

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, 2026.

This permit and the authorization to discharge expire at 11:59 p.m. on October 30, 2031.

PRE-PUBLICATION NOTICE. All 10 U.S. Environmental Protection Agency Regions signed the following document on December 10, 2024, and EPA is submitting it for publication in the Federal Register (FR). This document is not disseminated for purposes of EPA's Information Quality Guidelines and does not represent an Agency determination or policy. While we have taken steps to ensure the accuracy of this Internet version of the document, it is not the official version. Please refer to the official version in a forthcoming FR publication, which will appear on the Government Printing Office's govinfo website (<https://www.govinfo.gov/app/collection/fr>). It will also appear on Regulations.gov (<https://www.regulations.gov>) in Docket No. EPA-HQ-OW-2023-0268. Once the official version of this document is published in the FR, this version will be removed from the internet and replaced with a link to the official version.

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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, requirements in Part 9 imposed by applicable states (including territories) or Tribes, and if so required, has submitted a Notice of Intent (NOI) in accordance with Part 1.2.

Note: All Operators with discharges covered by this permit and discharge-related activities that overlap with U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS) Listed Resources of Concern are required to submit an NOI. See Part 1.1.2.4, Table 1-1, and Appendix I for the information Decision-maker must submit with their NOI and for Endangered Species Act (ESA) eligibility criteria that must be met.

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 <https://www.epa.gov/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 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 to waters of the United States and discharge-related activities that meet one of the ESA eligibility criteria (A through G)

identified below. EPA's geospatial mapping tool¹ at <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures> must be used to determine whether ESA-listed species and/or designated critical habitat (Listed Resources of Concern) may be exposed to pollutants in the Project Action Area(s) as a result of pesticide applications made to the pest management area(s). The tool will provide a resource list and map identifying whether, where, and which FWS Listed Resources of Concern and NMFS Listed Resources of Concern may be present in the Project Action Area.

Activities that meet one of the ESA eligibility criteria (A through G) are not likely to result in any short- or long-term adverse effects to species that are federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) or habitat that is federally-designated as critical under the ESA ("critical habitat"), except as provided in eligibility Criteria C, D, and, for 60 days, G. Under Criteria C and D, effects to listed species and critical habitat have already been addressed through a separate Section 10 permit, or Section 7(a)(2) consultation. Under Criterion G, effects to listed species and critical habitat have already been addressed through the coordination with the Services.

As one of the provisions in this permit that help limit adverse effects to these resources, the six eligibility criteria (A-G) relate to the impacts a prospective discharger's activities may have on listed species and critical habitat. Specifically, the conditions in the ESA eligibility criteria relate to potential impacts on Fish and Wildlife Service (FWS) Listed Resources of Concern as defined in Appendix A and National Marine Fisheries Service (NMFS) Listed Resources of Concern as defined in Appendix A. These are resources that have been identified through consultation with FWS and NMFS on the PGP as having potential exposure to pesticides from discharges and discharge-related activities that warrant the additional protections entailed in compliance with eligibility criteria A-G. Other provisions that protect listed species more broadly include Part 1.6, which requires compliance with any conditions resulting from an ESA Section 7 consultation or ESA Section 10 permit; Part 6.4.3, which requires notification for an adverse incident to threatened or endangered species or critical habitat; 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 critical habitat, 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 FWS Listed Resources of Concern and NMFS Listed Resources of Concern is provided in Appendix I, PGP Eligibility Worksheet for Threatened and Endangered

¹ If EPA's geospatial mapping tool is not available, Decision-makers must use IPaC for FWS resource lists and NMFS' mappers. Links to these tools are available at <https://www.epa.gov/npdes/pesticide-permitting-esa-procedures>. If a Decision-maker has a limitation regarding available computer access or computer capability, the Decision-maker may contact EPA or the Services for assistance. Contact information is available at: <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>.

Species Protection. All Decision-makers are encouraged to use the ESA eligibility worksheet in Appendix I to identify the Project Action Area to be evaluated, document the evaluation, and, if an NOI is required, to help prepare their NOI (if a waiver is approved, to submit the worksheet with the paper NOI). The worksheet guides Decision-makers through the determination of whether they meet one of the six eligibility criteria (A through G) identified below, and includes the following:

- identification of the Project Action Area to be evaluated, which may include areas beyond the pest management area that would be exposed to discharges and discharge-related activities;
- a map with geospatial data of the Project Action Area, including the pest management area, using the EPA's geospatial mapping tool at <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>;
- list of any FWS Listed Resources of Concerns and NMFS Listed Resources of Concern (generated within 90 days of seeking permit coverage) that overlap with the Project Action Area, using the tools at <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>;
- supporting documentation required to be provided with the NOI as described below.

To be eligible for coverage under this permit, Decision-makers must meet one of the following six eligibility criteria (A-G) for the entire term of coverage under the permit and, if required to submit an NOI, are required to provide the supporting documentation with the NOI:

Criterion A. Pesticide application activities will not result in a point source discharge to one or more waters of the United States or involve discharge-related activities that may expose FWS Listed Resources of Concern and NMFS Listed Resources of Concern to pollutants. If this pesticide application is in response to a Declared Pest Emergency Situation, see Criterion G.

Supporting documentation required with the NOI (if otherwise required) to meet this Criterion - Decision-makers, using the EPA's geospatial mapping tool at <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>, must provide a map with geospatial data of the Project Action Area(s), including the pest management area(s), and a list of FWS Listed Resources of Concern and NMFS Listed Resources of Concern generated within 90 days of NOI submittal that shows that there are no FWS Listed Resources of Concern and NMFS Listed Resources of Concern in the Project Action Area.

Criterion B. This Criterion intentionally left blank.

Criterion C. Pesticide application activities for which permit coverage is being requested will discharge to one or more waters of the United States and/or involve discharge-related activities that may expose FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants, but all “take” of these resources associated with such pesticide application activities has been authorized through FWS’ and/or NMFS’ issuance of a permit under Section 10 of the ESA, and such authorization

addresses the effects of the pesticide discharges to waters of the United States and discharge-related activities on federally-listed species and federally-designated critical habitat based on the list of FWS Listed Resources of Concern and NMFS Listed Resources of Concern generated within 90 days of NOI submittal. (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).)

Supporting documentation required with the NOI to meet this Criterion - Decision-makers are required to provide any tracking numbers or identifiers associated with the Section 10 permit, the date the Section 10 permit was granted, whether the permit was granted by FWS and/or NMFS, and the field office/regional office(s) granting the permit, the period of coverage provided by the permit, and a statement verifying that the Section 10 permit fully covers the proposed pesticide application activities in the Project Action Area. See Appendix D (NOI form) and Appendix I (worksheet) for the information required under Criterion C.

Criterion D. Pesticide application activities for which permit coverage is being requested will discharge to one or more receiving waters of the United States and/or involve discharge-related activities that may expose FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants, but consultation with FWS and/or 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 to waters of the United States and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat based on the list of FWS Listed Resources of Concern and NMFS Listed Resources of Concern generated within 90 days of NOI submittal. The consultation must have resulted in either:

- i. A biological opinion from FWS and/or NMFS finding no jeopardy to federally-listed species and no destruction/adverse modification of federally-designated critical habitat and the Reasonable and Prudent Measures to minimize take have been or are in the process of being implemented in accordance with the biological opinion; or
- ii. Written concurrence from FWS and/or NMFS with a finding that the pesticide discharges to waters of the United States and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat.

Supporting documentation required with the NOI to meet this Criterion - Decision-makers are required to provide any tracking numbers of identifiers associated with the consultation (e.g., IPaC number, ECO number, ECOSphere codes), the Services field office/regional office(s) providing the consultation, any copies of supporting correspondence with FWS and/or NMFS, identification of the federal action agency(ies) involved, the date the consultation was completed, the period of coverage provided by the consultation, and a statement verifying that the consultation fully covers proposed pesticide application activities in the Project

Action Area. See Appendix D (NOI form) and Appendix I (worksheet) for the information required under Criterion D.

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 and/or involve discharge-related activities that may expose FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants. Such discharges eligible under Criterion E are those where the Decision-maker includes in the NOI written correspondence from FWS and/or NMFS that pesticide application activities performed consistent with appropriate measures will avoid or eliminate the likelihood of any short- or long-term adverse effects to FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern.

Supporting documentation required with the NOI to meet this Criterion - Decision-makers are required to attach the written supporting correspondence from FWS and/or NMFS and a statement verifying that the coordination fully covers proposed pesticide application activities in the Project Action Area. Eligibility under this criterion is contingent upon the Decision-maker following the measures described in correspondence from FWS and/or NMFS designed to avoid or eliminate the likelihood of any short- or long-term adverse effects. See Appendix D (NOI form) and Appendix I (worksheet) for the information required under Criterion E.

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 and/or involve discharge-related activities that may expose FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants. Such discharges eligible under criterion F are those from pesticide application activities that are demonstrated by the Decision-maker as not likely to result in any short- or long-term adverse effects to each FWS Listed Resources of Concern and NMFS Listed Resources of Concern identified in the Project Action Area.

Supporting documentation required with the NOI to meet this Criterion - Decision-makers must provide with their documentation demonstrating the basis for their findings for each individual listed species and designated critical habitat identified in the Project Action Area. See Appendix D (NOI form) and Appendix I (worksheet) for the information required under Criterion F.

Criterion G. Pesticide application activities were, or will be, discharged to one or more waters of the United States in response to a Declared Pest Emergency Situation as defined in Appendix A of the PGP. Prior to any discharge to waters of the United States under Criterion G, Decision-makers must notify and begin to coordinate with FWS and NMFS. Notification shall occur and coordination shall begin as soon as possible after determining that pesticide application is required in response to a Declared Pest Emergency Situation. As part of any coordination, technical assistance or recommendations provided by the Services for avoiding any short- or long-term adverse effects during the emergency should be implemented as prescribed either before or after discharge has begun, as applicable) to be eligible for coverage under the permit. The Decision-makers must provide documentation of the coordination and written

confirmation from FWS and/or NMFS with the NOI. The Decision-maker must also provide EPA with their rationale supporting the determination whether the discharge is likely to result in any short- or long-term adverse effects to FWS Listed Resources of Concern and NMFS Listed Resources of Concern, including the description of appropriate measures that have or will be undertaken to avoid or eliminate the likelihood of any short- or long-term adverse effects.

Supporting documentation required with the NOI to meet this Criterion - Decision-makers are required to provide information on anticipated applications and provide a rationale for each individual listed species or designated critical habitat as to why any short- or long-term adverse effects did not occur and are not expected, and a statement verifying the notification and coordination with FWS and NMFS. The notification must be in the form of an email to FWS and/or NMFS that identifies the appropriate FWS, NMFS and EPA contact(s) and includes a description of the action, a map with geospatial data of the Project Action Area, and a list of FWS Listed Resources of Concern and NMFS Listed Resources of Concern identified in the Project Action Area or a list showing no FWS Listed Resources of Concern and NMFS Listed Resources of Concern occur in the Project Action Area. See Appendix D (NOI form) and Appendix I (worksheet) for the information required under Criterion G.

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, 2026.

- Eligible discharges that result from the application of a pesticide as part of *pesticide research and development* as defined in Appendix A. See Part 1.1.2.4 and Table 1-1 for discharges that require an NOI;
- 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.

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>.

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, including application of a pesticide as part of pesticide research and development, that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants (i.e., these Listed Resources of Concern overlap with the Project Action Area)	Activities resulting in a discharge to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants (i.e., these Listed Resources of Concern overlap with the Project Action Area)
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.e., surface area)
1.1.1(c) - Animal Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations	All animal pest control activities resulting in a discharge to waters of the United States
	Local governments or other entities that exceed the <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.e., surface area)
1.1.1(d) - Forest Canopy Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations	All forest canopy pest control activities resulting in a discharge to waters of the United States
	Local governments or other entities that exceed the <i>annual treatment area threshold</i> identified here	Treatment if more than 6,400 acres during a calendar year

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 NPDES eReporting Tool (NeT) unless NeT is otherwise unavailable, or the Decision-maker has obtained a waiver from the requirement to use NeT for submission of the NOI. See Part 7.8 for detailed electronic reporting requirements. EPA will immediately post on the EPA's 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 of this permit.

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 the Operator to undertake additional control measures to meet the limitations in Part 3.0, the ESA eligibility criteria in Part 1.1.2.4, or it may deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3.

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.

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
Any Decision-maker with any discharge to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants, except for those discharges in response to a Declared Pest Emergency Situation.	At least 30 days before any discharge to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern ⁵ to pollutants.	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, except for any discharges to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants.	No later than 30 days after beginning 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. Note: Decision-makers must notify and coordinate with FWS and NMFS prior to discharge.
Any Decision-maker with any discharge to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants, 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 Note: Decision-makers must notify and coordinate with FWS and NMFS prior to discharge.
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 including input from FWS or NMFS, 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 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 FWS Listed Resources of Concern or NMFS Listed Resources of Concern, FWS and/or NMFS will provide EPA with a determination as to whether it believes the eligibility criterion of "not likely to result in any short- or long-term adverse effects to listed species or designated critical habitat" has been met, could be met with conditions that FWS and/or NMFS identifies, or has not been met. EPA expects to rely on determinations by FWS and/or NMFS in deciding whether to withhold authorization. If FWS and/or NMFS does not provide EPA with such a determination 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. If EPA identifies or includes additional permit conditions or prohibitions based on recommendations by FWS and/or NMFS as necessary to qualify discharges for particular Operators as eligible for coverage under the PGP, those conditions remain in effect for the term of the permit unless otherwise specified by EPA.⁴ In any Declared Pest Emergency Situation in areas with waters of the United States that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants, FWS and 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 result in any short- or long-term adverse effects to listed species or designated critical habitat" has been met, could be met with conditions that FWS and/or NMFS identifies, or has not been met. EPA expects to rely on determinations by FWS and/or NMFS in deciding whether to disallow continued permit coverage or if additional conditions are necessary. If FWS and/or 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 or includes additional permit conditions or prohibitions based on recommendations by FWS and/or 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 term of the permit unless otherwise specified by EPA.

⁵ EPA may authorize certain discharges in less than 30 days, but no fewer than 10 days, for any discharges authorized under Criteria C, D, or E of Part 1.1.2.4 (for which FWS and/or 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 that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants. 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. Note: For Declared Pest Emergency Situation, Decision-makers must notify and begin to coordinate with FWS and NMFS prior to discharge.
Any Decision-maker discharging to a Tier 3 water not identified by name on a previously submitted NOI for this permit, except for discharges to Tier 3 waters that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants.	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. Note: For Declared Pest Emergency Situation, Decision-makers must notify and begin to coordinate with FWS and NMFS prior to discharge.
Any Decision-maker with any discharge to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants, 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 that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants 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. Note: For Declared Pest Emergency Situation, Decision-makers must notify and begin to coordinate with FWS and NMFS prior to discharge.

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 effective date of the new permit or the timely and appropriate submittal of a complete NOI under the new permit, if required, 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 a Notice of Termination (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 of this permit. Decision-makers required to submit an NOT must prepare and submit that information using EPA's NPDES eReporting Tool (NeT) unless NeT is otherwise unavailable, or EPA waives the electronic submission requirement for an Operator consistent with the requirements in Part 7.8. 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 at <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 15th 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. Permit coverage is terminated for Operators covered under this permit who are not required to submit an NOI 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 the Operator is covered under this permit and 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 condition or limitation.

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. 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 indicating otherwise.

1.5 Other Federal and State Laws

Operators must comply with all other applicable federal and state (including territorial) 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. Operators are advised of their monitoring obligations under FIFRA that, among other things, provide protections for water supplies. 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 as a result of a separate federal action, and/or
- b. ESA Section 10 permit issued to the Operator by FWS and/or NMFS as a result of a separate federal action.

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 of this permit, all Decision-makers must implement Part 2.2 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.

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 who 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 their discharge(s) to waters of the United States and/or discharge-related activities may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants, 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, 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 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-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 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. 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 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 and Other Limitations

This Part includes water quality-based effluent limitations and other limitations applicable to all Operators for any discharges authorized under this permit with compliance required upon beginning such discharge. Discharge of pesticides to water must not result in:

1. observable deposits of floating solids, scum, sheen, or other substances;
2. an observable film or sheen or discoloration from oil and grease; and/or
3. foam or substances that produce an observable change in color or odor

except other than what would be expected as a result of the application of the product used consistent with its FIFRA labeling within the treatment area.

3.1 Discharges to Water Quality Impaired Waters. In accordance with Part 1.1.2.1 of this permit, Operators are prohibited to discharge 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 active ingredient.

3.2 Discharges to Waters Designated as Tier 3 for Antidegradation Purposes. In accordance with Part 1.1.2.2 of this permit, Operators are prohibited to discharge to waters of the United States if the water is designated by a state or Tribe as Tier 3 (Outstanding National Resource Waters) except as outlined in Part 1.1.2.2.

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 does not meet the limitations in this part of the permit, the Operator must take corrective action as required in Part 6 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. Applicators must document visual monitoring as defined in Part 4.3. EPA may require additional monitoring as specified in Part 4.4.

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. Operators must document visual monitoring as defined in Part 4.3. EPA may require additional monitoring as specified in Part 4.4.

4.3 Documentation of Visual Monitoring

- a. As required in Part 7.2, all For-Hire Applicators must document the findings of each visual monitoring or, if no visual monitoring was conducted, the reason why no visual monitoring was conducted.
- b. As required in Parts 7.3 and 7.4, any Decision-maker required to submit an NOI must document the findings of each visual monitoring or, if no visual monitoring was conducted, the reason why no visual monitoring was conducted.

4.4 Additional Monitoring

If EPA determines that additional monitoring is appropriate to ensure compliance with Part 2 and/or Part 3 of the permit, EPA shall notify the Operator of additional monitoring requirements. Any such notice shall briefly state the reasons for the additional monitoring; locations and parameters to be monitored; frequency and period of additional monitoring; sample types; and reporting requirements.

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 and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants.

Decision-makers required to prepare a PDMP must submit the PDMP with their NOI. The PDMP does not contain effluent limitations; the effluent limitations and other limitations are specified in Parts 2 and 3. The PDMP documents how Decision-makers will implement the effluent limitations and other limitations specified in Parts 2 and 3, 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 and other limitations specified 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. A PDMP template is available here:
<https://www.epa.gov/npdes/pesticide-permitting>.

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;
 3. Visual Monitoring 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.
- c. Visual Monitoring Procedures - At a minimum, Decision-makers must have:
 1. The process for determining the location of any visual monitoring;
 2. A schedule and procedures for conducting visual monitoring;
 3. The person (or position) responsible for conducting visual monitoring;
 4. Procedures for documenting visual monitoring, including the date, time, and location.

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 40 CFR 122.41(k).

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 40 CFR 122.41(k). If modifications are made to the PDMP, an updated PDMP must be submitted to EPA within 15 business days.

5.3 Pesticide Discharge Management Plan Availability

Decision-makers required to prepare a PDMP must submit the PDMP with their NOI, along with all supporting maps and documents. Decision makers must also retain a copy of the PDMP and supporting documents and, upon request, must provide copies of these documents to a state, Tribal, or local agency governing discharges or pesticide applications within their respective jurisdictions, or representatives of the Services. The PDMP and supporting information will be available on EPA's website with the NOI. 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 the limitations in Part 3;
- 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 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 that 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, as applicable:

- 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, including any non-target organisms affected and signs of adverse effects, 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, except as required in Part 6.4.3, Notification for Adverse Incident to Threatened or Endangered Species or Critical Habitat.

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 the state lead agency for pesticide regulation (see <http://npic.orst.edu/state1.htm>), and if applicable, to the Tribal lead. 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, signs of adverse effects, 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 40 CFR 122.41(k).

6.4.3 Notification for 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 that 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 identified, including any non-target organisms affected and signs of adverse effects, 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 for anadromous or marine species or FWS for terrestrial or freshwater species, including at their websites, www.nmfs.noaa.gov and www.fws.gov. 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. For additional information, visit FWS' website at <https://www.fws.gov/program/office-of-law-enforcement/contact-us>, or NMFS website at <https://www.fisheries.noaa.gov/topic/enforcement>.

In the event the Operator observes an adverse incident related to any pests or non-target individuals of plants or animals found to be distressed, dead, or injured in an aquatic or terrestrial area where FWS Listed Resources of Concern or NMFS Listed Resources of Concern may occur, and these types of incidents were not foreseen and addressed on the NOI, the Operator must immediately notify NMFS and/or FWS for assistance. 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.

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 that 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 FWS Listed Resources of Concern or 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 and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern as defined in Appendix A, and who is a <i>small entity</i> ¹ to pollutants

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 13 CFR 121.201.

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 13 CFR 121.201.

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. If visual monitoring was conducted, the record must include the date, time, and location where visual monitoring was conducted.

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 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. If visual monitoring was conducted, the record must include the date, time, and location where visual monitoring was conducted.

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 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. If visual monitoring was conducted, the record must include the date, time, and location where visual monitoring was conducted.

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. Decision-makers required to submit an annual report must submit copies of monitoring records required elsewhere in the Permit with their annual report. 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 regardless of 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 NPDES eReporting Tool (NeT) unless NeT is otherwise unavailable, or the Decision-maker meets the waiver requirements for submitting a paper annual report. See Part 7.8. 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 the calendar year that Decision-makers are authorized to discharge.

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. Map with geospatial data (if available) of the treatment area and description 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. If applicable, the approximate date(s) of any discharges to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants;
 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); and
 8. Copies of visual monitoring records required in Part 7.4.e.11;
 9. Whether this pest control activity was addressed in the PDMP prior to pesticide application.

7.7 Annual Reporting for Any Decision-maker with Discharges to Waters of the United States and/or Discharge-related activities That May Expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to Pollutants, and Who is a Small Entity

Any Decision-maker required to submit an NOI for discharges to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutant and is a *small entity* as defined in Appendix A must submit an annual report to EPA. Decision-makers required to submit an annual report must submit copies of monitoring records required elsewhere

in the permit with their annual report. 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 regardless of 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 NPDES eReporting Tool (NeT) unless NeT is otherwise unavailable, or the Decision-maker meets the waiver requirements for submitting a paper annual report. See Part 7.8. 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 the calendar year that Decision-makers are authorized to discharge.

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 and/or discharge-related activities that may expose FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants:

- 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. Map with geospatial data (if available) of the treatment area and description 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 to waters of the United States and/or discharge-related activities that may have exposed FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants;
 6. If applicable, an annual report of any adverse incidents as a result of these treatment(s) for incidents as described in Part 6.4.1; and
 7. If applicable, description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).
 8. Copies of visual monitoring records required in Part 7.3.e.11.

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:

- 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 the Decision-maker has limitations regarding available computer access or computer capability.

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. In that request, the Decision-maker must document which exemption they meet, provide evidence supporting any claims, and supply 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 NPDES eReporting Tool (NeT) unless NeT 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 NeT is unavailable or the Decision-maker has received a waiver from electronic submission, the Decision-maker 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 covered under this permit and directed to 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 Postal Service 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

8.2 EPA Regional Addresses

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

United States EPA Region 1
Water Division
5 Post Office Square, Suite 100
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
Multimedia Permits and Compliance Branch
City View Plaza II
48 Carr 165, Suite 7000
Guaynabo, PR 00968-8073

For New Jersey and New York:
United States EPA Region 2
Water Division
290 Broadway, 24th Floor
New York, NY 10007-1866

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

United States EPA Region 3
Clean Water Branch
Water Division (3WD41)
Four Penn Center
1600 John F. Kennedy Boulevard
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, Permits Branch, WP-16J
77 W. Jackson Boulevard
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
Permitting and Water Quality Branch
R6 WD-P
1201 Elm Street, Suite 500
Dallas, TX 75270

Region 7: Iowa, Kansas, Missouri, and Nebraska

United States EPA, Region 7
Permits and Wetlands (PAW) Branch
Water Division
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
8WD-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 Division, WTR-2-3
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
Water Division 19-C04
1200 6th Avenue, Suite 155
Seattle, WA 98101

9.0 Permit Conditions Applicable Within 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 (including territory) or Tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process. The specific additional revisions and requirements only apply to activities in those specific states (including territories), Indian Country, and federal facilities. States (including territories), Indian Country, and federal facilities not included in this Part do not have any modifications or additions to the applicable conditions of this permit. Of the state coastal zone management agencies that responded to EPA's consistency determination, each concurred that the permit would be consistent to the maximum extent practicable with the enforceable policies of that state's program, with the exception of Guam, which included a condition to advise Operators of their monitoring obligations under FIFRA that, among other things, assure protection of water supplies. EPA addressed Guam's comment in Part 1.5 of the permit.

9.1 EPA Region 1

9.1.1 Commonwealth of Massachusetts, except Indian Country

Applicable to Mosquito and Other Flying Insect Pest Control, Weed and Algae Pest Control, Animal Pest Control, and Forest Canopy Pest Control

- a. Pursuant to the Massachusetts Water Quality Standards published at 314 CMR 4.00:
 - i. Discharges to Massachusetts Outstanding Resource Waters, as defined in 314 CMR 4.02 and identified in 314 CMR 4.06, are not eligible for coverage under this Permit unless an authorization is granted by MassDEP pursuant to 314 CMR 4.04(3)(b) and 4.04(5), or the Operator certifies that the discharge complies with general antidegradation authorizations that MassDEP intends to issue. Information regarding authorizations will be available on the MassDEP website.
 - ii. Operators must use best management practices (as defined in 314 CMR 3.02) to not apply pesticides to vernal pools (as defined in 314 CMR 4.02). This requirement is intended to comply with the protection of vernal pools in 314 CMR 4.06(1)(d)12.
 - iii. All Operators must control discharges as necessary to meet applicable water quality standards in all surface waters of the Commonwealth, including but not limited to standards for toxic pollutants in 314 CMR 4.05(5)(e).
 - iv. Operators shall stay informed of EPA's and other investigations related to per- and polyfluoroalkyl substances (PFAS) resulting from the storage and transportation of pesticides in storage containers (e.g., fluorinated high-density polyethylene (HDPE) containers) (<https://www.epa.gov/pesticides/pfas-packaging>). MassDEP is closely following this issue and understands and supports EPA continuing its investigation and assessment of the potential impacts on human health and the environment. Although the Pesticide General Permit does not require effluent monitoring, to minimize PFAS release, operators should avoid use of containers, such as fluoridated HDPE containers, that have been demonstrated to leach PFAS into materials stored in the containers, and the use of poly-fluorinated propellants.

- Operators are also encouraged, where feasible, to minimize the use of formulations containing poly-fluorinated chemicals, either as active or inactive ingredients. This condition is necessary for compliance with the standards for toxic pollutants at 314 CMR 4.05(5)(e).
- b. Pursuant to M.G.L. c. 132B § 10, and 333 CMR 10.00, chemical treatments using restricted use pesticides shall only be performed by an applicator currently certified by the Massachusetts Department of Agriculture (MDAR) Pesticide Program in the appropriate category or categories. Pursuant to M.G.L. c. 132B § 6, and 333 CMR 8.00, pesticides used for treatments must be currently approved for use in the state by the MDAR Pesticide Program and registered by EPA. Chemical application shall be in accordance with the manufacturer's label directions, pesticide use laws, and any conditions imposed by other local or state agencies. Issuance of coverage under this permit does not release the Operator from liability resulting from the negligent or reckless application of chemicals.
 - c. Operators must comply with all applicable state laws and regulations, including but not limited to M.G.L. c. 131 § 40, and 310 CMR 10.00 (the Wetlands Protection Act and Regulations); M.G.L. c. 131A and 321 CMR 10.00 (the Massachusetts Endangered Species Act and Regulations); and M.G.L. c. 132B and 333 CMR 2.00-14.00 (the Pesticide Control Act and Regulations). The following general requirements also apply:
 - i. MassDEP may require an Operator under this permit to cease application of chemicals to a body of water at any time if MassDEP 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.
 - ii. Operators must comply with state law and regulations regarding spills and leaks associated with the application of pesticides covered under this permit.

Applicable to Weed and Algae Pest Control Only

- d. Pursuant to M.G.L. c. 111 § 5E, Operators must submit a BRP WM04 application and obtain approval from DEP prior to application of chemicals authorized under this permit. **Notification to MassDEP must be made through the WM04, as required in the WM04 application.** This requirement shall not apply to employees and agents of MassDEP, Massachusetts Department of Conservation and Recreation, Massachusetts Department of Fish and Game, or the State Reclamation and Mosquito Control Board, or of related federal agencies, while in the conduct of their official duties; nor shall it apply to the use of chemicals in privately owned ponds from which there are no flowing outlets, or to algaecides approved by MassDEP and used by legally established water supply agencies to control taste and odors.
- e. Pursuant to M.G.L. c. 111 § 5E, Operators must implement the following conditions for the use of alum:
 - i. In all cases the chemicals added may not cause or contribute to any fish kill, including fish spawning, or other negative aquatic impact.
 - ii. pH and alkalinity: The pH of the pond or lake water must be maintained within a pH range of 6.5 – 8.3 to minimize potential aluminum solubility and toxicity.

- During treatment, testing should include, at a minimum, 3 pH profiles throughout the treatment area using a calibrated meter, and measurement intervals should include surface, bottom, and 3 equally spaced measures in between. If, during treatment, the pond has an ambient pH outside this range the applicant should adjust the treatment as needed to attain the pH range. 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.
- iii. Reporting: Any observations of dead, dying or stressed fish or freshwater shellfish (e.g., fish swimming at the surface; mussels gaping) or wildlife during or immediately after the approved treatment shall be reported as quickly as possible to the Massachusetts Environmental Police (MEP) Radio Room at 800- 632-8075. Any pH reading outside the target range of 6.5 – 8.3 should be further investigated and reported to MassDEP. 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 MassDEP certifying the treatment specifics.
 - f. Pursuant to M.G.L. c. 111 § 5E, shoreline areas of a lake or pond must be posted with signs warning the general public of any water use restrictions stated on the chemical label, or otherwise required by MassDEP or other state agencies, 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 EPA and MassDEP. A new sign shall be posted for each treatment event.

Applicable to Mosquito and Other Flying Insect Pest Control only

- g. Pursuant to M.G.L. c. 132B § 10, 333 CMR 10.00, and M.G.L. c. 252, chemical treatments must be performed by an applicator currently licensed/certified by the MDAR Pesticide Program and in accordance with M.G.L. c. 252 and any provisions or policies instituted by the State Reclamation and Mosquito Control Board.
- h. Pursuant to M.G.L. c. 132B and 333 CMR 14.00, Operators must adhere to the public notification provisions of the Child Protection Act (Chapter 85 of the Acts of 2000) when applicable.

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. St. Regis Mohawk Tribe
 1. No additional requirements
- b. Seneca Nation
 1. Any decision-maker required under Part 1.2 of the 2026 PGP that is required to submit a notice of intent (NOI) to the EPA for coverage, must submit a copy of the NOI to the Seneca Nation's Environmental Protection Department (EPD) within three business days of submittal to the EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from the EPA that the NOT has been accepted. The NOI and NOT must be submitted electronically to epd@sni.org or provided to the following address:

Seneca Nation
Environmental Protection Department (EPD)
Attn: Director of EPD
12837 Route 438
Irving, NY 14081

This condition is necessary to ensure the Seneca Nation may evaluate the proposed activity for the purpose of determining whether the discharge from the certified project will violate the certification for WQS. This condition will also allow the Seneca Nation's EPD the opportunity to inspect the proposed activity, prior to the initial operation for the purpose of determining whether the discharge from the certified project will violate the certification. The citations that authorize this condition are 40 CFR § 121.1 l(a) and Section 1.2.2 of the Seneca Nation of Indians Ordinance.

2. The Seneca Nation is working to finalize the Water Quality Standards (WQS); therefore, the Seneca Nation's EPD would require an applicant to submit or grant access to the permit to obtain information on the impact of effluents on receiving waters, including the capability of receiving waters to support future designated uses and achieve the WQS of the Nation. The EPD would also advise prospective dischargers of discharge requirements, and coordinate with the appropriate permitting agencies. The citation that authorizes this condition is Section 1.1.2.2 is the Seneca Nation of Indians Ordinance.

3. Any Decision-maker that is required under Part 5.0 of the PGP to prepare a Pesticide Discharge Management Plan (PDMP), must submit an electronic copy of the PDMP to the Seneca Nation's EPD at the electronic address listed above, at least 10 days prior to date in which the pesticide application is set to begin. Citations that authorize this condition are 40 CFR § 121.1 l(a) and Section 1.2.2 of the Seneca Nation of Indians Ordinance.
4. Any Decision-maker that is required under Part 7.0 of the PGP to submit an annual report to the EPA, must also submit an electronic copy of the annual report concurrently to the Seneca Nation's EPD. Additionally, any correspondence between the applicant and EPA related to the analytical data, written reports, or an adverse incident written reports should also be submitted to the Seneca Nation's EPD, at the above listed electronic address. Citations that authorize this condition is *the Seneca Nation of Indians Ordinance - Use and Disposal of Dangerous Chemicals (1981) and SN/Pesticides Ordinance Revision (CN: R-04-13-13-12)*.

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. The discharges shall comply with the District of Columbia Water Pollution Control Act of 1984, as amended (D.C. Official Code §§ 8-103.02, 8-103.05, 8-103.06, and 8-103.15 et seq.) to ensure that District of Columbia waters, waters in adjacent and downstream states, and the beneficial uses of these waters will not be harmed or degraded by the discharges solely or in a combination with other discharges.
- b. The discharges shall comply with the District of Columbia Water Quality Standards in Chapter 11 of Title 21 of District of Columbia Municipal Regulations (DCMR) implemented to attain and maintain designated uses of the District of Columbia waters; and with the water quality monitoring regulations in 21 DCMR Chapter 19 to ensure that the District of Columbia's water quality standards are maintained.
- c. The discharges shall comply with the District of Columbia Pesticide Education and Control Amendment Act of 2012, the Pesticide Operations Act of 1977, and implementation regulations (DC Law 19-191).
- d. To comply with D.C. Official Code § 8-103.15, the permittee shall make available all reporting and notification requirements associated with these discharges and 40 CFR § 122.41 to the Chief, Illicit Discharge and NPDES Branch, Inspection and Enforcement Division, Department of Energy and Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 805-1355.

9.3.2 Federal Facilities in the State of Delaware

1. 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. Miccosukee Tribe of Indians of Florida
 1. No additional requirements
- b. Seminole Tribe of Florida
 1. 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. Eastern Band of Cherokee Indians
 1. No additional requirements

9.5 EPA Region 5**9.5.1 Indian Country within the State of Michigan**

- a. Keweenaw Bay Indian Community
 1. 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 permit coverage under this permit. Contact EPA Region 5 office for an individual permit application.
- b. Leech Lake Band of Ojibwe
 1. Applications of pesticides within the Leech Lake Band of Ojibwe are not eligible for permit coverage under this permit. Contact EPA Region 5 office for an individual permit application.
- c. Red Lake Nation
 1. No additional requirements.
- d. Grand Portage Band of Chippewa
 1. In accordance with Water Quality Standards PGPs are denied within the no discharge zone of Lake Superior designated as Outstanding Resource Value Waters-Prohibited. These waters are located in the Grand Portage Zone of Lake

Superior in “that portion of the Shoreline Waters north of latitude 47 degrees, 57 minutes, 13 seconds and east of Hat Point.”

2. Only those activities specifically authorized by the PGP are authorized by this Certification. This Certification does not authorize impacts to cultural properties including wild rice waters, historical sites, or properties that may be eligible for listing as such.
3. 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.
4. A copy of the Pesticide Discharge Management Plan (the “Plan”) required by the PGP must be submitted to the Board when the requisite Notice of Intent is sent 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

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 Water Quality 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 enforcement of 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 Band of Lake Superior Chippewa Indians are not eligible for permit coverage under this permit. Contact EPA Region 5 office for an individual permit application.
- b. Bad River Band of Lake Superior Tribe of Chippewa Indians
 1. Applications of pesticides within the Bad River Band of Lake Superior Tribe of Chippewa are not eligible for permit coverage under this permit. Contact EPA Region 5 office for an individual permit application.
- c. Sokaogon Chippewa Community
 1. Applications of pesticides within the Sokaogon Chippewa Community are not eligible for permit 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

Condition #1: Compliance with the New Mexico Pesticide Control Act

EPA shall include the following comment in Part 9 of the Final PGP to ensure compliance with appropriate requirements of the New Mexico Pesticide Control Act (NMSA 1978 §§ 76-4-1 to -39) which gives the New Mexico Department of Agriculture (NMDA) authority over pesticides and pesticide applicators in the state.

- a. Operators must comply with the New Mexico Pesticide Control Act [New Mexico Statutes Annotated (NMSA) 1978 §§ 76-4-1 to -39] and rules authorized by this Act [Title 21, Chapter 17, Parts 50, 51, 53, and 56 of the New Mexico Administrative Code (NMAC)] administered and enforced by the New Mexico Department Agriculture. More information on pesticide compliance is available at: <https://nmdeptag.nmsu.edu/aes/pesticide-compliance.html>.

Background for Condition #1: Compliance with the New Mexico Pesticide Control Act

Part 1.5 of the Draft PGP states “Operators must comply with all other applicable federal and state laws and regulations that pertain to the application of pesticides.”

Regulatory Citations and Guidance

The New Mexico Pesticide Control Act (NMSA 1978 §§ 76-4-1 to -39) gives the New Mexico Department of Agriculture (NMDA) authority over pesticides and pesticide applicators in the state. It includes a number of definitions, requirements, authorities, fee caps, and grounds for license denials, suspension or revocation. Regulations promulgated under the Act include 21.17.50 Pesticides, 20.17.51 Control of Wood-Destroying Pests, 20.17.53 Continuing Education Units for Pesticide Applicators, and 21.17.56 NMAC Restricted-Use Pesticides.

21.17.50.6 NMAC [Objective] states:

The objective of Part 50 of Chapter 17 is to set criteria for the use of pesticides in New Mexico, including the licensing and certification of pesticide applicators, record keeping, equipment inspection, storage and disposal of pesticides.

Condition #2: Protection of Outstanding Natural Resource Waters

EPA shall include the following condition in Part 9 of the Final PGP to reasonably ensure that the permitted pesticide discharge activities to Tier 3 designated Outstanding Natural Resource Waters (ONRWs) listed in 20.6.4.9(D) NMAC will be conducted in a manner that will comply with applicable State water quality standards, including the antidegradation policy in 20.6.4.8(A)(4)(a) NMAC, 20.6.4.16 NMAC Planned Use of a Pesticide, and the statewide water quality management plan:

- B. Operators are not eligible for coverage under this permit for discharges to Tier 3 designated Outstanding National Resource Waters (ONRWs) listed in 20.6.4.9(D) New Mexico Administrative Code (NMAC), except for discharges from pesticide applications that will result in restoration or maintenance of the chemical, physical or biological integrity of the ONRW. Prior to pesticide application discharge to an ONRW for restoration or maintenance activities, Operators shall submit a copy of the Notice of Intent (NOI), project plan, and Notice of Termination (NOT) to the NMED for review. NMED, or the appropriate oversight agency, will review on a case-by-case basis discharges that may result in degradation from restoration or maintenance activities. In the NOI and project plan, Operators must demonstrate that the degradation from restoration or maintenance activities (1) will be limited to the shortest possible time; (2) will be minimized and controlled by best management practices or in accordance with permit requirements as appropriate, and all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized; (3) will not result in water quality lower than necessary to protect any existing use of the surface water; and (4) will not alter the essential character or special use that makes the water an ONRW. Discharges that will not comply with these antidegradation requirements will be required to seek coverage under an individual permit.

All requested material should be sent to:

New Mexico Environment Department
Surface Water Quality Bureau
1190 South Saint Francis Drive
P.O. Box 5469
Santa Fe, NM 87502-5469
Telephone: (505) 827-0187
Email: psrs.program.manager@env.nm.gov (email preferred)

Background for Condition #2: Protection of Outstanding Natural Resource Waters

Part 1.1.2.2 of the Draft PGP allows “...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 degrade water quality on a short-term or temporary basis” to Tier 3 waters, also called Outstanding National Resource Waters (ONRWs).

Regulatory Citations and Guidance

20.6.2.1201 NMAC [Notice of Intent to Discharge] states:

- A. Except for the notices specified in paragraphs (1) and (2) of this subsection, any person intending to make a new water contaminant discharge or to alter the character or location of an existing water contaminant discharge, unless the discharge is being made or will be made into a community sewer system or subject to the Liquid Waste Disposal Regulations adopted by the New Mexico environmental improvement board, shall file a notice with the ground water quality bureau of the department for discharges that may affect ground water, and/or the surface water quality bureau of the department for discharges that may affect surface water.
- C. Notices shall state:
 - i. the name of the person making the discharge;
 - ii. the address of the person making the discharge;
 - iii. the location of the discharge;
 - iv. an estimate of the concentration of water contaminants in the discharge; and
 - v. the quantity of the discharge.

20.6.4.7(O)(2) NMAC [Definitions] states:

“Oversight agency” means a state or federal agency, such as the United States department of agriculture forest service, that is responsible for land use or water quality management decisions affecting nonpoint source discharges where an outstanding national resource water is located.

20.6.4.8(A) NMAC [Antidegradation Policy and Implementation Plan] states:

3. No degradation shall be allowed in waters designated by the commission as outstanding national resource waters (ONRWs), except as provided in Subparagraphs (a) through (e) of this paragraph and in Paragraph (4) of this Subsection A.
 - a. After providing a minimum 30-day public review and comment period, the commission determines that allowing temporary and short-term degradation of water quality is necessary to accommodate public health or safety activities in the area in which the ONRW is located. Examples of public health or safety activities include but are not limited to replacement or repair of a water or sewer pipeline or a roadway bridge. In making its decision, the commission shall consider whether the activity will interfere with activities implemented to restore or maintain the chemical, physical or biological integrity of the water... In approving the activity, the commission shall require that:
 - i. the degradation shall be limited to the shortest possible time and shall not exceed six months;
 - ii. the degradation shall be minimized and controlled by best management practices or in accordance with permit requirements as appropriate; all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized;
 - iii. the degradation shall not result in water quality lower than necessary to protect any existing use in the ONRW; and
 - iv. the degradation shall not alter the essential character or special use that makes the water an ONRW.
 - b. Prior to the commission making a determination, the department or appropriate oversight agency shall provide a written recommendation to the commission. If the commission approves the activity, the department or appropriate oversight agency shall oversee implementation of the activity.
 - c. Where an emergency response action that may result in temporary and short-term degradation to an ONRW is necessary to mitigate an immediate threat to public health or safety, the emergency response action may proceed prior to providing notification required by Subparagraph (a) of this paragraph in accordance with the following:
 - vi. only actions that mitigate an immediate threat to public health or safety may be undertaken pursuant to this provision; non-emergency portions of the action shall comply with the requirements of Subparagraph (a) of this paragraph;
 - vii. the discharger shall make best efforts to comply with requirements (i) through (iv) of Subparagraph (a) of this paragraph;

- viii. the discharger shall notify the department of the emergency response action in writing within seven days of initiation of the action;
 - ix. within 30 days of initiation of the emergency response action, the discharger shall provide a summary of the action taken, including all actions taken to comply with requirements (i) through (iv) of Subparagraph (a) of this paragraph.
- d. Preexisting land-use activities, including grazing, allowed by federal or state law prior to designation as an ONRW, and controlled by best management practices (BMPs), shall be allowed to continue so long as there are no new or increased discharges resulting from the activity after designation of the ONRW.
 - e. Acequia operation, maintenance, and repairs are not subject to new requirements because of ONRW designation. However, the use of BMPs to minimize or eliminate the introduction of pollutants into receiving waters is strongly encouraged.
4. This antidegradation policy does not prohibit activities that may result in degradation in surface waters of the state when such activities will result in restoration or maintenance of the chemical, physical or biological integrity of the water.
 - a. For ONRWs, the department or appropriate oversight agency shall review on a case-by-case basis discharges that may result in degradation from restoration or maintenance activities, and may approve such activities in accordance with the following:
 - a. the degradation shall be limited to the shortest possible time;
 - b. the degradation shall be minimized and controlled by best management practices or in accordance with permit requirements as appropriate, and all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized;
 - c. the degradation shall not result in water quality lower than necessary to protect any existing use of the surface water; and
 - d. the degradation shall not alter the essential character or special use that makes the water an ONRW.

20.6.4.9 NMAC [Waters classified as ONRWs] states:

- D. The following waters are classified as ONRWs:
 1. Rio Santa Barbara, including the west, middle and east forks from their headwaters downstream to the boundary of the Pecos Wilderness; and
 2. the waters within the United States forest service Valle Vidal special management unit ...

3. the named perennial surface waters of the state... located within United States department of agriculture forest service wilderness... [in the following basins:
 - a. the Rio Grande basin, b. the Pecos River basin, c. the Gila River basin, d. the Canadian River basin, e. the San Francisco River basin, f. the Mimbres Closed basin, g. the Tularosa Closed basin, and h. wetlands identified in designated ONRWs within wilderness areas].

20.6.4.13 NMAC [General Criteria] states:

- F. Toxic Pollutants: (1) Except as provided in 20.6.4.16 NMAC, surface waters of the state shall be free of toxic pollutants from other than natural causes in amounts, concentrations or combinations that affect the propagation of fish or that are toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or that will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish and other aquatic organisms to levels that will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers of aquatic organisms...

20.6.4.16 NMAC [Planned Use of a Piscicide] states:

...the person whose application is covered by the NPDES permit shall meet the additional notification and monitoring requirements outlined in Subsection G of 20.6.4.16 NMAC.

- A. ... The [notice of intent] shall contain, at a minimum, the following information:
1. petitioner's name and address;
 2. identity of the piscicide and the period of time (not to exceed five years) or number of applications for which approval is requested;
 3. documentation of registration under FIFRA and NMPCA and certification that the petitioner intends to use the piscicide according to the label directions, for its intended function;
 4. target and potential non-target species in the treated waters and adjacent riparian area, including threatened or endangered species;
 5. potential environmental consequences to the treated waters and the adjacent riparian area, and protocols for limiting such impacts;
 6. surface water of the state proposed for treatment;
 7. results of pre-treatment survey;
 8. evaluation of available alternatives and justification for selecting piscicide use;
 9. documentation of notice requesting public comment on the proposed use within a 30- day period, including information as described in Paragraphs (1), (2) and (6) of Subsection A of 20.6.4.16 NMAC, provided to:

- a. local political subdivisions;
 - b. local water planning entities;
 - c. local conservancy and irrigation districts; and
 - d. local media outlets, except that the petitioner shall only be required to publish notice in a newspaper of circulation in the locality affected by the proposed use.
10. copies of public comments received in response to the publication of notice and the petitioner's responses to public comments received;
 11. post-treatment assessment monitoring protocol; and
 12. any other information required by the commission.
- F. ... [the Operator shall be required] to implement posttreatment assessment monitoring and provide notice to the public in the immediate and near downstream vicinity of the application prior to and during the application.
- G. Any person whose application is covered by a NPDES permit shall provide written notice to local entities as described in Subsection A of 20.6.4.16 NMAC and implement post-treatment assessment monitoring within the application area as described in Subsection F of 20.6.4.16 NMAC.

Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP) The WQMP/CPP states:

3 Antidegradation Review Requirements

The antidegradation review procedure is based on the protection tier assigned to the receiving water, the type of receiving water, existing (i.e., baseline) water quality in the receiving water, the projected impacts, and nature of the proposed discharge. In general, the antidegradation review requirements described in this guidance apply to regulated discharges that have the potential to degrade water quality. These include NPDES point source discharges regulated under Section 402 of the CWA; discharges which result in the placement of dredged or fill material into surface waters regulated under Section 404 of the CWA; and any discharge authorized by federal permits and licenses that are subject to state water quality certification under Section 401 of the CWA.

3.5 General NPDES Permits

A number of discharges to surface waters are authorized under general NPDES permits. These include stormwater runoff from municipalities required to comply with the Phase II MS4 stormwater permit, industrial activities covered by the stormwater program (Multi Sector General Permits), stormwater from construction sites one acre or larger (Construction General Permits), pesticide applications in or adjacent to surface waters (Pesticide General Permit), and concentrated animal feeding operations (CAFOs).

Compliance with the terms and conditions of the general permits is required to maintain authorization to discharge under the general permit. Discharges covered by a general permit that do not comply with general permit conditions or antidegradation requirements will be required to seek coverage under an individual permit.

Overview of the Antidegradation Review for General Permits

Regulated discharges authorized by general permits are not required to undergo a Tier 2 antidegradation review as part of the permitting process. However, new and reissued general permits must be evaluated to consider the potential for significant degradation as a result of the permitted discharges.

Discharges that comply with general permits are not likely to cause significant degradation of water quality. In addition, activities covered under general permits (e.g., construction, industries, municipalities, dairies, feedlots, etc.) are considered to have social and economic importance to New Mexico. Therefore, antidegradation review for general permits will be based on whether or not the permit conditions are met and if the BMPs are effective at limiting (or eliminating) pollutant loading to minimize water quality impacts.

EPA Region 6's Procedures for Implementing NPDES Permits in New Mexico (NMIP) The NMIP states:

III. Antidegradation Implementation Between Federal and State Policies

A. General

The Antidegradation Policy and Implementation Plan section of the NMWQS sets forth the requirements to protect designated uses through implementation of the State water quality standards. Furthermore, the policy sets forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The limitations and monitoring requirements set forth in a proposed permit must be protective of the State water quality standards and designated uses. Permit requirements must be protective of the assimilative capacity of the receiving waters, which are protective of the designated uses of that water.

Condition #3: Protection of Surface Waters Other Than Outstanding Natural Resource Waters

EPA shall include the following condition in Part 9 of the Final PGP to reasonably ensure that the permitted pesticide discharge activities to surface waters other than ONRWs will be conducted in a manner that will comply with applicable State water quality standards, including the antidegradation policy (20.6.4.8(A)), and statewide water quality management plan:

- c. Prior to pesticide application discharge to surface waters other than ONRWs for restoration or maintenance activities that may result in temporary and

short-term degradation, Operators shall submit a copy of the Notice of Intent (NOI), project plan, and Notice of Termination (NOT) to the NMED for review. NMED, or the appropriate oversight agency, will review on a case-by-case basis discharges that may result in temporary and short-term degradation from restoration or maintenance activities. In the NOI and project plan, Operators must demonstrate that the degradation from restoration or maintenance activities (1) will be limited to the shortest possible time; (2) will be minimized and controlled by best management practices or in accordance with permit requirements as appropriate, and all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized; and (3) will not result in water quality lower than necessary to protect any existing use of the surface water. Discharges that will not comply with these antidegradation requirements will be required to seek coverage under an individual permit.

All requested material should be sent to:

New Mexico Environment Department
Surface Water Quality Bureau
1190 South Saint Francis Drive
P.O. Box 5469
Santa Fe, NM 87502-5469
Telephone: (505) 827-0187
Email: psrs.program.manager@env.nm.gov (email preferred)

Background for Condition #3: Protection of Surface Waters Other Than Outstanding Natural Resource Waters

Regulatory Citations and Guidance

20.6.2.1201 NMAC [Notice of Intent to Discharge] states:

A. Except for the notices specified in paragraphs (1) and (2) of this subsection, any person intending to make a new water contaminant discharge or to alter the character or location of an existing water contaminant discharge, unless the discharge is being made or will be made into a community sewer system or subject to the Liquid Waste Disposal Regulations adopted by the New Mexico environmental improvement board, shall file a notice with the ground water quality bureau of the department for discharges that may affect ground water, and/or the surface water quality bureau of the department for discharges that may affect surface water.

C. Notices shall state:

- (1) the name of the person making the discharge;
- (2) the address of the person making the discharge;
- (3) the location of the discharge;
- (4) an estimate of the concentration of water contaminants in the discharge; and

(5) the quantity of the discharge.

20.6.4.8(A) NMAC [Antidegradation Policy and Implementation Plan] states:

- (4) This antidegradation policy does not prohibit activities that may result in degradation in surface waters of the state when such activities will result in restoration or maintenance of the chemical, physical or biological integrity of the water.
- (b) For surface waters of the state other than ONRWs, the department shall review on a case- by-case basis discharges that may result in degradation from restoration or maintenance activities, and may approve such activities in accordance with the following:
- (i) the degradation shall be limited to the shortest possible time;
 - (ii) the degradation shall be minimized and controlled by best management practices or in accordance with permit requirements as appropriate, and all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized; and
 - (iii) the degradation shall not result in water quality lower than necessary to protect any existing use of the surface water.

20.6.4.13 NMAC [General Criteria] states:

- F. Toxic Pollutants: (1) Except as provided in 20.6.4.16 NMAC, surface waters of the state shall be free of toxic pollutants from other than natural causes in amounts, concentrations or combinations that affect the propagation of fish or that are toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or that will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish and other aquatic organisms to levels that will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers of aquatic organisms...

Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP)

The WQMP/CPP states:

3 Antidegradation Review Requirements

The antidegradation review procedure is based on the protection tier assigned to the receiving water, the type of receiving water, existing (i.e., baseline) water quality in the receiving water, the projected impacts, and nature of the proposed discharge. In general, the antidegradation review requirements described in this guidance apply to regulated discharges that have the potential to degrade water quality. These include NPDES point source discharges regulated under Section 402 of the CWA; discharges which result in the placement of dredged or fill material into surface waters regulated under Section 404 of the CWA; and any

discharge authorized by federal permits and licenses that are subject to state water quality certification under Section 401 of the CWA.

3.5 General NPDES Permits

A number of discharges to surface waters are authorized under general NPDES permits. These include stormwater runoff from municipalities required to comply with the Phase II MS4 stormwater permit, industrial activities covered by the stormwater program (Multi Sector General Permits), stormwater from construction sites one acre or larger (Construction General Permits), pesticide applications in or adjacent to surface waters (Pesticide General Permit), and concentrated animal feeding operations (CAFOs).

Compliance with the terms and conditions of the general permits is required to maintain authorization to discharge under the general permit. Discharges covered by a general permit that do not comply with general permit conditions or antidegradation requirements will be required to seek coverage under an individual permit.

Overview of the Antidegradation Review for General Permits

Regulated discharges authorized by general permits are not required to undergo a Tier 2 antidegradation review as part of the permitting process. However, new and reissued general permits must be evaluated to consider the potential for significant degradation as a result of the permitted discharges.

Discharges that comply with general permits are not likely to cause significant degradation of water quality. In addition, activities covered under general permits (e.g., construction, industries, municipalities, dairies, feedlots, etc.) are considered to have social and economic importance to New Mexico. Therefore, antidegradation review for general permits will be based on whether or not the permit conditions are met and if the BMPs are effective at limiting (or eliminating) pollutant loading to minimize water quality impacts.

EPA Region 6's Procedures for Implementing NPDES Permits in New Mexico (NMIP) The NMIP states:

III. Antidegradation Implementation Between Federal and State Policies

A. General

The Antidegradation Policy and Implementation Plan section of the NMWQS sets forth the requirements to protect designated uses through implementation of the State water quality standards. Furthermore, the policy sets forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The limitations and monitoring requirements set forth in a proposed permit must be protective of the State water quality standards and designated uses. Permit requirements must be protective of the assimilative

capacity of the receiving waters, which are protective of the designated uses of that water.

Condition #4: Compliance with New Mexico Water Quality Standards

EPA shall include the following condition in Part 9 of the Final PGP to reasonably ensure that the permitted pesticide discharge activities to surface waters will be conducted in a manner that will comply with applicable State water quality standards:

- d. As applicable, Operators with coverage under this permit shall meet the additional notification and monitoring requirements outlined in 20.6.4.16(G) NMAC, including written notice to local political subdivisions, local water planning entities, local conservancy and irrigation districts, and local media outlets. Operators shall implement post-treatment assessment monitoring within the application area and provide notice to the public in the immediate and near downstream vicinity of the application prior to and during the application per 20.6.4.16(F) NMAC.

Background for Condition #4: Compliance with New Mexico Water Quality Standards

Regulatory Citations and Guidance

20.6.4.13 NMAC [General Criteria] states:

F. Toxic Pollutants: (1) Except as provided in 20.6.4.16 NMAC, surface waters of the state shall be free of toxic pollutants from other than natural causes in amounts, concentrations or combinations that affect the propagation of fish or that are toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or that will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish and other aquatic organisms to levels that will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers of aquatic organisms...

20.6.4.16 NMAC [Planned Use of a Piscicide] states:

...the person whose application is covered by the NPDES permit shall meet the additional notification and monitoring requirements outlined in Subsection G of 20.6.4.16 NMAC.

A. ... The [notice of intent] shall contain, at a minimum, the following information:

- (1) petitioner's name and address;
- (2) identity of the piscicide and the period of time (not to exceed five years) or number of applications for which approval is requested;

- (3) documentation of registration under FIFRA and NMPCA and certification that the petitioner intends to use the piscicide according to the label directions, for its intended function;
- (4) target and potential non-target species in the treated waters and adjacent riparian area, including threatened or endangered species;
- (5) potential environmental consequences to the treated waters and the adjacent riparian area, and protocols for limiting such impacts;
- (6) surface water of the state proposed for treatment;
- (7) results of pre-treatment survey;
- (8) evaluation of available alternatives and justification for selecting piscicide use;
- (9) documentation of notice requesting public comment on the proposed use within a 30- day period, including information as described in Paragraphs (1), (2) and (6) of Subsection A of 20.6.4.16 NMAC, provided to:
 - (a) local political subdivisions;
 - (b) local water planning entities;
 - (c) local conservancy and irrigation districts; and
 - (d) local media outlets, except that the petitioner shall only be required to publish notice in a newspaper of circulation in the locality affected by the proposed use.
- (10) copies of public comments received in response to the publication of notice and the petitioner's responses to public comments received;
- (11) post-treatment assessment monitoring protocol; and
- (12) any other information required by the commission.

F. ...[the Operator shall be required] to implement posttreatment assessment monitoring and provide notice to the public in the immediate and near downstream vicinity of the application prior to and during the application.

G. Any person whose application is covered by a NPDES permit shall provide written notice to local entities as described in Subsection A of 20.6.4.16 NMAC and implement post-treatment assessment monitoring within the application area as described in Subsection F of 20.6.4.16 NMAC.

Condition #5: Spill and Adverse Incident Notification and Removal Requirements

EPA shall include the following condition in Part 9 of the Final PGP to ensure compliance with appropriate notification, removal, reporting and corrective action requirements in Ground and Surface Water Protection regulations in 20.6.2.1203 NMAC:

- e. Operators must comply with applicable notification and removal requirements for spills and adverse incidents outlined in 20.6.2.1203 NMAC. For an Environmental

Emergency (24-hrs) call: 505-827-9329; and for non-emergencies call: 866-428-6535 (voice mail, 24 hours/day). For more information as to what further corrective actions may be necessary or appropriate for spills or adverse incidents that affect surface water quality, an Operator may also contact the NMED Surface Water Quality Bureau at:

New Mexico Environment Department
Surface Water Quality Bureau
1190 South Saint Francis Drive
P.O. Box 5469
Santa Fe, NM 87502-5469
Telephone: (505) 827-0187
Email: swq.reporting@env.nm.gov (email preferred)

Background for Condition #5: Spill and Adverse Incident Notification and Removal Requirements

Part 5.1.4 Response Procedures of the Draft PGP requires decision-makers have procedures for notification of spill and adverse incidents.

Regulatory Citations and Guidance

20.6.2.1203 [Notification of Discharge Removal] states:

- A. With respect to any discharge from any facility of oil or other water contaminant, in such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property, the following notifications and corrective actions are required:
 - (1) As soon as possible after learning of such a discharge, but in no event more than twenty-four (24) hours thereafter, any person in charge of the facility shall orally notify the chief of the ground water quality bureau of the department, or the appropriate counterpart in any constituent agency delegated responsibility for enforcement of these rules as to any facility subject to such delegation. To the best of that person's knowledge, the following items of information shall be provided:
 - (a) the name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility;
 - (b) the name and address of the facility;
 - (c) the date, time, location, and duration of the discharge;
 - (d) the source and cause of discharge;
 - (e) a description of the discharge, including its chemical composition;
 - (f) the estimated volume of the discharge; and
 - (g) any actions taken to mitigate immediate damage from the discharge.

- (2) When in doubt as to which agency to notify, the person in charge of the facility shall notify the chief of the ground water quality bureau of the department. If that department does not have authority pursuant to commission delegation, the department shall notify the appropriate constituent agency.
- (3) Within one week after the discharger has learned of the discharge, the facility owner and/or operator shall send written notification to the same department official, verifying the prior oral notification as to each of the foregoing items and providing any appropriate additions or corrections to the information contained in the prior oral notification.
- (4) The oral and written notification and reporting requirements contained in this Subsection A are not intended to be duplicative of discharge notification and reporting requirements promulgated by the oil conservation commission (OCC) or by the oil conservation division (OCD); therefore, any facility which is subject to OCC or OCD discharge notification and reporting requirements need not additionally comply with the notification and reporting requirements herein.
- (5) As soon as possible after learning of such a discharge, the owner/operator of the facility shall take such corrective actions as are necessary or appropriate to contain and remove or mitigate the damage caused by the discharge.
- (6) If it is possible to do so without unduly delaying needed corrective actions, the facility owner/operator shall endeavor to contact and consult with the chief of the ground water quality bureau of the department or appropriate counterpart in a delegated agency, in an effort to determine the department's views as to what further corrective actions may be necessary or appropriate to the discharge in question. In any event, no later than fifteen days after the discharger learns of the discharge, the facility owner/operator shall send to said Bureau Chief a written report describing any corrective actions taken and/or to be taken relative to the discharge. Upon a written request and for good cause shown, the bureau chief may extend the time limit beyond fifteen (15) days.
- (7) The bureau chief shall approve or disapprove in writing the foregoing corrective action report within thirty (30) days of its receipt by the department. In the event that the report is not satisfactory to the department, the bureau chief shall specify in writing to the facility owner/operator any shortcomings in the report or in the corrective actions already taken or proposed to be taken relative to the discharge, and shall give the facility owner/operator a reasonable and clearly specified time within which to submit a modified corrective action report. The bureau chief shall approve or disapprove in writing the modified corrective action report within fifteen (15) days of its receipt by the department.
- (8) In the event that the modified corrective action report also is unsatisfactory to the department, the facility owner/operator has five (5) days from the notification by the

bureau chief that it is unsatisfactory to appeal to the department secretary. The department secretary shall approve or disapprove the modified corrective action report within five (5) days of receipt of the appeal from the bureau chief's decision. In the absence of either corrective action consistent with the approved corrective action report or with the decision of the secretary concerning the shortcomings of the modified corrective action report, the department may take whatever enforcement or legal action it deems necessary or appropriate.

- (9) If the secretary determines that the discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within one hundred and eighty (180) days after notice is required to be given pursuant to Paragraph (1) of Subsection A of Section 20.6.2.1203 NMAC, the secretary may notify the facility owner/operator that he is a responsible person and that an abatement plan may be required pursuant to Section 20.6.2.4104 and Subsection A of Section 20.6.2.4106 NMAC.
- B. Exempt from the requirements of this section are continuous or periodic discharges which are made:
- (1) in conformance with regulations of the commission and rules, regulations or orders of other state or federal agencies; or
 - (2) in violation of regulations of the commission, but pursuant to an assurance of discontinuance or schedule of compliance approved by the commission or one of its duly authorized constituent agencies.
- C. As used in this section and in Sections 20.6.2.4100 through 20.6.2.4115 NMAC, but not in other sections of this part:
- (1) “discharge” means spilling, leaking, pumping, pouring, emitting, emptying, or dumping into water or in a location and manner where there is a reasonable probability that the discharged substance will reach surface or subsurface water;
 - (2) “facility” means any structure, installation, operation, storage tank, transmission line, motor vehicle, rolling stock, or activity of any kind, whether stationary or mobile;
 - (3) “oil” means oil of any kind or in any form including petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes;
 - (4) “operator” means the person or persons responsible for the overall operations of a facility; and
 - (5) “owner” means the person or persons who own a facility, or part of a facility.
- D. Notification of discharge received pursuant to this part or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except for perjury or for giving a false statement.

E. Any person who has any information relating to any discharge from any facility of oil or other water contaminant, in such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property, is urged to notify the chief of the ground water quality bureau of the department. Upon such notification, the secretary may require an owner/operator or a responsible person to perform corrective actions pursuant to Paragraphs (5) and (9) of Subsection A of Section 20.6.2.1203 NMAC.

Condition #6: Notice of Intent Requirements

EPA shall include the following condition in Part 9 of the Final PGP to reasonably ensure that the permitted pesticide discharge activities to surface waters of the State will be conducted in a manner that will comply with applicable State Notice of Intent (NOI) regulations in 20.6.2.1201 NMAC:

f. Pursuant to 20.6.2.1201 NMAC, for pesticide application discharges that are not covered by this permit, Operators shall file a notice of intent to discharge with the NMED Ground Water Quality Bureau for discharges that may affect groundwater, and/or the NMED Surface Water Quality Bureau for discharges that may affect surface water.

All such notices and related material should be sent to:

New Mexico Environment Department
Ground Water Quality Bureau (GWQB)
Surface Water Quality Bureau (SWQB)
1190 South Saint Francis Drive
P.O. Box 5469
Santa Fe, NM 87502-5469
Telephone: SWQB (505) 827-0187
GWQB (505) 827-2900
Email: SWQB_psrs.program.manager@env.nm.gov (email preferred)
GWQB_gwqb.general@state.nm.us (email preferred)

Background for Condition #6: Notice of Intent Requirements

Regulatory Citations and Guidance

20.6.2.1201 NMAC [Notice of Intent to Discharge] states:

A. ... any person intending to make a new water contaminant discharge or to alter the character or location of an existing water contaminant discharge, unless the discharge is being made or will be made into a community sewer system or subject to the Liquid Waste Disposal Regulations adopted by the New Mexico environmental improvement board, shall file a notice with the ground water quality bureau of the department for discharges that may affect ground water, and/ or the surface water quality bureau of the department for discharges that may affect surface water.

B. ... any person intending to inject fluids into a well, including a subsurface distribution system, unless the injection is being made subject to the Liquid Waste Disposal Regulations adopted by the New Mexico environmental improvement board, shall file a notice with the ground water quality bureau of the department.

C. Notices shall state:

- (1) the name of the person making the discharge;
- (2) the address of the person making the discharge;
- (3) the location of the discharge;
- (4) an estimate of the concentration of water contaminants in the discharge; and
- (5) the quantity of the discharge.

D. Based on information provided in the notice of intent, the department will notify the person proposing the discharge as to which of the following apply:

- (1) a discharge permit is required;
- (2) a discharge permit is not required;...

20.6.4.7(S)(5) NMAC [Definitions] states:

“Surface water(s) of the state” means all surface waters situated wholly or partly within or bordering upon the state, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, reservoirs or natural ponds. Surface waters of the state also means all tributaries of such waters, including adjacent wetlands, any manmade bodies of water that were originally created in surface waters of the state or resulted in the impoundment of surface waters of the state, and any “waters of the United States” as defined under the Clean Water Act that are not included in the preceding description. Surface waters of the state does not include private waters that do not combine with other surface or subsurface water or any water under tribal regulatory jurisdiction pursuant to Section 518 of the Clean Water Act. Waste treatment systems, including treatment ponds or lagoons designed and actively used to meet requirements of the Clean Water Act (other than cooling ponds as defined in 40 CFR Part 423.11(m) that also meet the criteria of this definition), are not surface waters of the state, unless they were originally created in surface waters of the state or resulted in the impoundment of surface waters of the state.

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. Any Decision-maker required under Part 1.2 of the PGP to submit a Notice of Intent (NOI) to EPA for coverage under the PGP, must submit a copy of the NOI to Ohkay Owingeh Office of Environmental Affairs within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic

confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address:

Ohkay Owingeh Office of Environmental Affairs
Naomi Archuleta, naomi.archuleta@ohkay.org
P.O. Box 717
Ohkay Owingeh, NM 87566

This condition is necessary to assure that the activity will comply with the Ohkay Owingeh Water Quality Standards requirements because of the designated uses within the OOWQS.

2. Any Decision-maker that is required under Part 7.0 of the PGP to submit an annual report to EPA, must submit an electronic copy of the annual report to the Ohkay Owingeh Office of Environment Affairs within three business days after submittal to EPA.

This condition is necessary to assure that the activity will comply with Ohkay Owingeh Water Quality Standards and necessary to serve as historical documentation for future generations for the Ohkay Owingeh Community and Tribal Government.

b. Pueblo of Isleta

1. Copies of all Notices (NOIs and NOTs) and any correspondence between the Applicator/Decision-maker/Operator and the EPA related to notices, analytical data, written reports, corrective action, enforcement, monitoring, permit exceedances or adverse incident reports should be routed concurrently to the Pueblo in electronic format and by U.S. First Class Mail at the following addresses:

Pueblo of Isleta
Environment Department
Attention: Tribal Water Quality Control Officer
PO Box 1270
Isleta NM 87022
Electronically: WQCO@isletapueblo.com

- a. This condition is necessary to ensure that the discharge resulting from the application of pesticides will comply with 40 CFR 121.11(a) and Pueblo of Isleta Surface Water Quality Standards (POI SWQS) Section II. A and B.
 - b. Citation that authorizes this condition: POI SWQS Section II. Implementation of the Pueblo's antidegradation policy and implementation plan requires that controls on the introduction of pollutants into surface waters are established and maintained.
2. Electronic copies of all Notices (NOIs and NOTs), reports, and associated analytical data required to be submitted to the U.S. EPA for actions covered under this permit occurring within 8 river miles upstream of the

northern exterior boundary of the Pueblo of Isleta shall be provided concurrently to the Pueblo at the e-mail address specified in permit condition 1, above.

- a. This condition is necessary to ensure that the discharge resulting from the application of pesticides will comply with POI SWQS Section II. B. 2. regarding potential pollutants in receiving waters.
 - b. Citation that authorizes this condition: POI SWQS Section II. B. 2. Implementation of the Pueblo's antidegradation policy requires that information be obtained by the Tribal Water Quality Control Officer to assess the impact of pollutants on receiving waters.
 3. Restricted use pesticides are prohibited from being applied within the exterior boundaries of the Pueblo of Isleta.
 - a. This condition is necessary to ensure that the discharge resulting from the application of pesticides will comply the narrative criterion for toxic substances in the POI SWQS.
 - b. Citation that authorizes this condition: POI SWQS Section III. General Standards, Subsection N. Toxic Substances.
 4. The Pueblo of Isleta may require a more stringent Action Threshold in order to protect existing uses of surface water bodies, pollinator insects, or other ecologically valuable insect or their habitat(s) within the exterior boundaries of the Pueblo.
 - a. This condition is necessary to ensure that the discharge resulting from the application of pesticides will comply the narrative criterion for toxic substances in the POI SWQS.
 - b. Citations that authorize this condition: POI SWQS Section II. Subsection 10 to support the enforcement of federal permits; and Section III. General Standards, Subsection N. Toxic Substances.
- c. Pueblo of Sandia
1. Any Decision-maker required under Part 1.2 of the PGP to submit a Notice of Intent (NOI) to EPA for coverage under the PGP, must concurrently submit an electronic copy of the NOI to the Pueblo's Environmental Department. Additionally, an electronic copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be electronically provided to the following addresses:

Electronic Addresses:

Greg Kaufman, Environment Director: gkaufman@sandiapueblo.nsn.us

Cynthia King, Water Quality Manager: cking@sandiapueblo.nsn.us

 - a. This condition is necessary to ensure that the discharge from the proposed project will comply with the Pueblo's Water Quality Standards. Specifically, this condition will ensure compliance with the Wildlife

Habitat beneficial use Total DDT and Metabolites standard of 0.001 ug/L and the pesticide-related toxic substance standards listed in Table 1. This condition will ensure compliance with these standards because it provides the Pueblo with the information necessary to evaluate the site specific details related to compliance prior to pesticide application. Additionally, it ensures that the Pueblo is notified of the permit termination, which allows for post-application water quality standard compliance monitoring.

- b. Citation that authorizes this condition: Pueblo of Sandia Water Quality Standards (2023).
2. Any Decision-maker that is required under Part 5.0 of the PGP to prepare a Pesticide Discharge Management Plan (PDMP) must submit an electronic copy of the PDMP to the Pueblo's Environment Department 10 days before pesticide application begins. The PDMP must be provided to the electronic addresses listed above.
 - a. This condition is necessary to assure that the discharge from the proposed project will comply with the Pueblo's Water Quality Standards. Specifically, this condition will ensure compliance with the Wildlife Habitat beneficial use Total DDT and Metabolites standard of 0.001ug/L and the pesticide-related toxic substance standards listed in Table 1. This condition will ensure compliance with these standards because it gives Tribal staff time to become familiar with the project site, prepare for pesticide inspections, and determine any mitigation strategies necessary for compliance.
 - b. Citation that authorizes this condition: Pueblo of Sandia Water Quality Standards (2023).
3. Any Decision-maker that is required under Part 7.0 of the PGP to submit an annual report to EPA must submit an electronic copy of the annual report concurrently to the Pueblo's Environment Department. Additionally, any correspondence between the applicant and EPA related to analytical data, written reports, corrective actions, enforcement, monitoring, or adverse incident reports should likewise be routed to the Pueblo at the above electronic addresses.
 - a. This condition is necessary to assure that the discharge from the proposed project will comply with the Pueblo's Water Quality Standards. Specifically, this condition will ensure compliance with the Wildlife Habitat beneficial use Total DDT and Metabolites standard of 0.001ug/L and the pesticide-related toxic substance standards listed in Table 1. This condition will ensure compliance with these standards because it allows the Pueblo to remain informed on the compliance status of discharges authorized by the permit as it pertains to the Pueblo's Water Quality Standards.
 - b. Citation that authorizes this condition: Pueblo of Sandia Water Quality Standards (2023).

4. 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's Environment Department. This approval will allow the application to proceed if all mitigation requirements are met.
- This condition is necessary to assure that the discharge from the proposed project will comply with the Pueblo's Water Quality Standards. Specifically, this condition will ensure compliance with the Wildlife Habitat beneficial use Total DDT and Metabolites standard of 0.001ug/L and the pesticide-related toxic substance standards listed in Table 1. This condition is necessary for compliance with these standards because it informs the permittee of any necessary mitigation requirements for ensuring compliance.
 - Citation that authorizes this condition: Pueblo of Sandia Water Quality Standards (2023).

Table 1

Fresh water aquatic and human health toxic substance criteria for surface waters with ceremonial, designated aquatic life uses, or from which fish are caught for human consumption*

Substance ^b	<u>CASRN</u>	Chronic	Acute	Fish	Water Consumption(ug/l)
		Toxicity ^c	Toxicity ^c	Consumption and Other	
		(ug/l)	(ug/l)	(Not to Exceed)	
Aldrin	309-00-2	--	3	0.00005	--
Chlordane	57-74-9	0.0043	2.4	0.00081	--
2-Chlorophenol	95-57-8	--	--	0.10 ^j	--
3-Methyl-4-Chlorophenol	59-50-7	--	--	3000 ^j	--
Chlorpyrifos	2921-88-2	0.041	0.083	--	--
4,4'-DDT	50-29-3	0.001	1.1	0.00022	--
4,4'-DDE	72-55-9	--	--	0.00022	--
4,4'-DDD	72-54-8	--	--	0.00031	--
Demeton	8065-48-3	0.1	--	--	--
Diazinon	333-41-5	0.17	0.17	--	--
1,2-Dichlorobenzene	95-50-1	--	--	--	600 ^f
1,3-Dichlorobenzene	541-73-1	--	--	960	--

1,4-Dichlorobenzene	106-46-7	--	--	--	75 ^f
Dimethyl phthalate	131-11-3	--	--	1100000	--
Di-n-Butyl Phthalate	84-74-2	--	--	4500	--
Dieldrin	60-57-1	0.056	0.24	0.000054	--
Endosulfan, alpha	959-98-8	0.056	0.22	89	--
Endosulfan, beta	33213-65-9	0.056	0.22	89	--
Endosulfan Sulfate	1031-07-8	--	--	89	--
Endrin	72-20-8	0.036	0.086	0.06 ^d	--
Endrin Aldehyde	7421-93-4	--	--	0.3	--
Guthion	86-50-0	0.01	--	--	--
Heptachlor	76-44-8	0.0038	0.52	0.000079	--

Table 1

Fresh water aquatic and human health toxic substance criteria for surface waters with ceremonial, designated aquatic life uses, or from which fish are caught for human consumption*

Substance ^b	<u>CASRN</u>	Chronic	Acute	Fish	Water Consumption(ug/l)
		Toxicity ^c	Toxicity ^c	Consumption and Other	
		(ug/l)	(ug/l)	(Not to Exceed)	
Heptachlor epoxide	1024-57-3	0.0038	0.52	0.000039	--
alpha-BHC	319-84-6	--	--	0.0049	--
beta-BHC	319-85-7	--	--	0.017	--
gamma-BHC (Lindane)	58-89-9	--	0.95	1.8 ^d	--
Hexachlorocyclopentadiene	77-47-4	--	--	1 ^j	--
Malathion	121-75-5	0.1	--	--	--
Mirex	2385-85-5	0.001	--	--	--
Parathion	56-38-2	0.013	0.065	--	--
Toxaphene	8001-35-2	0.0002	0.73	0.00028	--

Table 1 Footnotes

- * The values stated as Human Health Criteria for these substances are based on the assumption that fish from the surface waters covered by the PUEBLO OF SANDIA Water Quality Standards are consumed, but water from these surface waters is not regularly ingested. A risk 10^{-6} is assumed for carcinogens. Where no criterion exists based on fish consumption, MCLs and background conditions are used as the basis of the water quality standard of protection.

- = no criterion exists
- hd = hardness
- ln = natural log of number
- CF = Conversion Factor (for hardness dependent metals)
 - For Cadmium: Acute CF is $1.136672 - [\ln(\text{hd})(0.041838)]$
Chronic CF is $1.101672 - [\ln(\text{hd})(0.041838)]$
 - For Lead: Acute CF is $1.46203 - [\ln(\text{hd})(0.145712)]$
Chronic CF is $1.46203 - [\ln(\text{hd})(0.145712)]$

- a = Value based on using a dissolved method
- b = Total recoverable portion, unless indicated
- c = Chronic and acute toxicity averaging periods and exceedances are as specified by the U.S. Environmental Protection Agency in Quality Criteria for Water, 1986.
- d = value based on current national recommended water quality criteria with respect to human health for the consumption of water + organism. These values can be found on <http://www.epa.gov/waterscience/criteria/wqctable/index.html>.

- e = EPA has not calculated human health criterion for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using SANDIA's narrative criteria for toxics.
- f = Based on Safe Drinking Water Act Maximum Contaminant Levels (MCLs).
- g = Concentrations of mercury from all sources shall not result in methyl mercury concentrations in fish tissue that exceed 0.3 mg/kg. This criterion is based on a fish consumption rate of 17.5 g/day.
- h = This value cannot be exceeded by itself, or as part of Total Trihalomethanes that include:
 - Bromodichloromethane (CASN 75-27-4)
 - Dibromochlorornethane (CASN 124-48-1)
 - Tribromomethane [Bromoform (CASN 75-25-2)]
 - Trichloromethane [Chloroform (CASN 67-66-3)]

- i = Based on background conditions of the Rio Grande.
- j = Value based on organoleptic effects criteria (e.g., taste and odor) in the current national recommended water quality criteria based on the "Gold Book" which is *Quality Criteria for Water*, 1986. EPA 440/5-86-001 (see <http://www.epa.gov/waterscience/criteria/wqctable/index.html>).

- ug = micrograms
- mg/l = milligrams/liter
- ug/l = Micrograms/liter

As new criteria documents for toxic substances are published by EPA, these will become incorporated into and made a part of this Subsection O, TOXIC SUBSTANCES, during triennial review, and the numeric criteria established by EPA shall equally apply. Numeric criteria for carcinogens will reflect a risk level of one in a million.

For specific **segments** where the above criteria may need to be recalculated using appropriate species or water quality factors, the PUEBLO OF SANDIA may, after public participation and EPA approval, adopt site-specific criterion modifications. Since pesticides and PCB's can accumulate in bottom sediments and tissues of aquatic organisms, sediment and tissue analysis shall routinely be used to complement water analysis. Fish tissue levels in excess of **FDA Action Limits** shall require investigation.

d. Pueblo of Taos

1. No additional requirements

e. Santa Clara Pueblo

1. Any Decision-maker required under Part 1.2 of the PGP to submit a Notice of Intent (NOI) to EPA for coverage under the PGP, must submit a copy of the NOI to the Santa Clara Pueblo Environmental Director within 3-days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within 3-days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address:

Santa Clara Pueblo Environment Director, dinoc@santaclarapueblo.org

This condition is necessary to assure that the activity will comply with water quality requirements enacted in the Santa Clara Pueblo Water Quality Code and for the protection of tribal resources.

2. Any Decision-maker that is required under Part 5.0 of the PGP to prepare a Pesticide Discharge Management Plan (PDMP), must submit an electronic copy of the PDMP to the Santa Clara Pueblo Environment Director at the same time that the NOI is submitted to the Tribe (see email address above).

This condition is necessary to assure that the activity will comply with water quality requirements enacted in the Santa Clara Pueblo Water Quality Code and for the protection of tribal resources.

f. Pueblo of Pojoaque

1. No additional requirements

g. Pueblo of Picuris

1. Any Decision-maker required under Part 1.2 of the PGP to submit a Notice of Intent (NOI) to EPA for coverage under the PGP, must submit a copy of the certified (signed) NOI to the Picuris Pueblo Governor and the Picuris Pueblo Environmental Department within two business days of submittal to EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT) must be provided within two business days after electronic confirmation is

received from EPA that the NOI/NOT has been accepted. The NOI and NOT must be provided to the following address:

Craig Quanchello, Governor
Pueblo of Picuris
P.O. Box 127
Penasco, NM 87553

Adrian Montoya
Pueblo of Picuris Environmental Department, Director
P.O. Box 158
Penasco, NM 87553

Statement explaining reason for condition: This condition is necessary to assure that the Tribe has an opportunity to review the proposed activity prior to initial operation and that it will comply with the Tribe's water quality standards and/or requirements.

2. Any Decision-maker that is required under Part 5.0 of the PGP to prepare a Pesticide Discharge Management Plan (PDMP), must submit an electronic copy of the PDMP to the Picuris Pueblo Environmental Department (environment@picurispueblo.org), before, or at the same time the NOI is submitted to the Tribe.

Statement explaining reason for condition: This condition is necessary to assure that the Tribe has an opportunity to review the proposed activity prior to initial operation and that it will comply with the Tribe's water quality standards and/or requirements.

3. Any Decision-maker that is required under Part 7.0 of the PGP to submit an annual report to EPA, must submit an electronic copy of the annual report to the Picuris Pueblo Environmental Department within three business days after submittal to EPA (see contact information listed above).

Statement explaining reason for condition: This condition is necessary to assure water quality is not degraded, and that the discharge from the activity complies with the narrative criterion for toxic substances in the Picuris Pueblo Water Quality Code. Recordkeeping and annual reporting will demonstrate to the Tribe the Operator's compliance with the conditions of the certification and permit, and therefore the water quality requirements.

4. The operator must provide electronic copies of discharge monitoring reports (DMRs) at the same time the DMR is submitted to the EPA. The DMR should be emailed to the Picuris Pueblo Environmental Department (see contact information listed above).

Statement explaining reason for condition: This condition is necessary to assure water quality is not degraded, and that the discharge from the activity complies with the narrative criterion for toxic substances in the Picuris Pueblo Water Quality Code. Recordkeeping and annual reporting will demonstrate to

the Tribe the Operator's compliance with the conditions of the certification and permit, and therefore the water quality requirements.

5. The operator must notify Picuris Pueblo Environment Department within 10 days in the event of a bypass or upset.

Statement explaining reason for condition: This condition is necessary to assure water quality is not degraded, and that the discharge from the activity complies with the narrative criterion for toxic substances in the Picuris Pueblo Water Quality Code. Recordkeeping and annual reporting will demonstrate to the Tribe the Operator's compliance with the conditions of the certification and permit, and therefore the water quality requirements.

h. Pueblo of Santa Ana

1. Any Decision-maker required under Part 1.2 of the PGP to submit a Notice of Intent (NOI) to EPA for coverage under the PGP and must submit a copy of the NOI to the Pueblo of Santa Ana. Any Decision-maker that is required under Part 5.0 of the PGP to prepare a Pesticide Discharge Management Plan (PDMP), they must submit an electronic copy of the PDMP to the Pueblo of Santa Ana Department of Resources. Any Decision-maker that is required under Part 7.0 of the PGP to submit an annual report to EPA, they also must submit an electronic copy of the annual report to the Pueblo of Santa Ana Department of Natural Resources: Tammy Montoya Water Resources Division Manager within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address:

Pueblo of Santa Ana
Governor Myron Armijo
02 Dove Road, Santa Ana Pueblo, NM 87004

Pueblo of Santa Ana Department of Natural Resources
Tammy Montoya, Water Resources Division Manager
02 Dove Road, Santa Ana Pueblo, NM 87004
tammy.montoya@santaana-nsn.gov

2. 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. Environmental Protection Agency. Any correspondence between applicant and EPA related to corrective action, enforcement, monitoring, or adverse incident written reports should likewise be routed to the Pueblo of Santa Ana Department of

Natural Resources. The Pueblo of Santa Ana reserves the right to request additional information or study and may delay or deny a permit for cause.

3. Any correspondence between the applicant and EPA related to analytical data, written, corrective action, enforcement, monitoring, or an adverse incident written reports should likewise be routed to the Pueblo at the address above for review.
4. Discharges are not authorized by the permittee unless an accurate and complete NOI has been submitted to the Pueblo. Failure to provide an accurate and complete NOI may result in a denial of the discharge permit.
5. The permittee could be required to perform water quality monitoring, sampling, or analysis during the active permit dates for constituents determined by the Pueblo.

Reason for Conditions: These conditions are necessary to ensure that the activity will comply with water quality requirements and ensure the Pueblo water quality will not be degraded and the discharge complies with the Pueblo of Santa Ana Water Quality Standards.

i. Pueblo of Tesuque

1. Any Decision-maker required under Part 1.2 of the PGP to submit a Notice of Intent (NOI) to EPA for coverage under the PGP must submit a copy of the NOI to the Pueblo of Tesuque Department of Environment and Natural Resources office, and the Pueblo's Governor within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following addresses:

Governor Milton Herrera
Pueblo of Tesuque
20 TP828
Santa Fe, NM 87506
Email: governor@pueblooftesuque.org

Sage Mountainflower
Pueblo of Tesuque
Director of Environment and Natural Resources
20 TP828
Santa Fe, NM 87506
Email: sagem@pubelooftesuque.org

This condition is necessary to ensure that the Department of Environment and Natural Resources can review plans prior to application to determine if the proposed project will impact water quality within the Pueblo.

2. Any Decision-maker that is required under Part 5.0 of the PGP to prepare a Pesticide Discharge Management Plan (PDMP), must submit an electronic copy of the PDMP to the Pueblo of Tesuque's Department of Environment and Natural Resources and the Pueblo's Governor at the same time that the NOI is submitted to the Tribe (see contact information listed above).

This condition is necessary to ensure that the discharge from the proposed project will comply with the update regulations and the Pueblo of Tesuque is informed of the project scope as made available through the PDMP, and the Pueblo can ensure the water quality will be protected. See the Pueblo of Tesuque Water Quality Standards.

3. Any Decision-maker that is required under Part 7.0 of the PGP to submit an annual report to EPA, must submit an electronic copy of the annual report to the Pueblo of Tesuque Department of Environment and Natural Resources and the Pueblo's Governor within three business days of submittal to EPA. (See contact information listed above).

This condition is necessary to assure that the activity will comply with water quality requirements and ensure the Pueblo water quality will not be degraded and the discharge complies with the Pueblo of Tesuque Water Quality Standards.

4. 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 Tesuque Department of Environment and Natural Resources and the Pueblo's Governor. (See contact information listed above).

- j. Pueblo of Nambe

1. No additional requirements

- k. Pueblo of Acoma

1. No additional requirements

- l. Pueblo of Laguna

1. Any Decision-maker required under Part 1.2 of the PGP to submit a Notice of Intent (NOI) to EPA for coverage under the PGP, must submit a copy of the NOI to the Pueblo of Laguna Environmental and Natural Resources Department within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address: info.environmental@pol-nsn.gov

- a. This condition is necessary to ensure the POL Environmental Natural Resources Department (ENRD) may evaluate the proposed activity for

the purpose of determining whether the discharge from the proposed project will violate the certification.

- b. Citations that authorize this condition: Pueblo of Laguna Code, Title XI - Environmental, Chapter 2. Water Quality Standards, Section 11-2-22 - Implementation (3) Obtain and assess information on the impact of effluents on receiving waters, including the capability of receiving waters to support designated uses and achieve Laguna Water Quality Standards; and to (4) Advise prospective dischargers of discharge requirements, and coordinate with the appropriate permitting agencies as to the same.
 2. Any Decision-maker that is required under Part 5.0 of the PGP to prepare a Pesticide Discharge Management Plan (PDMP), must submit an electronic copy of the PDMP to the Pueblo of Laguna ENRD at the same time that the NOI is submitted to the Tribe (see contact information listed above).
 - a. This condition is necessary to ensure that the ENRD may evaluate the proposed activity for the purpose of determining whether the discharge from the project will violate the certification.
 - b. Citations that authorize this condition: Pueblo of Laguna Code, Title XI - Environmental, Chapter 2. Water Quality Standards, Section 11-2-22(3)(4).
 3. Any Decision-maker that is required under Part 7.0 of the PGP to submit an annual report to EPA, must submit an electronic copy of the annual report to the Pueblo of Laguna ENRD offices within three business days after submittal to EPA (see contact information listed above).
 - a. This condition is necessary to ensure that water quality is not degraded and that the discharge from the proposed project complies with the Pueblo of Laguna's Water Quality Standards.
 - b. Citations that authorize this condition: Pueblo of Laguna Code, Title XI - Environmental, Chapter 2. Water Quality Standards, Section 11-2-22 - Implementation (9) ... pursue inspection programs to ensure that dischargers comply with the requirements of the Standards and to support enforcement of federal permits issued by the EPA; and (14) Conduct an antidegradation analysis for regulated actions that may impair water quality; and Section 11-2-31 - General Standards.
- m. Pueblo of San Felipe
1. Any Decision-maker required under Part 1.2 of the PGP to submit a Notice of Intent (NOI) to EPA for coverage under the PGP, must submit a copy of the NOI to the Pueblo of San Felipe Natural Resources Director within 3-days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within 3-days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address.

Pueblo of San Felipe Department of Natural Resource Director,
pstout@sfpueblo.com

This condition is necessary to assure that the activity will comply with water quality requirement and for the protection of tribal resources.

2. Any Decision-maker that is required under Part 5.0 of the PGP to prepare a Pesticide Discharge Management Plan (PDMP) must submit an electronic copy of the PDMP to the Pueblo of San Felipe Natural Resources Director at the same time that the NOI is submitted to the Tribe (see contact information above).

This condition is necessary to assure that the activity will comply with water quality requirements and for the protection of tribal resources.

9.6.4 Indian Country within the State of Oklahoma

a. Pawnee Nation of Oklahoma

1. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pawnee Nation at the same time it is submitted to the Environmental Protection Agency to the following address:

Pawnee Nation Department of Environmental Conservation and Safety
P.O. Box 470
Pawnee, OK 74058
Or email to dnrs@pawneenation.org

This condition is required to ensure the Pawnee Nation Department of Environmental Conservation and Safety (DECS) have the opportunity to inspect the activity prior to the initial operation for the purpose of determining whether the discharge from the certified project will violate the certification as authorized under 40 CFR 121.11(a) and Pawnee Nation Title XII (Natural Resource Protection Act), Chapter four (Water Resource Protection) Section 407 (Water Quality Certification), and Chapter Nine (Pollution Discharges) Section 905 (Discharge without Permit Unlawful).

2. An electronic copy of the Pesticide Discharge Management Plan (PDMP) must be submitted to the Pawnee Nation Department of Environmental Conservation and Safety at the same time the NOI is submitted (as required under Part 5.0 of the PGP),

This condition is required to ensure the Pawnee Nation Department of Environmental Conservation and Safety (DECS) have the opportunity to review the PDMP and inspect the activity prior to the initial operation for the purpose of determining whether the discharge from the certified project will violate the certification as authorized under 40 CFR 121.11(a) and Pawnee Nation Title XII (Natural Resource Protection Act), Chapter Four (Water Resource Protection) Section 407 (Water Quality Certification), Chapter Five (Water Quality Standards).

3. The Pawnee Nation Department of Environmental Conservation and Safety must be notified at 918.762.3655 immediately upon discovery of any noncompliance with any provision of the permit conditions.

This condition is required to ensure water quality is not degraded, and that the discharge from the proposed project complies with the criteria for the protection of surface water resources as established by Pawnee Nation Title XII (Natural Resource Protection Act) Chapter Three (General Provisions) Section 307 (Pollution Unlawful) and Chapter Five (Water Quality Standards) Section Ten (Criteria for the Protection of Surface Water Resources).

9.6.5 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. Sac and Fox Tribe of the Mississippi in Iowa (Meskwaki Nation)
 1. Decision-makers required to submit an NOI to the EPA must provide a copy of the NOI to the Meskwaki Environmental Department prior to pesticides application within the exterior boundaries of the Meskwaki Settlement.

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. Winnebago Tribe of Nebraska
 1. 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. Southern Ute Indian Tribe
 1. Applications of pesticides within the Southern Ute Indian Tribe are not eligible for discharge coverage under this permit. Contact EPA Region 8 office for an individual permit application.
- b. Ute Mountain Ute Tribe
 1. No additional requirements

9.8.3 Indian Country within the State of Montana

- a. The Confederated Salish and Kootenai Tribes

1. The Tribes respectfully request a copy of each Notice of Intent for coverage under the General Pesticide Permit. The additional request for NOIs, the tribes would like them sent by mail to 301 main street, Polson, MT. 59860 or by email to evan.smith@cskt.org.
 - b. Assiniboine & Sioux Tribes of the Fort Peck Indian Reservation
 1. No additional requirements
 - c. Northern Cheyenne Tribe
 1. No additional requirements
 - d. Blackfeet Tribe
 1. No additional requirements
- 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. Navajo Nation
 1. Courtesy copies of Notice of Intents submitted to U.S. EPA shall be made available to Navajo EPA for applications occurring on Navajo lands.
 2. Applications occurring 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.
- 9.9.3 Indian Country within the State of California
- c. Hoopa Valley Tribe
 1. Applications of pesticides within the Hoopa Valley Tribe are not eligible for permit coverage under this permit. Contact EPA Region 9 office for an individual permit application.

- d. Twenty-Nine Palms Band of Mission Indians
 - 1. Tribal EPA must receive written notification of the intent to discharge, and must be afforded the opportunity to evaluate whether the specific pollutant discharge proposed will violate TWQS prior to EPA granting the permit. This requirement would satisfy Executive Order 13175 Consultation and Coordination with Indian Tribal Governments. Adherence to Tribal law by proactively notifying Tribal EPA of an applicant filing a Notice of Intent (NOI), as defined in the PGP, to discharge pesticides on the Twenty-Nine Palms Reservation is strongly encouraged.
 - 2. 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. Spills, leaks, or unpermitted discharges must be reported in writing to Tribal EPA within 24 hours of the incident.
- e. Kletsel Dehe Wintun Nation
 - 1. Applications of pesticides within the Kletsel Dehe Wintun Nation are not eligible for permit coverage under this permit. Contact EPA Region 9 office for an individual permit application.
- f. Morongo Band of Mission Indians
 - 1. Applications of pesticides within the Morongo Band of Mission Indians are not eligible for permit coverage under this permit. Contact EPA Region 9 office for an individual permit application.
- g. Big Pine Paiute Tribe of the Owens Valley
 - 1. Applications of pesticides within the Big Pine Paiute Tribe of the Owens Valley are not eligible for permit coverage under this permit. Contact EPA Region 9 office for an individual permit application.
- h. Table Mountain Rancheria of California
 - 1. No additional requirements.
- i. La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation
 - 1. No additional requirements.

9.9.4 The Island of Guam

- a. No additional requirements. See Part 1.5 and Part 9.0 above.

9.9.5 Commonwealth of the Northern Mariana Islands

- b. No additional requirements

9.9.6 Indian Country within the State of Nevada, including the Duck Valley reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Confederated Tribes of the Goshute Reservation in Utah

- a. No additional requirement

9.10 EPA Region 10

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

- a. No additional requirements.

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

- a. No additional requirements
- b. Coeur D'Alene Tribe
 1. No additional requirements
- c. Shoshone-Bannock Tribes
 1. No additional requirements

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

- a. Confederated Tribes of the Warm Springs Reservation
 1. No additional requirements
- b. Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians
 1. No additional requirements
- c. Confederated Tribes of the Umatilla
 1. No additional requirements

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

A. Definitions

1. For purposes of this Order, the term "Project Proponent" shall mean those that are seeking coverage under this general permit, and its agents, assignees and contractors.
2. The Federal Agency shall mean the US Environmental Protection Agency (EPA). The Federal Agency shall enforce the permit and ensure that the Project Proponent complies with the conditions of the permits at all times.

B. Water Quality

1. Failure of any person or entity to comply with this Certification may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Certification.

- Justification: Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses. Ecology has independent state authority to ensure protection of state water quality. Civil penalties and other enforcement actions are the primary means of securing compliance with water quality requirements.
- Citation: Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.037, RCW 90.48.080, RCW 90.48.120, RCW 90.48.140, RCW 90.48.142, RCW 90.48.144, and WAC 173-225-010.

2. Conditions for Pesticide Applicators

- a) Project proponents 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.
 - Justification: This is a requirement of the State in order to make sure that pesticides are applied legally and appropriately.
 - Citation: Chapter 16-228 WAC, Chapter 15.58 RCW, and Chapter 17.21 RCW.

3. Conditions 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.
 - Justification: Ecology must ensure that the application of pesticide products does not cause harm to aquatic life, habitats, or human health.
 - Citation: Chapter 173-201A WAC, Chapter 173-200 WAC, Chapter 173-204 WAC, and 40 CFR 131.36.

4. Conditions for Short Term Modification of Water Quality Standards

- a) 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 Project proponent has complied with WAC 173-201A-410. Compliance with the Pesticide General Permit satisfies this requirement.

- Justification: Ecology may allow short term exceedance of water quality standards in order to allow for pesticide and other chemical treatments to occur to protect beneficial uses of waterbodies and human and environmental health.
 - Citation: Chapter 173-201A WAC.
5. 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 the 2026 Pesticide General Permit.

The contents of this condition are required in order to comply with the State antidegradation policy (WAC 173-201A-300) and limit the discharge of polluting matter in water (RCW 90.48.080 and RCW 90.48.520).

- Justification: Ecology must track discharges of wastewater and pollutants to waters of the state as delegated authority for the Clean Water Act.
- Citation: WAC 173-201A-300, RCW 90.48.080, and RCW 90.48.520.

6. Conditions for Mosquito Control

- a) Refer to the Washington State Aquatic Mosquito Control General Permit and Fact Sheet for more information (<https://ecology.wa.gov/regulations-permits/permits-certifications/aquatic-pesticide-permits/aquatic-mosquito-control>). Below are the allowed active ingredients and conditions for use:

- 1) Approved active ingredients of 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. Etofenprox
 - ix. Naled
 - x. Natural Pyrethrins
 - xi. Permethrin
 - xii. Piperonyl Butoxide (PBO)
 - xiii. Prallethrin
 - xiv. Resmethrin

- xv. Sumithrin (d-phenothrin)
- xvi. Deltamethrin (adulticide)

- b) Conditions for use: Endangered, Threatened, Sensitive, or Candidate Species
 - 1) The Project proponent 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 WDFW map showing Areas of Restricted Pesticide (Larvicide and Adulticide) Use Due to Presence of Vulnerable Species (<https://wdfw.maps.arcgis.com/apps/MapSeries/index.html?appid=34533b2dd4f84932b5fd1a46e494bde6>).
 - 2) The Project proponent must consult the WDFW Areas of Restricted Larvicide and Adulticide Use Due to Presence of Vulnerable Species linked above prior to conducting any treatments. For those areas within the Project proponent's jurisdiction, they must comply with WDFW restrictions to protect sensitive, threatened, or endangered species, and priority habitats and species during mosquito control activities.
 - c) Conditions for Types of Mosquito Control
 - 1) Larvicides: The Project proponent is not authorized to apply 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 is only allowed in response to the development of pesticide resistance within a specific larval mosquito population and after consultation with WDFW. The use of methoprene briquette formulations in marine or estuarine treatment sites is prohibited.
 - d) Adulticides: The Project proponent 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. Contact the WDFW habitat biologist for your area for more information about adulticide application restrictions in your area (<https://wdfw.maps.arcgis.com/apps/MapSeries/index.html?appid=34533b2dd4f84932b5fd1a46e494bde6>). Project proponents can also contact the WDFW Habitat Program at habitatprogram@dfw.wa.gov or 360-902-2534.
- Justification: Restrictions on the active ingredients allowed, as well as when and how pesticide products may be applied 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 prevention, control and treatment (AKART) and water quality standards.

- Citation: Chapter 90.48 RCW, RCW 90.48.010, RCW 90.48.520, RCW 90.52.040, RCW 90.54.020, RCW 90.48.080, RCW 90.48.260, Chapter 173-201A WAC, WAC 173-201A-020, WAC 173-201A-300, WAC 173-201A-240, WAC 173-201A-410(4)(c)(i and ii), Chapter 173-226 WAC, WAC 173-226-070, WAC 173-201A-320, RCW 77.15.120 and 77.15.130.

7. Conditions for Aquatic Plant and Algae Management

- a) The following pesticides are approved for use in treatments of fresh water to manage aquatic noxious weeds, algae, and native nuisance plants.
 - i. 2,4-D, Amine Formulation
 - ii. 2,4-D, Ester Formulation
 - iii. Aminopyralid
 - iv. Bispyribac-sodium
 - v. Carfentrazone-ethyl
 - vi. Diquat Dibromide
 - vii. Endothall, Dipotassium salt (e.g., Aquathol)
 - viii. Endothall, Monopotassium salt (e.g., Hydrothol)
 - ix. Florpyrauxifen-benzyl
 - x. Flumioxazin
 - xi. Fluridone
 - xii. Glyphosate
 - xiii. Imazamox
 - xiv. Imazapyr
 - xv. Penoxsulam
 - xvi. Peroxyacetic/ Peracetic Acid plus Hydrogen Peroxide
 - xvii. Sodium carbonate peroxyhydrate
 - xviii. Topramezone
 - xix. Triclopyr TEA
 - xx. Adjuvants – Contact the Washington State Department of Agriculture (WSDA) Pesticide Registration program at pestreg@agr.wa.gov or (360) 902-2030 to determine which adjuvants are currently approved for aquatic use in Washington.

- xxi. Nutrient Inactivation Products – Aluminum sulfate, sodium aluminate, calcium hydroxide/oxide, and calcium carbonate, lanthanum-modified bentonite clay, and powdered or granulated iron.
- xxii. Marker dyes, tracer dyes, shading and water clarification products.
 - a. Water clarification products must only be used in waterbodies with no discharge to other surface waters of the State during and for two weeks after treatment.

b) Conditions for Littoral Zone Limitations for Native Nuisance Plants

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

c) Conditions for Shoreline and Emergent Native Nuisance Plants

1. The Project proponent is authorized to apply herbicides to 100 percent of the plants within the right-of-way and on levees and dikes.
2. The Project proponent 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 Project proponent 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.

d) Conditions for Algae Control

1. The Project proponent may intentionally apply algaecides to filamentous green algae provided the treated areas do not exceed the maximum amount of littoral zone allowed according to the waterbody's size.
2. The Project proponent may intentionally apply algaecides to the entire waterbody or sections of the waterbody, as needed, when cyanobacteria or other potentially toxic or environmentally harmful algae species are in the waterbody.
3. Restrictions for algaecide treatments are as follows:
4. If a Project proponent must conduct a full-waterbody pesticide (or algaecide) treatment for algae:
 - i. Project proponents must take at minimum one dissolved oxygen measurement approximately 24 hours prior to the planned algae treatment. Multiple dissolved oxygen measurements may be taken at the same time of day as the planned treatment to determine an average dissolved oxygen level for the waterbody.
 - ii. Project proponents must measure dissolved oxygen after the algaecide treatment is complete and the after effects of the treatment are occurring. The post-treatment dissolved oxygen level must not be lower than 0.2 mg/L below the mandatory single pre-treatment measurement or the average of multiple pre-treatment measurements.

- e) If water quality or algae conditions are such that a Project proponent believes a full-waterbody treatment may cause a lethal drop in dissolved oxygen, or the Project proponent is unable to conduct pre-treatment dissolved oxygen monitoring, the Project proponent may use the following alternative treatment methods:
1. The Project proponent may use only phosphorous sequestration products in the algae treatment.
 2. The Project proponent may treat up to one third of the lake each week with algaecide.
 - Justification: Restrictions on the active ingredients allowed, as well as when and how pesticide products may be applied 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 prevention, control and treatment (AKART) and water quality standards.
 - Citation: Chapter 90.48 RCW, RCW 90.48.010, RCW 90.48.520, RCW 90.52.040, RCW 90.54.020, RCW 90.48.080, RCW 90.48.260, RCW 77.04.012, RCW 77.04.020, RCW 77.12.047, Chapter 173-201A WAC, WAC 173-201A-020, WAC 173-201A-320, WAC 173-201A-240, WAC 173-201A-300, WAC 173-201A-410(4)(c)(i and ii), Chapter 173-226 WAC, and WAC 173-226-070.

8. Conditions for Aquatic Noxious Weed Control

- a) The following applies to control of shoreline and emergent noxious weeds in both freshwater and marine locations where pesticides are not directly discharged to water. Project proponents 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. Aminopyralid
 - ii. Bispyribac-sodium
 - iii. Carfentrazone-ethyl
 - iv. 2,4-D, Amine Formulation
 - v. Florpyrauxifen-benzyl
 - vi. Flumioxazin
 - vii. Glyphosate

- viii. Imazamox
- ix. Imazapyr
- x. Penoxsulam
- xi. Topramezone
- xii. Triclopyr TEA
- xiii. Adjuvants – Contact the Washington State Department of Agriculture (WSDA) Pesticide Registration program at pestreg@agr.wa.gov or (360) 902-2030 to determine which adjuvants are currently approved for aquatic use in Washington.
- xiv. Marker Dyes
 - Justification: Restrictions on the active ingredients allowed, as well as when and how pesticide products may be applied 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 prevention, control and treatment (AKART) and water quality standards.
 - Citation: Chapter 90.48 RCW, RCW 90.48.010, RCW 90.48.520, RCW 90.48.445, RCW 90.52.040, RCW 90.54.020, RCW 90.48.080, RCW 90.48.260, Chapter 173-201A WAC, WAC 173-201A-020, WAC 173-201A-300, WAC 173-201A-240, WAC 173-201A-410(4)(i and ii), Chapter 173-226 WAC, WAC 173-226-070, and WAC 173-201A-320.

9. Conditions for Zostera Japonica Management

- a) 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 Project proponent must maintain a 10-meter buffer inside the parcel boundary where imazamox will not be applied, unless owners of adjacent commercial shellfish beds where treatment is conducted agree that a buffer is not required on the connecting parcel boundary. Project proponents must not apply treatments on geoduck clam beds, or directly apply imazamox into any drainage that contains *Z. marina* and is moving water off the treatment site. The Project proponent must not use adjuvants for *Zostera japonica* treatments.
 - Justification: Restrictions on the active ingredients allowed, as well as when and how pesticide products may be applied 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 prevention, control and treatment (AKART) and water quality standards.

- Citation: Chapter 90.48 RCW, RCW 90.48.010, RCW 90.48.520, RCW 90.52.040, RCW 90.54.020, RCW 90.48.080, RCW 90.48.260, Chapter 173-201A WAC, WAC 173-201A-020, WAC 173-201A-300, WAC 173-201A-240, WAC 173-201A-410(4)(c)(i and ii), Chapter 173-226 WAC, WAC 173-226-070, and WAC 173-201A-320.

10. Conditions for Irrigation System Aquatic Weed Control

- a) The following conditions on irrigation system aquatic weed control treatments are in place to protect aquatic life, sensitive or threatened species, and water quality standards in Washington State. Please refer to the Washington State Irrigation System Aquatic Weed Control General Permit and Fact Sheet for more information (<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Aquatic-pesticide-permits/Irrigation-system-aquatic-weed-control>).
The following pesticides are approved for use:
 - 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
 - ix. Adjuvants – Contact the WSDA Pesticide Registration program at pestreg@agr.wa.gov or (360) 902-2030 to determine which adjuvants are currently approved for aquatic use in Washington.
- b) Wherever treated water from a pesticide application eventually flows to a point of compliance, the Project proponent must ensure that the pesticide concentrations do not exceed the following limits at the point of compliance:

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

- Justification: Restrictions on the active ingredients allowed, as well as when and how pesticide products may be applied 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 prevention, control and treatment (AKART) and water quality standards.
- Citation: Chapter 90.48 RCW, RCW 90.48.010, RCW 90.48.520, RCW 90.52.040, RCW 90.54.020, RCW 90.48.080, RCW 90.48.260, RCW 77.04.012, RCW 77.04.020, RCW 77.12.047, Chapter 173-201A WAC, WAC 173-201A-020, WAC 173-201A-320, WAC 173-201A-240, WAC 173-201A-300, WAC 173-201A-410(4)(c)(i and ii), Chapter 173-226 WAC, and WAC 173-226-070.

11. Conditions for Aquatic Invasive Species

- a) The following conditions apply to control of Aquatic Invasive Species as defined in the references below.
- b) Marine projects may occur in marine or estuarine waters and target non-native invasive animals and non-native invasive algal species. This permit only authorizes marine projects for:
 - 1) Prohibited or unlisted animals as identified in the Washington Administrative Code, WAC 220-640-030, 220-640-040, and 220-640-050.
 - 2) Animals or marine algae listed on the Washington Invasive Species Council (WISC) management priority list.
 - 3) Animals listed by the United States Fish and Wildlife Service (USFWS) as injurious wildlife under the Lacey Act (18 U.S.C. 42; 50 CFR 16).
 - 4) Insects identified in Chapter 16-470 WAC: Quarantine-Agricultural Pests.
 - 5) Non-native potentially invasive marine animals and algae not listed on the above lists, as determined in consultation with the WDFW, the Washington Department of Natural Resources (WDNR), the WSDA, the WISC, or applicable federal agencies such as the USFWS.

The following are approved for use in Aquatic Invasive Species Control.

Marine or freshwater applications:

- i. Sodium chloride
- ii. Potassium chloride
- iii. Chlorine compounds including chlorine dioxide, sodium chlorite, sodium hypochlorite, and calcium hypochlorite

iv. Acetic acid

v. Calcium hydroxide/oxide (lime) and carbon dioxide

Freshwater applications only:

- i. Endothall (e.g., Hydrothol 191TM): mono(N,N-dimethylalkylamine) salt of 7-oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
- ii. Sodium carbonate peroxyhydrate
- iii. Methoprene
- iv. Chelated copper compounds
- v. Pseudomonas fluorescens strain CL 145A

Project proponents must consult with WDFW Aquatic Invasive Species Program staff prior to conducting treatments, at ais@dfw.wa.gov, 1-888-WDFW-AIS or their website <https://wdfw.wa.gov/species-habitats/invasive>.

12. Conditions for Fish management

- a) The following conditions on fish management treatments using rotenone are in place to protect aquatic life, sensitive or threatened species, and water quality standards in Washington State. Please refer to the Washington State Aquatic and Invasive Species Control General Permit and Fact Sheet for more information.

<https://ecology.wa.gov/regulations-permits/permits-certifications/aquatic-pesticide-permits/aquatic-invasive-species-control-general-permit>

The following are approved for use in fish management treatments:

- 1) Rotenone products registered in Washington State.
- 2) Potassium Permanganate (KMnO₄) is the only chemical authorized to deactivate 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 conditions

- b) Project proponents must consult with WDFW Fish Program staff prior to conducting rotenone treatments, via email at FISHPGM@dfw.wa.gov.

All treatments conducted for fish management must follow the most recent version of: Planning and Standard Operating Procedures for Use of Rotenone in Fish Management – Rotenone SOP Manual; Finlayson, B., D. Skaar, J. Anderson, J. Carter, D. Duffield, M. Flammang, C. Jackson, J. Overlock, J. Steinkjer, and R. Wilson. American Fisheries Society, Bethesda, MD.

See section 8 below for information about determining water rights and requirements to provide replacement water.

- Justification: Restrictions on the active ingredients allowed, as well as when and how pesticide products may be applied 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 prevention, control and treatment (AKART) and water quality standards.
- Citation: Chapter 90.48 RCW, RCW 90.48.010, RCW 90.48.520, RCW 90.52.040, RCW 90.54.020, RCW 90.48.080, RCW 90.48.260, Chapter 173-201A WAC, WAC 173-201A-020, WAC 173-201A-300, WAC 173-201A-240, WAC 173-201A-410(4)(c)(i and ii), Chapter 173-226 WAC, WAC 173-226-070, and WAC 173-201A-320.

13. Conditions for Invasive Insect Control

- a) The following conditions on invasive insect control treatments are in place to protect aquatic life, sensitive or threatened species, and water quality standards in Washington State. Please refer to the Invasive Moth Control Permit and Fact Sheet for more information (<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Aquatic-pesticide-permits/Invasive-moth-control>).

The following pesticides are approved for use:

- i. Bacillus thuringiensis var. kurstaki based pesticides
- ii. Pheromone based pesticides (e.g., disparlure)
- iii. Chlorantraniliprole: 3-Bromo-N-[4-chloro-2-methyl-6-[(methylamino)carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)-1H-pyrazole-5-carboxamide
- iv. Cyfluthrin: cyano(4-fluoro-3-phenoxyphenyl)methyl 3(2,2-dichloroethenyl)-2, 2-dimethylcyclopropane-carboxylate
- v. Imidacloprid: 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine
- vi. Japanese beetle nematode
- vii. Adjuvants: Contact WSDA Registration Services at pestreg@agr.wa.gov or (360) 902-2030 to ensure any adjuvants intended for use are registered in Washington and approved for aquatic sites.

Additional restrictions

- b) A period of three days between treatments is required prior to re-treating the previously treated area. The Project proponent must notify 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:
- <https://wdfw.maps.arcgis.com/apps/MapJournal/index.html?appid=48699252565749d1b7e16b3e34422271>.

- Justification: Restrictions on the active ingredients allowed, as well as when and how pesticide products may be applied 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 prevention, control and treatment (AKART) and water quality standards.
- Citation: Chapter 90.48 RCW, RCW 90.48.010, RCW 90.48.520, RCW 90.52.040, RCW 90.54.020, RCW 90.48.080, RCW 90.48.260, Chapter 173-201A WAC, WAC 173-201A-020, WAC 173-201A-300, WAC 173-201A-410(4)(c)(i and ii), WAC 173-201A-240, Chapter 173-226 WAC, WAC 173-226-070, and WAC 173-201A-320.

14. Conditions for Forest Canopy Pest Control

- a) The following conditions on forest canopy pest control treatments are in place to protect aquatic life, sensitive or threatened species, and water quality standards in Washington State.

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

- Justification: Restrictions on the active ingredients allowed, as well as when and how pesticide products may be applied 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 prevention, control and treatment (AKART) and water quality standards.
- Citation: Title 76 RCW.

15. Conditions for Public Notice

- a) 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 Project proponent 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:

- 1) Proposed schedule of treatments for the season.
- 2) Common name of the water body to be treated.
- 3) Pesticides and other chemicals to be used.
- 4) Any water use restrictions or precautions
- 5) Contact information of the Project proponent and any agency staff involved.
- 6) Ecology's regional twenty-four (24) hour Emergency number.
- 7) Notification shall explain the project and explain that any treated areas will be posted no more than 48 hours before treatment begins.

16. Conditions for Shoreline Signs

- a) The Project proponent 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 languages of the area where treatment is occurring. Remove all old signs at the end of the water use restriction.

Shoreline posting templates can be found on these permit websites:

Aquatic Invasive Species Control:

<https://ecology.wa.gov/regulations-permits/permits-certifications/aquatic-pesticide-permits/aquatic-invasive-species-control-general-permit>

Aquatic Mosquito Control:

<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Aquatic-pesticide-permits/Aquatic-mosquito-control>

Aquatic Noxious Weed Control:

<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Aquatic-pesticide-permits/Aquatic-noxious-weed-control>

Aquatic Plant and Algae Management:

<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Aquatic-pesticide-permits/Aquatic-plant-algae-management>

- Justification: The public must be notified of chemical treatments in order to be aware of possible dangers of exposure. The public must be given the opportunity to comment on proposed projects or permits which may impact the beneficial uses of waterbodies, the environment, and aquatic life.
- Citation: RCW 90.48.010, and WAC 173-226-130.

17. Conditions for Water Rights and Providing Replacement Water

- a) Ecology includes notification of treatments and requirements for replacement water for individuals who withdraw potable water or that have a valid water right or claim for irrigation water or livestock in the pesticide permits it issues.

Project proponents are required to provide, as detailed below, an alternative or replacement water source when treatment will affect potable water, irrigation water, or livestock watering, uses in order to comply with water rights laws and regulations.

- 1) Information about existing water rights is available using the database linked on the following webpage. Project proponents may also contact Ecology regional staff listed on the webpage for assistance
<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-rights-search>.
 - 2) The Project proponents must notify individuals who withdraw potable water, or that have a valid water right or claim for irrigation water or livestock watering prior to treatment with any chemical that restricts the use of the water for these purposes.
 - 3) Notification must be made to all those with a valid water claim or right in the treatment area, as well as in any applicable setback distances on the product label from the edge of the treatment area whose water use may be affected by the pending treatment.
 - i. Initial notification must occur prior any chemical treatment occurring during the year, and must occur each year treatment takes place.
- b) If requested by an affected water user, the Project proponents must provide at least two weeks advance notice of pending treatments with potable water, irrigation water, or livestock watering, restrictions. If requested by an affected water user(s), the Project proponents, at their own expense, must provide a replacement/alternative water supply until the water at the point of withdrawal tests at or below the concentration specified for the active ingredient(s) on the product label for the restricted water use. The replacement/alternative water supply must allow the requestor to use water as they are accustomed to (e.g. be able to run their kitchen faucet and obtain potable water), however the requestor may agree to lesser water provision (e.g. bottled water for a vacation house) if they choose.
 - 1) Project proponents are responsible for reaching an agreement with the requestor (affected water user) to determine how the replacement/alternative water supply will be provided.
 - Justification: 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 and preventing the improper discharge of pesticides.

- Citations: RCW 90.48.010, and WAC 173-201A-200(3).

18. Conditions for Treatment Timing Windows

- a) Project proponents must consult the WDFW timing windows prior to conducting any aquatic treatments under this permit. The Project proponents must comply with WDFW timing windows to protect sensitive, threatened, or endangered species, and priority habitats and species such as salmon, steelhead, and bulltrout.

Timing windows may apply to fish or non-fish species. Information about waterbody-specific treatment timing windows is provided by WDFW on the map linked below:

<https://wdfw.maps.arcgis.com/apps/MapSeries/index.html?appid=34533b2dd4f84932b5fd1a46e494bde6>.

Project proponents can also contact the WDFW Habitat Program at habitatprogram@dfw.wa.gov or (360) 902-2534.

Some treatment timing windows require consultation with WDFW prior to beginning any treatment. Project proponents must follow WDFW guidance and treatment limits on waterbodies where the treatment timing window requires consultation.

Timing windows do not apply to:

- 1) Treatments conducted for emergent and shoreline plants.
- 2) Treatments conducted for roadside, ditch bank and flood control structure plant control.
- 3) Nonnative fish such as bass, walleye, sunfish, perch, carp, or catfish. At their discretion, Project proponents may choose to comply with the nonnative fish timing windows noted in the WDFW timing table.

Modified Timing Window Requests

Contact the regional WDFW biologist to develop a new timing window if the default window will not provide for adequate treatment. WDFW biologist contact information may be found through the Areas of Responsibilities Map Tool: <https://www.arcgis.com/apps/MapJournal/index.html?appid=48699252565749d1b7e16b3e34422271>.

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

- i. 2,4-D Amine
- ii. 2,4-D Ester
- iii. Carfentrazone-ethyl
- iv. Approved chelated copper compounds
- v. Chlorine
- vi. Diquat
- vii. Endothall Dipotassium Salt
- viii. Endothall Mono Salt
- ix. Flumioxazin
- x. Potassium Permanganate
- xi. Rotenone

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

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

- Justification: Ecology must condition its permits to follow WDFW mandates to protect sensitive species and habitats.
- Citations: RCW 77.15.120, RCW 77.15.130(1), RCW 77.04.012, WDFW's Priority Habitat and Species Program is a science-based agency initiative used as part of AKART (WAC 173-201A-020).

19. Conditions for Rare Plants

- a) For treatments using herbicides or algaecides the Project proponent must consult with the WDNR Natural Heritage Program to determine if sensitive, threatened, or endangered (rare) plants are present in the proposed treatment area in order to protect rare plants. A map of known rare plants is available here:
https://experience.arcgis.com/experience/174566100f2a47bebe56db3f0f78b5d9/page/Rare-Plant-and-Ecosystem-Locations/?data_id=dataSource_1-1860f1593ba-layer-47%3A2497&views=P%26E-View---Legend.

If a rare plant is reported in or around the waterbody, the Project proponent must survey for the rare plant and mitigate for impacts. If a rare plant is found in the treatment area the Project proponent must consult with WDNR Natural Heritage Program staff, and implement appropriate mitigations prior to beginning application of pesticides. Contact them at (360) 902-1667, natural_heritage_program@dnr.wa.gov, or via their website <https://www.dnr.wa.gov/natural-heritage-program>.

- Justification: Ecology must condition its permits to follow WDFW mandates to protect sensitive species and habitats.

- Citations: Chapter 79.70 RCW, RCW 79.70.010, RCW 79.70.020, and RCW 79.70.030.

C. Timing Requirements

1. This Certification is valid until the expiration date including any administrative extension or termination date of the Pesticide General NPDES Permit.

D. Notification Requirements

1. The Federal Agency shall enforce and the Project Proponent must comply with all the reporting and notification conditions of the Pesticide General NPDES permit, including conditions of the permit requiring the Project Proponent to report to Ecology.

Your right to appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. 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 Order:

- File your notice of appeal and a copy of this Order with the PCHB (see filing information below). “Filing” means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. “Notice of appeal” is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of Ecology mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit:
<https://eluho.wa.gov/> or call: (360) 664-9160.

Service on Ecology

Street Addresses:

Department of Ecology

Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Addresses:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608
E-Mail Address: ecologyappeals@ecy.wa.gov

Contact Information

Please direct all questions about this Order to:

Danielle Edelman
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600
(360) 407-7118
danielle.edelman@ecy.wa.gov

More Information

- Pollution Control Hearings Board Website
<https://eluho.wa.gov>
- Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- Chapter 371-08 WAC – Practice And Procedure
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- Chapter 34.05 RCW – Administrative Procedure Act
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- Chapter 90.48 RCW – Water Pollution Control
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>
- Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards
<https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington
<https://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington
<https://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

9.10.5 Indian Country within the State of Washington

- a. Confederated Tribes of the Chehalis
 1. No additional requirements
- b. Confederated Tribes of the Colville
 1. No additional requirements
- c. Kalispel Indian Community
 1. No additional requirements
- d. Lummi
 1. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Lummi Tribal Agencies. Pursuant to Lummi Code of Laws (LCL) Title 17 -Water Resources Protection Code Section 17.06.020(a) and 17.06.030, the operator must also obtain a land use permit from the Lummi Planning Department as provided in LCL Title 15 - Land Use, Zoning, and Development Code and regulations adopted thereunder before undertaking any regulated activity in a stream, stream bank, or wetland.
 - A. Cumulative impacts are reviewed, resulting from individually minor but collectively significant actions taking place over a period of time, as defined in LCL 17.09.010.
 2. Each operator shall be responsible for achieving compliance with Lummi Nation Water Quality Standards found in Lummi Administrative Regulation (LAR) 17 LAR 07 - Water Quality Standards For Surface Waters of the Lummi Indian Reservation or the EPA National Recommended Water Criteria for Aquatic Life (for pesticides currently not identified Lummi Nation Water Quality Standards).
 - A. If there an unauthorized release of pesticides to Tribal lands or waters the Lummi Natural Resources Department Water Resources Manager shall be notified immediately at (360-312-2128).
 3. Pursuant to LCL Title 15 - Land Use, Zoning, and Development Code the Planning Department Director may issue a Cease and Desist Order to any operator the Planning Department Director or the Planning Commission has denied, revoked, or suspended a permit under this Title.
 4. Pursuant to LCL Title 13 - Tidelands Code the Lummi Tidelands are reserved for the exclusive use of the Lummi Nation by the Treaty of 1855. The Lummi Tidelands are closed to persons who are not members of the Lummi Nation, in the absence of a lease permitting non-member use of the tidelands, or use permits issued pursuant to this Title.
 5. Each operator shall submit a signed copy of the Notice of Intent (NOi) to the Lummi Water Resources Division at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Lummi Water Resources Division the acknowledgement of receipt of the NOi from the EPA and the associated NPDES tracking number

provided by the EPA within 7 calendar days of receipt from the EPA at (KristinL@lummi-nsn.gov).

6. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the Lummi Water Resources Division at the same time it is submitted electronically to the EPA and shall provide the Lummi Water Resources Division the EPA acknowledgement of receipt of the NOT at (KristinL@lummi-nsn.gov).
7. Unpermitted spills of materials such as pesticides, oil, or other hazardous materials into Tribal Waters shall be reported immediately to the Lummi Nation Spill Response Coordinator at (360- 201-7567).
 - e. Port Gamble S'Klallam Tribe
 1. No additional requirements
 - f. Puyallup Tribe
 1. No additional requirements
 - g. Quinault Indian Nation
 1. No additional requirements
 - h. Spokane Tribe
 1. No additional requirements
 - i. Squaxin Island Tribe
 1. No additional requirements
 - j. Swinomish Indian Tribal Community
 1. No additional requirements
 - k. Tulalip Tribes
 1. No additional requirements
 - l. Makah Tribe
 1. Any activity covered under this permit that may result in a discharge to waters under the authority of the Makah Tribe be reported to the Tribe at least 7 business days ahead of the activity taking place, preferably 30 business days.
 - m. Jamestown S'Klallam Tribe
 1. If application of a covered pesticide on tribal trust and reservation lands results in impacts to the above resources, the permittee will cease operations immediately, notify the Tribe, and work with Jamestown S'Klallam staff to develop an adaptive plan that avoids, minimizes or mitigates these impacts.

Appendix A Definitions, Abbreviations, and Acronyms

A.1. Definitions

Action Area – all areas to be affected directly or indirectly by the Federal action (i.e., the PGP) and not merely the immediate area involved in the action. (See 50 CFR 402.02).

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 as a result of a discharge to 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 exposed to

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: FWS IPM Guidance, 2004]

Biological Pesticides (also called biopesticides) – include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide is a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, that (1) is a eukaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (2) is a prokaryotic microorganism, including, but not limited to, Eubacteria and Archaebacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses. [40 CFR 158.2100(b)] Biochemical pesticide mean a pesticide that (1) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history;

and (3) Has a non-toxic mode of action to the target pest(s). [40 CFR 158.2000(a)(1)] Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant or produce thereof. [40 CFR 174.3]

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

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

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

Decision-maker Who is or Will be Required to Submit an NOI – any Decision-maker covered under the PGP who knows or should have known that an NOI will be required for those discharges beginning on the effective date of the permit. 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 waters 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 definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by human; discharges through pipes, sewers, or other conveyances leading into privately owned treatment works. [Excerpted from 40 CFR 122.2]

Facility or Activity – any NPDES “point source” or any other facility or activity (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).

FWS Listed Resources of Concern – Federally-listed threatened and endangered species and designated critical habitat listed under the jurisdiction of the U.S. Fish and Wildlife Service (FWS) that are included in the FWS biological opinion for EPA’s Pesticide General Permit.

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, which 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]

Lands of Exclusive Federal Jurisdiction – all land where the Federal government has exclusive jurisdiction in relative respects.

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 – ESA-listed species and designated critical habitat under the jurisdiction of National Marine Fisheries Service (NMFS) that are within, or adjacent to, and/or affected by discharges within, areas where EPA is the permitting authority as described in Appendix C of this permit.

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 and invertebrates, living in or near the community that are not the target of the pesticide.

Operator – for the purpose of this permit, 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, prion 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 complies 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 Discharges To Waters of the United States from Pesticide Application - means the discharges that result from the application of biological pesticides, and the application of chemical pesticides that leave a residue, from point sources to waters of the United States. In the context of this definition of pesticide discharges to waters of the United States from pesticide application, this does not include agricultural storm water discharges and return flows from irrigated agriculture, which are excluded by law (33 U.S.C. 1342(l); 33 U.S.C. 1362(14)). [40 CFR 122.2]

This permit uses the term “pesticide discharges” when referring to “pesticide discharges to waters of the United States from pesticide application.”

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 – for the purpose of determining whether an NPDES permit is needed for discharges to waters of the United States from pesticide application, means 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. [40 CFR 122.2]

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]

Project Action Area – all areas to be affected directly or indirectly by the Operator’s discharge(s) to waters of the U.S. covered by the PGP and discharge-related activities in the Operator’s pest management area(s).

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.

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).

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 it 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

CBI	Confidential Business Information
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulation
CWA	Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 <i>et seq.</i>)
CZMA	Coastal Zone Management Act
EPA	U. S. Environmental Protection Agency
ESA	Endangered Species Act
FFDCA	Federal Food Drug and Cosmetic Act
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136 <i>et seq.</i>
FWS	U. S. Fish and Wildlife Service
IPM	Integrated Pest Management
LA	Load Allocation
MOS	Margin of Safety
NEPA	National Environmental Policy Act
NeT	NPDES eReporting Tool
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
PIP	Plant-incorporated Protectants
PDMP	Pesticide Discharge Management Plan
SARA	Superfund Amendments and Reauthorization Act
TMDL	Total Maximum Daily Load
U.S.C.	United States Code
WLA	Wasteload Allocation
WQS	Water Quality Standard

Appendix B. Standard Permit Conditions

As provided by the introductory text of 40 CFR §122.41 and the regulation at 40 CFR §122.43(c), all of the standard permit conditions published in federal regulations at 40 CFR §122.41 are included below. [Note: Penalties for Violations of Permit Conditions: EPA and other federal agencies are required to adjust their maximum and minimum statutory civil penalty amounts through rulemaking by January 15 each year to account for inflation. EPA's annual rulemaking adjustments, codified in 40 C.F.R. § 19.4, are mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015 (28 U.S.C. § 2461 note). As such, the civil penalty amounts below have changed and will likely change in the future due to inflation. See 40 C.F.R. § 19.4 for the most up-to-date civil penalty amounts.]

40 CFR § 122.41 - Conditions applicable to all permits.

The following conditions apply to all NPDES permits. Additional conditions applicable to NPDES permits are in §122.42. All conditions applicable to NPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved State regulations) must be given in the permit.

(a) *Duty to comply.* The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(1) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

(2) The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. [See 40 CFR 19.4 for the most up-to date civil penalty amounts.]

The Clean Water Act provides that any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by

imprisonment of not more than 2 years, or both. Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall 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. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or 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 shall 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 CWA shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions. [See 40 CFR 19.4 for the most up-to date civil penalty amounts.]

(3) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000. [See 40 CFR 19.4 for the most up-to-date civil penalty amounts]

(b) *Duty to reapply.* If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

(c) *Need to halt or reduce activity not a defense.* It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) *Duty to mitigate.* The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(e) *Proper operation and maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee 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 back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

(f) *Permit actions.* This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(g) *Property rights.* This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) *Duty to provide information.* The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

(i) *Inspection and entry.* The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

(j) *Monitoring and records.* (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

(3) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

- (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless another method is required under 40 CFR subchapters N or O.
- (5) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, 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. [See 40 CFR 19.4 for the most up-to date civil penalty amounts.]

(k) *Signatory requirement.* (1) All applications, reports, or information submitted to the Director shall be signed and certified. (See §122.22)

(2) 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 non-compliance shall, 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. [See 40 CFR 19.4 for the most up-to date civil penalty amounts.]

(l) *Reporting requirements*—(1) *Planned changes.* The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in §122.29(b); or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under §122.42(a)(1).
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of

additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(2) *Anticipated noncompliance.* The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) *Transfers.* This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See §122.61; in some cases, modification or revocation and reissuance is mandatory.)

(4) *Monitoring reports.* Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices. As of December 21, 2016, all reports and forms submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient as defined in 40 CFR 127.2(b) in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), §122.22, and 40 CFR Part 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

(5) *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 shall be submitted no later than 14 days following each schedule date.

(6) *Twenty-four hour reporting.*

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A report shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall 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. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (*e.g.*, manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. As of December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient as defined in 40 CFR 127.2(b) in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), §122.22, and 40 CFR Part 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part 127, permittees may be required to electronically submit reports related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section by a particular permit or if required to do so by state law. The Director may also require permittees to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g).)

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See §122.44(g).)

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (l)(6)(ii) of this section if the oral report has been received within 24 hours.

(7) *Other noncompliance.* The permittee shall report all instances of noncompliance not reported under paragraphs (l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6). For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall contain the information described in paragraph (l)(6) and the applicable required data in appendix A to 40 CFR Part 127. As of December 21, 2020 all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient as defined in 40 CFR 127.2(b) in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), §122.22, and 40 CFR Part 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part 127, permittees may be required to electronically submit reports related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section by a

particular permit or if required to do so by state law. The Director may also require permittees to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section.

(8) *Other information.* Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

(9) *Identification of the initial recipient for NPDES electronic reporting data.* The owner, operator, or the duly authorized representative of an NPDES-regulated entity is required to electronically submit the required NPDES information (as specified in appendix A to 40 CFR Part 127) to the appropriate initial recipient, as determined by EPA, and as defined in §127.2(b) of this chapter. EPA will identify and publish the list of initial recipients on its Web site and in the FEDERAL REGISTER, by state and by NPDES data group [see §127.2(c) of this chapter]. EPA will update and maintain this listing.

(m) *Bypass*—(1) *Definitions.* (i) *Bypass* means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) *Bypass not exceeding limitations.* The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (m)(3) and (m)(4) of this section.

(3) *Notice*—(i) *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass. As of December 21, 2020 all notices submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient as defined in 40 CFR 127.2(b) in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), §122.22, and 40 CFR Part 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.

(ii) *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice). As of December 21, 2020 all notices submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient as defined in 40 CFR 127.2(b) in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), §122.22, and 40 CFR Part 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.

(4) *Prohibition of bypass.* (i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (m)(3) of this section.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

(n) *Upset—(1) 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 reasonable control of the permittee. 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.

(2) *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 paragraph (n)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(3) *Conditions necessary for a demonstration of upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the permittee can identify the cause(s) of the upset;

(ii) The permitted facility was at the time being properly operated; and

(iii) The permittee submitted notice of the upset as required in paragraph (l)(6)(ii)(B) of this section (24 hour notice).

(iv) The permittee complied with any remedial measures required under paragraph (d) of this section.

(4) *Burden of proof.* In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

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 2026 PGP is listed below. This permit applies in all areas of Indian Country that are not covered by an EPA-approved permitting program and all Lands of Exclusive Federal Jurisdiction.

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
01G87###E All areas of Indian Country not identified above that are not covered by an EPA-approved permitting program
01G87#### All Lands of Exclusive Federal Jurisdiction
-

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
02G87###E All areas of Indian Country not identified above that are not covered by an EPA-approved permitting program
02G87#### All Lands of Exclusive Federal Jurisdiction
-

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
VAG87###E Indian Country within Virginia
03G87###E All areas of Indian Country not identified above that are not covered by an EPA-approved permitting program
03G87#### All Lands of Exclusive Federal Jurisdiction
-

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
-

- 04G87####E All areas of Indian Country not identified above that are not covered by an EPA-approved permitting program
04G87#### All Lands of Exclusive Federal Jurisdiction
-

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

Where EPA is Permitting Authority

- ILG87####E Indian Country within Illinois
ING87####E Indian Country within Indiana
MIG87####E Indian Country within Michigan
MNG87####E Indian Country within Minnesota, excluding Fond du Lac Reservation and Leech Lake Band of Ojibwe
WIG87####E Indian Country within Wisconsin, excluding Lac du Flambeau Band of Lake Superior Chippewa Indians, Bad River Band of Lake Superior Tribe of Chippewa Indians, and Sokaogon Chippewa Community
05G87####E All areas of Indian Country not identified above that are not covered by an EPA-approved permitting program
05G87#### All Lands of Exclusive Federal Jurisdiction
-

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 Indian Country within Texas
06G87####E All areas of Indian Country not identified above that are not covered by an EPA-approved permitting program
06G87#### All Lands of Exclusive Federal Jurisdiction
-

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)
07G87####E All areas of Indian Country not identified above that are not covered by an EPA-approved permitting program
07G87#### All Lands of Exclusive Federal Jurisdiction
-

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 within New Mexico, excluding Southern Ute Indian Tribe
- 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
- 08G87####E All areas of Indian Country not identified above that are not covered by an EPA-approved permitting program
- 08G87#### All Lands of Exclusive Federal Jurisdiction

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

Where EPA is Permitting Authority

- ASG87#### The Island of American Samoa
- AZG87###E Indian Country within Arizona, as well as Navajo Reservation within New Mexico (see Region 6) and Utah (See Region 8)
- CAG87###E Indian Country within California, excluding Hoopa Valley Tribe, Kletsel Dehe Wintun Nation, Morongo Band of Mission Indians, and Big Pine Paiute Tribe of the Owens Valley
- GUG87#### The Island of Guam
- JAG87#### Johnston Atoll
- MWG87#### Midway Island, Wake Island, and other unincorporated U.S. possessions
- MPG87#### 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)
- 09G87####E All areas of Indian Country not identified above that are not covered by an EPA-approved permitting program
- 09G87#### All Lands of Exclusive Federal Jurisdiction

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 within Alaska
- IDG87###E 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 within Washington and Indian Country within Washington where there is no EPA-approved permitting program (e.g., the Puyallup Tribal trust lands within the 1873 survey area of the Puyallup Reservation)
- 10G87####E All areas of Indian Country not identified above that are not covered by an EPA-approved permitting program
- 10G87#### All Lands of Exclusive Federal Jurisdiction

Appendix D. Notice of Intent Form

Part 7.8 requires you to use the NPDES eNOI Tool (NeT) 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.
2040-0004

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:

Date approval obtained: / /

***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 EPA's NPDES eReporting Tool (NeT) 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 2026 PGP, or if this is a change of information for a discharge already covered under the 2026 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:

(NPDES Permit Tracking Number)

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

B. Operator Information

1. Operator Name:

2. Operator Type (check one) and NAICS Code:

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:

NAICS Code (if available):

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:

5. Mailing Address:

a. Street:

b. City:

c. State:

d. ZIP Code: -

e. Telephone: - - Ext

f. Fax: - -

g. Contact Name:

h. E-mail:

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

Pest Management Area #____ of ##____

1. Pest Management Area Name: _____

Provide a map with geospatial data of the location of the pest management area, including latitudes and longitudes, using the tools available on the pesticide permitting website at <https://www.epa.gov/npdes/pesticide-permitting-esas-procedures>.

2. Are any of your activities (in this pest management area) 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

a. If you are on federal land, are you on a Land of Exclusive Federal Jurisdiction? Yes No I don't know or Other
b. If you selected "I don't know or Other", describe the pest management area and attach the information to this NOI form.

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 2, Tier 2.5 or Tier 3 water (Outstanding National Resource Water) of the United States? (check one)
 Tier 2 Tier 2.5 Tier 3

If the discharge is to Tier 3 water of the United States, 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. Attach rationale to this NOI form.

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. Is coverage requested for discharge to impaired waters? Check one:

- a. Waters are impaired for pesticides generally or a group of pesticides (e.g., herbicides, insecticides).
b. Waters are impaired for an active ingredient of a pesticide or a degradate of such an active ingredient, however, 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.
c. 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 requested. 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). A step-by-step guide for determining eligibility is provided in Appendix I of the PGP. Decision-makers are encouraged to use the Endangered Species Act (ESA) eligibility worksheet in Appendix I to help organize the information for preparing this NOI. To be eligible, Decision-makers must meet one of the six eligibility criteria (A-G) for the entire term of coverage under the permit and are required to provide the supporting documentation with the NOI. All criteria require submission with the NOI of a map with geospatial data using the EPA's geospatial mapping tool at <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures> that includes the Project Action Area showing any overlap with FWS Listed Resources of Concern and NMFS Listed Resources of Concern and generated within 90 days of NOI submittal. Check one:

- a. Criterion A - Pesticide application activities will not result in a point source discharge to one or more waters of the United States or involve discharge-related activities that may expose Fish and Wildlife Service (FWS) Listed Resources of Concern and National Marine Fisheries Service (NMFS) Listed Resources of Concern to pollutants. If this pesticide application is in response to a Declared Pest Emergency Situation, see Criterion G.

You are required to provide a map with geospatial data of the Project Action Area, including the pest management area, and a list of FWS Listed Resources of Concern and NMFS Listed Resources of Concern generated within 90 days of NOI submittal that show there are no FWS Listed Resources of Concern and NMFS Listed Resources of Concern in the Project Action Area using the EPA geospatial mapping tool at <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>.

- b. Criterion B - This Criterion intentionally left blank.

- c. Criterion C - Pesticide application activities for which permit coverage is being requested will discharge to one or more waters of the United States and/or involve discharge-related activities that may expose FWS Listed Resources and/or NMFS Listed Resources of Concern to pollutants, but all "take" of these resources associated with such pesticide application activities has been authorized through FWS' and/or NMFS' issuance of a permit under Section 10 of the ESA, and such authorization addresses the effects of the pesticide discharges to waters of the United States and discharge-related activities on federally-listed species and federally-designated critical habitat based on a list of FWS Listed Resources of Concern and NMFS Listed Resources of Concern generated within 90 days of NOI submittal. (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).)

You are required to provide any tracking numbers of identifiers associated with the section 10 permit, the date the Section 10 permit was granted, whether the permit was granted by FWS and/or NMFS, the field office/regional office(s) granting the permit, the period of coverage provided by the permit, and a statement verifying that the Section 10 permit fully covers the proposed pesticide application activities in the Project Action Area. Attach additional pages as necessary. See Appendix I of the PGP for the worksheet to help organize the supporting documentation needed for Criterion C.

- d. Criterion D - Pesticide application activities for which permit coverage is being requested will discharge to one or more receiving waters of the United States and/or involve discharge-related activities that may expose FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants, but consultation with FWS and/or NMFS under Section 7 of the 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 to waters of the United States covered by the PGP and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat based on the list of FWS Listed Resources of Concern and NMFS Listed Resources of Concern generated within 90 days of NOI submittal. The consultation must have resulted in either:

- i. A biological opinion from FWS and/or NMFS finding no jeopardy to federally-listed species and no destruction/adverse modification of federally-designated critical habitat and the Reasonable and Prudent Measures to minimize take have been or are in the process of being implemented in accordance with the biological opinion; or
- ii. Written concurrence from FWS and/or NMFS with a finding that the pesticide discharges to waters of the United States and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat.

You are required to provide any tracking numbers of identifiers associated with the consultation (e.g., IPaC number, ECO number, ECOSphere codes), the Services field office/regional office(s) providing the consultation, any copies of supporting correspondence with FWS and/or NMFS, identification of the federal action agency(ies) involved, the date the consultation was completed, the period of coverage provided by the consultation, and a statement verifying that the consultation fully covers the proposed pesticide application activities in the Project Action Area. Attach additional pages as necessary. See Appendix I of the PGP for the worksheet to help organize the supporting documentation needed for Criterion D.

- e. 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 and/or involve discharge-related activities that may expose FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants. Such discharges eligible under Criterion E are those where the Decision-maker includes in the NOI written correspondence from FWS and/or NMFS that pesticide application activities performed consistent with appropriate measures will avoid or eliminate the likelihood of any short- or long-term adverse effects to FWS Listed Resources of Concern and NMFS Listed Resources of Concern.

You are required to attach the written supporting correspondence from FWS and/or NMFS and a statement verifying that the coordination fully covers the proposed pesticide application activities in the Project Action Area. Eligibility under this criterion is contingent upon the Decision-maker following the measures described in correspondence from FWS and/or NMFS designed to avoid or eliminate the likelihood of any short- or long-term adverse effects. See Appendix I of the PGP for the worksheet to help identify the supporting documentation needed for Criterion E.

- f. 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 and/or involve discharge-related activities that may expose FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants. Such discharges eligible under Criterion F are those from pesticide application activities that are demonstrated by the Decision-maker as not likely to result in any short- or long-term adverse effect to each FWS Listed Resources of Concern and NMFS Listed Resources of Concern.

You are required to provide the supporting documentation by completing question 2 below for each individual listed species and designate critical habitat. See Appendix I of the PGP for the worksheet to help organize the supporting documentation needed for Criterion F.

- g. Criterion G - Pesticide application activities were, or will be, discharged to one or more waters of the United States and/or involve discharge-related activities in response to a Declared Pest Emergency Situation. To be eligible for coverage, Decision-makers must notify and coordinate with FWS and NMFS as soon as possible after determining that pesticide application is required in response to a Declared Pest Emergency Situation and prior to discharges.

You are required to provide the supporting documentation by completing question 2 below and providing a statement verifying the notification and coordination with FWS and/or NMFS. See Appendix I of the PGP for the worksheet to help organize the supporting documentation needed for Criterion G.

2. If you checked Criterion F or Criterion G above, provide the following information for all discharges to waters of the United States and/or involve discharge-related activities that may expose FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants, including all IPaC resource lists identified within the Project Action Area for the pest management area for which permit coverage is being requested. Provide information to demonstrate the basis for your finding for each individual listed species or designated critical habitat. For discharges pursuant to Criterion G, 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 or 30 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. See Appendix I of the PGP for the worksheet to help organize the supporting documentation needed for Criterion F and Criterion G

- a. Provide a map with geospatial data of the Project Action Area, including the pest management area, and a list generated within 90 days of NOI submittal that shows all FWS Listed Resources of Concern and NMFS Listed Resources of Concern in the Project Action Area using the EPA's geospatial mapping tool at <https://www.epa.gov/hpdes/pesticide-permitting-ESA-procedures>.
- b. Target Pest(s): _____
- 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 for each individual listed species and designated critical habitat that you meet the criterion for which you are submitting this NOI. For example, your determination may rely on 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 any short- or long-term adverse effects to all FWS Listed Resources of Concern and NMFS Listed Resources of Concern. For certifications pursuant to Criterion G, indicate whether the discharge is likely to result in any short- or long-term adverse effect to FWS Listed Resources of Concern and NMFS Listed Resources of Concern in response to a pest emergency and, if so, any feasible measures to avoid or eliminate such short- or long-term 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. Include a statement verifying your notification and coordination with FWS and NMFS. The notification must be in the form of an email that identifies the appropriate FWS, NMFS and EPA contact(s) and includes a description of the action, a map with geospatial data of the Project Action Area, and a list of FWS Listed Resources of Concern and NMFS Listed Resources of Concern identified in the Project Action Area or a list from the EPA's geospatial mapping tool showing no FWS Listed Resources of Concern and NMFS Listed Resources of Concern occur in the Project Action Area. (attach additional pages as necessary): _____

E. ATTACHMENTS: Select documents you are attaching to this NOI form.

- Question C.3, Land of Exclusive Federal Jurisdiction
 Question C.7,b, Tier 3 Waters
 Question C.8,b, Water Quality, Impaired Waters
 Question D, Endangered Species Protection. Criterion A. Criterion C. Criterion D. Criterion E. Criterion F. Criterion G.
 Question D, ESA Criterion Selection Worksheet. See Appendix I
 Pesticide Discharge Management Plan
 Others: _____

F. 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 have no personal knowledge that the information submitted is other than 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 Decision-makers must submit NOIs. All Operators with discharges covered by this permit and discharge-related activities that overlap with U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS) Listed Resources of Concern are required to submit an NOI. See Part 1.1.2.4, Table 1-1, and Appendix I for the information Decision-maker must submit with their NOI and for Endangered Species Act (ESA) eligibility criteria that must be met.

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, including application of a pesticide as part of pesticide research and development, that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants	Activities resulting in a discharge to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutant
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.

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 the ESA eligibility worksheet (Appendix I), 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 that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants.

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, 2026: 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 2021 PGP are automatically terminated at 11:59 p.m. on October 30, 2026. Decision-makers who are required to submit an NOI must submit a new NOI to obtain coverage under the 2026 PGP.

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

Operator Type	NOI Submission Deadline	Discharge Authorization Date ²
Any Decision-maker with any discharge to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants, except for those discharges in response to a Declared Pest Emergency Situation.	At least 30 days before any discharge to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants. 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 and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants.	No later than 30 days after beginning 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. Note: Decision-makers must notify and begin to coordinate with FWS and NMFS prior to discharge.
Any Decision-maker with any discharge to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants, 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 Note: Decision-makers must notify and begin to coordinate with FWS and NMFS prior to discharge.

Operator Type	NOI Submission Deadline	Discharge Authorization Date ²
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 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 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 FWS Listed Resources of Concern or NMFS Listed Resources of Concern, FWS and/or NMFS will provide EPA with a determination as to whether it believes the eligibility criterion of "not likely to result in any short-or long-term adverse effects to listed species or designated critical habitat" has been met, could be met with conditions that FWS and/or NMFS identifies, or has not been met. EPA expects to rely on determinations by FWS and/or NMFS in deciding whether to withhold authorization. If FWS and NMFS does not provide EPA with such a determination 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. If EPA identifies or includes additional permit conditions or prohibitions based on recommendations by FWS and/or NMFS as necessary to qualify discharges for particular Operators as eligible for coverage under the PGP, those conditions remain in effect for the life of the permit unless otherwise specified by EPA.
- ⁴ In any Declared Pest Emergency Situation in areas with waters of the United States that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants, FWS and 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 result in any short- or long-term adverse effects to listed species or designated critical habitat" has been met, could be met with conditions that FWS and/or NMFS identifies, or has not been met. EPA expects to rely on determinations by FWS and/or NMFS in deciding whether to disallow continued permit coverage or if additional conditions are necessary. If FWS and/or NMFS do 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 or includes additional permit conditions or prohibitions based on a recommendation by FWS and/or 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 term of the permit unless otherwise specified by EPA.
- ⁵ EPA may authorize certain discharges in less than 30 days, but no fewer than 10 days, for any discharges authorized under Criterion C, D, or E of Part 1.1.2.4 (for which FWS and/or 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 that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants. 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. Note: For Declared Pest Emergency Situation, Decision-makers must notify and begin to coordinate with FWS and NMFS prior to discharge.
Any Decision-maker discharging to a Tier 3 water not identified by name on a previously submitted NOI for this permit, except for discharges to Tier 3 waters that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants.	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. Note: For Declared Pest Emergency Situation, Decision-makers must notify and begin to coordinate with FWS and NMFS prior to discharge.
Any Decision-maker with any discharge to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants, 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 that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants 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. Note: For Declared Pest Emergency Situation, Decision-makers must notify and begin to coordinate with FWS and NMFS prior to discharge.

Where to File the NOI

The Decision-maker must prepare and submit the NOI using EPA's NPDES eReporting Tool (NeT) 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 NeT 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 EPA's 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 NeT; 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

If you have questions about whether you need to file a Notice of Intent or questions about completing the form, see <https://www.epa.gov/npdes/pesticide-permitting> or contact the NPDES eReporting help desk at (877) 227-8965 or Email at NPDESeReporting@epa.gov.

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, you must submit it with the NOI.

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 NPDES eReporting Tool (NeT).

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 e-mail from EPA's NeT. You can find the tracking number assigned to your previous NOI using EPA's NeT. 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 pesticide 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. If available, indicate the six-digit North American Industry Classification System (NAICS) codes that represents the economic activity of the Operator.
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 requested.

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 with geospatial data of the pest management area. Mapping tools are available at <https://www.epa.gov/npdes/pesticide-permitting-esa-procedures>. If EPA's geospatial mapping tool is not available, indicate the Latitude and Longitude of the pest management area. The format for this data element is decimal degrees (e.g., 38.893829) and the WGS84 standard coordinate system. To describe two-dimensional area (polygon), use multiple latitude and longitude coordinates.

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. If you are on federal land, indicate whether pesticide application will occur on a land of exclusive federal jurisdiction. For assistance, contact EPA Regional offices and summarize the discussion, including description of the pest management area, and attached it to your NOI form.
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 2, Tier 2.5 or Tier 3 (Outstanding National Resource Water) water of the United States. If the discharge is to a Tier 3 water of the United States, 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. Attach the rationale to your NOI form.
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. Indicate if permit coverage is being requested to discharge to waters impaired for pesticide generally, group of pesticides, or active ingredients or degradate of such an active ingredient.

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 to waters of the United States and discharge-related activities that are not likely to result in any short- or long-term adverse effects to any species that are federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) and not likely to result in any short- or long-term adverse modification or destruction of habitat that is federally-designated as critical under the ESA ("critical habitat") except as provided in Criterion C, D, and for at least 60 days, G, below. For FWS Listed Resources of Concern or NMFS Listed Resources of Concern as defined in Appendix A of the PGP, there are specific criteria for determining eligibility. To demonstrate eligibility, you must meet one or more of the six eligibility criteria (A-G) for the entire term of coverage under the permit and provide supporting documentation. A step-by-step guide with a worksheet for determining eligibility is provided in Appendix I of the PGP. If you received a waiver to file a paper NOI, you must submit a copy of the map and list of all FWS Listed Resources of Concern and NMFS Listed Resources of Concern generated through the EPA's geospatial mapping tool for your Project Action Area and your worksheet (Appendix I) with your paper NOI.
2. You must provide a map with geospatial data of the Project Action Area, including the pest management area, using the tools at <https://www.epa.gov/npdes/pesticide-permitting-esa-procedures>. Evaluation of the pest management area must include a list showing any overlap with federally-listed species and/or designated critical habitats generated within 90 days of seeking permit coverage.

3. If you checked Criterion F or Criterion G, you are required to provide the target pest(s), 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 result in any short- or long-term adverse effects" for each FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern identified in your Project Action Area. If you certify under Criterion F and do not hear from EPA within 30 days, you may assume your discharge is authorized. For certifications pursuant to Criterion G, indicate whether the discharge is likely to result in any short- or long-term adverse effects to FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern and, if so, any feasible measures to avoid or eliminate such adverse effects. If you are certifying under Criterion G (which allows you to discharge 15 or 30 days before you even submit your NOI after notification and coordination with the FWS and NMFS), 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 or 30 day period before you had to submit the NOI. See Part 1.1.2.4 and Appendix I of the PGP for more information regarding Endangered and Threatened Species and Critical Habitat Protection.

4. If your discharge is in response to a Declared Pest Emergency Situation, prior to any discharge to waters of the United States and discharge-related activities under Criterion G, Decision-makers must notify and coordinate with FWS and NMFS to be eligible for coverage. Notification shall occur and coordination shall begin as soon as possible after determining that pesticide application is required in response to a Declared Pest Emergency Situation. The notification must be in the form of an email that identifies the appropriate FWS, NMFS and EPA contact(s) and include a description of the action, the pest management area and Project Action Area map, and a list of FWS Listed Resources of Concern and NMFS Listed Resources of Concern identified in the Project Action Area or the list from EPA's geospatial mapping tool showing no FWS Listed Resources of Concern and NMFS Listed Resources of Concern occur in the Project Action Area.

5. EPA may authorize certain discharges in less than 30 days, but no fewer than 10 days, for any discharges authorized under Criterion C, D, or E (for which FWS and/or 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. Attachments

Indicate attachments you are submitting with your NOI in this section. If you are attaching a document that is not listed, indicate other and provide a description of the document.

Section F. Certification

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see 40 CFR 122.41(k). (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 Notice of Termination (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.
2040-0004

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:

Date approval obtained:

*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 EPA's NPDES eReporting Tool (NeT) at <https://www.epa.gov/npdes/pesticide-permitting>.

A. Permit Information

1. NPDES Permit Tracking Number:

2. Reason for termination (check one only):

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

New Operator Name:

Street:

City: State: ZIP Code: -

Telephone: - - Ext.

E-mail:

B. Operator Information

1. Operator Name:

2. Mailing Address:

Street:

City: State: ZIP Code: -

Telephone: - - Ext.

3. Contact Name:

E-mail:

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 have no personal knowledge than the information submitted is other than 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 2021 PGP are **automatically** terminated at 11:59 p.m. on October 30, 2026. Decision-maker who are required to submit an NOI must submit a new NOI to obtain coverage under the 2026 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 NPDES eReporting help desk at (877) 227-8965 or Email at NPDESeReporting@epa.gov.

When to File the NOT?

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.

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.

Where to File the NOT?

Consistent with Part 1.2.5.1 of the permit, the Operator must submit the NOT using EPA's NPDES eReporting Tool (NeT) available on EPA's website (<https://www.epa.gov/npdes/pesticide-permitting>) unless the Operator is granted a waiver from the requirement to use NeT 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 NeT; 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

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 NPDES eReporting Tool (NeT).

Section A. Permit Information

1. Enter the existing NPDES Permit Tracking Number assigned by NeT or EPA's Pesticides Processing Center. You can find the tracking number assigned to your previous NOI using EPA's NeT.
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**

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 7.3 of the PGP.



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.
2040-0004

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) Quantity (lbs or gallons) Quantity (lbs or gallons)

Application method: Application method: Application method:

4. Was visual monitoring conducted during pesticide application and/or post-application? If visual monitoring was conducted, the record must include the date, time, and location where visual monitoring was conducted. 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 have no personal knowledge than the information submitted is other than 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 7.3 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 EPA's NPDES eReporting Tool (NeT) or EPA's Pesticides Processing Center. You can find the tracking number assigned to your previous NOI using EPA's NeT.
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 conducted, the record must include the date, time, and location where visual monitoring was conducted. 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 40 CFR 122.41(k). (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 EPA's NPDES eReporting Tool (NeT) 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.
2040-0004

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 EPA's NPDES eReporting Tool (NeT) 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 with geospatial data of the treatment area within this pest management area, using the tools at <https://www.epa.gov/npdes/pesticide-permitting-esas-procedures>. _____

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 and/or discharge-related activities that may expose FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants?

FWS Listed Resources of Concern Yes No If yes, approximate date(s) of any discharges: _____

NMFS Listed Resources of Concern Yes No If yes, approximate date(s) of any discharges: _____

f. Was visual monitoring conducted during pesticide application?

Yes. Record including the date, time and location where visual monitoring was conducted is attached.

No. Explain why visual monitoring was not conducted:

g. Was visual monitoring conducted post pesticide application?

Yes. Record including the date, time and location where visual monitoring was conducted is attached.

No. Explain why visual monitoring was not conducted:

4. Name and contact information of pesticide Applicator(s) (or check here if same as provided in Section A):

Company Name: _____

1. Street: _____

2. City: _____ State: _____ Zip Code: _____ - _____

3. Contact Name: _____ Title: _____

4. 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:

A horizontal number line starting at 0 and ending at 10, divided into 10 equal segments by vertical tick marks.

Product Name _____

EPA Pesticide Registration Number:

A horizontal number line with 11 tick marks. The first tick mark is at the origin (0) and the last tick mark is at 10. There are 10 equal intervals between the tick marks.

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
_____ lbs or gallons

_____ lbs or gallons
_____ lbs or gallons

_____ lbs or gallons
_____ lbs or gallons
briquettes

Application method:

- a. Aerially by fixed-wing _____ lbs or gallons

b. Aerially by rotary aircraft _____ lbs or gallons

c. Land-based sprayer (includes backpack, land vehicle mounted sprayers, high pressure canopy sprayer) _____ lbs or gallons

d. Aquatic vehicle mounted sprayer _____ lbs or gallons

e. Direct mixture (includes metering, subsurface applications) _____ lbs or gallons

f. Chemigation _____ lbs or gallons

g. Other (specify): _____ lbs or gallons 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 have no personal knowledge that the information submitted is other than 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 because of their application results in a discharge to waters of the United States and/or discharge-related activities that may expose FWS Listed Resources of Concern or NMFS Listed Resources of Concern to pollutants, 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 Parts 7.6 and 7.7 of the PGP.

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 NPDES eReporting Tool (NeT) available on EPA's website (<https://www.epa.gov/npdes/pesticide-permitting>) unless the Operator is granted a waiver from the requirement to use NeT 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 NeT; 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

If you have questions about whether you need to file an annual report or questions about completing the form, see <https://www.epa.gov/npdes/pesticide-permitting> or contact the NPDES eReporting help desk at (877) 227-8965 or Email at NPDESeReporting@epa.gov.

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 NPDES eReporting Tool (NeT).

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 NPDES eReporting Tool (NeT)
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). This information must match the information provided on the NOI.

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 with geospatial data of the treatment area using the tools at <https://www.epa.gov/npdes/pesticide-permitting-esaprocedures>.
 - 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 and/or discharge-related activities that may expose FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern to pollutants. If yes, provide approximate date(s) of the discharge. Additional information on FWS Listed Resources of Concern and NMFS Listed Resources of Concern is available on EPA's website at <https://www.epa.gov/hpdes/pesticide-permitting>.
- f. Indicate whether or not visual monitoring was conducted during pesticide application. If yes, attached record including date, time and location where visual monitoring was conducted. If no, explain why visual monitoring was not conducted.
- g. Indicate whether or not visual monitoring was conducted post pesticide application. If yes, attached record including date, time and location where visual monitoring was conducted. If no, explain why visual monitoring was not conducted.
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 40 CFR 122.41(k). (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

H-1

Note: This document is a prepublication version, signed by all 10 U.S. EPA Regions on December 10, 2024. EPA is submitting it for publication in the Federal Register. We have taken steps to ensure the accuracy of this version, but it is not the official version.



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.
2040-0004

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 except as required in Part 6.4.3, Notification of Adverse Incident to Threatened or Endangered Species or Critical Habitat.

- 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, signs of adverse effects, 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: Pesticide application rate:

Intended use site: Intended use site:

Method of application: Method of application:

Pesticide Product: Pesticide Product:

EPA Reg. No.: EPA Reg. No.:

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

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

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

E. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than 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 <https://www.fws.gov/program/office-of-law-enforcement/contact-us>).

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 except as required in Part 6.4.3, Notification of Adverse Incident to Threatened or Endangered Species or Critical Habitat.

Section B. Information from the 24-hour Adverse Incident Notification and Notification for Adverse Incident to Threatened or Endangered Species or Critical Habitat

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 NeT or the EPA's Pesticides Processing Center. You can find the tracking number assigned to your NOI using EPA's NPDES eReporting Tool (NeT). 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, including any non-target organisms affected and signs of adverse effects, 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, signs of adverse effects, 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 40 CFR 122.41(k). (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.

PGP Eligibility Worksheet for Threatened and Endangered Species Protection

All pesticide applications covered by this permit require a Decision-maker who is responsible for ensuring eligibility under the PGP and submitting a Notice of Intent (NOI) when species and/or designated critical habitat under the Endangered Species Act (ESA) may be exposed to pollutants associated with their discharges and discharge-related activities. Step 1 of this worksheet is to help Decision-makers determine whether ESA-listed species and/or designated critical habitat (Listed Resources of Concern) may be exposed to pollutants in the Project Action Area(s) as a result of pesticide applications made to the pest management area(s).

This worksheet replicates information required for determining ESA eligibility when completing an NOI electronically for coverage under the PGP. It can be used to help a Decision-maker gather the ESA eligibility information needed for NOI submission. It can also be completed by Operators not otherwise required to submit an NOI, to confirm and document that an NOI and annual reporting is not required because FWS Listed Resources of Concern and NMFS Listed Resources of Concern are not present in the Project Action Area(s). EPA's geospatial mapping tool at <https://www.epa.gov/npdes/pesticide-permitting-esa-procedures> must be used to determine whether ESA-listed species and/or designated critical habitat (Listed Resources of Concern) may be exposed to pollutants in the Project Action Area(s) as a result of pesticide applications made to the pest management area(s).

Elements of the Worksheet

- I.1 Introduction
- I.2 Notice of Intent (NOI) Submittal and Review
- I.3 Worksheet
 - Step 1 Determine if FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern are Present in the Project Action Area
 - Step 2 Determine if You Meet the Eligibility Requirements of Criterion B
 - Step 3 Determine if You Meet the Eligibility Requirement of Criterion C or Criterion D
 - Step 4 Determine if Measures Can Be Implemented to Avoid Adverse Effects
 - Step 5 Determine if You Meet the Eligibility Requirements of Criterion F
 - Step 6 Determine if the Pesticide Application is in Response to a Declared Pest Emergency Situation

Appendix I – PGP Eligibility Worksheet for Threatened and Endangered Species Protection

I.1 Introduction

Decision-makers must meet one of the following six ESA eligibility criteria (A or C-G) in Part 1.1.2.4 of the PGP for the entire term of coverage under the 2026 PGP. The ESA eligibility criteria are briefly summarized below.

Criterion A – No FWS and NMFS Listed Resources of Concern present in the Project Action Area.

Criterion B – Placeholder Criterion, and not applicable for PGP.

Criterion C – Discharge effects are addressed under an ESA Section 10 permit.

Criterion D – Discharge effects are addressed under an ESA Section 7 consultation that has concluded.

Criterion E – Discharge effects are addressed through coordination with the Services.

Criterion F – Discharge effects are addressed and not likely to result in any short- or long-term adverse effects to FWS and NMFS Listed Resources of Concern.

Criterion G – Declared Pest Emergency Situation

If you do not meet any of the ESA eligibility criteria outlined in this worksheet, you are not eligible for coverage under this permit.²

Relevant Definitions

FWS Listed Resources of Concern – Federally-listed threatened and endangered species and designated critical habitat listed under the jurisdiction of the U.S. Fish and Wildlife Service (FWS) that are included in FWS biological opinion for EPA’s Pesticide General Permit.

NMFS Listed Resources of Concern – ESA-listed species and designated critical habitat under the jurisdiction of National Marine Fisheries Service (NMFS) that are within, or adjacent to, and/or affected by discharges within, areas where EPA is the permitting authority, as described in Appendix C of this permit.

Project Action Area - all areas to be affected directly or indirectly by the Operator’s discharge(s) to waters of the U.S. covered by the PGP and discharge-related activities in the Operator’s pest management area(s).

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).

² To explore alternative NPDES permit coverage, contact your EPA Regional office:

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

It is important to accurately determine ESA eligibility when seeking permit coverage because Section 9 of the ESA and, in some cases, regulations issued for threatened species pursuant to Section 4(d) of the ESA, prohibit the take³ of endangered and threatened species, respectively, without an applicable exemption. ESA Section 9 violations can result in civil and even criminal penalties.

Step 1, described in this worksheet, is necessary for determining eligibility. Step 1 identifies any FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern that would potentially be exposed to pollutants in the Project Action Area from proposed pesticide applications based on NMFS and FWS authoritative data or data approved by the Services (e.g., an official resource list based on data from IPaC for FWS Listed Resources of Concern). In Step 1, the Decision-maker delineates the Project Action Area affected directly or indirectly by the proposed discharge(s) to the pest management area and obtains a map with a list of potentially exposed ESA-listed species and designated critical habitat using EPA's geospatial mapping tool (<https://www.epa.gov/npdes/pesticide-permitting-esa-procedures>)⁴. **The map and the list obtained in Step 1 must be generated within 90 days of seeking permit coverage and submitted with the NOI**⁵ if the Decision-maker is required to submit an NOI. If you received a waiver to file your NOI electronically, you must submit a copy of the list generated through the geospatial mapping tool with your paper NOI.

If FWS and NMFS Listed Resources of Concern are in your Project Action Area, you must identify and evaluate potential short- or long-term adverse effects of your discharges and discharge-related activities on both FWS Listed Resources of Concern and NMFS Listed Resources of Concern⁶ in the Project Action Area and identify whether and how effects are or will be addressed in order to select the correct ESA eligibility Criterion. You must comply with any applicable terms, conditions, or other requirements developed in meeting one of the eligibility criteria (e.g., avoidance measures) to remain eligible for coverage under this permit.

If your pest management area overlaps with any water where NMFS' Listed Resources of Concern occur and you expect discharges from the application of pesticides that have a labeled use that a NMFS' biological opinion has determined would jeopardize the continued existence of ESA-listed species and/or adversely modify designated critical habitat, it is in your best interest to contact your regional NMFS office or the Office of Protected Resources in Silver Spring, Maryland and request "technical assistance on potential pesticide applications from an ESA Section 7 biologist." Check the [NMFS Consultation page](#) for the most up to date information on pesticides that have a labeled use that a NMFS' biological opinion has determined would jeopardize the continued existence of ESA-listed species and/or adversely modify designated

³ 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 16 U.S. Code § 1532 (19).

⁴ If EPA's geospatial mapping tool is not available, Decision-makers must use IPaC for FWS resource lists and NMFS' mappers. Links to these tools are available at <https://www.epa.gov/npdes/pesticide-permitting-esa-procedures>.

⁵ Ideally, once complete, the EPA's geospatial mapping tool will be integrated into the NPDES eReporting Tool (NeT) and will automatically transmit map and list of ESA-protected species and/or designated critical habitat into your NOI.

⁶ NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.

critical habitat. Links to all NMFS pesticide registration opinions are provided on this page. The opinions include reasonable and prudent measures and actions to minimize exposure and/or adverse effects to ESA-listed species and critical habitat that may be exposed. A Decision-maker may wish to consider these measures and actions when developing the Pesticide Pollutant Discharge Management Plan.

If your Project Action Area overlaps with areas where FWS' Listed Resources of Concern occur for the pesticides covered under EPA's PGP, see <https://www.epa.gov/npdes/pesticide-permitting-esa-procedures> for more information.

I.2 Notice of Intent (NOI) Submittal and Review

If your discharge to waters of the U.S. and discharge-related activities may expose ESA-listed species to pollutants and you meet any of the eligibility criteria C through G, you must submit an NOI for coverage under the permit. If you can accurately confirm and document that your discharge and discharge-related activities will not expose ESA-listed species to pollutants, you will only be required to submit an NOI if you are otherwise required to submit an NOI as indicated in Table 1-1 of the PGP. In such cases, when you submit your NOI, you identify that ESA eligibility Criterion A applies to your proposed discharge.

After you submit your NOI and before your NOI is authorized, EPA may notify you of any additional controls that are necessary to ensure your discharges to waters of United States and discharge-related activities are not likely to result in any short- or long-term adverse effects on FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern. The Services have the opportunity, within 30 days of submission of the NOI, to advise EPA whether either the planned discharges meet the selected eligibility criterion; the planned discharges could meet the eligibility criterion with additional conditions; or the planned discharges do not meet the eligibility criterion. In the event that EPA has placed a hold on your NOI, EPA will notify you as to whether your discharges are authorized or whether an NPDES individual permit will be required. If you do not hear from EPA within 30 days, you may assume that your discharge is authorized without further conditions. Authorization will remain in effect unless and until notified by EPA that activities identified in the NOI will be reevaluated. If the discharges are in response to a Declared Pest Emergency Situation, you must follow the notification and coordination procedures with the Services prior to discharges, followed by NOI submittal, under Criterion G. Note, if you make changes to your proposed discharges to waters of the United States or discharge-related activities as outlined in Table 1-3 of the permit, then you must reevaluate and update your NOI (if necessary).

I.3 Worksheet

Follow the instructions below to determine if you are eligible for coverage under the 2026 PGP based on the ESA eligibility criteria in Part 1.1.2.4. of the permit. **Check only one criterion per pest management area and record the required information in your NOI, if applicable.** You may submit one NOI for multiple pest management areas within a state or territory for which you are seeking permit coverage. Complete the worksheet for each pest management area. **Each pest management area can be assigned only one ESA Eligibility Criterion and information supporting the selected criterion must be recorded in, or submitted with, your NOI. Copy this worksheet for additional pest management areas.**

Pest Management Area: _____ of _____

Pest Management Area Name: _____

Before proceeding with ESA eligibility criteria selection, you must consider the following in determining the Project Action Area, and confirm the following are true:

- In determining my Project Action Area, I have identified and included all receiving waterbodies and adjacent lands that could receive pollutants from my discharges to waters of United States and discharge-related activities within the pest management area.

Note: If you have any questions about determining the extent of your Project Action Area, you may contact EPA or the Services for assistance. Contact information is available at: <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>.

Step 1 – Determine if FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern are Present in the Project Action Area

First, you must determine whether there are FWS Listed Resources of Concern and NMFS Listed Resources of Concern present within your Project Action Area using EPA's geospatial mapping tool at <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>. The tool will provide a resource list and map identifying whether, where, and which FWS Listed Resources of Concern and NMFS Listed Resources of Concern may be present in your Project Action Area. If FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern are not present in the Project Action Area, the output from the geospatial mapping tool will not list any species or designated critical habitat.

ESA Eligibility Criterion A Requirements

To determine eligibility for coverage under Criterion A, you must use EPA's geospatial mapping tool. One of the following "**I have confirmed**" statements **below must be true** (check the appropriate boxes):

- I confirm that I have used EPA's geospatial mapping tool and my ESA eligibility determination is based on output generated by the tool within 90 days of seeking permit coverage to determine whether any FWS Listed Resources of Concern and NMFS Listed Resources of Concern are within my Project Action Area. I have confirmed there are FWS Listed Resources of Concern **or** that there are NMFS Listed Resources of Concern **affected directly or indirectly** in my Project Action Area; (check all that apply and **proceed to Step 3 OR** If your pesticide application is in response to a Declared Pest Emergency Situation, **proceed to Step 6, Criterion G**)
 - FWS Listed Resources of Concern
 - NMFS Listed Resources of Concern
- I confirm that I have used EPA's geospatial mapping tool and my ESA eligibility determination is based on output generated by the tool within 90 days of seeking permit coverage to determine whether any FWS Listed Resources of Concern and NMFS Listed Resources of Concern are within my Project Action Area. I have confirmed there are **no** FWS Listed Resources of Concern **and** that there are **no** NMFS Listed Resources of Concern **affected directly or indirectly** in my Project Action Area. If this pesticide application is in response to a Declared Pest Emergency Situation **proceed to Step 6, Criterion G**.
 - NO** FWS Listed Resources of Concern **AND**
 - NO** NMFS Listed Resources of Concern

You can certify that the activity meets Criterion A (check box on the NOI corresponding to Criterion A and submit the supporting documentation (e.g. map with geospatial data that includes the Project Action Area and the list generated through the geospatial mapping tool with no FWS Listed Resources of Concern and NMFS Listed Resources of Concern) with the NOI).

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 eligibility Criterion A. However, if you are required to submit an NOI anyway, you must document on the NOI that you meet eligibility Criterion A. **If you received a waiver to file a paper NOI, you must submit a copy of the map and list generated through the geospatial mapping tool in Step 1 and your worksheet with your paper NOI.**

Step 2 – Determine if You Meet the Eligibility Requirements of Criterion B

ESA Eligibility Criterion B Requirements

This criterion intentionally left blank. Proceed to Step 3.

Step 3 – Determine if You Meet the Eligibility Requirement of Criterion C or Criterion D

ESA Eligibility Criterion C Requirements

If you have previously been issued an ESA Section 10(a)(1) permit(s) that fully covers the effects of your proposed discharges to waters of the United States and discharge-related activities on all FWS Listed Resources of Concern and NMFS Listed Resources of Concern identified in your Project Action Area (based on the resource lists generated in Step 1 within 90 days of NOI submittal), then your proposed activity may be eligible for coverage under Criterion C.

If you believe an existing ESA-related action may have already been completed for your planned discharges to waters of the United States or discharge-related activities but you are uncertain of the details, you should contact the FWS office and/or NMFS office(s) that covers your Project Action Area (contact information is available at <https://www.epa.gov/npdes/pesticide-permitting-esa-procedures>).

In order to be eligible for coverage under Criterion C, the following statement must be true for species under the jurisdiction of each Service, as applicable:

I have confirmed in Step 1 that there are FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern in my Project Action Area.

I can confirm that I have a permit or permits issued under Section 10 of the ESA that specifically addresses the effects of my discharges to waters of the United States and discharge-related activities on all FWS Listed Resources of Concern and NMFS Listed Resources of Concern **affected directly or indirectly** in my Project Action Area.

Issuance of ESA Section 10 permit. Potential take is authorized through the issuance of a permit under Section 10 of the ESA by the FWS and/or NMFS, as necessary, and this authorization addresses the effects of the discharges to waters of the United States and discharge-related activities on FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern present in the Project Action Area.

C1. I confirm that both FWS Listed Resources of Concern and NMFS Listed Resources of Concern were considered in my evaluation and that I have used the EPA's geospatial mapping tool as outlined in Step 1. I am providing the map and the list of all FWS Listed

Resources of Concern and NMFS Listed Resources of Concern from the geospatial mapping tool in Step 1. Yes

C2. Which Service provided the Section 10 permit? (check all that apply)

FWS NMFS

C3. Identify the field or regional offices providing the permit(s):

C4. Identify the permit number and other tracking numbers associated with the ESA Section 10 permit (e.g., FWS ECOSphere number, ECO Section 7 consultation number):

FWS Permit number: _____

FWS ECOSphere Section 7 consultation number: _____

IPaC report number: _____

NMFS Permit number: _____

NMFS ECO Section 7 consultation number: _____

C5. What is the date the permit(s) was granted?

FWS (MM/DD/YYYY) ____ / ____ / ____

NMFS (MM/DD/YYYY) ____ / ____ / ____

C6. Check to confirm that correspondence with FWS and/or NMFS and a copy of the Section 10 permit or the permit number and other relevant tracking number(s) (e.g., FWS IPaC number, ECO Section 7 consultation number) is attached to your NOI. **Check all that apply.**

FWS NMFS

If you can confirm the statement above and provide responses to C1-C6 above, you may certify eligibility under Criterion C for this pest management area on your NOI form and include your responses to C1-C6 as the supporting documentation. You are done with this worksheet. If you received a waiver to file a paper NOI, you must submit a copy of the map and list generated through the geospatial mapping tool in Step 1 and your worksheet with your paper NOI.

If you are unable to provide answers to questions C1-C6 above, you are not eligible under Criterion C, proceed below to Criterion D.

ESA Eligibility Criterion D Requirements

You are eligible under Criterion D if a prior consultation under ESA Section 7(a)(2) fully covers the direct and indirect effects of your proposed discharges to waters of the United States and

discharge-related activities, and the consultation resulted in written concurrence(s) by FWS and/or NMFS that the activities were not likely to adversely affect listed species or designated critical habitat under the jurisdiction of either Service, or concluded in a biological opinion from either or both Services, as necessary, that the activities were not likely to jeopardize listed species or destroy or adversely modify designated critical habitat, either as part of your activities as planned or as modified with a reasonable and prudent alternative(s). The consultation(s) must analyze all FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern identified in the Project Action Area (based on resource list generated in Step 1 within 90 days of NOI submittal). Most federal agencies that apply pesticides have already consulted with the Services, as required under ESA Section 7(a)(2) and its implementing regulations at 50 C.F.R. § 402, and if the aforementioned requirements are met, then you can certify under Criterion D.

It is important to note that if reinitiation of consultation is required pursuant to 50 C.F.R. § 402.16, then you are not eligible under Criterion D while reinitiation is pending.

In order to be eligible for coverage under Criterion D, you must confirm that you followed Step 1, that statements 1 and 2 are true, and you must provide the required supporting information D1-D6 below for selecting Criterion D for this pest management area:

I have confirmed there are FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern **affected directly or indirectly** in my Project Action Area. I can confirm that both of the following are true:

Statement 1:

I can confirm that a prior consultation between a Federal agency and the Service(s) under ESA Section 7(a)(2) fully covers indirect and direct effects in the Project Action Area resulting from my proposed discharges to waters of the United States and discharge related activities. The result of this consultation was **(check all that apply)**:

The biological opinion(s) from either or both Service(s), as appropriate, concluded that the effects of pesticide discharges to waters of the United States and discharge-related activities within this pest management area that were authorized, funded, or to be carried out by the Federal action agency are not likely to jeopardize the continued existence of federally-listed species and are not likely to destroy or adversely modify federally-designated critical habitat in the Project Action Area, and the Reasonable and Prudent Measures to minimize take have been or are in the process of being implemented in accordance with the biological opinion(s);

FWS NMFS

or

Written concurrence from either or both Service(s), as appropriate, with a finding that the pesticide discharges to waters of the United States and discharge-related activities within this pest management area that are authorized, funded, or to be carried out by the Federal agency is not likely to adversely affect federally-listed species or federally-designated critical habitat in the Project Action Area.

FWS NMFS

Statement 2:

- I confirm that the consultation is not under and does not require reinitiation per 50 CFR §402.16.

ESA Section 7(a)(2) consultation has successfully concluded. A prior consultation under ESA Section 7(a)(2) has concluded and fully covers the effects of the discharges to waters of the United States and discharge-related activities on all FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern identified in the Project Action Area.

D1. I confirm that both FWS Listed Resources of Concern and NMFS Listed Resources of Concern were considered in my evaluation and that I have used the EPA's geospatial mapping tool as outlined in Step 1. I am providing the map and the list of all FWS Listed Resources of Concern and NMFS Listed Resources of Concern from the geospatial mapping tool in Step 1. Yes

D2. Identify the Federal action agency or agencies involved:

D3. Identify the Service(s) field or regional offices providing the consultation:

D4. As appropriate, identify the ECOSphere Project Code and Consultation Number for a FWS consultation and the ECO consultation number for a NMFS consultation and any other associated tracking numbers (e.g. FWS Project Code number- located at the top of letter generated by IPaC):

FWS ECOSphere Project Code: _____ Consultation Number: _____

NMFS ECO Consultation Number: _____

D5. What is the date the consultation was completed?

FWS consultation (MM/DD/YYYY) ____ / ____ / _____

NMFS consultation (MM/DD/YYYY) ____ / ____ / _____

D6. Check to confirm that correspondence and consultation identifying numbers from the consulting Service(s) documenting the biological opinion, conference opinion, or written concurrence is attached.

FWS NMFS

If you can confirm the statements above and provide responses to D1-D6 above, you may certify eligibility under Criterion D for this pest management area on your NOI form and include your responses to D1-D6 as the supporting documentation. You are done with this worksheet. If you received a waiver to file a paper NOI, you must submit

a copy of the map and list generated through the geospatial mapping tool in Step 1 and your worksheet with your paper NOI.

If you are unable to provide answers to questions D1-D6 above, you are not eligible under Criterion D, **proceed to Step 4.**

Step 4 - Determine if Measures Can Be Implemented to Avoid Adverse Effects

ESA Eligibility Criterion E Requirements

Coordination with the Service(s) has successfully concluded. Coordination between you and the Service(s) with jurisdiction in your Project Action Area has concluded. The coordination must have addressed the effects of your discharges to waters of the United States and discharge-related activities on FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern in the Project Action Area. The coordination must have resulted in written confirmation from the Service(s) that the effects of those activities are not likely to result in short- or long-term adverse effects for FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern in your Project Action Area. By certifying eligibility under Criterion E, you agree to comply with any conditions that you must meet or measures that you must incorporate to ensure your discharges to waters of the United States and discharge-related activities are not likely result in any short- or long-term adverse effects to FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern in your Project Action Area.

In order to be eligible for coverage under Criterion E, you must confirm that the following statement is true for species under the jurisdiction of each Service, as applicable:

I have confirmed in Step 1 that there are FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern **affected directly or indirectly** in my Project Action Area.

- I have coordinated with the appropriate Service(s) and obtained written confirmation prior to NOI submission that the effects of planned activities are not likely to result in short- or long-term adverse effects for FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern in my Project Action Area.

- E1.** I confirm that both FWS Listed Resources of Concern and NMFS Listed Resources of Concern were considered in my evaluation and that I have used the EPA's geospatial mapping tool as outlined in Step 1. I am providing the map and the list of all FWS Listed Resources of Concern and NMFS Listed Resources of Concern from the geospatial mapping tool in Step 1. Yes

E2. Which Service participated in coordination? (check all that apply)

FWS NMFS

E3. Identify the field and/or regional office(s) that provided the coordination?

E4. What is the date the coordination concluded?

FWS (MM/DD/YYYY) ____ / ____ / _____

NMFS (MM/DD/YYYY) ____ / ____ / _____

E5. Check to confirm that **written** correspondence with the coordinating Service(s) is attached to the NOI. **Check all that apply.**

FWS NMFS

If you can confirm the statement above and provide responses to E1-E5 above, you may certify eligibility under Criterion E for this pest management area on your NOI form and include your responses to E1-E5 as the supporting documentation. You are done with this worksheet. If you received a waiver to file a paper NOI, you must submit a copy of the map and list generated through the geospatial mapping tool in Step 1 and your worksheet with your paper NOI.

If you are unable to provide answers to questions E1-E5 above, you are not eligible under Criterion E, proceed to Step 5.

Step 5 - Determine if You Meet the Eligibility Requirements of Criterion F

ESA Eligibility Criterion F Requirements

The scope of effects that you must consider will vary with each pest management area and Project Action Area. For assistance in determining whether your discharges to waters of the United States and discharge-related activities are likely to result in short- or long-term adverse effects to FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern identified in Step 1, you should contact the appropriate Services office.

Discharges not likely to result in any short- or long-term adverse effects to FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern. FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern have been identified in your Project Action Area in Step 1. You may select Criterion F if you self-certified and demonstrated that your discharges to waters of the United States and discharge-related activities are not likely to result in any short- or long-term adverse effects to any FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern. You must demonstrate and document this finding for each

individual listed species or designated critical habitat under the jurisdiction of each Service, as appropriate. You must take appropriate measures, as needed, to avoid or eliminate the likelihood of any short- or long-term adverse effects. For example, you may rely on the specific BMPs to be applied, visual monitoring, equipment and/or site inspections, and other appropriate measures if they would be sufficient to avoid adverse effects. These measures may also include avoiding certain areas, applying pesticides to waters at concentrations below those found to cause adverse effects, or conducting applications only during seasons when FWS Listed Resources of Concern and NMFS Listed Resources of Concern are not likely to occur in areas to be exposed. These measures must be identified prior to NOI submission, described in the NOI, and implemented to receive coverage under the PGP.

In order to be eligible for coverage under Criterion F, you must confirm that the following statement is true for species under the jurisdiction of each Service, as applicable:

I have confirmed there are FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern **affected directly or indirectly** in my Project Action Area. I can confirm that the following is true.

I can certify that short- or long-term adverse effects to FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern are not likely as demonstrated in the **answers for questions F1 through F7**.

As part of certifying your compliance with Criterion F, you must submit information F1 through F7 to support your findings, including:

I confirm that I have or will implement appropriate measures necessary to avoid the likelihood of any short- or long-term adverse effects to FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern. Yes

F1. Provide the map and the list of all FWS Listed Resources of Concern and NMFS Listed Resources of Concern from the geospatial mapping tool in Step 1.

F2. Target pest(s)

F3. Pesticide product(s) to be discharged and method of application

F4. Planned quantity and rate of discharge(s) for each method of application

F5. Number of planned discharges

F6. Approximate date(s) of planned discharge(s)

F7. Your rationale supporting your determination, for each individual listed species and designated critical habitat, that you meet the criterion for which you are submitting the NOI. For example, your determination may rely on 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 any short- or long-term adverse effects to all FWS Listed Resources of Concern and NMFS Listed Resources of Concern.

If you can confirm the statement above and provide responses to F1-F7 above, you may certify eligibility under Criterion F for this pest management area on your NOI form and include your responses to F1-F7 as the supporting documentation. You are done with this worksheet. If you received a waiver to file a paper NOI, you must submit a copy of the map and list generated through the geospatial mapping tool in Step 1 and your worksheet with your paper NOI.

If you are unable to provide answers to questions F1-F7 above, you are not eligible under Criterion F. If you have determined that your pesticide application does not align with one of the Criteria above and is not in response to a Declared Pest Emergency Situation (Step 6), your discharges to waters of the United States and discharge-related activities are not eligible for coverage under the PGP. **Proceed to Step 1** if you wish to evaluate again. If you require assistance with your re-evaluation please email pgp@epa.gov or visit this website: <https://www.epa.gov/npdes/contact-us-pesticide-permitting>.

Step 6 – Determine if the Pesticide Application is in Response to a Declared Pest Emergency Situation

ESA Eligibility Criterion G Requirements

Discharges to waters of the United States and discharge-related activities that are in response to a Declared Pest Emergency Situation as defined in Appendix A of the permit may be eligible under Criterion G. Prior to any discharge to waters of the United States and discharge-related activities under Criterion G, Decision-makers must notify and coordinate with FWS and NMFS to be eligible for coverage. Notification shall occur and coordination shall begin as soon as possible after determining that pesticide application is required in response to a Declared Pest Emergency Situation. The notification must be in the form of an email that identifies the appropriate FWS, NMFS and EPA contact(s) and include a description of the action, the pest management area and Project Action Area map, and a list of FWS Listed Resources of Concern and NMFS Listed Resources of Concern identified in the Project Action Area or showing no FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern occur in the Project Action Area.

As part of any coordination, technical assistance or recommendations provided by the Services for avoiding any short- or long-term adverse effects during the emergency must be implemented as prescribed (either before or after discharge has begun, as applicable) to be eligible for coverage under the permit. The Decision-maker must provide documentation of the coordination and written confirmation from FWS and/or NMFS with the NOI.

If eligible under Criterion G, an NOI must be filed no later than 15 days after beginning to discharge (30 days after beginning to discharge if there are no FWS Listed Resources of Concern and NMFS Listed Resources of Concern in the Project Action Area). If you make changes to your proposed discharges or discharge-related activities (per Table 1-3 in the PGP), then you are required to restart this process and coordinate with FWS and/or NMFS again to determine your eligibility under Criterion G.

In order to be eligible for coverage under Criterion G, you must confirm that one of the following statements are true for species under the jurisdiction of each Service, as applicable:

Statement 1: I have confirmed in **Step 1** that there are FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern **affected directly or indirectly** in my pest management area. My pesticide application is in response to a Declared Pest Emergency Situation, and I have coordinated with the appropriate Service(s)

FWS NMFS

Statement 2: I have confirmed in **Step 1** that there are **no** FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern in my pest management area. My pesticide application is in response to a Declared Pest Emergency Situation, and I have coordinated with the appropriate Service(s).

FWS NMFS

Discharges are in response to a Declared Pest Emergency Situation. I confirm that I have or will implement appropriate measures to avoid the likelihood of any short- or long-term adverse effects to ESA-listed threatened or endangered species or their critical habitat. Yes

Information provided for items G1 through G7 must also include any discharges that have already occurred in the days (up to 15) prior to NOI submission.

G1. Provide the map and the list of all FWS Listed Resources of Concern and NMFS Listed Resources of Concern from the geospatial mapping tool in Step 1.

G2. Target pest(s)

G3. Pesticide product(s) to be discharged and method of application

G4. Planned quantity and rate of discharge(s) for each method of application

G5. Number of planned discharges

G6. Approximate date(s) of planned discharge(s)

G7. Indicate whether the discharge is likely to result in any short- or long-term adverse effects to FWS Listed Resources of Concern and/or NMFS Listed Resources of Concern in response to a pest emergency and, if so, any feasible measures that will be implemented to avoid or eliminate such short- or long-term 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.

A statement verifying the notification and coordination with FWS and NMFS. The notification must be in the form of an email that identifies the appropriate FWS, NMFS and EPA contact(s) and include a description of the action, a map with geospatial data of the Project Action Area, and a list of FWS Listed Resources of Concern and NMFS Listed Resources of Concern identified in the Project Action Area or showing no FWS and NMFS Listed Resources of Concern occur in the Project Action Area.

If you can confirm the statement above and provide responses to G1-G7 above, you may certify eligibility under Criterion G for this pest management area on your NOI and include your responses to G1-G7 as the supporting documentation. You are done with this worksheet. If you received a waiver to file a paper NOI, you must submit a copy of the map and the list generated through the geospatial mapping tool in Step 1 and your worksheet with your paper NOI.

If your pesticide application is not in response to a Declared Pest Emergency Situation, **proceed to Step 1** to evaluate again.