

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

PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 *United States Code* [U.S.C.] 1251 *et seq.*), any Operator of a point source discharge of pollutants (*i.e.*, discharge) resulting from the application of pesticides and eligible for permit coverage under Part 1.1 and located in an area identified in Appendix C where this permit is available is authorized to discharge to waters of the United States in accordance with the requirements of this permit. This permit is structured as follows:

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

This permit becomes effective on October 31, 2016.

This permit and the authorization to discharge expire at midnight, October 31, 2021.

Provide the signature and date below:

H. Curtis Spalding, Regional Administrator
EPA Region 1

William K. Honker, Director, Water Division
EPA Region 6

Javier Laureano, Director, Clean Water Division
EPA Region 2

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

Carmen R. Guerrero-Perez, Director, Caribbean
Environmental Protection Division
EPA Region 2

Darcy O' Connor, Acting Assistant Regional
Administrator, Office of Water Protection
EPA Region 8

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

Tomás Torres, Director, Water
Division EPA Region 9

James D. Giattina, Director, Water Protection Division
EPA Region 4

Christine Psyk, Deputy Director, Office of Water and
Watersheds
EPA Region 10

Christopher Korleski, Director, Water
Division EPA Region 5

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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 <https://www.epa.gov/npdes/pesticide-permitting>.

1.1.2.3 Discharges Currently or Previously Covered by another Permit

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

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

1.1.2.4 Endangered and Threatened Species and Critical Habitat Protection

Coverage under this permit is available only for discharges and discharge-related activities that are not likely to adversely affect species that are federally-listed as endangered or threatened (“listed”) under the ESA or habitat that is federally-designated as critical under the ESA (“critical habitat”), except as provided in Criterion B, C, and, for 60 days, D, below. As one of the provisions in this permit that help limit adverse effects to these resources, the six criteria (A-F) below relate to the impacts a prospective discharger’s activities may have on a subset of these listed species and critical habitat. Specifically, the conditions below relate to potential impacts on NMFS Listed Resources of Concern, as defined in Appendix A. These are resources that have been identified through consultation with NMFS as having potential vulnerability that warrants the additional protections entailed in compliance with A-F. Other provisions that protect

listed species more broadly include Section 1.6, which requires compliance with any conditions resulting from an ESA Section 7 consultation or ESA Section 10 permit, and the waiting period between NOI submittal and authorization to discharge, which provides an opportunity for the Services, EPA, and members of the public to identify any potential impacts on listed species and for EPA to notify the permittee if further conditions or an individual permit are necessary.

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

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

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

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

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

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

description of appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects.

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

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

1.2 Authorization to Discharge under This Permit

1.2.1 How to Obtain Authorization

The following discharges, consistent with the permit eligibility provisions in Part 1.1, are automatically authorized by this permit beginning October 31, 2016.

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

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

1.2.2 Decision-makers Required to Submit an NOI

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

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

An NOI provides notice to EPA that a Decision-maker intends to discharge to waters of the United States from pesticide application activities eligible for coverage under this permit. The NOI form included in Appendix D delineates the information required. 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 <https://www.epa.gov/npdes/pesticide-permitting>.

If required to submit an NOI, a Decision-maker must submit the NOI once, in accordance with the deadlines in Part 1.2.3, Table 1-2. The Decision-maker must submit an updated NOI if the criteria in Part 1.2.3, Table 1-3 are met. The Decision-maker must prepare and submit the NOI using EPA's electronic Notice of Intent system (eNOI) available on EPA's website (<https://www.epa.gov/npdes/pesticide-permitting>) unless eNOI is otherwise unavailable or the Decision-maker has obtained a waiver from the requirement to use eNOI for submission of the NOI. See Part 7.8 of the permit for detailed electronic reporting requirements. EPA will immediately post on the eNOI website all NOIs received. Late NOIs will be accepted, but authorization to discharge will not be retroactive.

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

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

1.2.3 Discharge Authorization Date

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

On the basis of a review of an NOI or other information, EPA may delay authorization to discharge beyond any timeframe identified in Table 1-2, EPA may also require that you undertake additional control measures to meet the narrative water quality-based effluent limit in Part 3.0, or deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3.

All Operators with eligible discharges are authorized for permit coverage through January 12, 2017 without submission of an NOI. After January 12, 2017, all Operators with eligible discharges for which an NOI is not required also are automatically covered under this permit. After January 12, 2017, all Decision-makers with eligible discharges for which an NOI is required are required to submit an NOI consistent with the earliest applicable due date identified in Table 1-2. Decision-makers may submit multiple NOIs with different activities on each of those NOIs such that discharges from different activities are authorized at different times.

Decision-makers who are required to submit an NOI, but are discharging between October 31, 2016 and January 12, 2017, must begin complying with Part 2.2 requirements as of October 31, 2016.

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

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

Table 1-2. NOI Submittal Deadlines and Discharge Authorization Dates for Discharges from the Application of Pesticides¹

Operator Type	NOI Submission Deadline	Discharge Authorization Date²
<p><i>After January 12, 2017, any eligible discharge for which an NOI is required must submit an NOI consistent with the earliest due date identified below. If EPA receives an NOI on or before January 2, 2017 (or on or before December 12, 2016, for discharges to waters of the United States containing NMFS Listed Resources of Concern), uninterrupted coverage continues. NOI due dates for any discharges occurring on or after January 12, 2017 are as follows:</i></p>		
Any Decision-maker with any discharge to waters of the United States containing NMFS Listed Resources of Concern, except for those discharges in response to a Declared Pest Emergency Situation, as defined in Appendix A.	At least 30 days before any discharge to waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A. ⁵	No earlier than 30 days after EPA posts on the Internet a receipt of a complete and accurate NOI. ^{3,5}
Any Decision-maker with a discharge in response to a Declared Pest Emergency Situation for which that activity triggers the NOI requirement identified in Part 1.2.2, except for any discharges to waters of the United States containing NMFS Listed Resources of Concern.	No later than 30 days after beginning discharge.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation.
Any Decision-maker with any discharge to waters of the United States containing NMFS Listed Resources of Concern, in response to a Declared Pest Emergency Situation, as defined in Appendix A.	No later than 15 days after beginning to discharge in response to a Declared Pest Emergency Situation.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation for a period of at least 60 days. ⁴
Any Decision-maker who exceeds any annual treatment area threshold.	At least 10 days before exceeding an annual treatment area threshold.	No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI.
Any Decision-maker otherwise required to submit an NOI as identified in Table 1-1.	At least 10 days before any discharge for which an NOI is required.	No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI.

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

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

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

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

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

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

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

1.2.4 Continuation of This Permit

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

- a. A Decision-maker is authorized for coverage under a reissued permit or a replacement of this permit, following the timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and in compliance with the requirements of the NOI;
- b. A Decision-maker submits a Notice of Termination (NOT) 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 an NOT. 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 an NOT is provided in Appendix E. Decision-makers required to submit an NOT must prepare and submit that information using EPA's electronic eNOI system (<https://www.epa.gov/npdes/pesticide-permitting>) unless EPA waives the electronic submission requirement for an Operator consistent with the requirements in Part 7.8 of the permit. The authorization to discharge under this permit terminates at 11:59 p.m. of the day that a complete NOT is processed and posted on EPA's website (<https://www.epa.gov/npdes/pesticide-permitting>). If a Decision-maker submits an NOT without meeting one or more of the conditions identified in Part 1.2.5.2, the NOT 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 an NOT. A Decision-maker who is required to submit an NOI as identified in Part 1.2.2 must submit the NOT within 30 days after one or more of the following conditions have been met:

- a. A new Decision-maker has taken over responsibility of the pest control activities covered under an existing NOI;
- b. The Decision-maker has ceased all discharges from the application of pesticides for which permit coverage was obtained and does not expect to discharge during the remainder of the permit term for any of the use patterns as identified in Part 1.1.1; or
- c. The Decision-maker has obtained coverage under an NPDES individual permit or an alternative NPDES general permit for all discharges required to be covered by an NPDES permit, unless coverage was obtained consistent with Part 1.3, in which case coverage under this permit will terminate automatically.

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

1.3 Alternative Permits

1.3.1 Requirements for Coverage under an Alternative Permit

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

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

1.3.2 Operator Requesting Coverage under an Alternative Permit

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

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

1.4 Severability

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

1.5 Other Federal and State Laws

Operators must comply with all other applicable federal and state laws and regulations that pertain to the application of pesticides. For example, this permit does not negate the requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and its implementing regulations to use registered pesticides consistent with the product's

labeling. In fact, applications in violation of certain FIFRA requirements could also be a violation of the permit and therefore a violation of the CWA (*e.g.*, exceeding label application rates). Additionally, other laws and regulations might apply to certain activities that are also covered under this permit (*e.g.*, United States Coast Guard regulations).

1.6 Federally Listed Endangered and Threatened Species and Designated Critical Habitat

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

- a. ESA Section 7 consultation that Operators have completed with FWS and/or NMFS, and/or
- b. ESA Section 10 permit issued to the Operator by FWS and/or NMFS.

2.0 Technology-Based Effluent Limitations

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

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

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

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

- 2.1.1** To the extent not determined by the Decision-maker, use only the amount of pesticide and frequency of pesticide application necessary to control the target pest, using equipment and application procedures appropriate for this task.
- 2.1.2** Maintain pesticide application equipment in proper operating condition, including requirement to calibrate, clean, and repair such equipment and prevent leaks, spills, or other unintended discharges.
- 2.1.3** Assess weather conditions (*e.g.*, temperature, precipitation, and wind speed) in the treatment area to ensure application is consistent with all applicable federal requirements.

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

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

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

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

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

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

2.2.1 Mosquito and Other Flying Insect Pest Control

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

- a. **Identify the Problem.** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:
 1. Establish densities for larval and adult mosquito or flying insect pest populations or identify environmental condition(s), either current or based on historical data, to serve as action threshold(s) for implementing Pest Management Measures;
 2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;
 3. Identify known breeding sites for source reduction, larval control program, and habitat management;
 4. Analyze existing surveillance data to identify new or unidentified sources of mosquito or flying insect pest problems as well as sites that have recurring pest problems; and
 5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.1.a.
- b. **Pest Management Options.** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control mosquitoes or other flying insect pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:
 1. No action
 2. Prevention
 3. Mechanical or physical methods
 4. Cultural methods
 5. Biological control agents
 6. Pesticides

- c. **Pesticide Use.** If a pesticide is selected to manage mosquitoes or flying insect pests, and application of the pesticide will result in a discharge to waters of the United States, any Decision-maker who is or will be required to submit an NOI must:
1. Conduct larval and/or adult surveillance in an area that is representative of the pest problem or evaluate existing larval surveillance data, environmental conditions, or data from adjacent areas prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met;
 2. Reduce the impact on the environment and on non-target organisms by applying the pesticide only when the action threshold(s) has been met;
 3. In situations or locations where practicable and feasible for efficacious control, use larvicides as a preferred pesticide for mosquito or flying insect pest control when the larval action threshold(s) has been met; and
 4. In situations or locations where larvicide use is not practicable or feasible for efficacious control, use adulticides for mosquito or flying insect pest control when the adult action threshold(s) has been met.

2.2.2 Weed and Algae Pest Control

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

- a. **Identify the Problem.** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-makers who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:
1. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (*e.g.*, wildlife habitat, fisheries, vegetation, and recreation);
 2. Identify target pest(s);
 3. Identify possible factors causing or contributing to the pest problem (*e.g.*, nutrients, invasive species, *etc.*);
 4. Establish any pest- and site-specific action threshold, as defined in Appendix A, for implementing Part 2.2.2.b; and
 5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.2.a.
- b. **Pest Management Options.** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the Decision-maker

must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

1. No action
 2. Prevention
 3. Mechanical or physical methods
 4. Cultural methods
 5. Biological control agents
 6. Pesticides
- c. **Pesticide Use.** If a pesticide is selected to manage pests, and application of the pesticide will result in a discharge to waters of the United States, any Decision-maker who is or will be required to submit an NOI must:
1. Conduct surveillance in an area that is representative of the pest problem prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met; and
 2. Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action threshold has been met.

2.2.3 Animal Pest Control

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

- a. **Identify the Problem.** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:
1. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (*e.g.*, wildlife habitat, fisheries, vegetation, and recreation);
 2. Identify target pest(s);
 3. Identify possible factors causing or contributing to the problem (*e.g.*, nutrients, invasive species);
 4. Establish any pest- and site-specific action threshold, as defined in Appendix A, for implementing Part 2.2.3.b; and
 5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.3.a.
- b. **Pest Management Options.** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each year thereafter prior to the first pesticide application during that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing

the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

1. No action
 2. Prevention
 3. Mechanical or physical methods
 4. Biological control agents
 5. Pesticides
- c. **Pesticide Use.** If a pesticide is selected to manage pests and application of the pesticide will result in a discharge to waters of the United States, any Decision-maker who is or will be required to submit an NOI must:
1. Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the action threshold(s) is met; and
 2. Reduce the impact on the environment and non-target organisms by evaluating site restrictions, application timing, and application method in addition to applying the pesticide only when the action threshold(s) has been met.

2.2.4 Forest Canopy Pest Control

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

- a. **Identify the Problem.** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application in that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:
1. Establish any pest- and site-specific action threshold, as defined in Appendix A, for implementing Part 2.2.4.b;
 2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;
 3. Identify current distribution of the target pest and assess potential distribution in the absence of Pest Management Measures; and
 4. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.4.a.
- b. **Pest Management Options.** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the Decision-maker

must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

1. No action
 2. Prevention
 3. Mechanical/physical methods
 4. Cultural methods
 5. Biological control agents
 6. Pesticides
- c. **Pesticide Use.** If a pesticide is selected to manage forestry pests, and application of the pesticide will result in a discharge to waters of the United States, any Decision-maker who is or will be required to submit an NOI must:
1. Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the pest action threshold is met;
 2. Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when the action threshold(s) has been met; and
 3. Evaluate using pesticides against the most susceptible developmental stage.

3.0 Water Quality-Based Effluent Limitations

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

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

4.0 Monitoring

4.1 Visual Monitoring Requirements for Applicators

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

4.2 Visual Monitoring Requirements for all Operators

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

5.0 Pesticide Discharge Management Plan

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

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

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

5.1 Contents of the Pesticide Discharge Management Plan.

The PDMP must include the following elements:

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

5.1.1 PDMP Team.

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

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

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

- a. Pest problem description. Document a description of the pest problem at the pest management area, including identification of the target pest(s), source(s) of the pest problem, and source of data used to identify the problem in accordance with 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 the location of the waters of the United States; and
- d. Water quality standards. Document any Tier 3 (Outstanding National Resource Waters) and any water(s) identified as impaired by a substance which either is an active ingredient or a degradate of such an active ingredient.

5.1.3 Pest Management Options Evaluation

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

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

- a. Spill Response Procedures – At a minimum, Decision-makers must have:
 1. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases to waters of the United States. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the PDMP team.
 2. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.
- b. Adverse Incident Response Procedures – At a minimum, Decision-makers must have:
 1. Procedures for responding to any adverse incident resulting from pesticide applications;
 2. Procedures for notification of the adverse incident, both internal to the Decision-maker's agency/organization and external. Contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.

- 5.1.5 Documentation to Support Eligibility Considerations under Other Federal Laws. **Decision-makers must** keep, with the PDMP, documentation supporting their determination with regard to Part 1.1.2.4 (Endangered and Threatened Species and Critical Habitat Protection).
- 5.1.6 Signature Requirements. Decision-makers must sign, date, and certify the PDMP in accordance with Appendix B, Subsection B.11.
- 5.2 Pesticide Discharge Management Plan Modifications.** Decision-makers must modify the PDMP whenever necessary to address any of the triggering conditions for corrective action in Part 6.1, or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to the PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, no later than 90 days after any change in pesticide application activities. The revised PDMP must be signed and dated in accordance with Appendix B, Subsection B.11.
- 5.3 Pesticide Discharge Management Plan Availability.** Decision-makers must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided in Section III.3 of the NOI. The PDMP and all supporting documents must be readily available, upon request, and copies of any of these documents provided, upon request, to EPA; a state, tribal, or local agency governing discharges or pesticide applications within their respective jurisdictions; and representatives of the Services. 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 <https://www.epa.gov/npdes/pesticide-permitting>. This notification must be made by telephone within 24 hours of the Operator becoming aware of the adverse incident and must include at least the following information:

- a. The caller's name and telephone number;
- b. Operator name and mailing address;
- c. If covered under an NOI, the NOI NPDES permit tracking number assigned by EPA;
- d. The name and telephone number of a contact person, if different than the person providing the 24-hour notice;
- e. How and when the Operator became aware of the adverse incident;
- f. Description of the location of the adverse incident;
- g. Description of the adverse incident identified and the pesticide product, including EPA pesticide registration number, for each product applied in the area of the adverse incident;
- h. Description of any steps the Operator has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects; and
- i. If known, the identity of any other Operators authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident.

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

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

6.4.1.2 Adverse Incident Notification Not Required

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

- a. An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application;
- b. An Operator has been notified by EPA, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents;

- c. An Operator receives information of an adverse incident, but that information is clearly erroneous; or
- d. An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

6.4.2 Thirty (30)-Day Adverse Incident Written Report

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

- a. Information required to be provided in Part 6.4.1.1;
- b. Date and time the Operator contacted EPA notifying the Agency of the adverse incident, who the Operator spoke with at EPA, and any instructions received from EPA;
- c. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, *etc.*);
- d. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms;
- e. Magnitude and scope of the affected area (*e.g.*, aquatic square area or total stream distance affected);
- f. Pesticide application rate; intended use site (*e.g.*, on the bank, above waters, or directly to water); method of application; and the name of pesticide product and EPA registration number;
- g. Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied);
- h. If laboratory tests were performed, an indication of which test(s) were performed, and when; additionally, a summary of the test results must be provided within 5 days after they become available, if not available at the time of submission of the 30-day report;
- i. Description of actions to be taken to prevent recurrence of adverse incidents; and
- j. Signature, date, and certification in accordance with Appendix B, Subsection B.11.

6.4.3 Adverse Incident to Threatened or Endangered Species or Critical Habitat

Notwithstanding any of the other adverse incident notification requirements of this section, if an Operator becomes aware of an adverse incident affecting a federally listed threatened or endangered species or its federally designated critical habitat, which may have resulted from a discharge from the Operator's pesticide application, Operator must immediately notify NMFS in the case of an anadromous or marine species, or FWS in the case of a terrestrial or freshwater species. This notification must be made by telephone, to the contacts listed on EPA's website at <https://www.epa.gov/npdes/pesticide-permitting>, 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. Note: In an adverse incident affecting federally listed threatened or endangered species or designated critical habitat, the Operator should leave the affected organisms alone, make note of any circumstances likely causing the death or injury, note the location and number or extent of aquatic organisms involved and, if possible, take photographs. In some circumstances, the Operator may be asked to carry out instructions provided by the Services to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

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, D.C., 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, 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, 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 document planned corrective action within 30 days of becoming aware of that situation, and retain a copy of this documentation. This documentation must include the following information:

- a. Identification of the condition triggering the need for corrective action review, including any ambient water quality monitoring that assisted in determining that discharges did not meet water quality standards;
- b. Brief description of the situation;
- c. Date the problem was identified;
- d. Brief description of how the problem was identified, how the Operator learned of the situation, and date the Operator learned of the situation;
- e. Summary of corrective action taken or to be taken, including date initiated and date completed or expected to be completed; and
- f. Any measures to prevent reoccurrence of such an incident, including notice of whether PDMP modifications are required as a result of the incident.

7.0 Recordkeeping and Annual Reporting

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

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

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

¹**Small Entity** – As defined in Appendix A, is any (1) public entity that serves a population of 10,000 or less or (2) private enterprise that does not exceed the Small Business Administration size standard as identified at:

<https://www.sba.gov/contracting/getting-started-contractor/make-sure-you-meet-sba-size-standards>.

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:

<https://www.sba.gov/contracting/getting-started-contractor/make-sure-you-meet-sba-size-standards>.

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 or map of each treatment area indicating at a minimum, the 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 who 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 or map of each treatment area indicating at a minimum, the 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) 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 who 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 or map of each treatment area indicating at a minimum, the 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) and explanation of need for pest control;
 4. Action Thresholds;
 5. Method and/or data used to determine that action threshold(s) has been met;
 6. Description of pest management measure(s) implemented prior to the first pesticide application;
 7. Company name and contact information for pesticide applicator;
 8. Name of each pesticide product used including the EPA registration number;
 9. Quantity of each pesticide product applied to each treatment area;
 10. Pesticide application date(s); and
 11. Whether or not visual monitoring was conducted during pesticide application and/or post-application, and if not, why not, and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

- 7.5 Retention of Records for All Operators.** All required records must be documented as soon as possible but no later than 14 days following completion of each pesticide application. Operators must retain any records required under this permit for at least 3 years after the Operator's coverage under this permit expires or is terminated. Operators

must make available to EPA, including an authorized representative of EPA, all records kept under this permit, upon request, and provide copies of such records, upon request.

7.6 Annual Reporting for Any Decision-maker Required to Submit an NOI and Who is a Large Entity. Any Decision-maker required to submit an NOI and is defined as a *large entity* in Appendix A, must submit an annual report to EPA. Once a Decision-maker meets the obligation to submit an annual report, the Decision-maker must submit the annual report each calendar year thereafter for the duration of coverage under this general permit, whether or not the Decision-maker has discharges from the application of pesticides in any subsequent calendar year. Decision-makers must submit the annual report electronically through EPA's notice processing system (eNOI), available at <https://www.epa.gov/npdes/pesticide-permitting>, unless the Decision-maker meets the waiver requirements for submitting a paper annual report. See Part 7.8 of the permit. The annual report must be submitted 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 activities occurring during calendar year 2017.

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

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

The annual report must contain the following information:

- a. Decision-maker's name and contact information;
- b. NPDES permit tracking number(s);
- c. Contact person name, title, e-mail address (if any), and phone number; and
- d. For each treatment area, report the following information:
 1. Description or map of each treatment area indicating at a minimum, the 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) and target pest(s);
 3. Company name(s) and contact information for pesticide applicator(s), if different from the Decision-maker;
 4. Total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method (*e.g.*, aerially by fixed-wing or rotary aircraft, broadcast spray, *etc.*);

5. Whether this pest control activity was addressed in the PDMP prior to pesticide application;
6. If applicable, an annual report of any adverse incidents as a result of these treatment(s), for incidents, as described in Part 6.4.1; and
7. If applicable, description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

7.7 Annual Reporting for Any Decision-maker with Discharges to waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, and Who is a Small Entity. Any Decision-maker required to submit an NOI for discharges to waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, and is a *small entity*, as defined in Appendix A, must submit an annual report to EPA. Once a Decision-maker meets the obligation to submit an annual report, the Decision-maker must submit the annual report each calendar year thereafter for the duration of coverage under this general permit, whether or not the Decision-maker has discharges from the application of pesticides in any subsequent calendar year. Decision-makers must submit the annual report electronically through EPA's notice processing system (eNOI), available at <https://www.epa.gov/npdes/pesticide-permitting>, unless the Decision-maker meets the waiver requirements for submitting a paper annual report. See Part 7.8 of the permit. The annual report must be submitted 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 activities occurring during calendar year 2017.

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

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

- a. Decision-maker's name and contact information;
- b. NPDES permit tracking number(s);
- c. Contact person name, title, e-mail address (if any), and phone number; and
- d. For each treatment area, report the following information:
 1. Description or map of each treatment area indicating at a minimum, the 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) and target pest(s);
 3. Company name(s) and contact information for pesticide applicator(s), if different from the Decision-maker;

4. Total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method (*e.g.*, aerially by fixed-wing or rotary aircraft, broadcast spray, *etc.*);
5. The approximate date(s) of any discharge;
6. If applicable, an annual report of any adverse incidents as a result of these treatment(s), for incidents, as described in Part 6.4.1; and
7. If applicable, description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

7.8 Electronic Reporting Requirement

Decision-makers must submit all NOIs, NOTs, and annual reports electronically, unless the Decision-maker has received a waiver from the appropriate EPA Regional Office based on one of the following conditions:

- EPA has not yet implemented such electronic reporting;
- If the Decision-maker is physically located in a geographic area (*i.e.*, zip code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or
- If Decision-makers have limitations regarding available computer access or computer capability.

Decision-makers may check <https://www.epa.gov/npdes/pesticide-permitting> to determine whether electronic reporting for the relevant document has been implemented. If that website indicates that electronic reporting for the document to be submitted is not yet available, Decision-makers do not need to seek a waiver for a paper submission.

If a Decision-maker wishes to obtain a waiver from submitting a report electronically, the Decision-maker must submit a request to the appropriate EPA Regional Office. EPA Regional Office contact information can be found in Part 8.2 of this permit. In that request the Decision-maker must document which exemption they meet, provide evidence supporting any claims, and a copy of the completed NOI form. A waiver may only be considered granted once the Decision-maker receives written confirmation from EPA or its authorized representative.

8.0 EPA Contact Information and Mailing Addresses

Decision-makers must submit any NOI, NOT, and annual report, as appropriate, using EPA's electronic eNOI system at <https://www.epa.gov/npdes/pesticide-permitting> unless eNOI is otherwise unavailable or EPA waives the electronic submission requirement for an Operator consistent with the requirements identified on the NOI form in Appendix D, the NOT form in Appendix E, or the annual report form in Appendix G. If eNOI is unavailable or the Decision-maker has received a waiver 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, 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
Clean Water Division
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 Protection 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, and see Region 8 for Ute Mountain Reservation)

United States EPA Region 6
NPDES Permits and TMDL Branch
6WQ-P
1445 Ross Avenue
Dallas, TX 75205

Region 7: Iowa, Kansas, Missouri, and Nebraska

United States EPA, Region 7
11201 Renner Blvd.
Lenexa, KS 66219

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

United States EPA Region 8
8P-CWW
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

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

9.1 EPA Region 1

9.1.1 Commonwealth of Massachusetts, except Indian Country

- a. State conditions specific to Aquatic Weed and Algae Control section of the Pesticide General Permit: (*In accordance with Massachusetts General Law Chapter 111, Section 5E unless otherwise noted*).
 1. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Environmental Protection's approval of the chemical treatment as it relates to the provisions of the Wetlands Protection Act (*Massachusetts General Law Chapter 131, Section 40*).
 2. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Fisheries and Wildlife approval of the chemical treatment as it relates to the provisions of the Rare & Endangered Species Act (*321 Code of Massachusetts Regulations 10.04*).
 3. Chemical treatments to water using general use pesticides shall only be performed by an applicator currently licensed by the Massachusetts Department of Agricultural Resources Pesticide Program in the aquatics category. Chemical treatments to Bordering Vegetated Wetlands (*310 CMR 10.55(2)(a)*) and Salt Marsh (*310 CMR 10.32(2)*) using general use pesticides and techniques that insure chemicals are not applied to water shall only be performed by an applicator currently licensed by the Massachusetts Department of Agricultural Resources Pesticide Program. Chemical treatments using restricted use pesticides shall only be performed by an applicator currently certified by the Massachusetts Department of Agricultural Resources Pesticide Program (*Massachusetts General Law Chapter 132B, Section 10 and 333 Code of Massachusetts Regulations 10.00*).
 4. Chemicals used for treatments must be currently approved for use in the state by the Massachusetts Department of Agricultural Resources Pesticide Program (*Massachusetts General Law Chapter 132B, Section 6 and 333 Code of Massachusetts Regulations 6.00*).

5. Since chemical treatments constitute the alteration of wetland resources, a Notice of Intent must be filed in accordance with the Wetlands Protection Act (*Massachusetts General Law Chapter 131, Section 40*) and Wetlands Protection Regulations (*310 Code of Massachusetts Regulations 10.00*). This condition does not apply when treatment is undertaken with algaecide containing copper approved by the Massachusetts Department of Environmental Protection and used by legally established water supply agencies to control taste and odors. (*310 Code of Massachusetts Regulations 22.20B(8)*). This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities (*314 Code of Massachusetts Regulations 3.05(5)*) or normal maintenance or improvement of land in agricultural use as defined in *310 Code of Massachusetts Regulations 10.04* and *314 Code of Massachusetts Regulations 9.03(4)*.
6. Applicants for coverage under this permit shall obtain a final Order of Conditions or Negative Determination of Applicability (Wetlands Protection Act) from the local Conservation Commission or a Massachusetts Department of Environmental Protection Emergency Order prior to treatment (*Massachusetts General Law Chapter 131, Section 40*). Applicants are required to provide a copy of a valid Order of Conditions or Negative Determination of applicability annually to the Department of Environmental Protection prior to application of chemicals authorized under this permit. This condition does not apply when treatment is undertaken with algaecide containing copper approved by the Massachusetts Department of Environmental Protection and used by legally established water supply agencies to control taste and odors. (*310 Code of Massachusetts Regulations 22.20B(8)*). This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities (*314 Code of Massachusetts Regulations 3.05(5)*) or normal maintenance or improvement of land in agricultural use as defined in *310 Code of Massachusetts Regulations 10.04* and *314 Code of Massachusetts Regulations 9.03(4)*.
7. Shoreline areas of the lake or pond must be posted with signs warning the general public of any water use restrictions stated on the chemical label for a minimum of one week. This is especially important at bathing beaches and other areas of common access. The signs shall clearly state that the chemical treatment is being conducted pursuant to a permit issued by the US Environmental Protection Agency "EPA" and the Massachusetts Department of Environmental Protection "MassDEP". A new sign shall be posted for each treatment event. This condition does not apply when treatment is undertaken with algaecide containing copper approved by the Massachusetts Department of Environmental Protection and used by legally established water supply agencies to control taste and odors. This condition does not apply to the introduction of pollutants from

- nonpoint source agricultural and silvicultural activities (*314 Code of Massachusetts Regulations 3.05(5)*) or normal maintenance or improvement of land in agricultural use as defined in *310 Code of Massachusetts Regulations 10.04* and *314 Code of Massachusetts Regulations 9.03(4)*).
8. The Massachusetts Department of Environmental Protection may require the applicant for coverage under this permit to cease application of chemicals to a body of water at any time following the issuance of coverage under this permit if the Department determines that the chemical treatment will be ineffective, or will result in unreasonable restrictions on current water uses, or will produce unnecessary adverse side effects on non-target flora or fauna.
 9. Chemical application shall be applied in accordance with the manufacturer's label directions, existing pesticide use laws, and any conditions imposed by other local or state agencies.
 10. Issuance of coverage under this permit does not release the applicant for coverage under this permit from liability resulting from the negligent or reckless application of chemicals.
 11. Applicants must implement state conditions for the use of alum (appended). This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities (*314 Code of Massachusetts Regulations 3.05(5)*) or normal maintenance or improvement of land in agricultural use as defined in *310 Code of Massachusetts Regulations 10.04* and *314 Code of Massachusetts Regulations 9.03(4)*.
 12. Applicants must implement state conditions for electronic notification (appended). This condition does not apply when treatment is undertaken with algaecide containing copper approved by the Massachusetts Department of Environmental Protection and used by legally established water supply agencies to control taste and odors. This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities (*314 Code of Massachusetts Regulations 3.05(5)*) or normal maintenance or improvement of land in agricultural use as defined in *310 Code of Massachusetts Regulations 10.04* and *314 Code of Massachusetts Regulations 9.03(4)*.
 13. Applicants must implement state conditions for the use of products containing 2,4-D (appended). This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities (*314 Code of Massachusetts Regulations 3.05(5)*) or normal maintenance or improvement of land in agricultural use as defined in *310 Code of Massachusetts Regulations 10.04* and *314 Code of Massachusetts Regulations 9.03(4)*.

14. Applicants must implement state conditions for any chemical or site specific situation as deemed necessary by the Massachusetts Department of Environmental Protection.
 15. By December 31" each year the applicant for coverage under this permit shall submit, in electronic form, an annual Treatment Summary report to the Massachusetts Department of Environmental Protection certifying the treatment date, application rate, location, acreage treated and the total weight/volume for each chemical used in the treatment. This condition does not apply when treatment is undertaken with algaecide containing copper approved by the Massachusetts Department of Environmental Protection and used by legally established water supply agencies to control taste and odors. This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities (*314 Code of Massachusetts Regulations 3.05(5)*) or normal maintenance or improvement of land in agricultural use as defined in *310 Code of Massachusetts Regulations 10.04* and *314 Code of Massachusetts Regulations 9.03(4)*.
 16. The NOI shall indicate whether the proposed treatment is within a Zone II of a drinking water groundwater supply.
 17. The NOI shall indicate whether the proposed treatment is to a surface public water supply.
 18. No chemical treatment shall be conducted while a Massachusetts Department of Public Health advisory is in effect.
- b. State conditions specific to Aquatic Nuisance Animal Control section of the Pesticide General Permit: (*In accordance with Massachusetts General Law Chapter 111, Section 5E unless otherwise noted*).
1. The Massachusetts Department of Environmental Protection must provide written approval of the Pesticide General Permit Notice of Intent prior to the applicant receiving coverage under the permit.
 2. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Environmental Protection's approval of the chemical treatment as it relates to the provisions of the Wetlands Protection Act (*Massachusetts General Law Chapter 131, Section 40*).
 3. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Fisheries and Wildlife approval of the chemical treatment as it relates to the provisions of the Rare & Endangered Species Act (*321 Code of Massachusetts Regulations 10.04*).
 4. Chemical treatments to water using general use pesticides shall only be performed by an applicator currently licensed by the Massachusetts Department of Agricultural Resources Pesticide Program in the aquatics category. Chemical treatments using restricted use pesticides shall only be performed by an applicator currently certified by the Massachusetts

Department of Agricultural Resources Pesticide Program (*Massachusetts General Law Chapter 132B, Section 10 and 333 Code of Massachusetts Regulations 10.00*).

5. Chemicals used for treatments must be currently approved for use in the state by the Massachusetts Department of Agricultural Resources Pesticide Program (*Massachusetts General Law Chapter 132B, Section 6 and 333 Code of Massachusetts Regulations 6.00*).
6. Since chemical treatments constitute the alteration of wetland resources, a Notice of Intent must be filed in accordance with the Wetlands Protection Act (*Massachusetts General Law Chapter 131, Section 40*) and Wetlands Protection Regulations (*310 Code of Massachusetts Regulations 10.00*). This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities (*314 Code of Massachusetts Regulations 3.05(5)*) or normal maintenance or improvement of land in agricultural use as defined in *310 Code of Massachusetts Regulations 10.04* and *314 Code of Massachusetts Regulations 9.03(4)*.
7. Applicants for coverage under this permit shall obtain a final Order of Conditions or Negative Determination of Applicability (Wetlands Protection Act) from the local Conservation Commission or a Massachusetts Department of Environmental Protection Emergency Order prior to treatment (*Massachusetts General Law Chapter 131, Section 40*). This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities (*314 Code of Massachusetts Regulations 3.05(5)*) or normal maintenance or improvement of land in agricultural use as defined in *310 Code of Massachusetts Regulations 10.04* and *314 Code of Massachusetts Regulations 9.03(4)*.
8. Shoreline areas of the lake or pond must be posted with signs warning the general public of any water use restrictions stated on the chemical label for a minimum of one week. This is especially important at bathing beaches and other areas of common access. The signs shall clearly state that the chemical treatment is being conducted pursuant to a permit issued by the US Environmental Protection Agency "EPA" and the Massachusetts Department of Environmental Protection "MassDEP". A new sign shall be posted for each treatment event. This condition does not apply to the introduction of pollutants from nonpoint source agricultural and silvicultural activities (*314 Code of Massachusetts Regulations 3.05(5)*) or normal maintenance or improvement of land in agricultural use as defined in *310 Code of Massachusetts Regulations 10.04* and *314 Code of Massachusetts Regulations 9.03(4)*.
9. The Massachusetts Department of Environmental Protection may require the applicant for coverage under this permit to cease application of chemicals to a body of water at any time following the issuance of

coverage under this permit if the Department determines that the chemical treatment will be ineffective, or will result in unreasonable restrictions on current water uses, or will produce unnecessary adverse side effects on non-target flora or fauna.

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

17. The NOI shall indicate whether the proposed treatment is within a Zone II of a drinking water groundwater supply.
 18. The NOI shall indicate whether the proposed treatment is to a surface public water supply.
 19. No chemical (treatment shall be conducted while a Massachusetts Department of Public Health advisory is in effect.
- c. State conditions specific to Mosquito and Other Flying Pest Control section of the Pesticide General Permit:
- (In accordance with Massachusetts General Law Chapter 252 unless otherwise noted).*
1. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Environmental Protection's approval of the chemical treatment as it relates to the provisions of the Wetlands Protection Act (*Massachusetts General Law Chapter 131, Section 40*).
 2. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Fisheries and Wildlife approval of the chemical treatment as it relates to the provisions of the Rare & Endangered Species Act (*321 Code of Massachusetts Regulations 10.04*).
 3. Chemical treatments must be performed by an applicator currently licensed/certified by the Massachusetts Department of Agricultural Resources Pesticide Program (*Massachusetts General Law Chapter 132B, Section 10 and 333 Code of Massachusetts Regulations 10.00*) and in accordance with any provisions or policies instituted by the State Reclamation and Mosquito Control Board (*Massachusetts General Law Chapter 252*).
 4. Chemicals used for treatments must be currently approved for use in the state by the Massachusetts Department of Agricultural Resources Pesticide Program (*Massachusetts General Law Chapter 132B, Section 6 and 333 Code of Massachusetts Regulations 6.00*).
 5. Applicants for coverage under this permit must adhere to the public notification provisions of the Child Protection Act (*Chapter 85 of the Acts of 2000*).
 6. The Massachusetts Department of Environmental Protection may require the applicant for coverage under this permit to cease application of chemicals to a body of water at any time following the issuance of coverage under this permit if the Department determines that the chemical treatment will be ineffective, or will result in unreasonable restrictions on current water uses, or will produce unnecessary adverse side effects on non-target flora or fauna.
 7. Chemical application shall be applied in accordance with the manufacturer's label directions, existing pesticide use laws, and any conditions imposed by other local or state agencies.

8. Issuance of coverage under this permit does not release the applicant for coverage under this permit from liability resulting from the negligent or reckless application of chemicals.
 9. Applicants must implement state conditions for any chemical or site specific situation as deemed necessary by the Massachusetts Department of Environmental Protection.
 10. Applicants must comply with state law and regulations regarding spills and leaks associated with the application of pesticides covered under this permit. (*Massachusetts General Law Chapter 132B, 333 Code of Massachusetts Regulations 10.00 and Massachusetts General Law Chapter 21E, Section 7*).
- d. State conditions specific to Forest Canopy Pest Control section of the Pesticide General Permit:

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

1. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Environmental Protection's approval of the chemical treatment as it relates to the provisions of the Wetlands Protection Act (*Massachusetts General Law Chapter 131, Section 40*).
2. Applicants for coverage under this permit are hereby notified that issuance of this concurrence letter does not in any way constitute the Massachusetts Department of Fisheries and Wildlife approval of the chemical treatment as it relates to the provisions of the Rare & Endangered Species Act (*321 Code of Massachusetts Regulations 10. 04*).
3. Chemical treatments must be performed by an applicator currently licensed/certified by the Massachusetts Department of Agricultural Resources Pesticide Program (*Massachusetts General Law Chapter 132B, Section 10 and 333 Code of Massachusetts Regulations 10.00*).
4. Chemicals used for treatments must be currently approved for use in the state by the Massachusetts Department Agricultural Resources Pesticide Program (*Massachusetts General Law Chapter 132B, Section 6 and 333 Code of Massachusetts Regulations 6.00*).
5. The Massachusetts Department of Environmental Protection may require the applicant for coverage under this permit to cease application of chemicals to a body of water at any time following the issuance of coverage under this permit if the Department determines that the chemical treatment will be ineffective, or will result in unreasonable restrictions on current water uses, or will produce unnecessary adverse side effects on non-target flora or fauna.
6. Chemical application shall be applied in accordance with the manufacturer's label directions, existing pesticide use laws, and any conditions imposed by other local or state agencies.
7. Issuance of coverage under this permit does not release the applicant for coverage under this permit from liability resulting from the negligent or

reckless application of chemicals.

8. Applicants must implement state conditions for any chemical or site specific situation as deemed necessary by the Massachusetts Department of Environmental Protection.
- e. Appendix - state policies:
 1. Alum/aluminum sulfate treatment conditions:
 - A. In all cases the chemicals added may not cause or contribute to any fish kill or other negative aquatic impact.
 - B. pH and alkalinity: The pH of the pond or lake water must be maintained within a pH range of 6.0 - 7.5 to minimize potential aluminum solubility and toxicity. If the pond has an ambient pH outside this range the applicant should adjust the treatment as needed to attain the pH range, and if the final pH after treatment is still not within the range then water samples from treated and untreated areas should be sampled and analyzed for total aluminum and dissolved aluminum with detection limits of 10 ppb or less.
 - C. Reporting: Any observations of dead, dying or stressed fish (*e.g.* fish swimming at the surface) or wildlife deemed to be caused by the approved treatment shall be reported as quickly as possible to the MA Department of Environmental Protection and the Massachusetts Division of Fisheries & Wildlife. Any pH reading outside the target range of 6.0 - 7.5 should be further investigated and reported to the MA Department of Environmental Protection. All required water quality monitoring data, fish and wildlife observations and a narrative description of the treatment, including any on-site modifications to the application plan to maintain pH within the desired range shall be included in the report to the MA Department of Environmental Protection certifying the treatment specifics.
 2. Electronic Notification: Electronic notification of treatment must be made to the Massachusetts Division of Fisheries & Wildlife (Richard.Hartley@state.ma.us, Peter.Hazelton@state.ma.us and Colleen.Hubbard@state.ma.us) and the Massachusetts Department of Environmental Protection (Robert.Kubit@state.ma.us). Notification that treatment was performed or postponed shall be made within 24 hours of treatment. The notification message should include waterbody, town, state tracking number and chemicals used.
 3. Use of Products Containing 2,4-D: Prior to each use of any product containing 2,4-D, applicants must request and receive written approval from the Massachusetts Department of Environmental Protection. Each request will be reviewed for potential impact to drinking water wells and site specific conditions may be required. At a minimum, the applicant

must provide notice to all lake abutters prior to treatment with 2,4-D. A copy of the notice sent to abutters, date sent and list of those it was sent to must be included in the annual Treatment Summary report.

9.1.2 Indian Country within the State of Massachusetts

- a. No additional requirements

9.1.3 Indian Country within the State of Connecticut

- a. No additional requirements

9.1.4 State of New Hampshire

- a. No additional requirements

9.1.5 Indian Country within the State of Rhode Island

- a. No additional requirements

9.1.6 Federal Facilities in the State of Vermont

- a. No additional requirements

9.2 EPA Region 2

9.2.1 Indian Country within the State of New York

- a. No additional requirements

9.2.2 The Commonwealth of Puerto Rico

- a. No additional requirements

9.3 EPA Region 3

9.3.1 The District of Columbia

- a. Compliance with District of Columbia Laws and Regulations. Discharges covered by the PGP must comply with:

1. The District of Columbia Water Pollution Control Act of 1984, as amended, (D.C. Official Code§ 8-103.01 *et seq.*) and its implementing regulations in Title 21, Chapters 11 and 19 of the District of Columbia Municipal Regulations; and
2. The District of Columbia Pesticide Education and Control Amendment Act of 2012, the Pesticide Operations Act of 1977, and implementing regulations.

- b. Submission of Notice of Intent and Notice of Termination. Copies of Notice of Intent (NOI) and Notice of Termination shall be submitted to the Department of Energy & Environment (DOEE) at the same time they are submitted to EPA.

- c. Submission of Pesticide Discharge Management Plan. The Pesticide Discharge Management Plan (PDMP) shall be submitted to DOEE for review and approval

prior to submitting NOI to EPA to ensure compliance with District of Columbia laws and regulations.

- d. Pesticide Discharge Management Plan Modification. Any update or amendment of the PDMP shall be submitted to DOEE within seven (7) days of its finalization.
- e. Submission of Corrective Action Plans. Copies of Corrective Action plans, reports, and documentation shall be submitted to DOEE.
- f. Authorization to Inspect. The permittee shall allow DOEE to inspect any facilities, equipment, practices, or operations regulated or required under this permit and to access records maintained under the conditions of this permit.
- g. Submission of Reports. Signed copies of all analytical data and reports required under this permit shall be submitted to DOEE at the same time they are submitted to EPA.
- h. Additional Information. If requested by DOEE, the permittee is required to provide additional information necessary for a case-by-case eligibility determination to assure compliance with District of Columbia laws and regulations. Nothing in *this* permit will be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to District of Columbia laws and regulations.
- i. Where to Submit Information. All required or requested documents shall be sent to the: Department of Energy & Environment, 1200 First Street, N.E., 5th Floor, Washington, DC 20002, Attention: Associate Director, Water Quality Division.

9.3.2 Federal Facilities in the State of Delaware

- a. No additional requirements

9.4 EPA Region 4

9.4.1 Indian Country within the State of Alabama

- a. No additional requirements

9.4.2 Indian Country within the State of Florida

- a. No additional requirements

9.4.3 Indian Country within the State of Mississippi

- a. No additional requirements

9.4.4. Indian Country within the State of North Carolina

- a. No additional requirements

9.5 EPA Region 5

9.5.1 Indian Country within the State of Michigan

- a. No additional requirements

9.5.2 Indian Country within the State of Minnesota

a. Fond du Lac Reservation

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

b. Grand Portage Band of Chippewa

1. Only those activities specifically authorized by the PGP are authorized by this Certification. This Certification does not authorize impacts to cultural properties, or historical sites, or properties that may be eligible for listing as such.
2. All pesticide application discharges authorized by the PGP must comply with the Grand Portage Water Quality Standards, the Water Resources Ordinance, and Applicable Federal Standards (as defined in the Water Resources Ordinance). As such, appropriate steps must be taken to ensure that biological and chemical pollutants associated with pesticide applications are prevented from entering Waters of the Reservation. All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of Waters of the Reservation, including groundwater.
3. A copy of the Pesticide Discharge Management Plan (the “Plan”) required by the PGP must be submitted to the Board at least 30 days in advance of sending the requisite Notice of Intent to EPA. The Board may require monitoring of pesticide application discharges as determined on a case-by-case basis. If the Board determines that a monitoring plan is necessary, the monitoring plan must be prepared and incorporated into the Plan before the Notice of Intent is submitted to the EPA. The Plan should be sent to:

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

4. Copies of the Notice of Intent and Notice of Termination required under the PGP must be submitted to the Board at the address above at the same time they are submitted to the EPA.
5. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Grand Portage Water Quality Standards and any Applicable Federal Standards.
6. Discharges that the Board has determined to be or that may reasonably be expected to be contributing to a violation of Grand Portage Water Quality Standards or Applicable Federal Standards are not authorized by this certification.
7. The Board retains full authority provided by the Water Resources Ordinance to ensure compliance with and to enforce the provisions of the

Water Resource Ordinance, the Grand Portage Water Quality Standards, Applicable Federal Standards, and these certification conditions.

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

9.5.3 Indian Country within the State of Wisconsin

- a. Lac du Flambeau Band of Lake Superior Chippewa Indians
 1. Applications of pesticides within the Lac du Flambeau Reservation are not eligible for discharge coverage under this permit. Contact EPA Region 5 office for an individual permit application.

9.6 EPA Region 6

9.6.1 Indian Country within the State of Louisiana

- a. No additional requirements

9.6.2 The State of New Mexico except Indian Country

- a. No additional requirements

9.6.3 Indian Country within the State of New Mexico, except Navajo Reservation

(See Region 9) and Ute Mountain Reservation (See Region 8)

- a. Ohkay Owingeh

1. Ohkay Owingeh Office of Environmental Affairs must be provided with a copy of the Notice of Intent (NOI), and Notice of Termination (NOT) at the same time it is submitted to the U.S. EPA.
2. A copy of the proposed action (project plan) must be provided to the tribe upon their request.

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

- b. Pueblo of Isleta

1. Copies of all Notifications, associated analytical data, and written reports for actions covered under this permit occurring on Pueblo of Isleta lands or within five river miles of the northern exterior boundary of Pueblo of Isleta lands shall be provided to the Pueblo of Isleta Governor's Office and the Pueblo of Isleta Public Services Department Environment Division at the same time they are provided to the U.S. Environmental Protection Agency.

2. Any correspondence between applicant and EPA related to corrective action, enforcement, monitoring, or adverse incident written reports should likewise be routed to the Pueblo of Isleta Governor's Office and Pueblo of Isleta Public Services Department Environment Division.
3. All requested materials shall be sent to:

Honorable E. Paul
Torres, Governor,
Pueblo of Isleta, P.O.
Box 1270
Isleta, NM 87022

and

Pueblo of Isleta Public
Services Department
Environment
Division,
P.O. Box 1270
Isleta, NM 87022

c. Pueblo of Sandia

1. Only those activities specifically authorized by the PGP are authorized by the Pueblo of Sandia's Water Quality certification. The Pueblo of Sandia's Water Quality Certification does not authorize impact to cultural properties, historical sites or properties that may be eligible as such.
2. Copies of all Notices of Intent (NOI) submitted to the EPA must also be sent concurrently to the Pueblo of Sandia at the following address. Discharges are not authorized by this permit unless an accurate and complete NOI has been submitted to the Pueblo of Sandia either by mail or electronically.

Regular U.S. Delivery Mail:

Pueblo of Sandia Environment Department
Attention: Scott Bulgrin, Water Quality Manager
481 Sandia Loop
Bernalillo, New Mexico 87004
Electronically:
sbulgrin@sandiapueblo.nsn.us

3. Any correspondences between the applicant and EPA related to analytical data, written reports, corrective action, enforcement, monitoring, or an adverse incident written reports should likewise be routed to the Pueblo of Sandia at the above address.
4. The Pesticide Discharge Management Plan (PDMP) must be available to the Pueblo of Sandia Environment either electronically or hard copy upon request for review. The PDMP must be made available at least ten

(10) days before pesticide application begins. The ten (10) day period will give Pueblo staff time to become familiar with the project site, prepare for pesticide inspections, and determine compliance with the Pueblo of Sandia Water Quality Standards. Failure to provide a PDMP to the Pueblo of Sandia may result in denial of the pesticide application or pesticide application delay.

5. If requested by the Pueblo of Sandia Environment Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Pueblo of Sandia Water Quality Standards and/or applicable Federal Standards not authorized by this certification.
6. An "Authorization to Proceed Letter" with site specific mitigation requirements may be sent out to the permittee when a review of the NOI and PDMP, on a case- by-case basis is completed by the Pueblo of Sandia Environment Department. This approval will allow the application to proceed if all mitigation requirements are met.
7. Before submitting a Notice of Termination (NOT) to the EPA, permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through a site visit or documentation that requirements from Section 1.2.5.2 have been met. A short letter stating the NOT is acceptable and all requirements have been met will be sent to the permittee to add to the permittee's NOT submission to EPA.
8. Copies of all NOT submitted to the EPA must also be sent concurrently to the Pueblo of Sandia through the mail or electronically.

Regular U.S. Delivery Mail:

Pueblo of Sandia Environment Department
Attention: Scott Bulgrin, Water Quality Manager
481 Sandia Loop
Bernalillo, New Mexico 87004

Electronically:

sbulgrin@sandiapueblo.nsn.us

d. Taos Pueblo

1. Copies of the Notice of Intent and Notice of Termination shall be provided to the Taos Pueblo Governor's Office as well as the Taos Pueblo WarChief's Office and the Environmental Office at the same time they are provided to the U.S. EPA.
2. A copy of the proposed action (proposed plan) must be provided to the tribe upon request.
3. All requested material shall be sent to:

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

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

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

e. Pueblo of Santa Clara

1. Copies of the Notice of Intent and Notice of Termination shall be provided to the Santa Clara Pueblo Governor's Office at the same time they are provided to the U.S. EPA.
2. A copy of the project plan must be made available to the Pueblo of Santa Clara upon request.
3. All requested material shall be sent to:

Office of the Governor
Santa Clara Indian Pueblo
P.O. Box 580
Espanola, New Mexico 87532

f. Pueblo of Pojoaque

1. Copies of the Notice of Intent and Notice of Termination shall be provided to the Pueblo of Pojoaque Governor's Office and the Pueblo of Pojoaque Environment Department at the same time they are provided to the U.S. EPA.
2. All requested material shall be sent to:

Office of the Governor
Pueblo of Pojoaque
78 Cities of Gold Road
Santa Fe, NM 87506

Pueblo of Pojoaque
Environment Department
39 Camino Del Rincon
Santa Fe, New Mexico 87506

g. Pueblo of Santa Ana

1. Copies of all Notifications (Notice of Intent, Notice of Termination, or other communications), associated analytical data, and written reports for actions covered under this permit occurring on Pueblo of Santa Ana lands or within five river miles of the northern exterior boundary of Pueblo of Santa Ana lands shall be provided to the Pueblo of Santa Ana Department of Natural Resources at same time they are provided to the U.S. EPA.
2. Any correspondence between applicant and EPA related to corrective action, enforcement, monitoring, or adverse incident written reports

should likewise be routed to the Pueblo of Santa Ana Department of Natural Resources.

3. The Pueblo of Santa Ana reserves the right to request additional information or study, and may delay or deny a permit for cause.
4. All requested materials shall be sent to:

Bart Vanden Plas
Water Quality Scientist
Department of Natural Resources
Pueblo of Santa Ana
2 Dove Road
Santa Ana Pueblo, NM
87004

h. Pueblo of Tesuque

1. The Pueblo of Tesuque Governor's Office and Environment Department must be provided with a copy of Notice of Intent and Notice of Termination, at same time it is submitted to the EPA.
2. A copy of the proposed action (proposed plan) shall be provided to the tribe upon request.
3. All requested material shall be sent to:

Office of the Governor
Pueblo of Tesuque
Route 42 Box 360-T
Santa Fe, New Mexico 87506

Environment Department
Pueblo of Tesuque
Route 42 Box 360-T
Santa Fe, New Mexico 87506

i. Pueblo of Nambe

1. The Pueblo of Nambe Governor's Office and Department of Environmental and Natural Resources office must be provided with a copy of Notice of Intent and Notice of Termination, at same time it is submitted to the EPA.
2. A copy of the proposed action (proposed plan) shall be provided to the tribe upon request.
3. All requested material shall be sent to:

Office of the Governor
Pueblo of Nambe
15A NP 102 West,
Nambe Pueblo, New Mexico 87506

Department of Environmental and Natural Resources
Pueblo of Nambe
15A NP 102 West,
Nambe Pueblo, New Mexico 87506

9.6.4 Indian Country within the State of Oklahoma

a. Pawnee Nation of Oklahoma

1. Copies of the Notice of Intent and Notice of Termination must be provided to the Pawnee Nation at the same time they are provided to the U.S. EPA.
2. The proposed action (project plan) must be provided to the Pawnee Nation at the time of the NOI submission
3. The Department must be notified at 918-762-3655 immediately of any noncompliance with any provision of the permit conditions.
4. All requested material shall be sent to:

Pawnee Nation
Department of Environmental Conservation and Safety
P.O. Box 470
Pawnee, OK 74058

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

a. No additional requirements

9.6.6 Indian Country within the State of Texas

a. No additional requirements

9.7 EPA Region 7

9.7.1 Indian Country within the State of Iowa

a. No additional requirements

9.7.2 Indian Country within the State of Kansas

a. No additional requirements

**9.7.3 Indian Country within the State of Nebraska, except Pine Ridge Reservation
(See Region 8)**

a. No additional requirements

9.8 EPA Region 8

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

a. No additional requirements

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

- a. No additional requirements

9.8.3 Indian Country within the State of Montana

- a. The Confederated Salish and Kootenai Tribes
 1. Operators must follow conditions found in the Integrated Noxious Weed Management Plan and Amendments (Plan, CSKT 1993 b), the 2000 Forest Management Plan, and recent NEPA documents for conducting herbicide applications, listed below. The conditions listed below must be included in the contract specific provisions or by a standard design practice.
 - A. Pesticides would be used to the water's edge only when the product's label allows such use.
 - B. When runoff potential is high, applicator would stay at least 10 feet from the edge of a natural break (ridge top) that leads into wetland or riparian areas.
 - C. Applications within 50 feet of sensitive surface water would occur when wind speed is <10mph.
 - D. Drift reducing additives would be used when working within 50 feet of open-water and wetland/riparian areas.
 - E. Pesticide mixing and loading would take place at least 500 feet from sensitive surface and ground-water areas unless spill containment devices (absorbent mats) are used and an anti back-siphoning device is used when drafting water.
 - F. Work would conform to the CSKT Best Management Practices (CSKT 2000, from the Forest Management Plan).
 - G. Only pesticides labeled for aquatic use would be applied near water bodies.
 - H. Tordon would not be applied in riparian zones.
 - I. All spray equipment would be calibrated in advance to help avoid contamination of surface and ground water sources.
 2. The Operator must submit to the Tribal NRD a copy of the completed contract 30 days prior to the application start date.
 3. All requested material shall be sent to:

The Confederated Salish and Kootenai Tribes of the Flathead Nation
P.O. Box 278
Pablo, Montana 59855

9.8.4 Indian Country within the State of North Dakota

- a. No additional requirements

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

- a. No additional requirements

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

- a. No additional requirements

9.8.7 Indian Country within the State of Wyoming

- a. No additional requirements

9.9 EPA Region 9

9.9.1 The Island of American Samoa

- a. No additional requirements

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

- a. Hualapai Tribe

1. Applications of pesticides within the Hualapai Tribe are not eligible for discharge coverage under this permit. Contact EPA Region 9 office for an individual permit application.

- b. Navajo Nation

1. Operators must submit copies of the Notice of Intent (NOI) to the Navajo Nation Environmental Protection Agency for applications located on Navajo lands.
 2. Applications located on Navajo lands and covered under the PGP will be subject to compliance inspections by Navajo EPA staff with active Federal Inspector Credentials under the authority of the Clean Water Act.
 3. All requested material shall be sent to:

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

9.9.3 Indian Country within the State of California

- a. Hoopa Valley Tribe

1. Applications of pesticides within the Hoopa Valley Tribe are not eligible for discharge coverage under this permit. Contact EPA Region 9 office for an individual permit application.

- b. Twenty-Nine Palms Band of Mission Indians

1. Operators must submit copies of the Notice of Intent (NOI) to the Tribal EPA for applications located on Twenty-Nine Palms Band of Mission Indians' land.
 2. Tribal EPA must be afforded the opportunity to evaluate whether the specific pollutant discharge proposed will violate TWQS prior to EPA granting the permit.
 3. Permitted applicators under the PGP must keep Tribal EPA informed of authorized discharges under the PGP by submitting written information about the type, quantity, frequency and location, intended purpose, and

potential human health and/or environmental effects of the application. These requirements are pursuant to Section 4 of the Twenty-Nine Palms Band of Mission Indians Water Pollution Control Ordinance (022405A). This information may be submitted to Tribal EPA in the form of monitoring reports, pesticide discharge management plans, and annual reports, as required under the PGP.

4. Spills, leaks, or unpermitted discharges must be reported in writing to Tribal EPA within 24 hours of the incident.
5. All requested material shall be sent to:

Twenty-Nine Palms Band of Mission Indians
46-200 Harrison Place
Coachella, CA 92236

9.9.4 The Island of Guam

- a. Operator must comply with the following conditions

1. Individual Pesticide Permits will be required for aircraft pesticide spraying (22GAR 3 §15702 (c)) especially over the Northern Aquifer to prevent or minimize ground water contamination to Guam's Sole Source Aquifer whose existing beneficial use is drinking water. The ground water drinking source shall be protected in accordance with the Guam Water Quality Standards 2001 Revision22 GAR 2 § 5102 (b) (1) (2) for Category G- 1 Zone Resource Zone and 2) Category G-2 Recharge Zone; and Water Resource Development and Operating Regulations (22 GAR 2 §7130 on Wellhead Protection); and other applicable groundwater regulations.
2. Person(s) who applies general use pesticides as the primary part of his/her job or duties shall be required to meet specific training requirements as set forth in the regulations. Anyone who applies pesticides on Guam as part of their work (must be paid for their service) must complete a Core Training, pass the exam and obtain ID from the Guam Environmental Protection Agency, regardless if the pesticide is an over-the –counter pesticide or a Restricted Use Pesticide (PL-30-197-Pesticide Act-(d)) and obtain certification for every person who applies restricted pesticides from Guam Environmental Protection Agency (PL-29-26-Pesticide Act 50107).
3. Individual Pesticide Permit will be required for any pesticide applied to a surface water drinking source such as Fena Reservoir, Ugum and its tributaries up-stream from the surface drinking waters and shall adhere to the Safe Drinking Water Act and Safe Drinking Water Regulations (10 GCA, Div. 2, Chapter 53 Safe Drinking Water Act).
4. The Pesticide General Permit (PGP) shall adhere to the (Guam Water Quality Standards 2001 Revisions), Section 5103 Water Quality Criteria, Para C Pesticides, Appendix A Priority Toxic Pollutants, Para I List of 126 Priority Toxic Pollutants Designated Under Section 301, Para II Aquatic Life Criteria Toxic Pollutants and Para III Numerical Criteria for Priority Toxic Pollutants) or federal toxic pollutants thresholds concentration whichever is stricter.

5. Guam EPA through the concurrence of the NPDES permit contains technology effluent based limitations for discharges. When the Agency has not promulgated effluent based limitations for an industry, or if an operator is discharging a pollutant not covered by the effluent guideline, permit limitations may be based on the best professional judgment or best engineering judgment of the Agency's technical staff.
6. The Pesticide General Permit must set appropriate measures and conditions to protect Guam's Threatened and Endangered Species and Outstanding Resource Waters of exceptional recreational or ecological significance as determined by the Guam EPA Administrator (Guam Water Quality Standards 2001 Revisions,§ 5102, Categories of Waters, D. Outstanding Resource Waters).
7. Guam EPA requires any Decision-maker (Small Entities) and or (Large Entities) who are required to submit a Notice of Intent (NOI) and Notice Of Termination (NOT) to US EPA also submit a copy of the prepared NOI and NOT to Guam EPA.
8. Limitations on coverage 2.2.1 Table 1 "Annual Treatment Area Thresholds" for Guam are as follow:

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

Severability

Invalidation of any portion of this certification does not necessarily render the whole certification invalid. The remainder of the certification conditions shall remain in effect.

- 9.9.5 Commonwealth of the Northern Mariana Islands
 - a. No additional requirements
- 9.9.6 Indian Country within the State of Nevada, as well as the Duck Valley reservation in Idaho, the Fort McDermitt Reservation in Oregon (See Region 10) and the Goshute Reservation in Utah (See Region 8)
 - a. No additional requirements

9.10 EPA Region 10

9.10.1 Indian Country and the Denali National Park and Preserve within the State of Alaska

- No additional requirements.

9.10.2 The State of Idaho, except Indian Country

- Conditions Applicable to All Pesticide Use Patterns:

- In the event of an unauthorized release of hazardous materials to waters of the U.S. that requires reporting in accordance with Part 6.5.1 of the draft PGP, then the Operator³ shall: 1) stop the spill; 2) contain the spilled material; 3) call 911 and immediately notify the local DEQ of the spill; and 4) collect, remove, and properly dispose of the material (IDAPA 58.01.02.850). Some pesticides may be considered hazardous materials, and it is the Operator's responsibility to know whether the chemical pesticide(s) being used are considered a hazardous material.

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

- If the application is directly into navigable waters subject to the jurisdiction of the CW A (waters of the U.S.) that contain public drinking water system (PDWS) surface water intake(s), the Operator must notify (see Condition #6) the appropriate DEQ Regional Office Administrator as well as the PDWS operator(s)/owner(s) at least fourteen (14) days prior to the application if:

- The pesticide contains at least one of the following chemicals: endothall, diquat, 2,4-D, or glyphosate⁶; and
- The targeted pest control area is within 600 feet of the intake or within the distance restrictions (associated with domestic use) specified on the label, whichever distance is greater. The targeted pest control area is that area within the waters of the U.S. where the aquatic, chemical pesticide is expected to perform its intended purpose.

This notification requirement also applies to applications into jurisdictional tributaries of waters of the U.S. with PDWS intake(s) if the application falls within the distance specified above. Waters of the U.S. with PDWS intake(s) are listed below. Contact information for the DEQ Regional Office Administrators can be obtained at:

<http://www.deq.idaho.gov/regional-offices-issues/>.

Idaho Water Body Segments with Public Water Supply Intakes, by County.

County	Stream Name	Segment Boundaries
Ada	Boise River	Diversion Dam to river mile 50
Benewah	Adams Creek	Confluence of West Fork and Middle Fork St. Maries Rivers to Carpenter Creek
	Rochat Creek	Headwaters to St. Joe River
Boise	Bogus Creek	Headwaters to Shafer Creek
	Elk Creek	Source to mouth
	Middle Fork Payette River	Big Bulldog Creek to mouth
	Mores Creek	Headwaters to Lucky Peak Reservoir
	Payette River	Confluence of the North Fork and South Fork Payette Rivers to Black Canyon Reservoir
	Warm Springs Creek	Headwaters to Middle Fork Payette River
Bonner	Berry Creek	Headwaters to Colburn Creek
	Kreiger Creek	Headwaters to Cocolalla Creek
	Little Sand Creek	Headwaters to Sand Creek
	Pend Oreille Lake	Pend Oreille Lake
	Pend Oreille River	Pend Oreille Lake to Albeni Falls Dam
	Sand Creek	Headwaters to Pend Oreille Lake
	Strong Creek	Headwaters to Pend Oreille Lake
Boundary	Brown Creek	Headwaters to Twentymile Creek
	Brown Creek	Cow Creek - source to mouth
	Kootenai River	Moyie River to Deep Creek
	Meadow Creek	Headwaters to Moyie River
	Myrtle Creek	Toot Creek to Kootenai River
	Skin Creek	Idaho/Montana border to Moyie River
	Twentymile Creek	Headwaters to Brown Creek
Clearwater	Canal Gulch Creek	Headwaters to Orofino Creek
	Clearwater River	Lolo Creek to North Fork Clearwater River
	Elk Creek	Headwaters to Dworshak Reservoir
	North Fork Clearwater River	Dworshak Reservoir Dam to mouth
	North Fork Clearwater River	Dworshak Reservoir
	Orofino Creek	Headwaters to Clearwater River
Custer	Garden Creek	Headwaters to Salmon River
Elmore	East Fork Montezuma Creek	Headwaters to Middle Fork Boise River
	Snake River	Clover Creek to Browns Creek
Idaho	Clearwater River	Confluence of South and Middle Fork Clearwater Rivers to Lolo Creek
	Elk Creek	Confluence of Big Elk and Little Elk Creeks to American River
	Wall Creek	Headwaters to Sally Ann Creek

County	Stream Name	Segment Boundaries
Kootenai	Coeur d'Alene Lake	Coeur d'Alene Lake
	Hayden Lake	Hayden Lake
	Twin Lakes	Twin Lakes
Latah	Big Meadow Creek	Headwaters to West Fork Little Bear Creek
	Potlatch River	Big Bear Creek to Clearwater River
Lemhi	Chippy Creek	Headwaters to Salmon River
	Jesse Creek	Headwaters to Salmon River
	Pollard Canyon Creek	Headwaters to Salmon River
	Salmon River	Williams Creek to Pollard Creek
Nez Perce	Big Canyon Creek	Headwaters to Clearwater River
	Clearwater River	Lower Granite Dam pool
Payette	Payette River	Black Canyon Reservoir Dam to Snake River
Shoshone	Boulder Creek	Headwaters to South Fork Coeur d'Alene River
	Canyon Creek	Headwaters to South Fork Coeur d'Alene River
	Deadman Creek	Headwaters to South Fork Coeur d'Alene River
	Lake Creek	Headwaters to South Fork Coeur d'Alene River
	Placer Creek	Headwaters to South Fork Coeur d'Alene River
Valley	Boulder Creek	Headwaters to the East Fork of the South Fork Salmon River
	Little Horsethief Creek	Source to mouth
	North Fork Payette River	Payette Lake
	Payette Lake	Payette Lake
Washington	Snake River	Boise River to Weiser River
	Weiser River	Keithly Creek to Snake River

2. If a chemical pesticide containing endothall, diquat, glyphosate, or 2,4-D is applied directly into waters of the United States within the distance outlined in Condition #1 of this subsection, then the Operator shall conduct water quality monitoring as follows:
 - A. Water quality monitoring shall be specific to the pesticide applied.
 - B. Water quality monitoring shall be conducted at the downstream edge of the targeted pest control area or at the PDWS intake, whichever location is agreed upon by DEQ and the PDWS operator(s)/owner(s).
 - C. Water quality monitoring must begin within three (3) days after the pesticide application, unless an alternative waiting period is specified by DEQ.
 - D. Water quality monitoring shall be conducted at least weekly following the initial day of treatment or at an alternative frequency that is specified by DEQ.
 - E. Water samples shall be analyzed at a laboratory that is certified for drinking water analyses (<http://www.deq.idaho.gov/water-quality/drinking-water/pws-monitoring-reporting/laboratory-analysis>).
 - F. Water quality monitoring shall continue until chemical residues fall below the maximum contaminant levels in Table 1.

Table 1. Maximum Contaminant Levels Chemical	
Chemical	Maximum Contaminant Level (ug/L)
Diquat	20
Endothall	100
Glyphosate	700
2,4-D	70

- G. A copy of the water quality monitoring results received from the laboratory shall be sent to the appropriate DEQ Regional Office Administrator.
3. If the application is directly into waters of the United States subject to appropriation under the laws of the State of Idaho, the Operator shall provide advanced notice to owners of water rights and water permits for domestic and agricultural use that are on record with the Idaho Department of Water Resources and that have an authorized point of diversion located within the distance specified in Condition #1 of this subsection. No notice is required to owners of diversions that are located upstream from a pesticide application. Information about water right or water permit owners may be obtained at:
<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

Seasonal or annual notification will fulfill the advanced notice requirement of this condition. Notification may be achieved by a variety of methods, including but not limited to: email, posting on a web page, billing notice, letter, news release, or door hanger. The notification shall contain the information specified in Condition #6.

4. If an application is into waters of the United States that may be used for recreational activities, then the Operator shall post notices at boat launches and public swimming beaches. The Operator shall follow the FIFRA label instructions, where applicable, for posting requirements. If the FIFRA label does not have specific requirements for posting notices, then the Operator shall comply with the following:
 - A. The notice shall be placed at location(s) accessible by the public (*e.g.*, docks or information kiosks) and the extent of posting shall be limited to the target pest control area.
 - B. The notice shall be posted at least fourteen (14) days prior to treatment.
 - C. The notice shall indicate the date(s) of application, the product used, the purpose of the application, any water use restrictions, and Operator phone number.
 - D. The notice shall be removed within two (2) weeks after the pest control project has been completed.

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

5. For applications of chemical pesticides (*e.g.*, Rotenone or Antimycin A) to waters of the United States for the sole purpose of eradicating vertebrate animals, the Operator must notify (see Condition #6) the appropriate DEQ Regional Office Administrator thirty (30) days prior to the application.
6. When notifications are required, they must include the following information: Operator name and telephone number; map with targeted pest control area defined; anticipated schedule of application(s); pesticide(s) that will be used; and any water use restrictions associated with the pesticide labeling information. Notifications to the DEQ Regional Office Administrator shall be in writing and may be submitted via email, hand delivery, or ground mail.
7. These conditions shall not apply to Operators applying pesticides to man-made waterways (as defined in section 010.58 of the Idaho WQS) which they own, operate or maintain for irrigation water delivery or drainage purposes.

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

- a. No additional requirements

9.10.4 Indian Country within the State of Oregon, except Fort McDermitt Reservation (See Region 9)

- a. No additional requirements

9.10.5 Federal Facilities in the State of Washington, except those located on Indian Country

- a. Additional conditions:

1. Requirements for Pesticide Applicators

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

2. Requirements for Pesticide Application

- A. The application of pesticide products must not cause or contribute to violations of the Water Quality Standards for Surface Water of the State of Washington (chapter 173-201A WAC), Ground Water Quality Standards (chapter 173- 200 WAC), Sediment Management Standards (chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (40 CFR 131.36). Discharges that do not comply with these standards are prohibited.
- B. Short Term Modification of Water Quality Standards
 - i. Water Quality Standards for Surface Waters of the State of Washington (chapter 173-201A WAC) allow a temporary exceedance of water quality criteria provided the Permittee has complied with WAC 173-201A-410. Compliance with a lawfully issued discharge permit satisfies this requirement.
- C. All discharges of pesticides directly to water, discharged above water or at the water's edge where pesticides will enter the water must submit an NOI and obtain coverage under this permit (chapter 173-201A WAC and chapter 173-226 WAC).

Citations:

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

3. Allowed active ingredients and conditions for use

- A. Restrictions on the active ingredients allowed, when, and how pesticide products may be applied (Conditions 4-8) are technology-based requirements which Ecology has determined are necessary to meet the state requirement for the use of all known,

available and reasonable methods of pollution prevention, treatment and control (AKART) for the control of pollution.

Citations:

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

4. Allowed active ingredients

A. Aquatic mosquito control

- i. Bacillus sphaericus (strain H-5a5b)
- ii. Bacillus thuringiensis israelensis (Bti)
- iii. Malathion
- iv. Methoprene
- v. Monomolecular surface films
- vi. Paraffinic white mineral oil
- vii. Spinosad
- viii. Temephos
- ix. Etofenprox
- x. Naled
- xi. Natural Pyrethrins
- xii. Permethrin
- xiii. Piperonyl Butoxide (PBO)
- xiv. Prallethrin
- xv. Resmethrin
- xvi. Sumithrin (d-phenothrin)

Additional Restrictions

Endangered, Threatened, Sensitive, or Candidate Species

The Permittee must ensure that the application of larvicides or adulticides does not cause permanent harm to vulnerable species, which include endangered, threatened, sensitive, or candidate species. Washington Department of Fish and Wildlife (WDFW) identified specific areas, which are known habitat for vulnerable species. These areas are identified in the document titled *Areas of Restricted Larvicide and Adulticide Use Due to Presence of Vulnerable Species*

(http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/mosquito/docs/03042015esaLocations.pdf).

For those areas identified in *Areas of Restricted Larvicide and Adulticide Use Due to Presence of Vulnerable Species* that are within the Permittee's jurisdiction, the Permittee must develop a plan for the management of mosquitoes within the area of concern.

Plans must include:

- a. How mosquitoes are managed in the area of concern, including timing of application, larvicides and adulticides used, and how impacts to vulnerable species will be minimized or eliminated.
- b. For state listed species: consultation and a letter of concurrence from Washington Department of Fish and Wildlife (WDFW).
- c. Identification of how the Permittee will notify WDFW and affected land management agencies when treatments will be occurring in areas identified as habitat for vulnerable species.

Until the plan is completed and implemented, the Permittee is limited to the use of Bacillus sphaericus and Bti based larvicides.

Larvicides

The Permittee is not authorized to apply temephos or malathion in lakes, streams, in the littoral zone of water bodies, or the sites referenced in *Areas of Restricted Larvicide and Adulticide Use Due to Presence of Vulnerable Species*. Use of malathion and temephos is only allowed in response to the development of pesticide resistance within a specific larval mosquito population and after consultation with WDFW.

Adulticides

The Permittee must use ultra low volume (ULV) application equipment to apply adulticides if available.

Malathion and naled are not authorized to be used in the vulnerable species areas referenced in Areas of Restricted Larvicide and Adulticide Use Due to Presence of Vulnerable Species.

B. Aquatic plant and algae management

For in water treatments of fresh water to manage aquatic noxious weeds and native nuisance plants.

- i. 2,4-D, Amine Formulation
- ii. 2,4-D, Ester Formulation
- iii. Bisparyribac-sodium
- iv. Carfentrazone-ethyl
- v. Diquat Dibromide
- vi. Endothall, Dipotassium salt (*e.g.*, Aquathol)

- vii. Endothall, Monopotassium salt (*e.g.*, Hydrothol)
- viii. Flumioxazin
- ix. Fluridone
- x. Glyphosate
- xi. Imazamox
- xii. Imazapyr
- xiii. Penoxsulam
- xiv. Sodium carbonate peroxyhydrate
- xv. Triclopyr TEA
- xvi. Adjuvants - Washington State Department of Agriculture (WSDA) registers adjuvants for aquatic use in Washington State (RCW15.58.050 and WAC 16-228-1400). Adjuvants approved for aquatic use by WSDA as of this date include: Agri-Dex™, Interlock™, AgriSolutions, Inergy®, Kinetic™/5905-11004, Atmos™, Level 7™, Bond™, LI-700™, Brandt Magnify, Liberate™, Breeze®, NIS-EA™, Bronc Max™, One-Ap XL™, Bronc® Plus Dry, Pro AMS Plus™, Bronc Plus DryEDT™, Rainier-EA™, Cide-Kick IIM®, Renegade-EA™, Class Act NG™, Sinker™, Competitor™, Sphere, Cut-Rate™, Spray-Rite™, Cygnet Plus™, Superb HCTM, Denali-EA™, Syl-Tac-EA™, DestinyHCTM, Tactic™, Droplex™, Trail Blazer, Dyne-Amic™, Tronic™, Fast Break®, Turbulence®, Forge, Winfield Solutions Inergy®, Fraction™, Yardage™, Hasten-EA™
- xvii. Nutrient Inactivation Products: aluminum sulfate, sodium aluminate, calcium hydroxide/oxide, and calcium carbonate.
- xviii. Marker dyes, shading and water clarification products.

Additional restrictions

Littoral Zone Limitations for Native Nuisance Plants

The Permittee is authorized to apply chemicals to: A percentage of a water body's littoral zone based on the littoral acres of the water body and the size of the water body.

- a. The geographic area where the Permittee intentionally applies chemicals must remain the same for the entire length of the permit coverage up to the maximum percentage of the littoral zone allowed for by water body size.
- b. All untreated littoral areas must include native vegetation from the shore to the edge of the littoral zone where the plants stop growing in deeper water.

- c. The cumulative percentage of the littoral zone where herbicides are authorized to be applied must not exceed the amount allowed below:
 1. In water bodies up to 15 acres in size, the Permittee is authorized to apply herbicides to no more than 75 percent of the littoral zone.
 2. In water bodies over 15 acres and up to 50 acres in size, the Permittee is authorized to apply herbicides to no more than 60 percent of the littoral zone.
 3. In water bodies over 50 acres and up to 500 acres in size, the Permittee is authorized to apply herbicides to no more than 50 percent of the littoral zone.
 4. In water bodies over 500 acres in size, the Permittee is authorized to apply herbicides to no more than 30 percent of the littoral zone.

Shoreline and Emergent Native Nuisance Plants

- The Permittee is authorized to apply herbicides to 100 percent of the plants within the right-of-way and on levees and dikes.
- The Permittee is authorized to apply herbicides to no more than 40 percent of native vegetation on shorelines, roadsides and ditches, but is authorized to apply herbicide to 100 percent of any noxious or quarantine-listed weeds.

Note: Ecology recognizes that discharge permits can regulate the specific areas where a Permittee discharges (or intentionally applies) a chemical. A discharge permit cannot regulate or control the extent of dispersion because it varies depending on environmental conditions. Dispersion means that sometimes the treatment affects more area or less area than anticipated.

C. Aquatic noxious weed control

For Shoreline and emergent noxious weeds in both freshwater and marine locations where pesticides are not directly discharged to water. Permittees are authorized to make herbicide applications only for the control of state listed noxious weeds and weeds on the WSDA quarantine list that are found in aquatic environments.

Noxious weed means those species of plants listed as noxious class A, B, and C weeds by the Washington State Noxious Weed Control Board in accordance with Chapter 17.10 RCW. WSDA maintains the quarantine list in accordance with Chapter 17.24 RCW. The following pesticides are approved for use on state listed noxious weeds:

- i. Bispyribac-sodium
- ii. Carfentrazone-ethyl

- iii. 2,4-D, Amine Formulation
- iv. Flumioxazin
- v. Glyphosate
- vi. Imazamox
- vii. Imazapyr
- viii. Penoxsulam
- ix. Triclopyr TEA
- x. Adjuvants- Washington State Department of Agriculture (WSDA) registers adjuvants for aquatic use in Washington State (RCW15.58.050 and WAC 16-228-1400). Adjuvants approved for aquatic use by WSDA as of this date include: Agri-Dex™, Interlock™, AgriSolutions, Inergy®, Kinetic™/5905-11004, Atmos™, Level 7™, Bond™, LI-700™, Brandt Magnify, Liberate™, Breeze®, NIS-EA™, Bronc Max™, One-Ap XL™, Bronc® Plus Dry, Pro AMS Plus™, Bronc Plus DryEDT™, Rainier-EA™, Cide-Kick IIM®, Renegade-EA™, Class Act NG™, Sinker™, Competitor™, Sphere, Cut-Rate™, Spray-Rite™, Cygnet Plus™, Superb HCTM, Denali-EA™, Syl-Tac-EA™, DestinyHCTM, Tactic™, Droplex™, Trail Blazer, Dyne-Amic™, Tronic™, Fast Break®, Turbulence®, Forge, Winfield Solutions Inergy®, Fraction™, Yardage™, Hasten-EA™
- xi. Marker Dyes

Zostera japonica Management

Treatments of the non-native eelgrass *Zostera japonica* are limited to commercial clam beds in Willapa Bay and one application per year of imazamox with a treatment window of April 15 to June 30th. The Permittee must maintain a 10m buffer inside the parcel boundary where imazamox is not applied. The Permittee must not use adjuvants for *Zostera japonica* treatments.

D. Irrigation system aquatic weed control

- i. Copper (dissolved)
- ii. Acrolein
- iii. Endothall, Dipotassium salt (*e.g.*, Aquathol)
- iv. Endothall, Monopotassium salt (*e.g.*, Hydrothol)
- v. Xylene
- vi. Sodium Carbonate Peroxyhydrate
- vii. Fluridone
- viii. Imazapyr

Additional restrictions

The Permittee must not use adjuvants.

Wherever treated water from a pesticide application eventually flows to a point of compliance, the Permittee must ensure that the pesticide concentrations do not exceed the following limits at the point of compliance:

Parameter Maximum instantaneous concentration

- Copper (dissolved) 25 µg/l
- Acrolein 21 µg/l
- Dipotassium Salt of Endothall (such as Cascade) 5.0 mg/l (acid equivalent)
- Mono (N,N-Dimethyl Alkylamine) Salt of Endothall (such as Teton) 0.050 mg/l (equal to 50 µg/l) (acid equivalent) at any time and 0.2 mg/l (equal to 200 µg/l) (acid equivalent), subject to timing windows (Condition 7).
- Xylene 5.1 mg/l

The maximum instantaneous concentration means the highest allowable discharge at any time. The point of compliance means the location where water treated with pesticides enters surface water bodies that existed prior to the creation of reclamation and irrigation projects.

E. Fish management

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

Additional restrictions

All treatments conducted for fisheries management must follow: *Planning and Standard Operating Procedures for Use of Rotenone in Fish Management*; Finlayson, B., R. Schnick, D. Skaar, J. Anderson, L. Demong, D. Duffield, W. Horton, and J. Steinkjer. 2010. American Fisheries Society, Bethesda, MD.

F. Invasive moth control

- i. *Bacillus thuringiensis* var. *kurstaki* based pesticides
- ii. Gypsy moth pheromone based pesticides (e.g., *disparlure*)
- iii. Adjuvants authorized to be used for invasive moth control include latex-based adjuvants.

Additional restrictions

A period of three days between treatments is required prior to re-treating the previously treated area. The Permittee must notify WA State Department of Fish and Wildlife (WDFW) with regard to state listed threatened, endangered, and candidate species, on a site specific basis, 60 days prior to treatment. WDFW habitat biologist contact information can be found here:

<http://wdfw.wa.gov/conservation/habitat/ahb/>

G. Forest canopy pest control

Permittees performing forest canopy pest control must follow the requirements in Title 76 RCW (Forests and Forest Products).

Citations:

- RCW 90.48.010
- RCW 90.48 .030
- WAC 173-201A-410
- WAC 173-201A-300
- WAC 173-201A-240

5. Public notice

Ecology includes public notification and treatment area postings in the pesticide permits it issues. These requirements are intended to protect the public health, welfare, and enjoyment of waters of the state by reducing the public's exposure to pesticides.

The Permittee must publish a public notice in a newspaper of general circulation in the area where treatment will occur, prior to the first application of the season. The newspaper notice must contain:

- A. Proposed schedule of treatments for the season.
- B. Common name of the water body to be treated.
- C. Chemicals to be used.
- D. Any water use restrictions or precautions
- E. Contact information of the Permittee and any agency staff involved.
- F. Ecology's regional twenty-four (24) hour Emergency number.
- G. Notification shall explain the project and explain that any treated areas will be flagged no more than 48 hours before treatment begins.

The Permittee must use Ecology posting templates contained in each pesticide permit to post the treated areas, where feasible, to 400 feet beyond the boundary of the treatment area. Sign postings must occur at all reasonable points of public access to the treatment area. Signs posting of treatment areas must be posted before treatment commences, but no more than 48 hours before the start of treatment. Signs must also be posted in the commonly spoken language of the area where treatment is occurring.

Shoreline posting templates can be found on the permit websites:

Aquatic Invasive Species Management:
<http://www.ecy.wa.gov/programs/wq/pesticides/invasive.html>

Aquatic Mosquito Control:
http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/mosquito/index.html

Aquatic Noxious Weed Control:
http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/noxious/noxious_index.html

Aquatic Plant and Algae Management:
http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/aquatic_plants/aquatic_plant_permit_index.html

Fisheries Management:
http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/fish/fish_index.html

Citation:

- RCW 90.48.010

6. Water rights

When there are potable water restrictions on the product label, the Permittee must not apply any chemical until it has notified all users who withdraw drinking water from the water body. If requested by the affected water user(s), the Permittee must provide an alternative drinking water supply until the intake water meets all label conditions for potable water supply. If requested by a water user, the Permittee must provide advance notice of pending treatments on a time schedule agreed to by all parties.

If the treatment affects potable water use on water bodies with municipal or community drinking water intakes, the Permittee must obtain written consent to the treatment from the municipality or community.

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

Citations:

- 90.48.010 RCW
- 173-201A-200(3) WAC

7. Treatment timing windows

For discharge directly to water, conducted for aquatic plant and algae control, aquatic invasive species control, and irrigation canals, the Permittee must follow Washington Department of Fish and Wildlife (WDFW) Treatment Windows (Treatment Windows) to protect salmon, steelhead, and bull trout populations and other sensitive species and habitats. WDFW may periodically update the Treatment Windows as new information becomes available, see:

http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/aquatic_plants/permitdocs/wdfwtiming.pdf. If a waterbody is not listed in the Treatment Windows, the default window is July 15 – October 31, both dates inclusive. Contact the regional WDFW biologist to develop a new timing window if the default window will not provide for adequate treatment.

Chemicals subject to WDFW Timing Windows for Salmon, steelhead, bull trout and other priority species:

- A. 2,4-D Amine
- B. 2,4-D Ester
- C. Carfentrazone-ethyl
- D. Copper
- E. Chlorine
- F. Diquat
- G. Endothall Dipotassium Salt
- H. Endothall Mono Salt
- I. Flumioxazin
- J. Potassium Permanganate
- K. Rotenone

For all other chemicals allowed for use under the Aquatic Plant and Algae Management and Aquatic Invasive Species Control permits check the WDFW Timing Window document for other priority species (non-fish) work windows.

For irrigation systems the WDFW work windows only apply to endothall mono salt.

Citations:

- RCW 77.15.120
- RCW 77.15.130(1)
- RCW 77.04.012
- Washington Department of Fish and Wildlife's Priority Habitat and Species Program is a science-based agency initiative used as part of AKART (173-201A-020 WAC)

8. Rare plants

For treatments using herbicides or algaecides the Permittee must use Washington Department of Natural Resources (WDNR) Natural Heritage Program database to determine if sensitive, threatened, or endangered (rare) plants are present in the proposed treatment area. If a rare plant does occur in or around the waterbody, the Permittee must survey for the rare plant and mitigate for impacts. The rare plant database is currently located at <http://www1.dnr.wa.gov/nhp/refdesk/plants.html>. If a rare plant is found in the treatment area the Permittee must consult with WDNR Natural Heritage Program staff for appropriate mitigations (<http://www.dnr.wa.gov/natural-heritage-program>) prior to beginning application of pesticides.

Citations:

- Chapter 79.70 RCW

Your right to appeal

You have a right to appeal this Certification/Consistency Determination to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Certification/Consistency Determination. The appeal process is governed by Chapter 43 .21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Certification/Consistency Determination:

- File your appeal and a copy of this Certification/Consistency Determination with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Certification/Consistency Determination on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted. You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Address	Mailing Address
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board POBox40903 Olympia, WA 98504-0903

9.10.6 Indian Country within the State of Washington

- a. No additional requirements

Appendix A Definitions, Abbreviations, and Acronyms

A.1. Definitions

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

Active Ingredient – any substance (or group of structurally similar substances if specified by the Agency) that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of FIFRA sec. 2(a). [40 CFR 152.3] Active ingredient also means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for the production of such a pesticidal substance. [40 CFR 174.3]

Adverse Incident – means an unusual or unexpected incident that an Operator has observed upon inspection or of which the Operator otherwise become aware, in which:

- (1) There is evidence that a person or non-target organism has likely been exposed to a pesticide residue, and
- (2) The person or non-target organism suffered a toxic or adverse effect.

The phrase toxic or adverse effect 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 effect, 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 Archaeabacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses. [40 CFR 158.2100(b)] Biochemical pesticide mean a pesticide that (1) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and (3) Has a non-toxic mode of action to the target pest(s). [40 CFR 158.2000(a)(1)] Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in

a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 CFR 174.3]

Chemical Pesticides – all pesticides not otherwise classified as biological pesticides.

Cultural Methods – manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest.

Decision-maker – any entity with control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to waters of the United States.

Decision-maker Who is or Will be Required to Submit an NOI – any Decision-maker covered under the PGP who knows or should have known that an NOI will be required for those discharges beginning October 31, 2016. Excluded from this definition are those activities for which an NOI is required based solely on that Decision-Maker exceeding an annual treatment area threshold.

Declared Pest Emergency Situation – an event defined by a public declaration by a federal agency, state, or local government of a pest problem determined to require control through application of a pesticide beginning less than ten days after identification of the need for pest control. This public declaration may be based on:

- (1) Significant risk to human health;
- (2) Significant economic loss; or
- (3) Significant risk to:
 - (i) Endangered species,
 - (ii) Threatened species,
 - (iii) Beneficial organisms, or
 - (iv) The environment.

Director – a Regional Administrator of the EPA 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 CWA as not meeting applicable state or tribal water quality standards (these waters are called “water quality limited segments” under 40 CFR 130.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Indian Country – (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe. [18 U.S.C. 1151; 40 CFR 122.2]

Inert Ingredient – any substance (or group of structurally similar substances if designated by the Agency), other than an active ingredient, that is intentionally included in a pesticide product. [40 CFR 152.3] Inert ingredient also means any substance, such as a selectable marker, other than the active ingredient, where the substance is used to confirm or ensure the presence of the active ingredient, and includes the genetic material necessary for the production of the substance, provided that genetic material is intentionally introduced into a living plant in addition to the active ingredient. [40 CFR 174.3]

Large Entity – any entity that is not a “small entity.”

Mechanical/Physical Methods – mechanical tools or physical alterations of the environment, for pest prevention or removal.

Minimize – to reduce and/or eliminate pesticide discharges to waters of the United States through the use of Pest Management Measures to the extent technologically available and economically practicable and achievable.

NMFS Listed Resources of Concern – federally-listed endangered and threatened species and federally-listed critical habitat for which NMFS, in its Biological Opinion entitled, ‘*2016 Endangered Species Act Section 7 Consultation Biological Opinion on the U.S. Environmental Protection Agency’s Proposed Pesticides General Permit*, concluded the draft 2016 PGP, absent any additional mitigating measures, would either jeopardize the continued existence of such species or destroy or adversely modify such critical habitat. The Biological Opinion included a Reasonable and Prudent Alternative, implemented through this permit, to avoid likely jeopardy to listed species or adverse modification of critical habitat. Additional information, including

maps noting where these resources overlap with PGP areas of coverage is available at <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>.

Non-target Organisms – includes the plant and animal hosts of the target species, the natural enemies of the target species living in the community, and other plants and animals, including vertebrates, living in or near the community that are not the target of the pesticide.

Operator – for the purpose of this permit, means any entity associated with the application of pesticides which results in a discharge to waters of the United States that meets either of the following two criteria:

- (i) any entity who performs the application of a pesticide or who has day-to-day control of the application (*i.e.*, they are authorized to direct workers to carry out those activities); or
- (ii) any entity with control over the decision to perform pesticide applications including the ability to modify those decisions.

Person – an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof.

Pest – Consistent with 40 CFR 152.5, any organism under circumstances that make it deleterious to man or the environment, if it is:

- (a) Any vertebrate animal other than man;
- (b) Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;
- (c) Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or
- (d) Any fungus, bacterium, virus, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs (as defined in FFDCA sec. 201(g)(1)) and cosmetics (as defined in FFDCA sec. 201(i)).

Pest Management Area – The area of land, including any water, for which an Operator has responsibility and is authorized to conduct pest management activities as covered by this permit (*e.g.*, for an Operator who is a mosquito control district, the pest management area is the total area of the district).

Pest Management Measure – any practice used to meet the effluent limitations that comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, relevant legal requirements and other provisions that a prudent Operator would implement to reduce and/or eliminate pesticide discharges to waters of the United States.

Pesticide – means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer, except that the term “pesticide” shall not include any article that is a “new animal drug” within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(w)), that has been

determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such Act (21 U.S.C. 321(x)) bearing or containing a new animal drug. The term “pesticide” does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). For purposes of the preceding sentence, the term “critical device” includes any device that introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term “semi-critical device” includes any device that contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body [FIFRA Section 2(u)].

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

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

This permit uses the term “pesticide” when referring to the “pesticide, as applied.” When referring to the chemical in the pesticide product with pesticidal qualities, the permit uses the term “active ingredient.”

Pesticide Product – a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.

Pesticide Research and Development – Activities undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development).

Pesticide Residue – includes that portion of a pesticide application that is discharged from a point source to waters of the United States and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.

Point source – any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. [40 CFR 122.2]

Pollutant – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded

equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. For purposes of this definition, a “biological pesticide” is considered a “biological material,” and any “pesticide residue” resulting from use of a “chemical pesticide” is considered a “chemical waste.” [Excerpted from 40 CFR 122.2]

Small Entity – any (1) private enterprise that does not exceed the Small Business Administration size standard as identified at 13 CFR 121.201, or (2) local government that serves a population of 10,000 or less.

State – means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands.

Target Pest – the organism(s) toward which pest management measures are being directed.

Tier 3 Waters – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 waters are identified by states or tribes as having high quality waters constituting an Outstanding National Resource Water (ONRW), which may include waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

Total Maximum Daily Loads (TMDLs) – a TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant’s sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. [See section 303(d) of the CWA 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.

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. No. 1 of Jefferson County v. Wash. Dept. of Ecology*, 511 U.S. 700, 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 CWA (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 (81 FR 43091 (July 1, 2016) as mandated by the Debt Collection Improvement Act of 1996. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every 4 years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties following were adjusted for inflation starting in 1996.

1. Criminal Penalties

- 1.1 *Negligent Violations.* The CWA provides that any person who negligently violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than \$2,500 nor more than \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person will be subject to criminal penalties of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both.
- 1.2 *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person will be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- 1.3 *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury will upon conviction be subject to a fine of not more than \$250,000 or by imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person will be subject to a fine of not more than

\$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, will, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can fined up to \$2,000,000 for second or subsequent convictions.

- 1.4. *False Statement.* The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit will, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance will, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
2. *Civil Penalties.* The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently \$37,500 per day for each violation).
3. *Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows
 - 3.1 *Class I Penalty.* Not to exceed the maximum amounts authorized by CWA section 309(g)(2)(A) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500).
 - 3.2 *Class II Penalty.* Not to exceed the maximum amounts authorized by CWA section 309(g)(2)(B) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).

B.2 Duty to Reapply

Except as otherwise provided for in Part 1.2.4 of the permit, if an Operator wishes to continue an activity regulated by this permit after the expiration date of this permit, the Operator must apply for and obtain authorization as required by the new permit once EPA issues it.

B.3 Need to Halt or Reduce Activity Not a Defense

It will not be a defense for an Operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit.

B.4 Duty to Mitigate

Operators must take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.

B.5 Proper Operation and Maintenance

Operators must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which the Operators installs or uses to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which the Operator installs only when the operation is necessary to achieve compliance with the conditions of this permit.

B.6 Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. An Operator's filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B.7 Property Rights

This permit does not convey any property rights of any sort, or any exclusive privileges.

B.8 Duty to Provide Information

Operators must furnish to EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), within a reasonable time, any information that EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. Operators must also furnish to EPA or an authorized representative upon request, copies of records required to be kept by this permit.

B.9 Inspection and Entry

Operators must allow EPA, or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to do the following:

- A. Enter upon an Operator's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

B.10 Monitoring and Records

- A. Operators must retain records of all reports required by this permit, and records of all data used to complete the NOI for this permit, for a period of at least 3 years from the date the permit expires or the date the Operator's authorization is terminated. That period may be extended by request of EPA at any time.

[As written, this permit does not require Operators to perform the type of sample collection and monitoring described in the following sections of this appendix, B.10.B through B.10.F. However, where EPA requires any monitoring, consistent with Part 1.2.3 of the Permit, the sample collection and monitoring requirements in B.10.B through B.10.F of this appendix apply to those Operators that collect samples.]

- B. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
- C. Operators must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, for a period of at least 3 years from the date the permit expires or the date the Operator's authorization is terminated. This period may be extended by request of EPA at any time.
- D. Records of monitoring information must include the following:
 1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses
- E. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.
- F. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit will, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

B.11 Signatory Requirements

- A. All applications, including NOIs, must be signed as follows:
 1. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions that govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit or the agency (*e.g.*, Regional Administrator of EPA).
- B. Any Pesticide Discharge Management Plan (PDMP), including changes to the PDMP to document any corrective actions taken as required by Part 6, and all reports submitted to EPA, must be signed by a person described in Appendix B, Subsection B.11.A above or by a duly authorized representative of that person. A person is a duly authorized representative only if the following are true:
 1. The authorization is made in writing by a person described in Appendix B, Subsection B.11.A;
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity such as the position of superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 3. The signed and dated written authorization is included in the PDMP. A copy must be submitted to EPA, if requested.
- C. All other changes to the PDMP, and other compliance documentation required under this permit, must be signed and dated by the person preparing the change or documentation.
- D. Changes to Authorization. If an authorization under Appendix B, Subsection B.11.A is no longer accurate because the application activities have been purchased by a different entity, a new NOI satisfying the requirements of Subsection B.11.A must be submitted to EPA. However, if the only change that is occurring is a change in contact information or a

change in the Operator's address, the Operator need only make a modification to the existing NOI submitted for authorization.

- E. Any person signing documents in accordance with Appendix B, Subsections B.11.A or B.11.B above must include the following certification:

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

- F. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance will, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

B.12 Reporting Requirements

- A. Anticipated noncompliance. Operators must give advance notice to EPA of any planned changes in the permitted activity which may result in noncompliance with permit requirements.
- B. Transfers. This permit is not transferable to any person except after notice to EPA. Where an Operator wants to transfer coverage under the permit to a new Operator, the original Operator (*i.e.*, the first Operator) must submit an NOT pursuant to Part 1.2.5. The new Operator must submit an 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

EPA provides permit coverage for classes of point source discharges that occur in areas where EPA is the NPDES permitting authority. The geographic coverage of the 2016 PGP is listed below. This permit also applies in all areas of Indian Country that are not covered by an EPA-approved permitting program, for example, the areas of Indian Country described below:

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

Where EPA is Permitting Authority

MAG87#### Massachusetts, including Indian Country within Massachusetts
CTG87###E Indian Country within Connecticut
NHG87### New Hampshire
RIG87###E Indian Country within Rhode Island
VTG87###E Federal facilities within Vermont

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

Where EPA is Permitting Authority

NYG87###E Indian Country within New York State
PRG87### Puerto Rico

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

Where EPA is Permitting Authority

DCG87### The District of Columbia
DEG87###E Federal facilities within Delaware

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

Where EPA is Permitting Authority

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

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

Where EPA is Permitting Authority

MIG87###E Indian Country within Michigan
MNG87###E Indian Country within Minnesota, excluding Fond du Lac Band of Chippewa
WIG87###E Indian Country within Wisconsin, excluding Lac du Flambeau Band of Lake Superior Chippewa Indians

6. EPA Region 6: Arkansas, Louisiana, Oklahoma, Texas, New Mexico (except see Region 9 for Navajo, and see Region 8 for Ute Mountain Reservation)**Where EPA is Permitting Authority**

- LAG87###E Indian Country within Louisiana
NMG87###E New Mexico, including Indian Country within New Mexico, except Navajo Reservation (see Region 9) and Ute Mountain Reservation (see Region 8)
OKG87###E Indian Country within Oklahoma
TXG87###E Discharges in Texas that are not under the authority of the Texas Commission on Environmental Quality (formerly TNRCC), including activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline, including Indian Country.
-

7. EPA Region 7: Iowa, Kansas, Missouri, Nebraska (except see Region 8 for Pine Ridge Reservation)**Where EPA is Permitting Authority**

- IAG87###E Indian Country within Iowa
KSG87###E Indian Country within Kansas
NEG87###E Indian Country within Nebraska, except Pine Ridge Reservation (see Region 8)
-

8. EPA Region 8: Colorado, Montana, North Dakota, South Dakota, Wyoming, Utah (except see Region 9 for Goshute Reservation and Navajo Reservation), the Ute Mountain Reservation in NM, and the Pine Ridge Reservation in Nebraska**Where EPA is Permitting Authority**

- COG87###E Federal facilities within Colorado and Indian Country within Colorado as well as the portion of the Ute Mountain Reservation located in New Mexico
MTG87###E Indian Country within Montana
NDG87###E Indian Country within North Dakota
SDG87###E Indian Country within South Dakota as well as the portion of the Pine Ridge Reservation located within Nebraska (see Region 7)
UTG87###E Indian Country within Utah, except Goshute and Navajo Reservation (see Region 9)
WYG87###E Indian Country within Wyoming
-

9. EPA Region 9: California, Hawaii, Nevada, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Goshute Reservation in Utah and Nevada, the Navajo Reservation in Utah, New Mexico, and Arizona, the Duck Valley Reservation in Idaho, and the Fort McDermitt Reservation in Oregon**Where EPA is Permitting Authority**

- ASG87###E The Island of American Samoa
-

- AZG87###E Indian Country within Arizona, as well as Navajo Reservation within New Mexico (see Region 6) and Utah (See Region 8), excluding Hualapai Tribe
- CAG87###E Indian Country within California, excluding Hoopa Valley Tribe
- GUG87#### The Island of Guam
- JAG87#### Johnston Atoll
- MWG87#### Midway Island, Wake Island, and other unincorporated U.S. possessions
- NIG87#### Commonwealth of the Northern Mariana Islands
- NVG87###E Indian Country within Nevada, as well as the Duck Valley Reservation within Idaho, the Fort McDermitt Reservation within Oregon (see Region 10) and the Goshute Reservation within Utah (see Region 8)
-

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

Where EPA is Permitting Authority

- AKG87###E Indian Country and the Denali National Park and Preserve within Alaska
- IDG87#### Idaho, including Indian Country within Idaho, except Duck Valley Reservation (see Region 9)
- ORG87###E Indian Country within Oregon, except Fort McDermitt Reservation (see Region 9)
- WAG87###E Federal Facilities in Washington and Indian Country within Washington

Appendix D. Notice of Intent Form

Part 7.8 requires you to use the NPDES eNOI System to prepare and submit your NOI unless the electronic system is unavailable. If you are given a waiver by the EPA Regional Office to use a paper NOI form, and you elect to use it, you must complete and submit the following form.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
NOTICE OF INTENT (NOI) OF COVERAGE UNDER THE PESTICIDE
GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION
OF PESTICIDES

Form Approved
OMB No.
2040-0284

Submission of this completed Notice of Intent (NOI) constitutes notice that the Operator identified in Section B intends to be authorized to discharge pollutants to waters of the United States within the pest management area identified in Section C under EPA's Pesticide General Permit. Submission of this NOI constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part 1 of the permit; agrees to comply with all applicable terms and conditions of the permit; and understands that continued authorization under the permit is contingent on maintaining eligibility for coverage. To be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement for large entities to prepare a Pesticide Discharge Management Plan (PDMP) prior to NOI submittal. Refer to the instructions at the end of this form to complete your NOI.

Approval to Use Paper NOI Form (Electronic Submission Waiver)

Has the EPA Regional Office granted you a waiver from electronic reporting*? YES NO

If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

- Waiver granted: The Decision-maker is physically located in a geographical area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.
 The Decision-maker has limitations regarding available computer access or computer capability.

Name of EPA staff person who granted the waiver: [REDACTED]

Date approval obtained: [REDACTED] / [REDACTED] / [REDACTED]

*Note: You are required to obtain approval from the applicable EPA Regional Office prior to using this paper NOI form. If you have not obtained a waiver, you must file this form electronically using the NPDES eNOI system at <https://www.epa.gov/npdes/pesticide-permitting>.

A. Notice of Intent Status

1. Mark whether this is the first time you are requesting coverage under the 2016 PGP, or if this is a change of information for a discharge already covered under the 2016 PGP. If this is a change of information, supply the NPDES permit tracking number for the discharge.

- a. Original NOI Submission
b. NOI Change of Information: [REDACTED] (NPDES Permit Tracking Number)

Please note: When selecting A.1.b please fill out Section B (Operator Name and Mailing Address) and the fields of the NOI that need to be modified.

B. Operator Information

1. Operator Name: [REDACTED]

2. Operator Type (check one):

- a. Federal government b. State government c. Local government
d. Mosquito control district (or similar) e. Irrigation control district (or similar) f. Weed control district (or similar)

g. Other: If other, provide brief description of type of Operator: [REDACTED]

3. Are you a large entity as defined in Appendix A of the permit? (check one): Yes No

Please note: If you answer "Yes" to question 3 you are required to develop a Pesticide Discharge Management Plan (PDMP) and submit an Annual Report reflecting all pesticide uses for which you are requesting permit coverage under this NOI.

4. In which state are your pest management areas located? Please specify only one state per NOI: [REDACTED]

5. Mailing Address:

a. Street: [REDACTED]

b. City: [REDACTED] c. State: [REDACTED] d. ZIP Code: [REDACTED]-[REDACTED]

e. Telephone: [REDACTED]-[REDACTED]-[REDACTED] Ext [REDACTED] f. Fax: [REDACTED]-[REDACTED]-[REDACTED]

g. Contact Name: [REDACTED]

h. E-mail: [REDACTED]

C. Pest Management Areas: Complete Section C for each Pest Management Area for which coverage under EPA's Pesticide General Permit is desired. Copy this section for additional Pest Management Areas.

Pest Management Area #____ of ##____

1. Pest Management Area Name: _____

Provide a map of the location of the Pest Management Area or describe the location of the Pest Management Area in detail.

2. Are any of your activities for which you are requesting coverage under this NOI occurring on Indian Country? Yes No
If yes, identify the reservation or otherwise describe those areas:

3. Are any of your activities (in this pest management area) for which you are requesting coverage under this NOI occurring on areas considered "federal facilities" as defined by the permit? Yes No

4. Mailing address and contact information of the pesticide Applicator (or check here if same as provided in Section B):

a. Street: _____

b. City: _____ c. State: _____ d. ZIP Code: _____

e. Telephone: _____ Ext _____ f. Fax: _____

g. Contact Name: _____

h. E-mail: _____

5. Pesticide Use Patterns to be included in this Pest Management Area (check all that apply):

- a. Mosquito and Other Flying Insect Pest Control c. Animal Pest Control
b. Weed and Algae Pest Control d. Forest Canopy Pest Control

6. Receiving Waters (check one):

- a. Coverage requested for all waters of the United States within the Pest Management Area identified above.
b. Coverage requested specifically for the following waters of the United States within the Pest Management Area identified above.

- c. Coverage requested for all waters of the United States within the Pest Management Area identified above except for:

7. Tier 3 Waters

Is coverage requested for discharge to a Tier 3 water (Outstanding National Resource Water) of the United States? Yes No
If yes, answer a and b:

a. Name of Tier 3 water(s): _____

b. Provide rationale for determination that pesticide discharge is necessary to protect water quality, the environment, and/or public health and that any such discharge will not degrade water quality or will degrade water quality only on a short-term or temporary basis:

8. Water Quality, Impaired Waters

Operators are not eligible for coverage under this permit for any discharges from a pesticide application to waters of the United States if the waters are identified as impaired by a substance which is either an active ingredient of the pesticide designated for use or is a degradate of such an active ingredient. See Part 1.1.2.1 of the permit. Check one:

- a. Waters are NOT impaired by any substance which is either an active ingredient of a pesticide to be discharged or a degradate of such an active ingredient
b. Waters are on a current state list as being impaired by a substance which is either an active ingredient of a pesticide to be discharged or a degradate of such an active ingredient; however, evidence is attached documenting that the waters are no longer impaired.

D. Endangered Species Protection: Complete Section D for each Pest Management Area for which coverage under EPA's Pesticide General Permit is desired. Copy this section for additional Pest Management Areas.

Pest Management Area #____ of ##____

1. Identify the criterion for which you are eligible for permit coverage as it applies to Federally Listed Threatened or Endangered Species (i.e., Species) and/or Federally Designated Critical Habitat (i.e., Habitat). Check one:

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

b. Pesticide application activities for which permit coverage is being requested will discharge to one or more waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the PGP, but consultation with NMFS under Section 7 of the Endangered Species Act (ESA) has been concluded for pesticide application activities covered under the PGP. Consultations can be either formal or informal, and would have occurred only as a result of a separate federal action. The consultation addressed the effects of pesticide discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and must have resulted in either:
 - i. A biological opinion from NMFS finding no jeopardy to federally-listed species and no destruction/adverse modification of federally-designated critical habitat; or
 - ii. Written concurrence from NMFS with a finding that the pesticide discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat.

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

d. Pesticide application activities were, or will be, discharged to one or more waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the PGP, but only in response to a Declared Pest Emergency Situation.

e. Pesticide application activities for which permit coverage is being requested in the NOI will discharge to one or more waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the PGP. Eligible discharges include those where the Decision-maker includes in the NOI written correspondence from NMFS that pesticide application activities performed consistent with appropriate measures will avoid or eliminate the likelihood of adverse effects to NMFS Listed Resources of Concern.

f. Pesticide application activities for which permit coverage is being requested in the NOI will discharge to one or more waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the PGP. Eligible discharges include those from pesticide application activities that are demonstrated by the Decision-maker as not likely to adversely affect NMFS Listed Resources of Concern or that the pest poses a greater threat to the NMFS Listed Resources of Concern than does the discharge of the pesticide.

2. If you checked criterion **d** or criterion **f** above, provide the following information for all discharges to waters of the United States containing NMFS Listed Resources of Concern identified within the pest management area for which permit coverage is being requested. For discharges pursuant to criterion **d**, Declared Pest Emergency Situations, information for items **a** through **g** should also include any discharges that have already occurred prior to NOI submission as well as the activities you performed in the 15 day period before submission of this NOI was required. In some cases, implementation of pest management measures as specified in the permit involves a degree of "adaptive management" such that exact timing and quantities of applications cannot be determined in advance for the duration of the permit. In such cases, the permittee must provide the required information to the extent feasible and consistent with the implementation of the selected pest management measures.

a. Describe the location of the pest management area in detail or provide a map of the location

b. Pest(s) to be controlled:

c. Pesticide product(s) to be discharged and method of application: _____

d. Planned quantity and rate of discharge(s) for each method of application: _____

e. Number of planned discharges: _____

f. Approximate date(s) of planned discharge(s): _____

g. Your rationale supporting your determination that you meet the criterion for which you are submitting this NOI, for example, the *specific* BMPs applied, visual monitoring, equipment and/or site inspections, and other appropriate measures that will be undertaken to avoid or eliminate the likelihood of adverse effects. For certifications pursuant to criterion **d**, indicate whether the discharge is likely to adversely affect NMFS Listed Resources of Concern in response to a pest emergency and, if so, any feasible measures to avoid or eliminate such adverse effects; for example, it is not sufficient to state that "integrated pest management procedures will be applied" without describing the specific measures to be taken (attach additional pages as necessary): _____

E. Certification

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

Printed Name:

Title:

E-Mail:

Signature/Responsible Official:

Date: / /

NOI Preparer (Complete if NOI was prepared by someone other than the certifier)

Preparer Name:

Organization:

Phone: - - Ext Date: / /

E-Mail:

Instructions for Completing the Notice of Intent (NOI) for Coverage Under the Pesticide General Permit (PGP) for Discharges from the Application of Pesticides

Who Must File a NOI with EPA?

Any Operator, as described in Part 1.2.2 of the permit and meeting the eligibility requirements identified in Part 1.1 of the permit and Table 1-1 below must submit a complete and accurate NOI. As required in the permit, only certain Operators who are also Decision-makers must submit NOIs.

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	Activities resulting in a discharge to a Tier 3 water
All four use patterns identified in Part 1.1.1	Any Decision-maker with an eligible discharge to waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A	Activities resulting in a discharge to waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A
1.1.1(a) - Mosquito and Other Flying Insect Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All activities resulting in a discharge for which the Federal or State agency is responsible for pest control
	Mosquito control districts, or similar pest control districts	All activities resulting in a discharge for which the Decision-maker is responsible for pest control
	Local governments or other entities who exceed the annual treatment area threshold identified here	Adulticide treatment if more than 6,400 acres during a calendar year
1.1.1(b) - Weed and Algae Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All activities resulting in a discharge for which the Federal or State agency is responsible for pest control
	Irrigation and weed control districts, or similar pest control districts	All activities resulting in a discharge for which the Decision-maker is responsible for pest control
	Local governments or other entities who exceed the annual treatment area threshold identified here	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
1.1.1(c) - Animal Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All activities resulting in a discharge for which the Federal or State agency is responsible for pest control
	Local governments or other entities who exceed the annual treatment area threshold identified here	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
1.1.1(d) - Forest Canopy Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All activities resulting in a discharge for which the Federal or State agency is responsible for pest control
	Local governments or other entities who exceed the annual treatment area threshold identified here	Treatment if more than 6,400 acres during a calendar year

If you have questions about whether you need to file an NOI or questions about completing the form, see <https://www.epa.gov/npdes/pesticide-permitting> or contact the NOI Center toll free at 866-352-7755.

One NOI can be submitted for multiple pest management areas in a state for which you are seeking permit coverage; however, no more than one state can be included on any single NOI form.

When to File the NOI?

Do not file your NOI until you have obtained and thoroughly read a copy of the permit. A copy of the permit is on EPA's website (<https://www.epa.gov/npdes/pesticide-permitting>). The permit describes procedures to ensure your eligibility, prepare your Pesticide Discharge Management Plan (PDMP), and complete the NOI form questions—all of which must be done before you sign the NOI certification statement attesting to the accuracy and completeness of your NOI. You will also need a copy of the permit once you have obtained coverage so that you can comply with the implementation requirements of the permit. Note: PDMP is not required for 1) any application made in response to a Declared Pest Emergency Situation, as defined in Appendix A of the permit; and 2) any Decision-maker who is required to submit an NOI solely because their application results in a point source discharge to waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the permit.

Approval to Use Paper NOI Form: Note that you are not authorized to use this paper NOI form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

For any discharges after October 31, 2016: All eligible discharges are authorized for permit coverage through January 12, 2017 without submission of an NOI. For any discharges after January 12, 2017, Decision-makers meeting the eligibility requirements identified in the Part 1.1 of the permit and Table 1-1 must submit a complete and accurate NOI according to Table 1-2 and Table 1-3 and consistent with the requirements of Part 1.2 of the permit. Note: NOIs submitted under the 2011 PGP are automatically terminated on October 31, 2016. Decision-makers who are required to submit an NOI must submit a new NOI by January 12, 2017 to obtain coverage under the 2016 PGP.

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

After January 12, 2017, any eligible discharge for which an NOI is required must submit an NOI consistent with the earliest due date identified below. If EPA receives an NOI on or before January 2, 2017 (or on or before December 12, 2016, for discharges to waters of the United States containing NMFS Listed Resources of Concern), uninterrupted coverage continues. NOI due dates for any discharges occurring on or after January 12, 2017 are as follows:

Operator Type	NOI Submission Deadline	Discharge Authorization Date ²
Any Decision-maker with any discharge to waters of the United States containing NMFS Listed Resources of Concern, except for those discharges in response to a Declared Pest Emergency Situation, as defined in Appendix A. ⁵	At least 30 days before any discharge to waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A. ⁵	No earlier than 30 days after EPA posts on the Internet a receipt of a complete and accurate NOI. ^{3,5}
Any Decision-maker with a discharge in response to a Declared Pest Emergency Situation for which that activity triggers the NOI requirement identified in Part 1.2.2, except for any discharges to waters of the United States containing NMFS Listed Resources of Concern.	No later than 30 days after beginning discharge.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation.
Any Decision-maker with any discharge to waters of the United States containing NMFS Listed Resources of Concern, in response to a Declared Pest Emergency Situation.	No later than 15 days after beginning to discharge in response to a Declared Pest Emergency Situation.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation for a period of at least 60 days. ⁴
Any Decision-maker who exceeds any annual treatment area threshold.	At least 10 days before exceeding an annual treatment area threshold.	No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI.

Operator Type	NOI Submission Deadline	Discharge Authorization Date ²
Any Decision-maker otherwise required to submit an NOI as identified in Table 1-1	At least 10 days before any discharge for which an NOI is required	No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI.

- ¹ State, territory and tribal specific requirements in addition to the requirements in this table are provided in Part 9 of the permit.
- ² On the basis of a review of an NOI or other information, EPA may delay authorization to discharge beyond any timeframe identified in Table 1-2, determine that additional technology-based and/or water quality-based effluent limitations or other conditions are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3 of the permit.
- ³ Within 30 days after EPA posts on the Internet receipt of a complete and accurate NOI, for those areas with NMFS Listed Resources of Concern, as defined in Appendix A of the permit, NMFS will provide EPA with a determination as to whether it believes the eligibility criterion of "not likely to adversely affect listed species or designated critical habitat" has been met, could be met with conditions that NMFS identifies, or has not been met. EPA expects to rely on NMFS' determination in deciding whether to withhold authorization. If NMFS does not provide EPA with this information within 30 days of EPA posting on the Internet receipt of a complete and accurate NOI, the discharges will be authorized 30 days after EPA posts on the Internet receipt of a complete NOI.
- ⁴ In any Declared Pest Emergency Situation in areas with waters of the United States containing NMFS Listed Resources of Concern, NMFS will have 30 days after submission of an NOI to provide EPA with a determination as to whether the eligibility criteria of "not likely to adversely affect listed species or designated critical habitat" has been met, could be met with conditions that NMFS identifies, or has not been met. EPA expects to rely on NMFS' determination in deciding whether to allow continued permit coverage and if additional conditions are necessary. If NMFS does not provide EPA with a recommendation within 30 days of EPA posting on the Internet receipt of a complete and accurate NOI, authorization for these discharges will continue. If EPA identifies additional permit conditions, or includes additional permit conditions recommended by NMFS, as necessary to qualify discharges as eligible for coverage beyond 60 days under the PGP, those conditions remain in effect for the life of the permit.
- ⁵ EPA may authorize certain discharges in less than 30 days, but no fewer than 10 days, for any discharges authorized under Criterion B, C, or E of Part 1.1.2.4 (for which NMFS has already evaluated the effects of these discharges).

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

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

Operator Type	NOI Submission Deadline	Discharge Authorization Date
Any Decision-maker with any discharge to waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A, not identified on a previously submitted NOI for this permit. This includes changes in any treatment area, pesticide product, method or rate of application, or approximate dates of applications.	At least 30 days before beginning to discharge in that newly identified treatment area unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 15 days after beginning discharge.	No earlier than 30 days after EPA posts on the Internet receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.

Where to File the NOI

The Decision-maker must prepare and submit the NOI using EPA's electronic Notice of Intent system (eNOI) available on EPA's website (<https://www.epa.gov/npdes/pesticide-permitting>) unless the Decision-maker is granted a waiver from the requirement to use eNOI for submission of the NOI. See Part 8 of the PGP for EPA Regional contacts. The Electronic Submission Waiver is at the top of this form.

EPA will immediately post on the pesticides eNOI Website all NOIs received. Late NOIs will be accepted, but authorization to discharge will not be retroactive.

If you are granted a waiver from using eNOI; you must send the NOI form to one of the addresses listed below.

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

Via overnight/express delivery:
United States Environmental Protection Agency
Office of Water, Water Permits Division
EPA East Building - Room 7420, ATTN: NPDES Pesticides
1201 Constitution Avenue, NW
Washington, DC 20004
Phone: 202-564-9545

If you have questions, contact EPA's Pesticides Notice Processing Center toll free at 866-352-7755.

- If you file a paper NOI, submit the original with a signature in ink. Do not send copies. Also, faxed copies will not be accepted.
- If you are required to develop a PDMP, that document does not need to be submitted for review unless specifically requested by EPA. You must keep a copy of your PDMP on-site or otherwise make it available to facility personnel responsible for implementing provisions of the permit.

Completing the NOI Form

To complete this form, type or print in uppercase letters in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above. You may also use this paper form as a checklist for the information you will need when filing an NOI electronically via EPA's Pesticides eNOI System.

Section A. NOI Status

1. Indicate if this is the first time you are requesting coverage under the permit or if this is a change of information.
 - a. Check this box if this is the first time you are requesting coverage under the permit for these discharges. If this is the first time you are requesting coverage, refer to Table 1-2 for NOI submittal deadlines and discharge authorization dates.
 - b. Check this box if this is a change of information for a discharge already covered under the permit. If this is a change of information, supply the NPDES permit tracking number that you received in your confirmation letter or e-mail from EPA's Pesticide Notice Processing Center. You can find the tracking number assigned to your previous NOI using EPA's eNOI System (<https://www.epa.gov/npdes/pesticide-permitting>). For additional details regarding a change of information, see Table 1-3. Also fill out Section B of this form (Operator Name and Mailing Address) and the associated fields of information that need to be modified on the NOI.

Section B. Operator Information

1. Provide the legal name of the person, firm, public organization or any other public entity who is the Decision-maker for the pesticides applications described in this notice. A Decision-maker is an Operator who has control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to waters of the United States.
2. Indicate the type of Operator: federal government, state government, local government, mosquito control district (or similar), irrigation control district (or similar), weed control district (or similar), or other. If other, provide brief description of type of Operator in the space provided.
3. Indicate whether or not you are a "large entity" as defined in Appendix A of the permit. Note that if you are a large entity, you are required to develop a Pesticide Discharge Management Plan (PDMP) and submit future Annual Reports reflecting all pesticide uses for which you are requesting permit coverage under this NOI.
4. Indicate which state your pest management areas are located. Specify only one state per NOI. If there is more than one state, additional NOIs must be submitted.
5. Provide the Decision-maker's mailing address, telephone number, fax number (optional), name, and e-mail address. Correspondence will be sent to this address.

Section C. Pest Management Area: Information for each Pest Management Area for which coverage under EPA's Pesticide General Permit is desired.

1. Indicate whether you are submitting an NOI for multiple pest management areas. A pest management area is the area of land, including any water, for which you have responsibility and are authorized to conduct pest management activities as covered by this permit (e.g., if you are a mosquito control district, your pest management area is the total area of the district). You must complete a Section C for each pest management area. If you are submitting an NOI for only one area, enter "1" of "1." If you are submitting NOIs for multiple pest management areas, enter the number for the NOI for which you are requesting coverage followed by the total number of pest management areas for which you are requesting coverage. Enter the name of the pest management area. Attach a map of the pest management area or describe the location of the pest management area in the space provided. A mapping tool is available at <https://www.epa.gov/npdes/pesticide-permitting-PGP-eNOI>.
2. Indicate whether pesticide application will occur on Indian Country, and if so, provide the name of the reservation, if applicable.
3. Indicate whether pesticide application will occur on a Federal Facility, as defined in Appendix A of the permit.
4. Enter the mailing address of the contact person for the pest management area. If this address is the same as the Decision-maker's mailing address, indicate that by checking the box. If it is a different address, enter the mailing address, telephone number, fax number (optional), contact name, and e-mail address.
5. Indicate the pesticide use patterns for the pest management area for which the NOI is required. For additional information regarding pesticide use patterns, see Part 1.1.1 of the permit. Check all the use patterns that apply to the pest management area.
6. Indicate if permit coverage is being requested for all waters of the United States within the pest management area or if permit coverage is being requested to specific waters of the United States within the pest management area. If specific waters are being requested, write the names of the waterbodies. If permit coverage is being requested for all waters of the United States within the pest management area except for specific waterbodies, name those specific waterbodies in the space provided. EPA's Water Locator Tool can help you identify the closest receiving water to your facility (<http://www.epa.gov/waterdata/waters-tools>).
7. Indicate if permit coverage is being requested to discharge to a Tier 3 (Outstanding National Resource Water) water of the United States. If yes, write the name(s) of the Tier 3 water(s) in the space provided. Describe and demonstrate why it is necessary to apply the pesticide discharge to protect the water quality, environment, and/or public health and that any such discharge will not degrade water quality or will degrade water quality only on a short-term or temporary basis.
8. Verify that waters within the pest management area are either not impaired by substances which are either active ingredients in the pesticide planned for use or degradates of such active ingredients, OR that evidence shows that the target waters in question are no longer impaired. See Part 1.1.2.1 of the permit for more information on discharges to Water Quality Impaired Waters.

Section D. Endangered Species Protection. Complete Section D for each Pest Management Area for which coverage under EPA's PGP is desired.

Identify the Pest Management Areas, corresponding to those in Part C.

1. Coverage under the permit is available only for discharges and discharge-related activities, as defined in Appendix A of the permit, that are not likely to jeopardize the continued existence of any species that are federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) and not likely to result in the adverse modification or destruction of habitat that is federally-designated as critical under the ESA ("critical habitat") except as provided in criterion b, c, and for at least 60 days, d, below. For a subset of listed species and critical habitat, identified as NMFS Listed Resources of Concern and defined in Appendix A of the permit, there are

specific criteria for determining eligibility. To demonstrate eligibility, you must meet one or more of the six criteria (a-f) for the entire term of coverage under the permit.

2. If you checked criterion d or criterion f, you are required to provide a description of the location of the pest management area or a map of the location of the pest management area, the pest(s) to be controlled, pesticide product(s) to be discharged and method of application, planned quantity and rate of discharge(s) for each application method, number of planned discharges, approximate date(s) of planned discharge(s), and the rational supporting your determination that you meet the criterion for which the Decision-maker is submitting this NOI and documentation demonstrating the finding of "not likely to adversely affect." If you certify under criteria f and do not hear from EPA within 30 days, you may assume your discharge is authorized. For certifications pursuant to criterion d, indicate whether the discharge is likely to adversely affect NMFS Listed Resources of Concern and, if so, any feasible measures to avoid or eliminate such adverse effects. If you are certifying under criterion d (which allows you to discharge 15 days before you even submit your NOI), your NOI should describe both the pest emergency activities you plan to do after you submit your NOI as well as the activities you performed in that 15 day period before you had to submit the NOI. See Part 1.1.2.4 of the permit for more information regarding Endangered and Threatened Species and Critical Habitat Protection. If you certify under criterion d and do not hear from EPA, you may assume that permit authorization continues unless notified otherwise. EPA may authorize certain discharges in less than 30 days, but no fewer than 10 days, for any discharges authorized under criterion b, c, or e (for which NMFS has already evaluated the effects of these discharges). If you certify under one of these criteria and do not hear from EPA within 30 days, you may assume your discharge is authorized.

Section E. Certification

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) Federal statutes provide for severe penalties for submitting false information. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, means:

- (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, state, federal, or other public facility: by either a principal executive or ranking elected official.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the PDMP contact or a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the NOI preparer.

Paperwork Reduction Act Notice

The public reporting and recordkeeping burden for this collection of information is estimated to average 2.5 hours or 150 minutes per response.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed NOI form to that address.

Appendix E. Notice of Termination Form

Part 7.8 requires you to use the NPDES eNOI System to prepare and submit your NOT unless the electronic system is unavailable. If you are given a waiver by the EPA Regional Office to use a paper NOT form, and you elect to use it, you must complete and submit the following form.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
NOTICE OF TERMINATION (NOT) OF COVERAGE UNDER THE PESTICIDE GENERAL PERMIT
(PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

Form Approved
OMB No.
2040-0284

Approval to Use Paper NOT Form (Electronic Submission Waiver)

Has the EPA Regional Office granted you a waiver from electronic reporting*? YES NO

If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

- Waiver granted: The Decision-maker is physically located in a geographical area (i.e., ZIP code or census tract) that is identified as underserved for broadband Internet access in the most recent report from the Federal Communications Commission.
 The Decision-maker has limitations regarding available computer access or computer capability.

Name of EPA staff person
who granted the waiver:

[REDACTED]

Date approval obtained:

[REDACTED] / [REDACTED] / [REDACTED]

*Note: You are required to obtain approval from the applicable EPA Regional Office prior to using this paper NOT form. If you have not obtained a waiver, you must file this form electronically using the NPDES eNOI system at <https://www.epa.gov/npdes/pesticide-permitting>.

A. Permit Information

1. NPDES Permit Tracking Number: [REDACTED]

2. Reason for termination (check one only):

- a. You have ceased all discharges from the application of pesticides for which you obtained permit coverage and you do not expect to discharge during the remainder of the permit term.
 b. You have obtained permit coverage under an NPDES individual permit or alternative NPDES general permit for all pesticide discharges requiring NPDES permit coverage.
 c. A new Operator has taken over decision-making responsibility for the pest control activities covered under an existing NOI. Provide the transfer date and the new Operator information. Date of transfer: [REDACTED] / [REDACTED] / [REDACTED]

New Operator Name: [REDACTED]

Street: [REDACTED]

City: [REDACTED] State: [REDACTED] ZIP Code: [REDACTED]-[REDACTED]

Telephone: [REDACTED]-[REDACTED]-[REDACTED] Ext. [REDACTED]

E-mail: [REDACTED]

B. Operator Information

1. Operator Name: [REDACTED]

2. Mailing Address:

Street: [REDACTED]

City: [REDACTED] State: [REDACTED] ZIP Code: [REDACTED]-[REDACTED]

Telephone: [REDACTED]-[REDACTED]-[REDACTED] Ext. [REDACTED]

3. Contact Name: [REDACTED]

E-mail: [REDACTED]

C. Certification

I certify under penalty of law that I have met at least one of the reasons for terminating permit coverage listed in Section A above. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge pesticides to waters of the United States. This document and all attachments were prepared under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. Additionally, I understand that the submittal of this Notice of Termination does not release a pesticide Operator from liability for any violations of the Clean Water Act.

Printed Name: Title: E-Mail: Signature/Responsible Official: _____ Date: / / **NOT Preparer (Complete if NOT was prepared by someone other than the certifier)**Preparer Name: Organization: Phone: - - Ext. Date: / / E-Mail:

**INSTRUCTIONS FOR COMPLETING THE NOTICE OF TERMINATION (NOT) OF COVERAGE UNDER THE PESTICIDE GENERAL PERMIT (PGP) FOR
DISCHARGES FROM THE APPLICATION OF PESTICIDES**

Who Must File an NOT with EPA?

Any Operator required to submit a Notice of Intent (NOI) is required to submit a Notice of Termination (NOT) to end coverage under this permit. However, if EPA notifies the Operator to apply for an NPDES individual permit or alternative general permit, coverage under this permit terminates automatically. Dischargers automatically covered under this permit as identified in Part 1.2.3 of the permit are likewise automatically terminated upon permanent cessation of discharge consistent with any of the criteria identified in Part 1.2.5.3 of the permit. As required in the permit, only certain Operators who are also Decision-makers must submit NOIs. Note: NOIs submitted under the 2011 PGP are **automatically** terminated on October 31, 2016. Decision-maker who are required to submit an NOI must submit a new NOI to obtain coverage under the 2016 PGP.

If you have questions about whether you need to file an NOT or questions about completing the form, see <https://www.epa.gov/npdes/pesticide-permitting> or contact the NOI Center toll free at 866-352-7755.

When to File the NOT?

Approval to Use Paper NOT Form: Note that you are not authorized to use this paper NOT form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

Operators must file the NOT form within 30 days after one or more of the conditions in Part 1.2.5.2 of the permit have been met.

Where to File the NOT?

Consistent with Part 1.2.5.1 of the permit, the Operator must submit the NOT using EPA's electronic Notice of Intent (eNOI) System available on EPA's website (<https://www.epa.gov/npdes/pesticide-permitting>) unless the Operator is granted a waiver from the requirement to use eNOI for submission of the NOT. See Part 8 of the PGP for EPA Regional contacts. The Electronic Submission Waiver is at the top of this NOT form.

Filing electronically is the fastest way to terminate permit coverage and help ensure that your NOT is complete.

If you are granted a waiver from using eNOI; you must send the NOT form to one of the addresses listed below.

Via United States Mail:

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

Via overnight/express delivery:

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

If you file a paper NOT, submit the original form with a signature in ink. Do not send copies. Also, faxed copies will not be accepted.

Completing the NOT Form

To complete this form, type or print in uppercase letters in the appropriate areas only. Make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above. You can also use this paper form as a checklist for the information you will need when filing an NOT electronically via EPA's Pesticides eNOI system.

Section A. Permit Information

1. Enter the existing NPDES Permit Tracking Number assigned by eNOI or the EPA's Pesticides Processing Center. You can find the tracking number assigned to your previous NOI using EPA's eNOI System (<https://www.epa.gov/npdes/pesticide-permitting>).
2. Select the appropriate box to indicate why you are submitting an NOT to end permit coverage. Select one of the three termination options:
 - a. Select this box if you have ceased all discharges from the application of pesticides for which you obtained permit coverage and you do not expect to discharge during the remainder of the permit term.

- b. Select this box if you have obtained NPDES individual permit coverage or alternative NPDES permit coverage.
- c. Select this box if a new Operator has taken over decision-making responsibility of pest control activities covered under an existing NOI and you are no longer the Operator. Provide the date of transfer and the name and contact information of the new Operator.

Section B. Operator Information

1. Provide the full legal name of the person, firm, public organization, or other entity that is the Operator who is the Decision-maker for the pesticide application described in this application.
2. Provide the Operator's mailing address and telephone number. Correspondence will be sent to this address.
3. Provide a contact person's full legal name and e-mail address. This person will be contacted regarding any NOT communication.

Section C. Certification

Carefully read the certification statement. By completing and submitting the NOT, the Operator certifies that the Operator is no longer authorized to discharge pesticides to waters of the United States. Provide the printed full legal name, title and email address of the certifier. Sign and date the form. (CAUTION: An unsigned or undated NOT form will prevent the termination of permit coverage.) Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

- (i) president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, state, federal, or other public facility: by either a principal executive or ranking elected official.

If the NOT was prepared by someone other than the certifier (for example, if the NOT was prepared by the PDMP contact or a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the NOT preparer.

Paperwork Reduction Act Notice

The public reporting and recordkeeping burden for this collection of information is estimated to average 0.5 hours or 30 minutes per response.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed NOT form to that address.

Appendix F.
Pesticide Discharge Evaluation Worksheet



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
PESTICIDE DISCHARGE EVALUATION WORKSHEET FOR THE
PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE
APPLICATION OF PESTICIDES

Form Approved
OMB No.
2040-0284

This worksheet is for any Operator who is also a Decision-maker required to submit a Notice of Intent (NOI) and is a small entity, as defined in Appendix A of the Pesticide General Permit (PGP). The information on this worksheet must be retained for each pesticide application activity.

A. General Information

1. Operator Name: _____

NPDES Permit Tracking Number: _____

2. Worksheet Preparer Name: _____

3. Pest Management Area: # ___ of ## ___

4. Pest Management Area Name: _____

5. Indicate the pesticide use pattern for the Pest Management Area:

a. Mosquito and Other Flying Insect Pests b. Weed and Algae Pests c. Animal Pests d. Forest Canopy Pests

6. For each treatment area (use additional pages for each treatment area):

a. Provide a description of the treatment area within this Pest Management Area, including location description:

b. Size of treatment area (in acres or linear feet): ____ acres or ____ linear feet.

c. Name or location of any waters of the United States to which discharges occurred:

B. Pest Evaluation

1. Identify the target pest(s) and explain why pest control is needed:

2. Describe Pest Management Measure(s) implemented before the first pesticide application:

C. Pesticide Application

1. Name and contact information for pesticide Applicator(s):

Company Name: _____

Street: _____

City: _____ State: _____ Zip Code: _____

Contact Name: _____

Phone: _____ - _____ - _____ Ext. _____

E-mail: _____

2. Pesticide application start date: / / Pesticide application end date: / /

Pesticide application end date: / /

3. Name of each pesticide product used, EPA registration number, and quantity of pesticide applied (as packaged or as formulated): Circle lbs or gallons.

EPA Reg. No. [REDACTED] EPA Reg. No. [REDACTED] EPA Reg. No. [REDACTED]

Quantity (lbs or gallons) _____

Application method: _____ Application method: _____ Application method: _____

4. Was visual monitoring conducted during pesticide application and/or post-application? Yes. No. If no, describe why not?

5. Were any adverse effects identified during visual monitoring? Yes. No. If yes, describe.

D. Certification

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

Printed Name: _____

Title: _____

E-Mail:

Signature/Responsible Official: _____ Date: / /

Pesticide Discharge Evaluation Worksheet Preparer (Complete if worksheet was prepared by someone other than the certifier)

Preparer Name: _____

Organization: _____

Phone: | | | - | | - | | | Ext. | | | | | Date: | | / | | / | | |

E-Mail:

Instructions for Completing the Pesticide Discharge Evaluation Worksheet (PDEW) for the PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

Who Must Complete a PDEW?

Any Operator, who is a Decision-maker required to submit a Notice of Intent (NOI) and is a small entity as defined in Appendix A of the permit may complete this Pesticide Discharge Evaluation Worksheet (PDEW) to meet the requirements of Part 7.4 of the PGP.

Pest management area, as defined in Appendix A of the permit, can be a large area (e.g., an entire town) or a very specific well-defined management area (e.g., a lake). Thus, a pest management area can have one or more treatment areas. Operators required to retain the information contained on this worksheet must do so for each treatment area. For treatment areas with the same or similar pests, the Operator can use one worksheet to document pest management activities for those multiple treatment areas.

When to Complete a PDEW?

Before any pesticide application, any Operator using this form to meet its obligations under the PGP must complete Section B of this worksheet. Section C, except for the pesticide application end date and total quantity of pesticide applied, must be completed as soon as possible but no later than 14 days after the first pesticide application. The total quantity of pesticide applied and the pesticide application end date must be completed as soon as possible but no later than 14 days after completion of pesticide application for this project.

Any Operator using this form to meet its obligations under the PGP must retain this worksheet for at least 3 years from the date that coverage is granted under the PGP or when the permit expires or is terminated. These Operators must make this worksheet available to EPA, including an authorized representative of EPA, upon request.

Completing the PDEW

To complete this form, type or print in uppercase letters in the appropriate areas only. Make sure you complete all questions.

Section A. General Information

1. Enter the Operator's full legal name and the existing NPDES Permit Tracking Number assigned by eNOI or the EPA's Pesticides Processing Center. You can find the tracking number assigned to your previous NOI using EPA's eNOI System (<https://www.epa.gov/npdes/pesticide-permitting>).
2. Enter the full legal name of the person completing the form.
3. Section A should be completed for each Pest Management Area. Indicate which Pest Management Area out of the total number of Pest Management Areas for which the section is being completed (i.e., Pest Management Area 1 of 10 total Pest Management Areas).
4. Enter the name of the Pest Management Area.
5. Identify the pesticide use pattern(s) for the Pest Management Area.
6. For each treatment area, provide a brief description and location description of the treatment area within the Pest Management Area; size of the treatment area in acres or linear feet, and name or location of any waters of the United States to which discharges occur.

Section B. Pest Evaluation

1. Identify the target pest(s) and provide a brief description of why pest control is needed.
2. Provide a brief description of any Pest Management Measure(s) implemented before pesticide application. For example, identify if you have performed physical control techniques such as pulling weeds, removing breeding habitat, or trapping animals.

Section C. Pesticide Application

1. Provide the company name and contact information of the pesticide Applicator.
2. Enter the date that the pesticide application began and ended.
3. Enter the name of each pesticide product used including the EPA Pesticide Registration Number, the quantity of pesticide applied, and the method used to apply the pesticide (e.g., fixed wing aircraft, backpack sprayer).
4. Indicate if visual monitoring was conducted during the pesticide application and/or post-application. If visual monitoring was not performed, provide a brief description of why visual monitoring was not conducted.

5. Indicate if there were any adverse effects identified during visual monitoring. Provide a brief description of any adverse effects that were identified.

Section D. Certification

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) Federal statutes provide for severe penalties for submitting false information. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, means:

- (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, state, federal, or other public facility: by either a principal executive or ranking elected official.

If the PDEW was prepared by someone other than the certifier (for example, if the PDEW was prepared by a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the PDEW preparer.

Paperwork Reduction Act Notice

The public reporting and recordkeeping burden for this collection of information is estimated to average 1 hour or 60 minutes per response.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed Pesticide Discharge Evaluation Worksheet to this address.

Appendix G. Annual Report Template

Part 7.8 requires you to use the NPDES eNOI System to prepare and submit your Annual Report unless the electronic system is unavailable. If you are given a waiver by the EPA Regional Office to use a paper Annual Report form, and you elect to use it, you must complete and submit the following form.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
ANNUAL REPORTING FORM FOR THE PESTICIDE GENERAL PERMIT (PGP) FOR
DISCHARGES FROM THE APPLICATION OF PESTICIDES

Form Approved
OMB No.
2040-0284

This form is for any Operator who is a Decision-maker required to submit an NOI. The annual report must be submitted no later than February 15 of the following year for all pesticide activities covered under the permit occurring during the previous calendar year as detailed in Part 7 of the permit.

Approval to Use Paper Annual Report Form (Electronic Submission Waiver)

Has the EPA Regional Office granted you a waiver from electronic reporting? YES NO

If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

- Waiver granted: The Decision-maker is physically located in a geographical area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.
 The Decision-maker has limitations regarding available computer access or computer capability.

Name of EPA staff person who granted the waiver: _____

Date approval obtained: _____ / _____ / _____

*Note: You are required to obtain approval from the applicable EPA Regional Office prior to using this paper annual reporting form. If you have not obtained a waiver, you must file this form electronically using the NPDES eNOI system at <https://www.epa.gov/npdes/pesticide-permitting>.

A. General Information - For pesticides activities in calendar year: _____

1. NPDES Permit Tracking Number: _____

2. Operator Name: _____

3. Operator Contact Information:

a. Street: _____

b. City: _____ c. State: _____ d. ZIP Code: _____ - _____

e. Telephone: _____ - _____ - _____ Ext _____ f. Fax: _____ - _____ - _____

4. Contact Information:

a. Contact Name: _____

b. Title: _____

c. E-mail: _____

B. Adverse Incidents and Corrective Actions

1. Was an adverse incident observed and/or corrective actions taken for any Pest Management Area for which you have coverage under the permit?

a. No adverse incidents were observed or no corrective action was taken. (Proceed to Section C)

b. Yes, an adverse incident was observed and/or a corrective action was taken. (Complete questions 2-6 for each Pest Management Area in which adverse incidents were observed or corrective actions were taken. Copy this section for additional Pest Management Areas).

Pest Management Area #____ of ##_____

2. Pest Management Area Name: _____

3. If applicable, provide the date for any adverse incidents as a result of those treatment(s), as described in Part 6.4 of the permit (use additional pages, if needed):

Date of adverse incident observation: _____ / _____ / _____

4. Date and time the Operator contacted EPA to notify the Agency of the adverse incident, who the Operator spoke with at EPA, and any instructions received from EPA.

a. Date: _____ / _____ / _____

c. Who the Operator spoke with at EPA: _____

b. Time: _____

d. Instructions received from EPA:

5. Date of submission of Thirty (30)-Day Adverse Incident Written Report: _____ / _____ / _____

6. Describe any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s), subsequent to those steps described in the Thirty (30)-Day Adverse Incident Written Report:

C. Pest Management Area(s) (use additional pages for each Pest Management Area)

Pest Management Area # ____ of ## ____

1. Have any discharges from pest control activities occurred in this calendar year?

- a. No discharge from pest control activities this calendar year. Note: Checking this box completes Section C if you had no discharge from pest control activities this year. Proceed to section D.
- b. Yes. Proceed to question 2.

For each treatment area (use additional pages for each treatment area):

2. Indicate the pesticide use pattern for the treatment area:

- a. Mosquito and Other Flying Insect Pest Control b. Weed and Algae Pest Control c. Animal Pest Control d. Forest Canopy Pest Control

3. Description of treatment area:

a. Provide a map or description of the treatment area within this Pest Management Area, including location description _____

b. Size of treatment area (in acres or linear feet): _____ acres or _____ linear feet.

c. Name or location of any waters of the United States to which discharges occurred:

d. Target Pest(s): _____

e. Did any pesticide application activities result in a discharge to waters of the United States containing NMFS Listed Resources of Concern as defined in Appendix A of the permit?

Yes No If yes, approximate date(s) of any discharges: _____

4. Name and contact information of pesticide Applicator(s) (or check here if same as provided in Section A): Company Name: Street: City: State: Zip Code: - Contact Name: Title: Phone: - - Ext E-mail:

5. Was this pest control activity addressed in your Pesticide Discharge Monitoring Plan (PDMP) before pesticide application:

Yes No Not Applicable

6. Enter the total amount of each pesticide product applied for the reporting year by the product name, EPA Pesticide Registration Number(s) and by application method. Circle if quantity indicated is in lbs or gallons, or briquettes, if applicable. Use additional pages if necessary.

Product Name _____

EPA Pesticide Registration Number :

Product Name _____

EPA Pesticide Registration Number :

Application method:

- a. Aerially by fixed-wing
b. Aerially by rotary aircraft
c. Land-based sprayer (includes backpack, land vehicle mounted sprayers, high pressure canopy sprayer)
d. Aquatic vehicle mounted sprayer
e. Direct mixture (includes metering, subsurface applications)
f. Chemigation
g. Other (specify): _____

Quantity Applied (lbs or gallons of product):

_____ lbs or gallons
_____ lbs or gallons or
briquettes

Application method:

- a. Aerially by fixed-wing
b. Aerially by rotary aircraft
c. Land-based sprayer (includes backpack, land vehicle mounted sprayers, high pressure canopy sprayer)
d. Aquatic vehicle mounted sprayer
e. Direct mixture (includes metering, subsurface applications)
f. Chemigation
g. Other (specify): _____

Quantity Applied (lbs or gallons of product):

_____ lbs or gallons
_____ lbs or gallons or
briquettes

D. Certification

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

Printed Name: Title: E-Mail: Signature/Responsible Official: _____ Date: / / **Annual Report Preparer (Complete if the Annual Report was prepared by someone other than the certifier)**Preparer Name: Organization: Phone: - - Ext Date: / / E-Mail:

Instructions for Completing the Annual Reporting Form for the Pesticide General Permit (PGP) for Discharges from the Application of Pesticides

Who Must File an Annual Report with EPA?

Any Operator who is a Decision-maker required to submit a Notice of Intent (NOI) and is a large entity as defined in Appendix A of the permit and any Decision-maker required to submit an NOI solely because of their application results in a discharge to waters of the United States containing NMFS Listed Resources of Concern, must submit an annual report to EPA each calendar year. Once required to submit an annual report for one year, an annual report must be filed each subsequent year of this permit whether or not you have discharges from the application of pesticides in accordance with Section 7.6 of the permit.

When to File an Annual Report?

Any Operator required to file an annual report must submit the annual report no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. If the Operator is required to submit an NOI based on an annual treatment area threshold, the annual report must include information for the calendar year, with the first annual report required to include activities for the portion of the calendar year after the point at which the Operator exceeded the annual treatment area threshold. If the Operator first exceeds an annual treatment area threshold after December 1 in a calendar year, an annual report is not required for that first partial year but annual reports are required thereafter, with the first annual report submitted also including information from the first partial year.

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

Where to File the Annual Report?

The Operator must prepare and submit the Annual Report using EPA's electronic Notice of Intent (eNOI) system available on EPA's website (<https://www.epa.gov/npdes/pesticide-permitting>) unless the Operator is granted a waiver from the requirement to use eNOI for submitting the Annual Report. See Part 8 of the PGP for EPA Regional contacts. The Electronic Submission Waiver is at the top of this form.

If you are granted a waiver from using eNOI; you must send the Annual Report to one of the addresses listed below.

Via United States Mail:

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

Via overnight/express delivery:

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

If you have questions, contact EPA's Pesticides Notice Processing Center toll free at (866) 352-7755.

If you file a paper Annual Report, please submit the original with a signature in ink. Do not send copies. Also, faxed copies will not be accepted.

Completing the Annual Report Form

To complete this form, type or print in uppercase letters in the appropriate areas only. Make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above. You may also use this paper form as a checklist for the information you will need when filing an Annual Report electronically via EPA's Pesticides eNOI system.

Approval to Use Paper Annual Reporting Form: You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper Annual Reporting form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

Section A. General Information

1. Enter your permit tracking number that you received in your NOI confirmation letter or e-mail from EPA's Pesticide Notice Processing Center. You can find the tracking number assigned to your NOI by using EPA's eNOI System (<https://www.epa.gov/npdes/pesticide-permitting>).
2. Provide the legal name of the person, firm, public organization or any other public entity who is the Decision-maker for the pesticides applications described in this report. A Decision-maker is an Operator who has control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to waters of the United States.
3. Enter the address, telephone number, and fax number of the Operator.
4. Provide the full legal name, title and e-mail address of a contact person for the Annual Report.

Section B. Adverse Incidents and Corrective Actions

1. Identify if an adverse incident was observed and corrective actions were taken for any Pest Management Area for which you have coverage under the permit. If no, proceed to Section C. If yes, complete Section B for each Pest Management Area for which an adverse incident was observed or corrective action was taken.
2. Enter the name of the Pest Management Area.
3. If applicable, enter the date of any adverse incidents resulting from the treatments, as described in Part 6.4 of the permit. Use additional pages if there are multiple dates to be described.
4. Enter the date and time the Operator contacted EPA to notify the Agency of the adverse incident, pursuant to Part 6.4.1.1 of the permit.
 - a. Indicate the date of the contact.
 - b. Indicate the time of the contact.
 - c. Indicate who the Operator spoke with at EPA.
 - d. Indicate any instructions received from EPA.
5. Enter the date that the Thirty (30)-Day Adverse Incident Written Report was submitted, pursuant to Part 6.4.2 of the permit.
6. Provide a description of any corrective action(s) resulting from pesticide application activities and the rationale for the action(s), performed subsequently to or in addition to any actions described in the Thirty (30)-Day Adverse Incident Written Report.

Section C. Pest Management Area(s)

Section C should be completed for each Pest Management Area. Indicate which Pest Management Area out of the total number of Pest Management Areas for which the section is being completed (i.e., Pest Management Area 1 of 10 total Pest Management Areas).

1. Identify if you had a discharge from pest control activities this calendar year. Check yes if you had discharge from pest control activities this calendar year. Check no if you had no discharge from pest control activities this calendar year. Note: Checking the no box completes Section C
2. Select the box for the type of pesticide use pattern for the treatment area (use additional pages for each treatment area).
3. Provide a description of the treatment area.
 - a. Provide a map or description of the treatment area, including a description of the location.
 - b. Provide the size of the treatment area in acres or linear feet.
 - c. Provide the name or location of any waters of the United States to which discharges occur.
 - d. Provide a description of the target pest(s).
 - e. Indicate whether any pesticide application activities resulted in a discharge to waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the permit. If yes, provide approximate date(s) of the discharge. Additional information on NMFS Listed Resources of Concern is available on EPA's website at <https://www.epa.gov/npdes/pesticide-permitting>.

4. Provide the company name(s), mailing address, a contact person, contact person's title, telephone number and e-mail address of the pesticide Applicator(s). If the information is the same as Section A, check the appropriate box and proceed to the next question.
5. Indicate if the pest control activity was addressed in your PDMP before pesticide application.
6. Enter the total amount of each pesticide product applied for the reporting year by the product name, EPA Pesticide Registration Number(s) and by application method. Circle whether the quantity applied is in pounds or gallons or briquettes, if applicable. Copy and attach additional pages, as necessary.

Section D. Certification

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) Federal statutes provide for severe penalties for submitting false information. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, means:

- (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, state, Federal, or other public facility: by either a principal executive or ranking elected official.

If the Annual Report was prepared by someone other than the certifier (for example, if the Annual Report was prepared by the PDMP contact or a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the Annual Report preparer.

Paperwork Reduction Act Notice

The public reporting and recordkeeping burden for this collection of information is estimated to average 8 hours or 480 minutes per response.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed Annual Report Form to this address.

Appendix H.
Adverse Incident Report Template



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
THIRTY (30)-DAY ADVERSE INCIDENT WRITTEN REPORT FOR
THE PESTICIDE GENERAL PERMIT (PGP)
FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES

Form Approved
OMB No.
2040-0284

This form is for Operators required to submit a written report of any reportable adverse incidents to the appropriate EPA Regional office and to the state lead agency for pesticide regulation. Where multiple Operators are authorized for a discharge that results in an adverse incident, reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of this report is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

A. Reportable Adverse Incident

Is the adverse incident reportable? Reporting of adverse incidents is not required under the PGP in the following situations: (a) An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application; (b) An Operator has been notified by EPA, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents; (c) An Operator receives information of an adverse incident, but that information is clearly erroneous; or (d) An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

- Yes. You must complete this report and submit it to the appropriate EPA Regional office and to the state lead agency for pesticide regulation.
- No. STOP. You are not required to complete this report. However, you may consider using this form to document the incident and your rationale for why reporting of the adverse incident is not required. This information may be useful to support your rationale should you be questioned on such.

B. Information from the 24-Hour Adverse Incident Notification

When an Operator observes or is otherwise made aware of an adverse incident, which may have resulted from a discharge from a pesticide application, the Operator must immediately notify the appropriate EPA Incident Reporting Contact, as identified at <https://www.epa.gov/npdes/pesticide-permitting>. This notification must be made by telephone within 24 hours of the Operator becoming aware of the adverse incident. Operators must include in the written report the information provided to EPA in the 24-hour adverse incident notification (PGP Part 6.4.1.1). Attach additional information if necessary.

1. Caller's Contact Information:

a. Name:

b. Telephone Number: - - Ext

2. Operator Information:

a. Operator Name:

b. Mailing Address:

Street:

City: State: ZIP Code: -

3. NOI NPDES Permit Tracking Number: (Enter "NA" if not applicable)

4. Contact person, if different than the person providing the 24-hour notice under item 1 above:

a. Name:

b. Telephone Number: - - Ext

5. Describe how and when the Operator became aware of the adverse incident:

6. Describe the location of the adverse incident:

7. Describe the adverse incident identified and the pesticide product, including EPA pesticide registration number in item 7a below, for each product applied in the area of the adverse incident:

a. EPA Pesticide Registration Number:

EPA Pesticide Registration Number:

8. Describe any steps the Operator has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects:

9. Identify any other Operators authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident and if so, provide details of your notification of those other Operator(s):

C. Date and Time the Operator Notified EPA of the Adverse Incident

1. Date EPA was contacted: / / 2. Time EPA was contacted: _____

3. Name and/or title of the person the Operator spoke with at EPA:

a. Name: b. Title:

4. Instructions received from EPA:

D. Other Information Required in the Thirty (30) Day Adverse Incident Report

Please attach additional information if necessary.

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

2. Describe the circumstances of the adverse incident including species affected, estimated number of affected individuals, and approximate size of dead or distressed organisms:

3. Describe the magnitude and scope of the affected area (e.g. aquatic square area or total stream distance affected):

4. Provide the pesticide application rate, intended use site (e.g., on the bank, above waters, or directly to water), method of application, and the name of pesticide product and EPA pesticide registration number (EPA Reg. No.).

Pesticide application rate:	<input type="text"/>	Pesticide application rate:	<input type="text"/>
Intended use site:	<input type="text"/>	Intended use site:	<input type="text"/>
Method of application:	<input type="text"/>	Method of application:	<input type="text"/>
Pesticide Product:	<input type="text"/>	Pesticide Product:	<input type="text"/>
EPA Reg. No.:	<input type="text"/>	EPA Reg. No.:	<input type="text"/>

5. Describe the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied):

6. Provide an indication of which laboratory test(s), if any, were performed, and when. (Note: A summary of the test results must be provided within 5 days after they become available, if not available at the time of submission of this report.):

7. Describe the actions to be taken to prevent recurrence of adverse incidents:

E. Certification

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

Printed Name:

Title:

E-Mail:

Signature/Responsible Official: _____ Date: / /

Adverse Incident Report Preparer (Complete if Adverse Incident Report was prepared by someone other than the certifier)

Preparer Name:

Organization:

Phone: - - Ext Date: / /

E-Mail:

Instructions for Completing and Submitting the Thirty (30) Day Adverse Incident Written Report for the Pesticide General Permit (PGP) for Discharges from the Application of Pesticides

Who Must Submit a 30-day Adverse Incident Report?

All Operators who observe or are otherwise made aware of a reportable adverse incident pursuant to Part 6.4 of the permit must submit an adverse incident report.

However, even for those identified adverse incidents for which the Operator is not required to report, EPA recommends that Operators consider using this form to document the incident and the rationale for why reporting of the adverse incident is not required. This information may be useful to support a rationale should this determination be questioned.

An adverse incident, as defined in the Appendix A of the permit, is an unusual or unexpected incident that an Operator has observed upon inspection or of which the Operator otherwise became aware, in which: (1) there is evidence that a person or non-target organism has likely been exposed to a pesticide residue, and (2) the person or non-target organism suffered a toxic or adverse effect. See Appendix A of the permit, for the complete definition of adverse incident.

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

When to File the Adverse Incident Report

Operators must provide a written report of any reportable adverse incidents to the appropriate EPA Regional office and to the state lead agency for pesticide regulation within 30 days of the adverse incident pursuant to Part 6.4.1.1 of the permit.

Where to File the 30-day Adverse Incident Report

The Operator must immediately notify the appropriate EPA Incident Reporting Contact, as identified at <https://www.epa.gov/npdes/pesticide-permitting>, of the adverse incident within 24 hours. The Operator(s) must provide a written report of the adverse incident to the appropriate EPA Regional office at the address listed in Part 8 of the permit and to the state lead agency for pesticide regulation (see <http://npic.orst.edu/state1.htm>).

If an Operator becomes aware of an adverse incident affecting a federally listed threatened or endangered species or federally designated critical habitats 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, (see <http://www.nmfs.noaa.gov>) or the United States Fish and Wildlife Service (FWS) in the case of a terrestrial or freshwater species (see <http://www.fws.gov>).

Completing the 30-day Adverse Incident Report

To complete this form, type or print in uppercase letters in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the appropriate EPA Regional office.

Section A. Reportable Adverse Incident

The Operator is required to submit this Adverse Incident Report if the adverse incident is reportable. Check yes if the adverse incident is reportable. If an Adverse Incident Report is not required, check no. No further action is needed on this form. Reporting of adverse incidents is not required under the PGP in the following situations:

- a. An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application;
- b. An Operator has been notified by EPA, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents;
- c. An Operator receives information notifying the Operator of an adverse incident, but that information is clearly erroneous; or
- d. An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

Section B. Information from the 24-hour Adverse Incident Notification

1. Provide contact information for the person who called EPA to report the adverse incident.
 - a. Enter the legal name of the caller.
 - b. Enter the phone number of the caller.
2. Provide the Operator's contact information.
 - a. Enter the legal name of the Operator.
 - b. Enter the mailing address of the Operator.
3. If an NOI was filed as required in Part 1.2 of the permit, enter the NPDES Permit Tracking Number assigned by eNOI or the EPA's Pesticides Processing Center. You can find the tracking number assigned to your NOI using EPA's eNOI System (<https://www.epa.gov/npdes/pesticide-permitting>). If no NOI submitted, enter "NA" for not applicable.
4. Provide information for a contact person, if different than the person who called EPA to report the adverse incident.
 - a. Enter the legal name of the contact person.
 - b. Enter the phone number of the contact person.
5. Provide a description of how and when the Operator became aware of the adverse incident.
6. Provide a description of the location of the adverse incident.
7. Provide a description of the adverse incident and the pesticide product used in the adverse incident. Include the EPA pesticide registration number for each product applied in the area of the adverse incident. Attach additional pages if necessary.
8. Provide a description of any steps the Operator has taken to correct, repair, remedy, clean up or otherwise address the adverse effects of the incident.
9. Identify any other Operators authorized for coverage under the permit for discharges from the pesticide application activities that resulted in the adverse incident. If other Operators are authorized under this permit, provide details of your notification of those other Operator(s).

Section C. Date and Time the Operator Notified EPA of the Adverse Incident

1. Enter the date that EPA was contacted to report the adverse incident.
2. Enter the time EPA was contacted to report the adverse incident.
3. Provide the legal name and title of the person contacted at EPA.
4. Provide a description of the instructions received by EPA.

Section D. Other Information Required in the Thirty (30) Day Adverse Incident Report

1. Enter the location of the adverse incident and include the names of any waters affected. Please include the appearance of those waters (sheen, color, clarity, etc.).
2. Provide a description of the circumstances of the adverse incident including species affected, estimated number of affected individuals and approximate size of dead or distressed organisms.
3. Provide a description of the magnitude and scope of the affected area. Include aquatic square area or total stream distance affected, if possible.
4. Provide the pesticide application rate, intended use site (e.g., on the bank, above waters, or directly to water), method of application, and the name of pesticide product and EPA pesticide registration number.
5. Provide a description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied).
6. Indicate which laboratory test(s) were performed and when, if laboratory tests were performed. The summary of the test results must be provided within 5 days after they become available, if not available at the time of submission of this report.
7. Provide a description of the actions to be taken to prevent recurrence of adverse incidents.

Section E. Certification

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) Federal statutes provide for severe penalties for submitting false information. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

- (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, state, federal, or other public facility: by either a principal executive or ranking elected official.

If the report was prepared by someone other than the certifier (for example, if the report was prepared by a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the report preparer and the date that the report was prepared.

Paperwork Reduction Act Notice

The public reporting and recordkeeping burden for this collection of information is estimated to average 4 hours or 240 minutes per response.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed Adverse Incident Report to this address.

Appendix I. **Endangered Species Procedures**

Assessing the Effects of Your Discharge and Discharge-Related Activities

You must meet at least one of the criteria in Part 1.1.2.4 of the permit to be eligible for coverage under this permit. You must follow the procedures in this appendix to certify eligibility to discharge to waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the permit, and determine under which of the eligibility criteria, if any, you qualify. NMFS Listed Resources of Concern for the PGP are provided at

<https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>. When evaluating the potential effects of your activities, you must consider effects to NMFS Listed Resources of Concern within each treatment area identified in your NOI that contains such Resources. Discharges not meeting at least one of these criteria are not eligible for coverage under this permit. No discharges to waters of the United States containing NMFS Listed Resources of Concern are eligible for coverage under the PGP unless those discharges are specifically identified and certified on a complete and accurate NOI form submitted to EPA. These discharges will be authorized 30 days after EPA posts the NOI on the Internet at <https://www.epa.gov/npdes/pesticide-permitting>, unless EPA notifies you otherwise within the 30-day period, or unless the discharges are in response to a Declared Pest Emergency Situation in which case the discharges are authorized immediately for a period of at least 60 days from the date this discharge began.

Step One: Determine if NMFS Listed Resources of Concern are Present in the Treatment Area

First, you must determine whether any discharges from your pesticide application activities in any treatment areas included under your NOI are likely to overlap directly with any NMFS Listed Resources of Concern, as identified at <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>. The website provides a map where the NMFS Listed Resources of Concern are present and contact information for regional NMFS offices in those areas. If you determine that any of your discharges are to waters of the United States containing NMFS Listed Resources of Concern, you should proceed to Step Two. If you determine that no discharges from your pesticide application activities are to waters of the United States containing NMFS Listed Resources of Concern, you can certify that the activity meets Criterion A (check box A on the NOI corresponding to Criterion A). In this case, you do not have to further consider any requirements related to Criteria B-F. Note that if you are not otherwise required to submit an NOI, you do not need to submit an NOI merely to document that you meet Criterion A. However, if you are required to submit an NOI anyway, you should document on the NOI that you meet Criterion A.

Step Two: Determine if a Previous ESA-Related Action has Already been Completed for your Activities

For each discharge to waters of the United States containing NMFS Listed Resources of Concern, Decision-makers should determine whether they are eligible under either Criterion B or C because of a previously completed ESA Section 7 consultation, or a previously issued ESA Section 10 permit, respectively as follows:

- The effects of your activities have been addressed in a consultation under ESA Section 7 on a separate Federal action and the consultation resulted in a concurrence by NMFS that the discharge was not likely to adversely affect listed species or critical habitat or NMFS concluded in a biological opinion that the discharge or discharges were not likely to jeopardize listed species or destroy or adversely modify critical habitat, either as part of your activities as planned or as modified with a reasonable and prudent alternative (check box B corresponding to Criterion B). For example, most federal agencies that apply pesticides have already consulted with NMFS, as required under 50 C.F.R. § 402.01(a), and can therefore certify under this criterion.
- The effects of your activities have been addressed through approval of a Habitat Conservation Plan under Section 10 of the ESA (check box C corresponding to Criterion C). Your pesticide discharges may be authorized by this PGP if some activity is authorized through the issuance of a permit under Section 10 of the ESA and that authorization addressed the effects of your pesticide discharges on federally-listed species and designated critical habitat. You must follow NMFS procedures when applying for an ESA Section 10 permit (see 50 CFR 222.22). Application instructions for Section 10 permits for NMFS can be obtained by accessing the NMFS website (www.nmfs.noaa.gov) or by contacting the appropriate NMFS regional office.

If you believe an existing ESA-related action may have already been completed for your planned pesticide application activities but you are uncertain of the details, you should contact your regional NMFS office (contact information available at <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>). If an existing ESA-related action has not already been completed for your activities, proceed to Step Three.

Step Three: Determine if the Pesticide Application is in Response to a Declared Pest Emergency Situation

Determine if all the discharges to waters of the United States containing NMFS Listed Resources of Concern and that are to be included in the NOI are being performed in response to a Declared Pest Emergency Situation, as defined in Appendix A of the permit (check box D corresponding to Criterion D). In such a case, an NOI must be filed no later than 15 days after beginning to discharge with that NOI identifying:

1. The location of the pest management area in detail or include a map of the location;
2. Pest(s) to be controlled;
3. Pesticide product(s) to be discharged and method of application;
4. Planned quantity and rate of discharge(s) for each method of application;
5. Number of planned discharges;
6. Approximate date(s) of planned discharge(s); and
7. The rational supporting the determination whether the discharge is likely to adversely affect NMFS Listed Resources of Concern, including the description of appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects.

Information provided for items 1 through 6 above must also include any discharges that have already occurred in the days (up to 15) prior to NOI submission. The discharge or discharges to address these Declared Pest Emergency Situations are authorized under the general permit for at

least 60 days after beginning to discharge. You may continue to discharge after 60 days unless EPA advises the Operator that additional conditions or an individual permit are necessary. NMFS will, within 30 days of submission of the NOI, advise EPA whether the past and planned future discharges meet the eligibility criterion of not likely to adversely affect NMFS Listed Resources of Concern; whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. EPA will advise the Decision-maker within 15 days after receiving notification from NMFS whether the discharge or discharges qualify for coverage beyond the 60-day authorization provided under the permit. If EPA identifies additional conditions to qualify discharges as eligible for coverage beyond 60 days under the permit, those conditions remain in effect for the life of the permit. EPA expects to rely on NMFS' determination in identifying eligibility for continuing authorization, either with or without additional conditions. If you do not hear from EPA within 45 days of submitting your NOI, you may assume that your authorization to discharge continues unless and until notified otherwise by EPA.

If your pesticide application is not in response to a Declared Pest Emergency Situation, proceed to Step Four.

Step Four: Determine if the Pesticide Application is not likely to adversely affect NMFS Listed Resources of Concern.

The PGP provides two options for Decision-makers to demonstrate that discharges from pesticide applications to waters of the United States containing NMFS Listed Resources of Concern are not likely to adversely affect those resources for the activities for which the Decision-maker is seeking permit coverage. These options include: (1) obtaining confirmation from a NMFS Regional Office prior to NOI submission that discharges are not likely to adversely affect NMFS Listed Resources of Concern, or (2) self-certifying in the NOI that based on your analysis, you have concluded that discharges are not likely to adversely affect NMFS Listed Resources of Concern. Descriptions of procedures that are to be followed for these two options are described below.

- Option 1 (Criterion E): For each treatment area that will include discharges to waters of the United States containing NMFS Listed Resources of Concern, you may contact your Regional NMFS Office and request input regarding your planned discharges. If NMFS determines that your planned discharges are found to meet eligibility criteria for use (*i.e.*, not likely to adversely affect NMFS Listed Resources of Concern), you have satisfied your eligibility obligations under Criterion E and you may submit your NOI for coverage under the PGP (check box E corresponding to Criterion E). As part of certifying your compliance with Criterion E, you must submit information received from NMFS acknowledging the discharges that they have determined are not likely to adversely affect NMFS Listed Resources of Concern and establishing any additional requirements for your permit eligibility. To maintain eligibility under the permit for those discharges, you must abide by those additional requirements for the duration of your coverage under the PGP.
- Option 2 (Criterion F): You must self-certify in your NOI that your discharge is not likely to adversely affect NMFS Listed Resources of Concern. To do so, you will have to take appropriate measures to avoid or eliminate the likelihood of adverse effects prior to applying for PGP coverage. These measures may be relatively simple, such as applying

pesticides to waters at concentrations below those found to cause adverse effects, or during seasons when species of concern are not present. Provided you are able to implement appropriate measures, you may proceed with submitting your NOI for coverage under the PGP (check box F corresponding to Criterion F). As part of certifying your compliance with Criterion F, you must submit information to support your findings, including:

1. The location of the pest management area in detail or include a map of the location;
2. Pest(s) to be controlled;
3. Pesticide product(s) to be discharged and method of application;
4. Planned quantity and rate of discharge(s) for each method of application;
5. Number of planned discharges;
6. Approximate date(s) of planned discharge(s); and
7. The rational supporting the determination that the criterion for which the NOI is submitted is being met, including the description of appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects.

This information will be posted online and also will be sent to NMFS for their review.

NMFS will, within 30 days of submission of the NOI, advise EPA whether it believes the planned discharges meet the eligibility criteria of not likely to adversely affect NMFS Listed Resources of Concern, whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. EPA will advise the Decision-maker as to whether the intended discharges qualify to proceed under the General Permit or whether an individual permit will be required. EPA expects to rely on NMFS' determination in identifying eligibility for authorization, either with or without additional conditions. If you do not hear from EPA within 30 days, you may assume that your discharge is authorized without further conditions.

You must comply with any terms and conditions imposed under the eligibility requirements to ensure that your pesticide discharges and discharge-related activities are protective of listed species and/or critical habitat. If the eligibility requirements cannot be met and maintained, then you are not eligible for coverage under this PGP. In these instances, you may consider applying to EPA for an individual permit, or revising your pesticide application activities so as to comply with these eligibility conditions and resubmitting an NOI to EPA that documents this revised eligibility.