

Disclaimer

This version of the EPA's NPDES Pesticide General Permit is a draft version of the final permit. Neither this draft version nor any related document is a final agency action. EPA will be submitting a final version of this permit for publication in the Federal Register in the future. The language contained herein, as well as the language within related documents, is subject to change. Upon publication, an official copy of the final permit will be available at www.epa.gov/npdes/pesticides and noticed on the Federal Register Web site at www.regulations.gov.

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 is authorized to discharge to Waters of the United States in accordance with the requirements of this permit provided that Operator:

- Is eligible for permit coverage under Part 1.1, and
- Is located in an area identified in Appendix C where this permit is available.

This permit becomes effective on [Date].

This permit and the authorization to discharge expire at midnight, [five years after Date].

EPA Region 1

EPA Region 6

EPA Region 2

EPA Region 7

EPA Region 3

EPA Region 8

EPA Region 4

EPA Region 9

EPA Region 5

EPA Region 10

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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).

1.2 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 [Date]:

- Eligible discharges made prior to the Notice of Intent 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 NOIs

Decision-makers required to submit NOIs are identified in Table 1-1.

For calculating annual treatment area totals for purposes of determining if an NOI must be submitted, see Appendix A, Definitions, “annual treatment area threshold.”

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 to be included in an NOI is provided 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 1-4 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 over the use of 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

Beginning [Date], discharges to Waters of the United States as a result of pesticide applications must be authorized under an NPDES permit. Except as provided in Table 1-3 (for discharges to Tier 3 waters or in response to a declared pest emergency situation), operators that are eligible for coverage under Part 1.1 are authorized to discharge under this permit consistent with the NOI submission and discharge authorization dates identified in Table 1-2. Decision-makers eligible for coverage under Part 1.1 that discharge either to Tier 3 waters or as the result of a declared pest emergency situation, are authorized to discharge under this permit consistent with the NOI submission and discharge authorization dates identified in Table 1-3. To remain authorized, all Decision-makers must submit NOI changes, as necessary, consistent with Table 1-4.

EPA's electronic reporting system, eNOI, will be available online beginning October 9, 2011. Although Decision-makers may submit NOIs at any time after October 9, 2011, no Decision-maker is required to submit an NOI before January 9, 2012, to obtain authorization under this permit unless discharging into Tier 3 waters. The NOI for any discharge to a Tier 3 water is required at least ten days before beginning to discharge any time after [Date]. Until the eNOI system is available, Operators may submit NOIs for discharges to Tier 3 waters in paper form without prior EPA approval.

On the basis of a review of an NOI or other information, EPA may delay authorization to discharge, determine that additional technology-based and/or water quality-based effluent limitations 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.

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	All
1.1.1(a) - Mosquito and Other Flying Insect Pest Control	Federal and State agencies with a responsibility to control mosquitoes for public health, nuisance control, and animal welfare	All
	Mosquito control districts, or similar pest control districts	All
	Other entities that exceed the <i>annual treatment area threshold</i> identified here	Decision to treat with adulticide during a calendar year more than 6,400 acres
1.1.1(b) - Weed and Algae Pest Control	Federal and State agencies with a responsibility to control weeds and algae	All
	Irrigation and weed control districts, or similar pest control districts	All
	Other entities that exceed the <i>annual treatment area threshold</i> identified here	Decision to treat during a calendar year more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
1.1.1(c) - Animal Pest Control	Federal and State agencies with a responsibility to control animals for public health, nuisance, or resource management	All
	Other entities that exceed the <i>annual treatment area threshold</i> identified here	Decision to treat during a calendar year more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
1.1.1(d) - Forest Canopy Pest Control	Federal and State agencies with a responsibility to control forest canopy pests	All
	Other entities that exceed the <i>annual treatment area threshold</i> identified here	Decision to treat during a calendar year more than 6,400 acres

Table 1-2. Original NOI Submittal Deadlines and Discharge Authorization Dates

Operator Type	NOI Submission Deadline	Discharge Authorization Date
Any Operator not required to submit an NOI.	Not applicable.	Immediately upon beginning to discharge.
Decision-makers whose discharges begin before October 9, 2011 and that meet the criteria in Part 1.2.2 requiring submission of an NOI.	Due between October 9, 2011 and January 9, 2012.	Immediately upon beginning to discharge. Authorization granted until January 9, 2012. If EPA receives an NOI on or before January 9, 2012, uninterrupted coverage continues.
Decision-makers whose discharges begin after October 9, 2011 and that meet the criteria in Part 1.2.2 requiring submission of an NOI.	Due at least 10 days before exceeding an annual treatment area threshold.	Immediately upon beginning to discharge, until the discharge exceeds an annual treatment area threshold. If a Decision-maker submits an NOI after January 9, 2012, they are reauthorized no earlier than 10 days after EPA posts on the Internet the receipt of a complete and accurate NOI.

Table 1-3. Emergency Discharges and Discharges to Tier 3 Waters

Operator Type	NOI Submission Deadline	[Date], or Discharge Authorization Date, whichever comes later
All Decision-makers discharging to a Tier 3 water.	At least 10 days before beginning discharge unless discharges are in response to a declared pest emergency, in which case not later than 30 days after beginning discharge.	No earlier than 10 days after EPA posts on the Internet a receipt of a complete and accurate NOI unless discharges are in response to a declared pest emergency in which case coverage is available immediately upon beginning to discharge from activities conducted in response to declared pest emergency.
Decision-maker discharging in response to a <u>declared pest emergency situation</u> as defined in Appendix A for which that activity triggers the NOI requirement identified in Part 1.2.2.	No later than 30 days after beginning discharge but no earlier than January 9, 2012.	Immediately upon beginning to discharge for activities conducted in response to declared pest emergency situation.

Table 1-4. NOI Change of Information Submittal Deadlines and Discharge Authorization Dates

Operator Type	NOI Submission Deadline	Discharge Authorization Date
Any Decision-makers discharging to a Tier 3 water, for Tier 3 waters not specifically identified by name on their most recently submitted NOI.	At least 10 days before beginning to discharge in that newly identified treatment area unless discharges are in response to a declared pest emergency 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 in which case coverage is available immediately upon beginning to discharge from activities conducted in response to declared pest emergency.
Any Decision-makers requiring permit coverage for a treatment area not within the pest management area identified on a previously submitted NOI.	At least 10 days before beginning to discharge in that newly identified area unless discharges are in response to a declared pest emergency 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 in which case coverage is available immediately upon beginning to discharge from activities conducted in response to declared pest emergency.

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 Decision-makers Required to Submit NOIs

To meet the effluent limitations of this permit, prior to pesticide application, all Decision-makers who are required to submit an NOI as required in Part 1.2.2 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 Pesticide 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-makers required to submit NOIs 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, Decision-makers required to submit NOIs 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, Decision-makers that are required to submit NOIs 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 area 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, Decision-makers required to submit NOIs 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, Decision-makers required to submit NOIs 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, Decision-makers that are required to submit NOIs 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, Decision-makers required to submit NOIs 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, Decision-makers required to submit NOIs 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, Decision-makers that are required to submit NOIs 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, Decision-makers required to submit NOIs 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, Decision-makers required to submit NOIs 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 Decision-makers that are required to submit NOIs 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

Except for any application made in response to a declared pest emergency situation, as defined in Appendix A, any Decision-maker who is 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. 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 [reserved]

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 (USFWS) or the National Marine Fisheries Service (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, 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;
- 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 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. 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 and whether a Decision-maker is a small or large entity. 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	All Operators
7.2	All Operators who are For-Hire Applicators, as defined in Appendix A
7.3	Any Decision-maker required to submit an NOI and who is a <i>small entity</i> ¹
7.4	Any Decision-maker required to submit an NOI and who is a <i>large entity</i> ²
7.5	All Operators
7.6	Any Decision-maker required to submit an NOI and who is a <i>large entity</i> ²
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 –

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 –

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 – 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 Additional Recordkeeping Requirements 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 from the date that 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 – Decision-makers who are required to submit an NOI and are 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.

Decision-makers who are 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 Decision-makers 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).

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.

[Reserved. Additional conditions to be included in final permit]

Appendix A. Definitions, Abbreviations, and Acronyms

A.1. Definitions

Action Threshold – the point at which pest populations or environmental conditions cannot be tolerated necessitating 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, and
- (2) The person or non-target organism suffered a toxic or adverse effect.

The phrase toxic or adverse effects 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, toxic or adverse effects, 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 Archaeobacteria; 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.

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.

[40 CFR 166]

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 (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 13 CFR 121.201.

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.

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 FFDCFA sec. 201(g)(1)) and cosmetics (as defined in FFDCFA sec. 201(i)).

Pest Management Area – 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 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) 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 13 CFR 121.201.

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 <i>et seq</i>)
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 be 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 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, except for Indian Country lands
MAG87####I Indian Country lands within Massachusetts
CTG87####I Indian Country lands within Connecticut
NHG87#### New Hampshire
RIG87####I Indian Country lands within Rhode Island
VTG87####F Federal facilities within Vermont

2. EPA Region 2: New Jersey, New York, Puerto Rico, United States Virgin Islands

Where EPA is Permitting Authority

NYG87####I Indian Country lands within New York State
PRG87#### The Commonwealth of 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####F Federal facilities within Delaware

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

Where EPA is Permitting Authority

ALG87####I Indian Country lands within Alabama
FLG87####I Indian Country lands within Florida
MSG87####I Indian Country lands within Mississippi
NCG87####I Indian Country lands within North Carolina

5. EPA Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Where EPA is Permitting Authority

MIG87####I Indian Country lands within Michigan
MNG87####I Indian Country lands within Minnesota, excluding Sokaogon Chippewa Community
WIG87####I 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####I Indian Country lands within Louisiana
- NMG87####I New Mexico except Indian Country lands
- NMG87####I Indian Country lands within New Mexico, except Navajo Reservation Lands (see Region 9) and Ute Mountain Reservation Lands (see Region 8)
- OKG87####I Oklahoma, except Indian Country lands
- OKG87####I Indian Country lands within Oklahoma
- TXG87####I 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, except Indian Country lands.
- TXG87####I Indian Country lands within Texas
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7. EPA Region 7: Iowa, Kansas, Missouri, Nebraska (except see Region 8 for Pine Ridge Reservation Lands)**Where EPA is Permitting Authority**

- IAG87####I Indian Country lands within Iowa
- KSG87####I Indian Country lands within Kansas
- NEG87####I Indian Country lands within Nebraska, except Pine Ridge Reservation lands (see Region 8)
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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####F Federal facilities within Colorado, except those on Indian Country lands
- COG87####I Indian Country lands within Colorado as well as the portion of the Ute Mountain Reservation located in New Mexico
- MTG87####I Indian Country lands within Montana
- NDG87####I Indian Country lands within North Dakota
- SDG87####I Indian Country lands within South Dakota as well as the portion of the Pine Ridge Reservation located in Nebraska (see Region 7)
- UTG87####I Indian Country lands within Utah, except Goshute and Navajo Reservation lands (see Region 9)
- WYG87####I Indian Country lands within Wyoming
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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####I	Indian Country lands within Arizona, as well as Navajo Reservation lands in New Mexico (see Region 6) and Utah (See Region 8), excluding Hualapai Reservation
CAG87####I	Indian Country lands within California, excluding Hoopa Valley Reservation
GUG87####	The Island of Guam
JAG87####	Johnston Atoll
MWG87####	Midway Island and Wake Island
NIG87####	Commonwealth of the Northern Mariana Islands
NVG87####I	Indian Country lands within 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)

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, except Indian Country lands
AKG87####I	Indian Country lands within Alaska
IDG87####	Idaho, except Indian Country lands
IDG87####I	Indian Country lands within Idaho, except Duck Valley Reservation lands (see Region 9), excluding Puyallup Tribe Reservation
ORG87####I	Indian Country lands within Oregon, except Fort McDermitt Reservation lands (see Region 9)
WAG87####F	Federal Facilities in Washington, except those on Indian Country lands
WAG87####I	Indian Country lands within Washington, excluding Puyallup Tribe Reservation

Appendix D. Notice of Intent Form

Appendix E. Notice of Termination Form

Appendix F. Pesticide Discharge Evaluation Worksheet

Appendix G. Annual Report Template

