to the state lead agency for pesticide regulation (see http://npic.orst.edu/state1.htm).

If an Operator becomes aware of an adverse incident affecting a federally listed threatened or endangered species or its federally designated critical habitat which may have resulted from a discharge from the Operator's pesticide application, the Operator must immediately notify the National Marine Fisheries Service (NMFS) in the case of an anadromous or marine species, or the United States Fish and Wildlife Service (FWS) in the case of a terrestrial or freshwater species.

Completing the 30-day Adverse Incident Report

To complete this form, type or print in uppercase letters in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the appropriate EPA Regional office.

Section A. Reportable Adverse Incident

The Operator is required to submit this Adverse Incident Report if the adverse incident is reportable. Check yes if the adverse incident is reportable. If an Adverse Incident Report is not required, check no. No further action is needed on this form. Reporting of adverse incidents is not required under the PGP in the following situations:

a. An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application;
b. An Operator has been notified by EPA, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents;
c. An Operator receives information notifying the Operator of an adverse incident, but that information is clearly erroneous; or
d. An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

Section B. Information from the 24-hour Adverse Incident Notification

1. Provide contact information for the person that called EPA to report the adverse incident.
   a. Enter the legal name of the caller.
   b. Enter the phone number of the caller.
2. Provide the Operator's contact information.
   a. Enter the legal name of the Operator.
   b. Enter the mailing address of the Operator.
3. If an NOI was filed as required in Part 1.2 of the permit, enter the NPDES Permit Tracking Number assigned by eNOI or the EPA's Pesticides Processing Center. You can find the tracking number assigned to your NOI using EPA's eNOI System (www.epa.gov/npdes/pesticides/enoi). If no NOI submitted, enter "NA" for not applicable.
4. Provide information for a contact person, if different than the person that called EPA to report the adverse incident.
   a. Enter the legal name of the contact person.
   b. Enter the phone number of the contact person.
5. Provide a description of how and when the Operator became aware of the adverse incident.
6. Provide a description of the location of the adverse incident.
7. Provide a description of the adverse incident and the pesticide product used in the adverse incident. Include the EPA pesticide registration number for each product applied in the area of the adverse incident. Attach additional pages if necessary
8. Provide a description of any steps the Operator has taken to correct, repair, remedy, clean up or otherwise address the adverse effects of the incident.
9. Identify any other Operators authorized for coverage under the permit for discharges from the pesticide application activities that resulted in the adverse incident. If other Operators are authorized under this permit, provide details of your notification of those other Operator(s).

Section C. Date and Time the Operator Notified EPA of the Adverse Incident

1. Enter the date that EPA was contacted to report the adverse incident.
2. Enter the time EPA was contacted to report the adverse incident.
3. Provide the legal name and title of the person contacted at EPA.
4. Provide a description of the instructions received by EPA.

Section D. Other Information Required in the Thirty (30) Day Adverse Incident Report

1. Enter the location of the adverse incident and include the names of any waters affected. Please include the appearance of those waters (sheen, color, clarity, etc.).
2. Provide a description of the circumstances of the adverse incident including species affected, estimated number of affected individuals and approximate size of dead or distressed organisms.
3. Provide a description of the magnitude and scope of the affected area. Include aquatic square area or total stream distance affected, if possible.
4. Provide the pesticide application rate, intended use site (e.g., on the bank, above waters, or directly to water), method of application, and the name of pesticide product and EPA registration number.
5. Provide a description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied).
6. Indicate which laboratory test(s) were performed and when, if laboratory tests were performed. The summary of the test results must be provided within 5 days after they become available, if not available at the time of submission of this report.
7. Provide a description of the actions to be taken to prevent recurrence of adverse incidents.

Section E. Certification

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) Federal statutes provide for severe penalties for submitting false information. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

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

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

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, state, federal, or other public facility: by either a principal executive or ranking elected official.

If the report was prepared by someone other than the certifier (for example, if the report was prepared by a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the report preparer and the date that the report was prepared.

Paperwork Reduction Act Notice

The public reporting and recordkeeping burden for this collection of information is estimated to average 4 hours or 240 minutes per response.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed Adverse Incident Report to this address.

Attachment E – Corrective Action Log Template

Project Name: Central Mass. Mosquito Control Project
PDMP Contact: Timothy D. Deschamps

Date	Description of Problem triggering the Corrective Action	Corrective Action Needed (including planned date/responsible person)	**Date Action Taken/Responsible person**

Attachment F – PDMP Amendment Log Template

Project Name: Central Mass. Mosquito Control Project
PDMP Contact: Timothy D. Deschamps

Amendment No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]
03232012	Place relevant information into EPA PGP template from PDMP on file, approved by MassDEP	March 23, 2012	Timothy D. Deschamps, Executive Director

Attachment G – Subcontractor Certifications/Agreements Template

SUBCONTRACTOR CERTIFICATION
PESTICIDE DISCHARGE MANAGEMENT PLAN

Project Number: _____

Project Name: _____

Decision-maker(s): _____

As a subcontractor, you are required to comply with the Pesticide Discharge Management Plan (PDMP) for any work that you perform for the above designated project. Any person or group who violates any condition of the PDMP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the PDMP. A copy of the PDMP is available for your review.

Each subcontractor engaged in pesticide activities in the pest management area that could impact Waters of the United States must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the PDMP for the above designated project.

This certification is hereby signed in reference to the above named project:

Company: _____

Address: _____

Telephone Number: _____

Type of pesticide application service to be provided: _____

_____

_____

Signature: _____

Title: _____

Date: _____

Attachment H – Delegation of Authority Form Template

Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Pesticide General Permit, for the _____ project. The designee is authorized to sign any reports, other documents required by the permit.

_____ (name of person or position)
_____ (company)
_____ (address)
_____ (city, state, zip)
_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix B, Subsection B.11.A of EPA's Pesticide General Permit (PGP), and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix B, Subsection B.11.A.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the pest management area, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____

Company: _____

Title:_____

Signature:_____

Date:_____

Attachment I – Annual Reports and Other Record Keeping

The following is a list of records you should keep at your site and available for inspectors to review:

- Copies of Annual Reports
- Records as required in PGP Part 7.4

Check your permit for additional details

Pesticides and Required PPE (from pesticide label)

Pesticide	EPA Registration Number	PPE Requirement
Agnique MMF	53263-28	All prudent precautions
Altosid WSP	2724-448	Under ordinary use conditions, no special protection is required.
Anvil 10+10	1021-1688-8329	All prudent precautions
FourStar briquets	83362-3	Under ordinary use conditions, no special protection is required.
Suspend SC	432-763	Maintain exposure levels below the exposure limit through the use of general and local exhaust ventilation.
VectoBac G	62637-3	Dust Mask (N-95, R-95,P-95)
VectoLex WSP	73049-20	Air purifying respirator with dust/mist filter (N95), if needed.