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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, 2021.

This permit and the authorization to discharge expire at midnight, October 31, 2026.

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1.0 Coverage Under This Permit

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

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

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

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

1.1 Eligibility

1.1.1 Activities Covered

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

- a. **Mosquito and Other Flying Insect Pest Control**—to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include mosquitoes and black flies.
- b. **Weed and Algae Pest Control**—to control weeds, algae, and pathogens that are pests in water and at water’s edge, including ditches and/or canals.
- c. **Animal Pest Control**—to control animal pests in water and at water’s edge. Animal pests in this use category include fish, lampreys, insects, mollusks, and pathogens.
- d. **Forest Canopy Pest Control**—application of a pesticide to a forest canopy to control the population of a pest species (*e.g.*, insect or pathogen) where, to target the pests effectively, a portion of the pesticide unavoidably will be applied over and deposited to water.

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1.1.2 Limitations on Coverage

1.1.2.1 Discharges to Water Quality Impaired Waters

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

1.1.2.2 Discharges to Waters Designated as Tier 3 for Antidegradation Purposes

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

1.1.2.3 Discharges Currently or Previously Covered by Another Permit

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

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

1.1.2.4 Endangered and Threatened Species and Critical Habitat Protection

[This permit specifies procedures to protect federally-listed endangered and threatened species and federally designated critical habitats. Below are procedures included in EPA's final 2016 PGP. EPA is currently conducting consultations under the Endangered Species Act (ESA) with the United States Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (together, the "Services") for the reissuance of the PGP. Based on the results of consultation with the Services, EPA may include additional or altered conditions to the final permit.]

Coverage under this permit is available only for discharges and discharge-related activities that are not likely to adversely affect species that are federally-listed as

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endangered or threatened (“listed”) under the ESA or habitat that is federally-designated as critical under the ESA (“critical habitat”), except as provided in Criteria B, C, and, for 60 days, D, below. As one of the provisions in this permit that help limit adverse effects to these resources, the six criteria (A-F) below relate to the impacts a prospective discharger’s activities may have on a subset of these listed species and critical habitat. Specifically, the conditions below relate to potential impacts on NMFS Listed Resources of Concern as defined in Appendix A. These are resources that have been identified through consultation with NMFS as having potential vulnerability that warrants the additional protections entailed in compliance with A-F. Other provisions that protect listed species more broadly include Part 1.6, which requires compliance with any conditions resulting from an ESA Section 7 consultation or ESA Section 10 permit, and the waiting period between NOI submittal and authorization to discharge, which provides an opportunity for the Services, EPA, and members of the public to identify any potential impacts on listed species and for EPA to notify the permittee if further conditions or an individual permit are necessary.

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

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

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

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

Criterion C. Pesticide application activities for which permit coverage is being requested will discharge to one or more waters of the United States containing NMFS Listed Resources of Concern as defined in Appendix A, but all “take” of these resources associated with such pesticide application activities has been authorized through NMFS’ issuance of a permit under Section 10 of the ESA, and such authorization addresses the effects of the pesticide discharges and discharge-related activities on federally-listed

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species and federally-designated critical habitat. (The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. See Section 3 of the Endangered Species Act, 16 U.S.C. § 1532(19).)

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

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

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

1.2 Authorization to Discharge Under This Permit

1.2.1 How to Obtain Authorization

The following discharges, consistent with the permit eligibility provisions in Part 1.1, are automatically authorized by this permit beginning October 31, 2021.

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

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

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1.2.2 Decision-makers Required to Submit an NOI

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

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

An NOI provides notice to EPA that a Decision-maker intends to discharge to waters of the United States from pesticide application activities eligible for coverage under this permit. The NOI form included in Appendix D delineates the information required. The NOI must identify the pest management area where the Decision-maker will conduct activities resulting in discharges to waters of the United States to be covered under this permit. If the activities will result in discharges to any Tier 3 water eligible under Part 1.1.2.2, the NOI must specifically identify the Tier 3 water by the name listed at <https://www.epa.gov/npdes/pesticide-permitting>.

If required to submit an NOI, a Decision-maker must submit the NOI once, in accordance with the deadlines in Part 1.2.3, Table 1-2. The Decision-maker must submit an updated NOI if the criteria in Part 1.2.3, Table 1-3 are met. The Decision-maker must prepare and submit the NOI using EPA’s 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 of the permit 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 narrative water quality-based effluent limit in Part 3.0, 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.

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

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

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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 containing NMFS Listed Resources of Concern, except for those discharges in response to a Declared Pest Emergency Situation as defined in Appendix A. | At least 30 days before any discharge to waters of the United States containing NMFS Listed Resources of Concern as defined in Appendix A ⁵ | No earlier than 30 days after EPA posts on the Internet a receipt of a complete and accurate NOI ^{3,5} |
| Any Decision-maker with a discharge in response to a Declared Pest Emergency Situation for which that activity triggers the NOI requirement identified in Part 1.2.2, except for any discharges to waters of the United States containing NMFS Listed Resources of Concern. | No later than 30 days after beginning discharge | Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation |
| Any Decision-maker with any discharge to waters of the United States containing NMFS Listed Resources of Concern, in response to a Declared Pest Emergency Situation as defined in Appendix A. | No later than 15 days after beginning to discharge in response to a Declared Pest Emergency Situation | Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation for a period of at least 60 days ⁴ |
| Any Decision-maker who exceeds any annual treatment area threshold. | At least 10 days before exceeding an annual treatment area threshold | No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI |
| Any Decision-maker otherwise required to submit an NOI as identified in Table 1-1. | At least 10 days before any discharge for which an NOI is required | No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI |

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

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

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

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

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

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

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

1.2.4 Continuation of This Permit

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

- a. A Decision-maker is authorized for coverage under a reissued permit or a replacement of this permit following the timely and appropriate submittal of a complete NOI under the new permit and in compliance with the requirements of the NOI;
- b. A Decision-maker submits a Notice of Termination (NOT) and that notice is processed and posted on the Internet consistent with Part 1.2.5.1;

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- c. An NPDES individual permit for a discharge resulting from application of a pesticide that would otherwise be covered under this permit is issued or denied;
- d. EPA issues a formal permit decision not to reissue this general permit, at which time EPA will identify a reasonable period for covered dischargers to seek coverage under an alternative NPDES general permit or an NPDES individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
- e. EPA has informed the Operator that its discharge is no longer covered under this permit.

1.2.5 Terminating Coverage

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

1.2.5.2 When to Submit an NOT. A Decision-maker who is required to submit an NOI as identified in Part 1.2.2 must submit the NOT within 30 days after one or more of the following conditions have been met:

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

1.2.5.3 Termination for Operators not Required to Submit an NOI. 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.

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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 requirement.

1.3.2 Operator Requesting Coverage Under an Alternative Permit

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

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

1.4 Severability

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

1.5 Other Federal and State Laws

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

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

1.6 Federally Listed Endangered and Threatened Species and Designated Critical Habitat

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

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

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2.0 Technology-Based Effluent Limitations

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

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

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

2.1 Applicators’ Responsibilities

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

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

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

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

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

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

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To meet the effluent limitations of this permit prior to pesticide application, any Decision-maker is or will be required to submit an NOI as required in Part 1.2.2, except those Decision-makers that will need to submit an NOI only because they discharge to waters of the United States containing NMFS Listed Resources of Concern and that also comply with provisions in Part 1.6, must also implement Parts 2.2.1 - 2.2.4 to minimize the discharge of pesticides to waters of the United States from the application of pesticides, through the use of Pest Management Measures as defined in Appendix A.

2.2.1 Mosquito and Other Flying Insect Pest Control

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

- a. Identify the Problem.** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, 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;

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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

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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

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

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

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

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

2.2.4 Forest Canopy Pest Control

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

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

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

b. Pest Management Options. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the United States, and at least once each calendar year thereafter prior to the first pesticide application for that calendar

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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.

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3.0 Water Quality-Based Effluent Limitations

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

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

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4.0 Monitoring

4.1 Visual Monitoring Requirements for Applicators

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

4.2 Visual Monitoring Requirements for all Operators

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

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5.0 Pesticide Discharge Management Plan

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

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

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

5.1 Contents of the Pesticide Discharge Management Plan

The PDMP must include the following elements:

- a. Pesticide Discharge Management Team;
- b. Problem Identification;
- c. Pest Management Options Evaluation;
- d. Response Procedures;
 1. Spill Response Procedures,
 2. Adverse Incident Response Procedures;
- e. Documentation to Support Eligibility Considerations Under Other Federal Laws;
- f. Signature Requirements.

5.1.1 PDMP Team

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

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

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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

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permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.

5.1.5 Documentation to Support Eligibility Considerations under Other Federal Laws

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

5.1.6 Signature Requirements

Decision-makers must sign, date, and certify the PDMP in accordance with 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).

5.3 Pesticide Discharge Management Plan Availability

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

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6.0 Corrective Action

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

6.1 Situations Requiring Revision of Pest Management Measures

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

- a. An unauthorized release or discharge associated with the application of pesticides (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs;
- b. Operators become aware or EPA concludes that Pest Management Measures are not adequate/sufficient for the discharge to meet applicable water quality standards;
- c. Any monitoring activities indicate failure to meet applicable technology-based effluent limitations in Part 2;
- d. An inspection or evaluation of activities by an EPA official, or local, state, or tribal entity reveals that modifications to the Pest Management Measures are necessary to meet the effluent limitations in this permit;
- e. Any Operator observes or is otherwise made aware of an adverse incident as defined in Appendix A.

6.2 Corrective Action Deadlines

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

6.3 Effect of Corrective Action

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

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

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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:

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

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

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

6.4.1.2 Adverse Incident Notification Not Required

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

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

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

6.4.2 Thirty (30)-Day Adverse Incident Written Report

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

- a. Information required to be provided in Part 6.4.1.1;
- b. Date and time the Operator contacted EPA notifying the Agency of the adverse incident, who the Operator spoke with at EPA, and any instructions received from EPA;
- c. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, *etc.*);
- d. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms;
- e. Magnitude and scope of the affected area (*e.g.*, aquatic square area or total stream distance affected);
- f. Pesticide application rate; intended use site (*e.g.*, on the bank, above waters, or directly to water); method of application; and the name of pesticide product and EPA registration number;
- g. Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied);
- h. If laboratory tests were performed, an indication of which test(s) were performed and when; additionally, a summary of the test results must be provided within 5 days after they become available if not available at the time of submission of the 30-day report;
- i. Description of actions to be taken to prevent recurrence of adverse incidents; and
- j. Signature, date, and certification in accordance with 40 CFR 122.41(k).

6.4.3 Adverse Incident to Threatened or Endangered Species or Critical Habitat

Notwithstanding any of the other adverse incident notification requirements of this section, if an Operator becomes aware of an adverse incident affecting a federally listed threatened or endangered species or its federally designated critical habitat 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:

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- a. The caller's name and telephone number;
- b. Operator name and mailing address;
- c. The name of the affected species;
- d. How and when the Operator became aware of the adverse incident;
- e. Description of the location of the adverse incident;
- f. Description of the adverse incident and the pesticide product, including the EPA pesticide registration number, for each product applied in the area of the adverse incident; and
- g. Description of any steps the Operator has taken or will take to alleviate the adverse impact to the species.

Additional information on federally-listed threatened or endangered species and federally-designated critical habitat is available from NMFS 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.

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.

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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.

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7.0 Recordkeeping and Annual Reporting

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

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

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

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

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7.1 Recordkeeping for All Operators

All Operators must keep the following records:

- a. A copy of any Adverse Incident Reports (See Part 6.4.2);
- b. Rationale for any determination that reporting of an identified adverse incident is not required, consistent with allowances identified in Part 6.4.1.2;
- c. A copy of any corrective action documentation (See Part 6.6); and,
- d. A copy of any spill and leak or other unpermitted discharge documentation (See Part. 6.5.2).

7.2 Recordkeeping for All Operators who are For-Hire Applicators

Any Operator who is a For-Hire Applicator as defined in Appendix A must retain the following records:

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

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

Any Decision-maker required to submit an NOI who is defined as a *small entity* must retain the following records at the address provided on the NOI:

- a. Copy of the NOI submitted to EPA, any correspondence exchanged between the Decision-maker and EPA specific to coverage under this permit, and a copy of the EPA acknowledgment letter with the assigned permit tracking number;
- b. Documentation of equipment calibration (only if Decision-maker is also the Applicator);
- c. Information on each treatment area to which pesticides are discharged, including:

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1. Description or map of each treatment area indicating at a minimum, the location and size, (acres or linear feet) of treatment area, and identification of any waters, either by name or by location, to which pesticide(s) are discharged;
2. Pesticide use pattern(s) (*i.e.*, mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
3. Target pest(s) and explanation of need for pest control;
4. Description of pest management measure(s) implemented prior to the first pesticide application;
5. Company name and contact information for pesticide applicator;
6. Name of each pesticide product used including the EPA registration number;
7. Quantity of each pesticide product applied to each treatment area;
8. Pesticide application start date;
9. Pesticide application end date; and
10. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

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

7.4 Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Large Entity

Any Decision-maker required to submit an NOI who is defined as a *large entity* must retain the following records at the address provided on the NOI:

- a. Copy of the NOI submitted to EPA, any correspondence exchanged between the Decision-maker and EPA specific to coverage under this permit, and a copy of the EPA acknowledgment letter with the assigned permit tracking number;
- b. A copy of the PDMP, including any modifications made to the PDMP during the term of this permit;
- c. Copy of annual reports submitted to EPA;
- d. Documentation of equipment calibration (only if Decision-maker is also the Applicator);
- e. Information on each treatment area to which pesticides are discharged, including:
 1. Description or map of each treatment area indicating at a minimum, the location and size, (acres or linear feet) of treatment area, and identification of any waters, either by name or by location, to which pesticide(s) are discharged;
 2. Pesticide use pattern(s) (*i.e.*, mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
 3. Target pest(s) and explanation of need for pest control;
 4. Action thresholds;
 5. Method and/or data used to determine that action threshold(s) has been met;

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6. Description of pest management measure(s) implemented prior to the first pesticide application;
7. Company name and contact information for pesticide applicator;
8. Name of each pesticide product used including the EPA registration number;
9. Quantity of each pesticide product applied to each treatment area;
10. Pesticide application date(s); and
11. Whether or not visual monitoring was conducted during pesticide application and/or post-application, and if not, why not, and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

7.5 Retention of Records for All Operators

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

7.6 Annual Reporting for Any Decision-maker Required to Submit an NOI and Who is a Large Entity

Any Decision-maker required to submit an NOI and is defined as a *large entity* in Appendix A must submit an annual report to EPA. Once a Decision-maker meets the obligation to submit an annual report, the Decision-maker must submit the annual report each calendar year thereafter for the duration of coverage under this general permit 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 of the permit. The annual report must be submitted no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. Annual reporting requirements begin with those activities occurring during calendar year 2022.

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.

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The annual report must contain the following information:

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

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

Any Decision-maker required to submit an NOI for discharges to waters of the United States containing NMFS Listed Resources of Concern as defined in Appendix A and is a *small entity* as defined in Appendix A must submit an annual report to EPA. Once a Decision-maker meets the obligation to submit an annual report, the Decision-maker must submit the annual report each calendar year thereafter for the duration of coverage under this general permit 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 of the permit. The annual report must be submitted no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. Annual reporting requirements begin with those activities occurring during calendar year 2022.

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.

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

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

7.8 Electronic Reporting Requirement

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

- 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 of this permit. 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.

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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, Operators must submit these notices to EPA Headquarters at the address specified in Part 8.1.

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

All other written correspondence concerning discharges 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
Phone: 202-564-9545

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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
Mail Code 06-1
Boston, MA 02109-3912

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

For Puerto Rico and the Virgin Islands:
United States EPA Region 2
Caribbean Environmental Protection Division
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
Clean 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 (3WD40)
1650 Arch Street
Philadelphia, PA 19103

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

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

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

United States EPA Region 5
Water Division
Permits Branch
77 W. Jackson Boulevard

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Mail Code WP-16J

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 Loans (PAL) 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

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

[Specific permit conditions will be added to the final permit based on Clean Water Act Section 401 and Coastal Zone Management Act (CZMA) certification information provided by states, territories, or tribes for areas and activities covered under this permit.]

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Appendix A

Definitions, Abbreviations, and Acronyms

A.1. Definitions

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

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

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

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

The phrase toxic or adverse effect includes effects that occur within waters of the United States on non-target plants, fish, or wildlife that are unusual or unexpected (*e.g.*, effects are to organisms not otherwise described on the pesticide product label or otherwise not expected to be present) as a result of exposure to a pesticide residue, and may include:

- Distressed or dead juvenile and small fishes
- Washed up or floating fish
- Fish swimming abnormally or erratically
- Fish lying lethargically at water surface or in shallow water
- Fish that are listless or nonresponsive to disturbance
- Stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants
- Other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, *etc.*)

The phrase, toxic or adverse effect, also includes any adverse effects to humans (*e.g.*, skin rashes) or domesticated animals that occur either from direct contact with or as a secondary effect from a discharge (*e.g.*, sickness from consumption of plants or animals containing pesticides) to waters of the United States that are temporally and spatially related to exposure to a pesticide residue (*e.g.*, vomiting, lethargy).

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Annual Treatment Area Threshold – an area (in acres) or linear distance (in miles) in a calendar year to which a Decision-maker is authorizing and/or performing pesticide applications in that area for activities covered under this permit.

For calculating annual treatment areas for Mosquitoes and Other Flying Insect Pest Control and Forest Canopy Pest for comparing with any threshold in Table 1-1, count each pesticide application activity to a treatment area (*i.e.*, that area where a pesticide application is intended to provide pesticidal benefits within the pest management area) as a separate area treated. For example, applying pesticides three times a year to the same 3,000 acre site should be counted as 9,000 acres of treatment area for purposes of determining if such an application exceeds an annual treatment area threshold. The treatment area for these two pesticide use patterns is additive over the calendar year.

For calculating annual treatment areas for Weed and Algae Control and Animal Pest Control for comparing with any threshold in Table 1-1, calculations should include either the linear extent of or the surface area of waters for applications made to waters of the United States or at water's edge adjacent to waters of the United States. For calculating the annual treatment area, count each treatment area only once, regardless of the number of pesticide application activities performed on that area in a given year. Also, for linear features (*e.g.*, a canal or ditch), use the length of the linear feature whether treating in or adjacent to the feature, regardless of the number of applications made to that feature during the calendar year. For example, whether treating the bank on one side of a ten-mile long ditch, banks on both sides of the ditch, and/or water in that ditch, the total treatment area is ten miles for purposes of determining if an NOI is required to be submitted. Additionally, if the same 10 miles area is treated more than once in a calendar year, the total area treated is still 10 miles for purposes of comparing with any threshold in Table 1-1. The treatment area for these two pesticide use patterns is not additive over the calendar year.

Applicator – any entity who performs the application of a pesticide or who has day-to-day control of the application (*i.e.*, they are authorized to direct workers to carry out those activities) that results in a discharge to waters of the United States.

Biological Control Agents – these agents are organisms that can be introduced to Operator sites, such as herbivores, predators, parasites, and hyperparasites. [Source: US FWS IPM Guidance, 2004]

Biological Pesticides (also called biopesticides) – include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide 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 procaryotic microorganism, including, but not limited to, Eubacteria and Archaeobacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses. [40 CFR 158.2100(b)] Biochemical pesticide means 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-

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incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant or produce thereof. [40 CFR 174.3]

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

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

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

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

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

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

Director – a Regional Administrator of the EPA or an authorized representative. [Excerpted from 40 CFR 122.2]

Discharge – when used without qualification, means the “discharge of a pollutant.” [40 CFR 122.2]

Discharge of a Pollutant – any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the 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]

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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).

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]

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

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

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

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

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to listed species or adverse modification of critical habitat. Additional information, including maps noting where these resources overlap with PGP areas of coverage is available at <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>.

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

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

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

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

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

- (a) Any vertebrate animal other than man;
- (b) Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;
- (c) Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or
- (d) Any fungus, bacterium, virus, 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 comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, relevant legal requirements, and other provisions that a prudent Operator would implement to reduce and/or eliminate pesticide discharges to waters of the United States.

Pesticide – means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer, except that the

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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.

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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]

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

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

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

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

Total Maximum Daily Loads (TMDLs) – a TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant’s sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources and/or natural background, and 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

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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]

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A.2. Abbreviations and Acronyms

| | |
|--------|-----------------------------------------------------------------------------------------------|
| CERCLA | Comprehensive Environmental Response, Compensation and Liability Act |
| CWA | Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 <i>et seq.</i>) |
| EPA | U. S. Environmental Protection Agency |
| ESA | Endangered Species 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 |
| 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 |
| PDMP | Pesticide Discharge Management Plan |
| SARA | Superfund Amendments and Reauthorization Act |
| TMDL | Total Maximum Daily Load |
| U.S.C. | United States Code |
| WQS | Water Quality Standard |

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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.

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. 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

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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.

(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.

(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

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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.

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(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.

(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.

(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.)

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(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

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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

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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

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(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.

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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 draft 2021 PGP is listed below. This permit also applies in all areas of Indian Country that are not covered by an EPA-approved permitting program, for example, the areas of Indian Country described below:

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

Where EPA is Permitting Authority

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

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

Where EPA is Permitting Authority

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

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

Where EPA is Permitting Authority

DCG87#### The District of Columbia
DEG87#### Federal facilities within Delaware
VAG87#### Indian Country within Virginia

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

Where EPA is Permitting Authority

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

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

Where EPA is Permitting Authority

ING87#### Indian Country within Indiana
MIG87#### Indian Country within Michigan
MNG87#### Indian Country within Minnesota
WIG87#### Indian Country within Wisconsin

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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 and discharges in Texas that are not under the authority of the Texas Commission on Environmental Quality (e.g., activities associated with the exploration, development, or production of oil or gas or geothermal resources, and transportation of crude oil or natural gas by pipeline)

7. EPA Region 7: Iowa, Kansas, Missouri, Nebraska (except see Region 8 for Pine Ridge Reservation)

Where EPA is Permitting Authority

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

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

Where EPA is Permitting Authority

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

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

Where EPA is Permitting Authority

ASG87####E The Island of American Samoa
AZG87####E Indian Country within Arizona, as well as Navajo Reservation within New Mexico (see Region 6) and Utah (See Region 8)

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

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

Where EPA is Permitting Authority

AKG87####E Indian Country and the Denali National Park and Preserve within Alaska
IDG87####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)

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Appendix D. Notice of Intent Form

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



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

Form Approved
OMB No.
2040-0004

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 2021 PGP, or if this is a change of information for a discharge already covered under the 2021 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):

- 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: _____

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

2. 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.

3.

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: _____

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

5. 2. Are any of your activities for which you are requesting coverage under this NOI occurring on Indian Country? ☐ Yes ☐ No

6. If yes, identify the reservation or otherwise describe those areas:

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

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

a. Street: _____

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

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

g. Contact Name: _____

h. E-mail: _____

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

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

6. Receiving Waters (check one):

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

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

7. Tier 3 Waters

Is coverage requested for discharge to a Tier 3 water (Outstanding National Resource Water) of the United States? ☐ Yes ☐ No

If yes, answer a and b:

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

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

8. Water Quality, Impaired Waters

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

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

E. Certification

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

Printed Name:

Title:

E-Mail:

Signature/Responsible Official: _____

Date: / /

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

Preparer Name:

Organization:

Phone: - - Ext

Date: / /

E-Mail:

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

Who Must File a NOI with EPA?

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

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

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

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

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

When to File the NOI?

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

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

For any discharges after October 31, 2021: 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 2016 PGP are automatically terminated on October 31, 2021. Decision-makers who are required to submit an NOI must submit a new NOI to obtain coverage under the 2021 PGP.

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

| Operator Type | NOI Submission Deadline | Discharge Authorization Date ² |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Any Decision-maker with any discharge to waters of the United States containing NMFS Listed Resources of Concern, except for those discharges in response to a Declared Pest Emergency Situation, as defined in Appendix A. | At least 30 days before any discharge to waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A. ⁵ | No earlier than 30 days after EPA posts on the Internet a receipt of a complete and accurate NOI. ^{3, 5} |
| Any Decision-maker with a discharge in response to a Declared Pest Emergency Situation for which that activity triggers the NOI requirement identified in Part 1.2.2, except for any discharges to waters of the United States containing NMFS Listed Resources of Concern. | No later than 30 days after beginning discharge. | Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation. |
| Any Decision-maker with any discharge to waters of the United States containing NMFS Listed Resources of Concern, in response to a Declared Pest Emergency Situation, as defined in Appendix A. | No later than 15 days after beginning to discharge in response to a Declared Pest Emergency Situation. | Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation for a period of at least 60 days. ⁴ |
| Any Decision-maker who exceeds any annual treatment area threshold. | At least 10 days before exceeding an annual treatment area threshold. | No earlier than 10 days after EPA posts on the Internet receipt of a complete and accurate NOI. |
| Any Decision-maker otherwise required to submit an NOI as identified in Table 1-1 | At least 10 days before any discharge for which an NOI is required | No earlier than 10 days after EPA posts on the Internet receipt of a |

| Operator Type | NOI Submission Deadline | Discharge Authorization Date ² |
|---------------|-------------------------|-------------------------------------------|
| | | complete and accurate NOI. |

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

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

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

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

Where to File the NOI

The Decision-maker must prepare and submit the NOI using EPA's 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
Phone: 202-564-9545

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

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

If you are required to develop a PDMP, that document does not need to be submitted for review unless specifically requested by EPA. You must keep a copy of your PDMP on-site or otherwise make it available to facility personnel responsible for implementing provisions of the permit.

Completing the NOI Form

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

Section A. NOI Status

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

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

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

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

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

1. Coverage under the permit is available only for discharges and discharge-related activities, as defined in Appendix A of the permit, that are not likely to jeopardize the continued existence of any species that are federally-listed as endangered or

threatened ("listed") under the Endangered Species Act (ESA) and not likely to result in the adverse modification or destruction of habitat that is federally-designated as critical under the ESA ("critical habitat") except as provided in criterion b, c, and for at least 60 days, d, below. For a subset of listed species and critical habitat, identified as NMFS Listed Resources of Concern and defined in Appendix A of the permit, there are specific criteria for determining eligibility. To demonstrate eligibility, you must meet one or more of the six criteria (a-f) for the entire term of coverage under the permit.

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

Section E. Certification

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see 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.

Note: This document is a prepublication version, signed by all 10 U.S. EPA Regions on December 14, 2020. 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.

Appendix E. Notice of Termination Form

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



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

Form Approved
OMB No.
2040-0004

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 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 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 the new Operator information. Date of transfer:

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:

Page 2 of 3

**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 2016 PGP are **automatically** terminated on October 31, 2021. Decision-maker who are required to submit an NOI must submit a new NOI to obtain coverage under the 2021 PGP.

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

When to File the NOT?

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

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

Where to File the NOT?

Consistent with Part 1.2.5.1 of the permit, the Operator must submit the NOT using EPA's 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
Phone: 202-564-9545

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

Completing the NOT Form

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

Note: This document is a prepublication version, signed by all 10 U.S. EPA Regions on December 14, 2020. 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.

Appendix F. Pesticide Discharge Evaluation Worksheet



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

Form Approved
OMB No.
2040-0004

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:

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| | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------|----------------------|
| 2. Pesticide application start date: <input type="text"/> / <input type="text"/> / <input type="text"/> | | Pesticide application end date: <input type="text"/> / <input type="text"/> / <input type="text"/> | |
| 3. Name of each pesticide product used, EPA registration number, and quantity of pesticide applied (as packaged or as formulated): Circle lbs or gallons. | | | |
| Product Name | <input type="text"/> | Product Name | <input type="text"/> |
| EPA Reg. No. | <input type="text"/> | EPA Reg. No. | <input type="text"/> |
| Quantity (lbs or gallons) | <input type="text"/> | Quantity (lbs or gallons) | <input type="text"/> |
| Application method: | <input type="text"/> | Application method: | <input type="text"/> |

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

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

D. Certification

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

Printed Name:

Title:

E-Mail:

Signature/Responsible Official: _____ Date: / /

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

Preparer Name:

Organization:

Phone: - - Ext. Date: / /

E-Mail:

Note: This document is a prepublication version, signed by all 10 U.S. EPA Regions on December 14, 2020. 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.

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

Who Must Complete a PDEW?

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

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

When to Complete a PDEW?

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

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

Completing the PDEW

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

Section A. General Information

1. Enter the Operator's full legal name and the existing NPDES Permit Tracking Number assigned by 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 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.

Note: This document is a prepublication version, signed by all 10 U.S. EPA Regions on December 14, 2020. 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.

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 or description of the treatment area within this Pest Management Area, including location description

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

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

d. Target Pest(s):

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

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

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

Company Name:

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 :

Product Name

EPA Pesticide Registration Number :

Application method:

a. ☐ Aerially by fixed-wing

b. ☐ Aerially by rotary aircraft

c. ☐ Land-based sprayer (includes backpack, land vehicle mounted sprayers, high pressure canopy sprayer)

d. ☐ Aquatic vehicle mounted sprayer

e. ☐ Direct mixture (includes metering, subsurface applications)

f. ☐ Chemigation

g. ☐ Other (specify):

Quantity Applied (lbs or gallons of product):

_____ lbs or gallons

_____ lbs or gallons

_____ lbs or gallons

_____ lbs or gallons

_____ lbs or gallons

_____ lbs or gallons

_____ lbs or gallons or briquettes

Application method:

a. ☐ Aerially by fixed-wing

b. ☐ Aerially by rotary aircraft

c. ☐ Land-based sprayer (includes backpack, land vehicle mounted sprayers, high pressure canopy sprayer)

d. ☐ Aquatic vehicle mounted sprayer

e. ☐ Direct mixture (includes metering, subsurface applications)

f. ☐ Chemigation

g. ☐ Other (specify):

Quantity Applied (lbs or gallons of product):

_____ lbs or gallons

_____ lbs or gallons

_____ lbs or gallons

_____ lbs or gallons

_____ lbs or gallons

_____ lbs or gallons

_____ lbs or gallons or briquettes

EPA FORM 6100-25 (Revised Date)

NOTE: Copy this page and attach additional pages as necessary

Page 2 of 5

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

Who Must File an Annual Report with EPA?

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

When to File an Annual Report?

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

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

Where to File the Annual Report?

The Operator must prepare and submit the Annual Report using EPA's 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
Phone: 202-564-9545

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

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

Completing the Annual Report Form

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

1. Identify if you had a discharge from pest control activities this calendar year.
Check yes if you had discharge from pest control activities this calendar year.
Check no if you had no discharge from pest control activities this calendar year.
Note: Checking the no box completes Section C
2. Select the box for the type of pesticide use pattern for the treatment area (use additional pages for each treatment area).
3. Provide a description of the treatment area.
 - a. Provide a map or description of the treatment area, including a description of the location.
 - b. Provide the size of the treatment area in acres or linear feet.
 - c. Provide the name or location of any waters of the United States to which discharges occur.
 - d. Provide a description of the target pest(s).

- e. Indicate whether any pesticide application activities resulted in a discharge to waters of the United States containing NMFS Listed Resources of Concern, as defined in Appendix A of the permit. If yes, provide approximate date(s) of the
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

discharge. Additional information on NMFS Listed Resources of Concern is available on EPA's website at <https://www.epa.gov/nhdes/pesticide-permitting>.

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.

Note: This document is a prepublication version, signed by all 10 U.S. EPA Regions on December 14, 2020. 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.

Appendix H. Adverse Incident Report Template



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

Form Approved
OMB No.
2040-0004

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.

5. A. Reportable Adverse Incident

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

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

6. 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):

7. 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:

A horizontal number line with 20 evenly spaced tick marks. The tick marks are labeled with integers from 1 to 20, starting from the left and ending on the right.

4. Instructions received from EPA:

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

Please attach additional information if necessary.

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

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

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

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

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

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

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

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

Note: This document is a prepublication version, signed by all 10 U.S. EPA Regions on December 14, 2020. 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.

8. E. Certification

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

Printed Name:

Title:

E-Mail:

Signature/Responsible Official: _____ Date: / /

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

Preparer Name:

Organization:

Phone: - - Ext Date: / /

E-Mail:

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

Who Must Submit a 30-day Adverse Incident Report?

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

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

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

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

When to File the Adverse Incident Report

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

Where to File the 30-day Adverse Incident Report

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

If an Operator becomes aware of an adverse incident affecting a federally listed threatened or endangered species or federally designated critical habitats which may have resulted from a discharge from the Operator's pesticide application, the Operator must immediately notify the National Marine Fisheries Service (NMFS) in the case of an anadromous or marine species, (see <http://www.nmfs.noaa.gov>) or the United States Fish and Wildlife Service (FWS) in the case of a terrestrial or freshwater species (see <http://www.fws.gov>).

Completing the 30-day Adverse Incident Report

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

Section A. Reportable Adverse Incident

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

- An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application;
- 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;
- An Operator receives information notifying the Operator of an adverse incident, but that information is clearly erroneous; or
- An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

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

- Provide contact information for the person who called EPA to report the adverse incident.
 - Enter the legal name of the caller.
 - Enter the phone number of the caller.
- Provide the Operator's contact information.
 - Enter the legal name of the Operator.
 - Enter the mailing address of the Operator.
- 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.
- Provide information for a contact person, if different than the person who called EPA to report the adverse incident.
 - Enter the legal name of the contact person.
 - Enter the phone number of the contact person.
- Provide a description of how and when the Operator became aware of the adverse incident.
- Provide a description of the location of the adverse incident.
- Provide a description of the adverse incident and the pesticide product used in the adverse incident. Include the EPA pesticide registration number for each product applied in the area of the adverse incident. Attach additional pages if necessary.
- 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.
- 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

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

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

- 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.).
- Provide a description of the circumstances of the adverse incident including species affected, estimated number of affected individuals and approximate size of dead or distressed organisms.
- Provide a description of the magnitude and scope of the affected area. Include aquatic square area or total stream distance affected, if possible.
- 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.
- Provide a description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied).
- 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.
- Provide a description of the actions to be taken to prevent recurrence of adverse incidents.

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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.

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Appendix I. Endangered Species Procedures

[This permit specifies procedures to protect federally-listed endangered and threatened species and federally designated critical habitats. Below are procedures that were included in EPA's 2016 final PGP. EPA is currently conducting consultation under the Endangered Species Act (ESA) with the United States Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (together, the "Services") for the reissuance of the PGP. Based on results of consultation with the Services, EPA may include additional or altered conditions to the final permit.]

Assessing the Effects of Your Discharge and Discharge-Related Activities

You must meet at least one of the criteria in Part 1.1.2.4 of the permit to be eligible for coverage under this permit. You must follow the procedures in this appendix to certify eligibility to discharge to waters of the United States containing NMFS Listed Resources of Concern as defined in Appendix A of the permit and determine under which of the eligibility criteria, if any, you qualify. NMFS Listed Resources of Concern for the PGP are provided at <https://www.epa.gov/npdes/pesticide-permitting-ESA-procedures>. When evaluating the potential effects of your activities, you must consider effects to NMFS Listed Resources of Concern within each treatment area identified in your NOI that contains such Resources. Discharges not meeting at least one of these criteria are not eligible for coverage under this permit. No discharges to waters of the United States containing NMFS Listed Resources of Concern are eligible for coverage under the PGP unless those discharges are specifically identified and certified on a complete and accurate NOI form submitted to EPA. These discharges will be authorized 30 days after EPA posts the NOI on the Internet at <https://www.epa.gov/npdes/pesticide-permitting> unless EPA notifies you otherwise within the 30-day period or unless the discharges are in response to a Declared Pest Emergency Situation, in which case the discharges are authorized immediately for a period of at least 60 days from the date this discharge began.

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

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

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

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

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

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

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

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

1. The location of the pest management area in detail or include a map of the location;
2. Pest(s) to be controlled;
3. Pesticide product(s) to be discharged and method of application;
4. Planned quantity and rate of discharge(s) for each method of application;
5. Number of planned discharges;

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6. Approximate date(s) of planned discharge(s); and
7. The rationale supporting the determination whether the discharge is likely to adversely affect NMFS Listed Resources of Concern, including the description of appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects.

Information provided for items 1 through 6 above must also include any discharges that have already occurred in the days (up to 15) prior to NOI submission. The discharge or discharges to address these Declared Pest Emergency Situations are authorized under the general permit for at least 60 days after beginning to discharge. You may continue to discharge after 60 days unless EPA advises the Operator that additional conditions or an individual permit are necessary. NMFS will, within 30 days of submission of the NOI, advise EPA whether the past and planned future discharges meet the eligibility criterion of not likely to adversely affect NMFS Listed Resources of Concern; whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. EPA will advise the Decision-maker within 15 days after receiving notification from NMFS whether the discharge or discharges qualify for coverage beyond the 60-day authorization provided under the permit. If EPA identifies additional conditions to qualify discharges as eligible for coverage beyond 60 days under the permit, those conditions remain in effect for the life of the permit. EPA expects to rely on NMFS' determination in identifying eligibility for continuing authorization, either with or without additional conditions. If you do not hear from EPA within 45 days of submitting your NOI, you may assume that your authorization to discharge continues unless and until notified otherwise by EPA.

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

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

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

- Option 1 (Criterion E): For each treatment area that will include discharges to waters of the United States containing NMFS Listed Resources of Concern, you may contact your Regional NMFS Office and request input regarding your planned discharges. If NMFS determines that your planned discharges are found to meet eligibility criteria for use (*i.e.*, not likely to adversely affect NMFS Listed Resources of Concern), you have satisfied your eligibility obligations under Criterion E and you may submit your NOI for coverage under the PGP (check box E corresponding to Criterion E). As part of certifying your compliance with Criterion E, you must submit information received from NMFS acknowledging the discharges that they have determined are not likely to adversely affect

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NMFS Listed Resources of Concern and establishing any additional requirements for your permit eligibility. To maintain eligibility under the permit for those discharges, you must abide by those additional requirements for the duration of your coverage under the PGP.

- Option 2 (Criterion F): You must self-certify in your NOI that your discharge is not likely to adversely affect NMFS Listed Resources of Concern. To do so, you will have to take appropriate measures to avoid or eliminate the likelihood of adverse effects prior to applying for PGP coverage. These measures may be relatively simple, such as applying pesticides to waters at concentrations below those found to cause adverse effects, or during seasons when species of concern are not present. Provided you are able to implement appropriate measures, you may proceed with submitting your NOI for coverage under the PGP (check box F corresponding to Criterion F). As part of certifying your compliance with Criterion F, you must submit information to support your findings, including:
 1. The location of the pest management area in detail or include a map of the location;
 2. Pest(s) to be controlled;
 3. Pesticide product(s) to be discharged and method of application;
 4. Planned quantity and rate of discharge(s) for each method of application;
 5. Number of planned discharges;
 6. Approximate date(s) of planned discharge(s); and
 7. The rationale supporting the determination that the criterion for which the NOI is submitted is being met, including the description of appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects.

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

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

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