

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
1595 WYNKOOP STREET  
DENVER, COLORADO 80202-1129

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. § 1251 et seq; “the Act”),

**The Yellowstone Center for Resources**

is authorized to discharge to the following facility pest management areas/locations (i.e., receiving waters) in Yellowstone National Park:

- Buffalo Creek:  
Latitude: 45.028429, Longitude: -110.301223 to Latitude: 44.949731, Longitude: -110.307854
- Tower Creek:  
Latitude: 44.790268, Longitude: -110.542800 to Latitude: 44.894832, Longitude: -110.383661
- Carnelian Creek:  
Latitude: 44.801551, Longitude: -110.466256 to Latitude: 44.894832, Longitude: -110.383661

from the National Park Service application of chemical pesticides for several native fish restoration projects (i.e., the chemical pesticide application needed for removal of nonnative fish found within the proposed work area) in accordance with effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those pest management areas/locations specifically listed in the Permit.

The EPA has coordinated with the National Park Service to confirm that Yellowstone National Park is currently exclusive federal jurisdiction in relevant respects, and further has confirmed that this status is codified in federal and state law. 16 U.S.C. § 24; WY Stat § 36-10-106. The EPA administers the NPDES program in lands of exclusive federal jurisdiction in relevant respects (LEFJ), and EPA Region 8 is the NPDES permitting authority for facilities located in LEFJ in Yellowstone National Park.

This Permit shall become effective **September 3, 2025**.

This Permit and the authorization to discharge shall expire at midnight, **September 2, 2030**.

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Authorized Permitting Official  
Stephanie DeJong, Manager  
Clean Water Branch

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**1 Definitions** (see also Appendix A for additional Definitions, Abbreviations, and Acronyms applicable to this Permit, and in alignment with the EPA's 2021 Pesticide General Permit (PGP) for Discharges from the Application of Pesticide, for pesticide permitting)

The *7-day (weekly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday. (40 CFR § 122.2)

The *30-day (monthly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. (40 CFR § 122.2)

*Act* (“the Act”) means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4. In this Permit the Act may be referred to as the CWA. (40 CFR § 122.2)

*Bypass* means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR § 122.41(m)(1)(i))

*Composite samples shall be flow proportioned.* The composite sample shall, at a minimum, contain at least four (4) samples collected over the compositing period, unless specified otherwise at 40 CFR Part 136. (40 CFR § 122.21(g)(7)). Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours, not more than twenty-four (24) hours. Acceptable methods for the preparation of composite samples are as follows:

- (a) Constant time interval between samples, sample volume proportional to flow rate at the time of sampling;
- (b) Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time of the first sample was collected may be used;

- (c) Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
- (d) Continuous collection of sample with sample collection rate proportional to flow rate.

*Daily Maximum (Daily Max., a.k.a Maximum Daily)* is the maximum measured value for a pollutant discharged during a calendar day or any 24-hour period that reasonably represents a calendar day for purposes of sampling. For pollutants with daily maximum limitations expressed in units of mass (e.g., kilograms, pounds), the daily maximum is calculated as the total mass of pollutant discharged over the calendar day or representative 24-hour period. For pollutants with limitations expressed in other units of measurement (e.g., milligrams/liter, parts per billion), the daily maximum is calculated as the average of all measurements of the pollutant over the calendar day or representative 24-hour period. If only one measurement or sample is taken during a calendar day or representative 24-hour period, the single measured value for a pollutant will be considered the daily maximum measurement for that calendar day or representative 24-hour period. The Daily Maximum limitation is the highest allowable discharge limit over the calendar day or representative 24-hour period. (40 CFR §§ 122.2, see "daily discharge" and "maximum daily discharge limitation")

*EPA* means the United States Environmental Protection Agency, the Regional Administrator of the EPA Region 8 or an authorized representative.

*E. coli* means *Escherichia coli*.

*Geometric mean* is an average or mean based on multiplication instead of addition. To calculate a geometric mean, multiply all the measured values together and then take the nth root, where n is the number of measured values.

$$GeoMean = \sqrt[n]{(X_1 X_2 X_3 \dots X_n)}$$

*Grab sample*, for monitoring requirements, is defined as a sample collected over a period not exceeding 15 minutes (typically a single "dip and take" sample or an instantaneous measurement) at a location that is representative of conditions at the time the sample is collected.

*Industrial User or User* means a source of Indirect Discharge, which is the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act. (40 CFR §§ 403.3(i) and (j))

*Maximum limit* means the maximum allowable concentration or other measure of a pollutant determined from the analysis of any sample.

*Minimum limit* means the minimum allowable concentration or other measure of a pollutant determined from the analysis of any sample.

*Interference* means an indirect discharge from an Industrial User which, alone or in conjunction with a discharge or discharges from other sources, both:

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (b) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. (40 CFR § 403.3(k))

*Narrative limit* means a narrative condition that must be met (e.g., The discharge must be free from a visible sheet). *New Source* means any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

- (a) After promulgation of standards of performance under Section 306 of the Act which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with Section 306 of the Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal. (40 CFR § 122.2)

*Pass Through* means an Indirect Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). (40 CFR § 403.3(p))

*Permit* means this NPDES permit upon finalization. (40 CFR § 122.2)

*Permittee* means the "person" as defined either by Section 502(5) of the Act or 40 CFR § 122.2, including an agent or employee thereof, authorized to discharge under this Permit. (Section 502(5) of the Act, 40 CFR § 122.2)

*Publicly Owned Treatment Works* or *POTW* means a treatment works as defined by Section 212 of the Act, which is owned by a State or municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant, which means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

The term POTW also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. (40 CFR § 403.3(q) and (r))

*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. (40 CFR § 122.41(m)(1)(ii))

*Sewage Sludge* means any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes, but is not limited to solids removed during primary, secondary, or advanced wastewater treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge. (40 CFR § 122.2)

*Storm water* means storm water runoff, snow melt runoff, and surface runoff and drainage. (40 CFR § 122.26(b)(13))

*Sufficiently Sensitive* – An analytical test method is sufficiently sensitive when:

- (a) The method minimum level (ML) is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or
- (b) The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter. (40 CFR § 122.44(i)(1)(iv)(A))

*Toxicity Identification Evaluation (TIE)* means a set of procedures to identify the specific chemicals or pathogens responsible for effluent toxicity. (U.S. EPA Office of Water, March 1991, Technical Support Document for Water Quality-based Toxics Control [EPA/505/2-90-001], pg. xxi)

*Toxicity Reduction Evaluation (TRE)* means a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity after control measures are put in place. (U.S. EPA Office of Water, March 1991, Technical Support Document for Water Quality-based Toxics Control [EPA/505/2-90-001], pg. xxi)

*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. (40 CFR § 122.41(n))

*Whole Effluent Toxicity (WET)* is the total toxic effect of an effluent measured directly with a toxicity test using methods approved under 40 CFR Part 136.

## 2 Description of Discharge

The authorization to discharge provided under the issuance of this National Pollutant Discharge Elimination System (NPDES) permit ID WY00000005 (Permit) to the National Park Service for the Yellowstone Center for Resources, is limited to discharge to the receiving waters in Buffalo Creek, Tower Creek and/or Carnelian Creek from the application of chemical pesticides that leave a residue (collectively called pesticides), when the pesticide application is for the following pesticide use pattern:

- **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.

Discharges at any location not authorized under a NPDES permit is a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act. This Permit has been written to align with requirements of the EPA's 2021 Pesticide General Permit for Discharges from the Application of Pesticides (2021 PGP), for the above listed pesticide use pattern.

*Activities Covered:* This Permit establishes requirements for discharges from the application of the following pesticide application/chemicals that will be used by the National Park Service for several native fish restoration projects (i.e., the chemical pesticide application needed for removal of non-native fish found within the proposed work area) as identified in the Permittee's permit application and other information submitted in support of that application:

Product Name	EPA Registration Number or SDS Product Code
FT Legumine (Fish Toxicant)	89459-48
Rotenone (Fish Toxicant Powder) - e.g., rotenone chemical (e.g., Prenfish, CFT Legumine, or similar)	89459-32
Potassium permanganate	Product codes: NC-0744, NC-3304, P1050, P1093

The anticipated locations of the pest management areas/pesticide treatment area(s)/receiving waters are as follows:

- Buffalo Creek:  
Latitude: 45.028429, Longitude: -110.301223 to  
Latitude: 44.949731, Longitude: -110.307854
- Tower Creek:  
Latitude: 44.790268, Longitude: -110.542800 to  
Latitude: 44.894832, Longitude: -110.383661

- Carnelian Creek:  
 Latitude: 44.801551, Longitude: -110.466256 to  
 Latitude: 44.894832, Longitude: -110.383661

Additionally, in alignment with the 2021 PGP, the following are covered for Decision-makers under this Permit:

Pesticide Use	Applicable Decision-makers	Pesticide Application Activities
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 the receiving waters in Buffalo Creek, Tower Creek and/or Carnelian Creek
	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)  For calculating annual treatment area totals see the definition for "annual treatment area threshold" in Appendix A.

### 3 Limitations on Coverage

#### 3.1 Discharges to Water Quality Impaired Waters

This Permit does not provide coverage 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 the EPA pursuant to Section 303(d) of the CWA as not meeting applicable water quality standards. Impaired waters, for the purposes of this Permit, consist of both waters with EPA-established total maximum daily loads (TMDLs) and impaired waters for which EPA has not yet approved or established a TMDL. Based on the application information and EPA information regarding receiving water impairments (see the "Water Quality Monitoring under CWA" section of the Statement of Basis), EPA has determined that the treatment areas covered by this Permit do not include impaired waters or TMDLs for applicable pesticides used in the permitted activities.

#### 3.2 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, this Permit does not cover discharges to waters of the United States if the water is designated as Tier 3 (Outstanding National Resource Waters) for antidegradation purposes under Title 40 of the *Code of Federal*

*Regulations* (CFR) 131.12(a)(3). EPA has determined that the pesticide application activities undertaken pursuant to this Permit are being performed to protect public health or the environment and do not degrade water quality or only degrade water quality on a short-term or temporary basis.

#### **4 Other Federal and State Laws**

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

#### **5 Federally Listed Endangered and Threatened Species and Designated Critical Habitat**

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

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

#### **6 Effluent Limitations**

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 the receiving waters in Buffalo Creek, Tower Creek and/or Carnelian Creek 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 the purpose of this Permit, all Operators are defined as either an Applicator or a Decision-maker or both an Applicator and a Decision-maker. Additionally, for the purposes of this Permit, the term Operator is considered interchangeable with "Responsible Official" and/or "Permittee", in instances when this individual(s) act in either the Applicator or Decision-maker roles.

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.

#### 6.1 Technology Based Effluent Limitations (TBELs)

This Section 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 Section 6.1.1 – Applicators' Responsibilities. Decision-makers must perform the tasks identified in Section 6.1.2 – 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 Section 4, 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.

Effective immediately and lasting through the life of this Permit, the quality of effluent discharged by the facility shall, at a minimum, meet the limitations as set forth below:

##### 6.1.1 *Applicators' Responsibilities*

To meet the effluent limitations of this Permit, all Applicators must implement Section 6.1.1 to minimize the discharge of pesticides to the receiving waters in Buffalo Creek, Tower Creek and/or Carnelian Creek from the application of pesticides, through the use of Pest Management Measures as defined in Appendix A.

- 6.1.1.1 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.
- 6.1.1.2 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.
- 6.1.1.3 Assess weather conditions (*e.g.*, temperature, precipitation, and wind speed) in the treatment area to ensure application is consistent with all applicable federal requirements.

### 6.1.2 *Decision-makers' Responsibilities: For All Decision-makers*

To meet the effluent limitations in Section 6.1.2, all Decision-makers must minimize the discharge of pesticides to the receiving waters in Buffalo Creek, Tower Creek and/or Carnelian Creek 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: must also implement Section 6.1.2.1 to minimize the discharge of pesticides to the receiving waters in Buffalo Creek, Tower Creek and/or Carnelian Creek from the application of pesticides, through the use of Pest Management Measures as defined in Appendix A.

#### 6.1.2.1 Animal Pest Control

This section applies to discharges from the application of pesticides for control of animal pests as defined in Section 2.

a. Identify the Problem. Prior to the first pesticide application covered under this Permit that will result in a discharge to the receiving waters in Buffalo Creek, Tower Creek and/or Carnelian Creek, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker 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 Section 6.1.2.1.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 Section 6.1.2.1.a.

b. Pest Management Options. Prior to the first pesticide application covered under this Permit that will result in a discharge to the receiving waters in Buffalo Creek, Tower Creek and/or Carnelian Creek, and at least once each year thereafter prior to the first pesticide application during that calendar year, any Decision-maker must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing

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

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

c. Pesticide Use. If a pesticide is selected to manage pests and application of the pesticide will result in a discharge to the receiving waters in Buffalo Creek, Tower Creek and/or Carnelian Creek, any Decision-maker 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.

## **7 Monitoring**

### **7.1 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.

### **7.2 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.

## **8 Corrective Action**

All Operators must comply with the provisions of Section 8 for any discharges authorized under this Permit, with compliance required upon beginning such discharge.

### 8.1 Situations Requiring Revision of Pest Management Measures

Operators must review and, as necessary, revise the evaluation and selection of Pest Management Measures consistent with Sections 6.1.1 and 6.1.2 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. Any monitoring activities indicate failure to meet applicable technology-based effluent limitations in Section 6.1;
- c. An inspection or evaluation of activities by an EPA official reveals that modifications to the Pest Management Measures are necessary to meet the effluent limitations in this Permit;
- d. Any Operator observes or is otherwise made aware of an Adverse Incident as defined in Appendix A.

### 8.2 Corrective Action Deadlines

If an Operator determines that changes to Pest Management Measures are necessary to eliminate any situation identified in Section 8.1, such changes must be made before or, if not practicable, as soon as possible after the next pesticide application that results in a discharge.

### 8.3 Effect of Corrective Action

The occurrence of a situation identified in Section 8.1 may constitute a violation of the Permit. Correcting any situation identified in Section 8.1 does not absolve Operators of liability for any original violation. However, failure to comply with Section 8.2 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 Sections 8.1 and 8.2 if such requirements conflict.

### 8.4 Adverse Incident Documentation and Reporting

#### 8.4.1 Twenty-Four (24)-Hour Adverse Incident Notification

##### 8.4.1.1 Adverse Incident Notification Required

Except as provided for in Section 8.4.4, 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 EPA contacts in Section 10.10.1. 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. The NPDES permit ID 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.

#### 8.4.1.2 Adverse Incident Notification Not Required

Reporting of Adverse Incidents is not required under this Permit in the following situations:

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

#### 8.4.2 Thirty (30)-Day Adverse Incident Written Report

Except as provided for in Section 8.4.4, within 30 days of a reportable Adverse Incident pursuant to Section 8.4.1.1 Operators must provide a written report of the Adverse Incident to the EPA at the address listed in Section 10.6 and to the state lead agency for pesticide regulation (see <http://npic.orst.edu/state1.htm> ). Appendix C of the Permit contains a template worksheet for documenting/reporting the information required to be submitted to EPA Region 8 and to the State Lead Agency (as applicable) within 30 days of discovering the Adverse Incident.

The Adverse Incident report must include at least the following information:

- a. Information required to be provided in Section 8.4.1.1;
- 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).

#### 8.4.3 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 National Marine Fisheries Service (NMFS) in the case of an anadromous or marine

species, or U.S. Fish and Wildlife Service (FWS) in the case of a terrestrial or freshwater species. This notification must be made by telephone to the contacts listed on EPA's website at <https://www.epa.gov/npdes/pesticide-permitting> immediately upon the Operator becoming aware of the Adverse Incident and must include at least the following information:

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

Additional information on federally-listed threatened or endangered species and federally-designated critical habitat is available from NMFS for anadromous or marine species or FWS for terrestrial or freshwater species, including at their websites, [www.nmfs.noaa.gov](http://www.nmfs.noaa.gov) and [www.fws.gov](http://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.

#### 8.4.4 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 Section 8.4.2 is also provided to all of the other authorized Operators within 30 days of the reportable Adverse Incident.

### 8.5 Reportable Spills and Leaks

#### 8.5.1 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 immediately notify the EPA contacts in Section 10.10.1 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.

#### 8.5.2 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 Section 8.5.1 and results in an Adverse Incident, the Operator must report the incident per the guidelines in Sections 8.4.1 and 8.4.2. If the spill, leak, or other unpermitted discharge triggers the notification in Section 8.5.1 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 Section 8.5.1;
- 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.

#### 8.6 Other Corrective Action Documentation

For situations identified in Section 8.1 other than for Adverse Incidents (addressed in Section 8.4) or reportable spills or leaks (addressed in Section 8.5), 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 corrective action is needed;
- 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.

## 9 Recordkeeping and Reporting

In alignment with EPA's 2021 PGP, Table 1 references applicable requirements for the range of Operators covered under this Permit.

**Table 1: Applicable Recordkeeping and Reporting Requirements in Alignment with the 2021 PGP**

Permit Section	Applicable Type of Operator
9.1	Recordkeeping: All Operators
9.2	Recordkeeping: All Operators who are For-Hire Applicators as defined in Appendix A
9.3	Recordkeeping: Any Decision-maker who is a <i>small entity</i> <sup>1</sup>
9.4	Retention of Records: All Operators

*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.*

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 keep records of acres or linear miles treated for all applicable use patterns covered under this Permit. The records should be kept up-to-date to help Decision-makers determine if the annual treatment area threshold as identified in Section 2 is met during any calendar year.

### 9.1 Recordkeeping for All Operators

All Operators must keep the following records:

- a. A copy of any Adverse Incident Reports (See Section 8.4.2);
- b. Rationale for any determination that reporting of an identified Adverse Incident is not required, consistent with allowances identified in Section 8.4.1.2;
- c. A copy of any corrective action documentation (See Section 8.6); and,
- d. A copy of any spill and leak or other unpermitted discharge documentation (See Part. 8.5.2).

### 9.2 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.*, animal pest control);
  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.

### 9.3 Recordkeeping for Any Decision-maker Who is a Small Entity

Any Decision-maker defined as a *small entity* must retain the following records:

- a. Copy of the permit applications submitted to EPA, any correspondence exchanged between the Decision-maker and EPA specific to coverage under this Permit, and a copy of the NPDES Permit and associated Statement of Basis with the assigned NPDES ID number;
- b. Documentation of equipment calibration (only if Decision-maker is also the Applicator);
- c. Information on each treatment area to which pesticides are discharged, including:
  1. Description or map of each treatment area indicating at a minimum, the location and size, (acres or linear feet) of treatment area, and identification of any waters, either by name or by location, to which pesticide(s) are discharged;
  2. Pesticide use pattern(s) (*i.e.*, animal pest);
  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 (including any unusual or unexpected effects identified to non-target organisms).

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

#### 9.4 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.

## 10 Permit Standard Conditions

Federal regulations require that all NPDES permits contain standard permit conditions in alignment 40 CFR § 122.41. Requirements in alignment with the standard permit conditions at 40 CFR §122.41 are included below.

### 10.1 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.

**Staff and Funding:** The Permittee shall provide adequate staff and funding to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this Permit. The level of staffing needed, in numbers, training and experience, shall be determined taking into account the work involved in operating

the system, conducting maintenance, and complying with this Permit. The Permittee may be required to provide EPA documentation on the sources of revenue, annual budgets, annual expenses, and staffing.

#### 10.2 Representative Sampling:

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Any receiving water samples shall be collected in a representative location of the receiving stream. Samples and measurements shall be representative of the volume and nature of the monitored activity, discharge, influent, receiving stream, or other monitored location. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to use or disposal practice.

#### 10.3 Monitoring Procedures:

Monitoring must be conducted according to test procedures approved by EPA under 40 CFR Part 136 or is required under 40 CFR subchapters N or O, unless other test procedures have been specified in this Permit. Sludge monitoring procedures shall be those specified in 40 CFR Part 503, or as specified in this Permit. The Permittee must select a test procedure that is Sufficiently Sensitive for all monitoring conducted in accordance with this Permit.

#### 10.4 Penalties for Tampering:

The Act provides that any person who knowingly falsifies, tampers with, or 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 two years, or by 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.

#### 10.5 Reporting of Monitoring Results:

Based on standard permit conditions in alignment 40 CFR § 122.41, monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the EPA 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 EPA 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.

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the EPA in the Permit.

No Discharge Monitoring Reports (DMRs) are required for the Permit.

**10.6 Other Reporting Requirements:**

All reports shall be signed and certified in accordance with the Signatory Requirements (see Section 10.28). Unless otherwise specified in the applicable section of the Permit, all paper reports and other written correspondence concerning discharges covered under this Permit shall be submitted to EPA Region 8, Enforcement and Compliance Assurance Division, Water Enforcement Branch at the address given below:

original to:

U.S. EPA, Region 8 (8ENF-W-NW)  
Attention: NPDES and Wetlands Enforcement Section Supervisor  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

All other reports required herein (e.g., Sections 10.10 and 10.11), shall be signed and certified in accordance with the Signatory Requirements (see Section 10.28), and submitted to EPA Region 8 at the address given above.

Within 30 days of becoming aware of an Adverse Incident, Operators must send all incident reports under Section 8.4 to the address given above, and (as applicable) to the appropriate state or tribal lead agency for pesticide regulation in that jurisdiction (see <http://npic.orst.edu/state1.htm>).

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.

**10.7 Additional Monitoring by the Permittee:**

If the Permittee monitors any pollutant in accordance with Section 10.2 more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136, 40 CFR Part 503, or another method as required under 40 CFR subchapters N or O, or as specified in this Permit; the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting. Such increased frequency shall also be indicated on the DMR.

**10.8 Monitoring Records Contents:**

Records of monitoring information shall include:

- 10.8.1 The date, exact place, and time of sampling or measurements;

- 10.8.2 The name(s) of the individual(s) who performed the sampling or measurements;
- 10.8.3 The date(s) analyses were performed;
- 10.8.4 The time(s) analyses were initiated;
- 10.8.5 The name(s) of individual(s) who performed the analyses;
- 10.8.6 References to and, when available, written procedures for the analytical techniques or methods used; and,
- 10.8.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results when analysis is conducted by the Permittee.

10.9 Retention of Records:

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation (e.g., strip charts, continuous electronic recording), 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 three years from the date of the sample, measurement, report or application. This period may be extended by request of EPA at any time. However, records of monitoring required by this Permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 CFR Part 503). Data collected on site, data used to prepare the DMR, copies of DMRs, and a copy of this NPDES Permit must be maintained on site.

10.10 Twenty-Four Hour Notice of Noncompliance Reporting:

- 10.10.1 The Permittee shall orally report any noncompliance which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the Permittee first became aware of the circumstances. The report shall be made to a) EPA, Region 8, Superfund & Emergency Management Division at (303) 293-1788; and b) Region 8's NPDES and Wetlands Enforcement Section at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time)
- 10.10.2 The following occurrences of noncompliance and WET test failures shall be orally reported by telephone to EPA, Region 8's NPDES and Wetlands Enforcement Section at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time) within 24 hours of the Permittee becoming aware of the circumstances:
  - 10.10.2.1 Any unanticipated bypass which exceeds any effluent limitation in the Permit (see Section 10.18, Bypass of Treatment Facilities.);
  - 10.10.2.2 Any upset which exceeds any effluent limitation in the Permit (see Section 10.19, Upset Conditions);

- 10.10.2.3 Violation of a maximum daily discharge limitation for any of the pollutants listed in the Permit to be reported within 24 hours;
- 10.10.2.4 Sanitary sewer overflows;
- 10.10.2.5 Combined sewer overflows;
- 10.10.3 For any noncompliance notification required under Sections 10.10.1 or 10.10.2, a written report shall also be provided to the EPA, Office of Enforcement and Compliance Assurance Division, Water Enforcement Branch, within five days of the time that the Permittee becomes aware of the circumstances. Reports shall be submitted to the addresses in Section 10.6, Other Reporting Requirements.
- 10.10.4 The written report shall contain:
  - 10.10.4.1 A description of the noncompliance and its cause;
  - 10.10.4.2 The period of noncompliance, including exact dates and times;
  - 10.10.4.3 The estimated time noncompliance is expected to continue if it has not been corrected;
  - 10.10.4.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
  - 10.10.4.5 The signed certification statement required by the Signatory Requirements (see Section 10.28).
- 10.10.5 An EPA delegated representative may waive the written report on a case-by-case basis for an occurrence of noncompliance listed under Sections 10.10.1 or 10.10.2 above, if the incident has been orally reported in accordance with the requirements of those sections.

As of December 21, 2025 or an EPA-approved alternative date (see 40 CFR § 127.24(e) or (f)), all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section, and the “Other Noncompliance Reporting” section below, must be submitted electronically by the permittee to the EPA 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. 40 CFR part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR 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. EPA may also require permittees to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section.

#### 10.11 Other Noncompliance Reporting:

Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for are submitted. The reports shall contain the information listed in Section 10.10.4, and, if applicable, when the Permittee failed to comply with any applicable long-term combined sewer overflow control plan or other permit requirements.

#### 10.12 Inspection and Entry:

The Permittee shall allow the EPA, or authorized representative (including an authorized contractor or authorized tribal inspector acting as a representative of EPA) upon presentation of credentials and other documents as may be required by law, to:

- 10.12.1 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;
- 10.12.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- 10.12.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and,
- 10.12.4 Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

#### 10.13 Duty to Comply:

The Permittee must comply with all conditions of this Permit. Any failure to comply with the Permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action; termination, revocation and reissuance, modification; or denial of a permit renewal application.

#### 10.14 Penalties for Violations of Permit Conditions:

The Clean Water Act provides for statutory maximum and minimum civil and criminal monetary penalties for violations of its provisions. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires EPA to make adjustments of statutory civil penalties on an annual basis according to a prescribed formula to reflect inflation, beginning in 2016. EPA has adjusted its civil monetary penalties effective January 8, 2025 (90 Fed. Reg. 1375-1378). Please note that the civil penalties described below are reflective of the most recent Civil Monetary Penalty Inflation Rule the year this permit was issued and that civil penalties will have been adjusted annually thereafter. Civil penalties that EPA issues will therefore be reflective of the minimum amounts adjusted

for inflation at the time of the violation. The civil and criminal penalties for violations of the Act are as follows:

- 10.14.1 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 Section 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$68,445 per day for each violation.
- 10.14.2 Any person who negligently violates Section 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 for not more than one 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 for not more than two years, or both.
- 10.14.3 Any person who knowingly violates Section 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 \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three 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 for not more than six years, or both.
- 10.14.4 Any person who knowingly violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment for 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 for not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the Act, 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.

10.14.5 Any person may be assessed an administrative penalty by the EPA 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. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed \$27,378 per violation, with a maximum amount not to exceed \$68,445. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed \$27,378 per day for each day during which the violation continues, with the maximum amount not to exceed \$342,218.

10.15 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.

10.16 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.

10.17 Removed Substances:

Collected screenings, grit, solids, sludge (including sewage sludge), or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal, state, tribal, or local regulations (e.g., 40 CFR Part 257 [Criteria For Classification Of Solid Waste Disposal Facilities And Practices], 40 CFR Part 258 [Criteria For Municipal Solid Waste Landfills], 40 CFR Part 503 [Standards for the Use or Disposal of Sewage Sludge]). Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States.

10.18 Bypass of Treatment Facilities:

10.18.1 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 Sections 10.18.2 and 10.18.3.

10.18.2 Notice:

10.18.2.1 Anticipated bypass: If the Permittee knows in advance of the need for a bypass, it shall submit prior notice in accordance with Section 10.6, Other Reporting Requirements, if possible at least 10 days before the date of the bypass to EPA Region 8 Enforcement and Compliance Assurance Division Water Enforcement Branch.

10.18.2.2 Unanticipated bypass: The Permittee shall submit notice of an unanticipated bypass as required under Section 10.10, Twenty-four Hour Notice of Noncompliance Reporting, to the EPA Region 8, Enforcement and Compliance Assurance Division, Water Enforcement Branch.

10.18.3 Prohibition of bypass

10.18.3.1 Bypass is prohibited and the EPA may take enforcement action against a permittee for a bypass, unless:

10.18.3.1.1 The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

10.18.3.1.2 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 judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

10.18.3.1.3 The Permittee submitted notices as required under Section 10.18.2.

10.18.3.2 The EPA may approve an anticipated bypass, after considering its adverse effects, if the EPA determines that it will meet the three conditions listed above in Section 10.18.3.1.

10.19 Upset Conditions:

10.19.1 Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Section 10.19.2 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 (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

10.19.2 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:

10.19.2.1 An upset occurred and that the Permittee can identify the cause(s) of the upset;

10.19.2.2 The permitted facility was at the time being properly operated;

- 10.19.2.3 The Permittee submitted notice of the upset as required under Section 10.10, Twenty-four Hour Notice of Noncompliance Reporting; and,
- 10.19.2.4 The Permittee complied with any remedial measures required under Section 10.16, Duty to Mitigate.
- 10.19.3 Burden of proof: In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

#### 10.20 Toxic Pollutants:

The Permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the Permit has not yet been modified to incorporate the requirement.

#### 10.21 Planned Changes:

The Permittee shall give written notice to the EPA as soon as possible of any planned physical alterations or additions to the permitted facility. The notice shall be signed and certified in accordance with the Signatory Requirements (see Section 10.28) sent to the address below:

U.S. EPA, Region 8 (8WD-CWW)  
Attention: Wastewater Section Supervisor  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

Notice is required only when:

- 10.21.1 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the Permit;
- 10.21.2 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; or,
- 10.21.3 The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a New Source.

#### 10.22 Anticipated Noncompliance:

The Permittee shall give advance notice to the EPA of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.

#### 10.23 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.

#### 10.24 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.

#### 10.25 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. The application shall be submitted at least 180 days before the expiration date of this Permit, unless permission for a later date has been granted by the EPA. EPA cannot grant permission for applications to be submitted later than the expiration date of the existing permit.

#### 10.26 Duty to Provide Information:

The Permittee shall furnish to the EPA, within a reasonable time, any information which the EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the EPA, upon request, copies of records required to be kept by this Permit.

#### 10.27 Other Information:

When 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 any report to the EPA, it shall promptly submit such facts or information.

#### 10.28 Signatory Requirements:

All applications, reports or information submitted to the EPA shall be signed and certified in accordance with the provisions below.

- 10.28.1 For a corporation. By a responsible corporate officer. A responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility 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.
- 10.28.2 For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
- 10.28.3 For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- 10.28.4 All reports required by the Permit and other information requested by the EPA shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 10.28.4.1 The authorization is made in writing by a person described above and is submitted to the EPA; and,
- 10.28.4.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- 10.28.5 Changes to authorization: If an authorization under Section 10.28.4 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section 10.28.4 must be submitted to the EPA prior to or together with any reports, information, or applications to be signed by an authorized representative.

- 10.28.6 Certification: Any person signing a document under this section shall make the following certification:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on 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."*

10.29 Penalties for Falsification of Reports:

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

10.30 Availability of Reports:

Except for data determined to be confidential under 40 CFR Part 2, Subpart B, all reports prepared in accordance with the terms of this Permit shall be available for public inspection. As required by the Act and 40 CFR § 122.7, permit applications, permits and effluent data shall not be considered confidential.

10.31 Property Rights:

The issuance of this Permit does not convey any property rights of any sort, or any exclusive privileges.

10.32 Severability:

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

10.33 Transfers:

This Permit is not transferable to any person except after notice and approval to the EPA, as described in the below provisions of this section. A permit may be automatically transferred to a new permittee if:

- 10.33.1 The current Permittee notifies the EPA at least 30 days in advance of the proposed transfer date at:

U.S. EPA, Region 8 (8WD-CWW)  
Attention: Wastewater Section Supervisor  
1595 Wynkoop Street  
Denver, Colorado 80202-1129;

- 10.33.2 The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them;
- 10.33.3 The notice includes the signed certification statement required by the Signatory Requirements (see Section 10.28); and,
- 10.33.4 The EPA does not notify the existing Permittee and the proposed new permittee of the EPA's intent to modify, or revoke and reissue the Permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Section 10.33.2.

10.34 Oil and Hazardous Substance Liability:

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.

10.35 General Authorities:

The EPA is issuing this Permit pursuant to the Agency's authority to implement the Clean Water Act NPDES program in LEFJs. According to 16 U.S.C. Chapter 1, the National Park Service has identified several national parks that contain LEFJ, including Yellowstone National Park. LEFJs are lands in the U.S. where the Federal government retains exclusive jurisdiction in relevant respects. EPA Region 8 is the NPDES permitting authority for facilities located in Yellowstone National Park, a LEFJ.

10.36 Reopener Provision:

This Permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

- 10.36.1 Water Quality Standards: The water quality standards of the receiving water(s) to which the Permittee discharges are modified in such a manner as to require different effluent limits than contained in this Permit.
- 10.36.2 Wasteload Allocation: A wasteload allocation is developed and approved by the EPA for incorporation in this Permit.

- 10.36.3 Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this Permit.
- 10.36.4 If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in the permit, the EPA shall institute proceedings to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.
- 10.36.5 If sources of PFAS or PFAS containing chemicals are identified in either the facility's effluent or collection system, the Permit may be reopened to include PFAS monitoring, PFAS limitations, and/or PFAS-related Best Management Practices (BMPs).
- 10.36.6 Toxicity Limitation: This Permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity limitations if whole effluent toxicity is detected in the discharge.
- 10.36.7 Based on new or revised information for the facility, EPA may determine that additional technology-based and/or water quality-based effluent limitations are necessary.

## Appendix A Definitions, Abbreviations, and Acronyms

*(in alignment with the EPA's 2021 Pesticide General Permit (PGP) for Discharges from the Application of Pesticides)*

### Definitions

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

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

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

(1) There is evidence that a person or non-target organism has likely been exposed to a pesticide residue, and

(2) The person or non-target organism suffered a toxic or adverse effect.

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

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

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

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

- For calculating annual treatment areas for Mosquitoes and Other Flying Insect Pest Control and Forest Canopy Pest for comparing with any threshold in Table 1-1, count each pesticide application activity to a treatment area (*i.e.*, that area where a pesticide application is intended to provide pesticidal benefits within the pest management area) as a separate area treated. For example, applying pesticides three times a year to the same 3,000 acre site should be counted as 9,000 acres of treatment area for purposes of determining if such an application exceeds an annual treatment area threshold. The treatment area for these two pesticide use patterns is additive over the calendar year.
- For calculating annual treatment areas for Weed and Algae Control and Animal Pest Control for comparing with any threshold in Table 1-1, calculations should include either the linear extent of or the surface area of waters for applications made to waters of the United States or at water's edge adjacent to waters of the United States. For calculating the annual treatment area, count each treatment area only once, regardless of the number of pesticide application activities performed on that area in a given year. Also, for linear features (*e.g.*, a canal or ditch), use the length of the linear feature whether treating in or adjacent to the feature, regardless of the number of applications made to that feature during the calendar year. For example, whether treating the bank on one side of a ten-mile long ditch, banks on both sides of the ditch, and/or water in that ditch, the total treatment area is ten miles for purposes of determining if an NOI is required to be submitted. Additionally, if the same 10 miles area is treated more than once in a calendar year, the total area treated is still 10 miles for purposes of comparing with any threshold in Table 1-1. The treatment area for these two pesticide use patterns is not additive over the calendar year.

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

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

**Biological Pesticides (also called biopesticides)** – include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide 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 mean a pesticide that (1) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and (3) Has a non-toxic mode of action to the target pest(s). [40 CFR § 158.2000(a)(1)] Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant or produce thereof. [40 CFR § 174.3]

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

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

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

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

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

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

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

**Discharge of a Pollutant** – any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation. This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by human; discharges through pipes, sewers, or other conveyances leading into privately owned treatment works. [Excerpted from 40 CFR § 122.2]

**Facility or Activity** – any NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program. [40 CFR § 122.2]

**Federal Facility** – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned, operated, or leased by, or constructed or manufactured for the purpose of leasing to, the federal government.

**For-Hire Applicator** – includes persons who make contractual pesticide applications for which they or their employer receives compensation (*e.g.*, lawn care firms, pest control companies).

**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-designated or proposed critical habitat for which NMFS, in its Biological opinion entitled, ‘2021 Endangered Species Act Section 7 Consultation Biological opinion on the United States Environmental Protection Agency’s Proposed Pesticides General Permit,’ concluded the draft 2021 PGP, absent any additional mitigating measures, would either likely jeopardize the continued existence of such species or destroy or adversely modify such critical habitat. The Biological opinion included a Reasonable and Prudent Alternative, implemented through this permit, to avoid likely jeopardy to listed species or adverse modification of designated 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 term “pesticide” shall not include any article that is a “new animal drug” within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(w)), that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such Act (21 U.S.C. 321(x)) bearing or containing a new animal drug. The term “pesticide” does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). For purposes of the preceding sentence, the term “critical device” includes any device that introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term “semi-critical device” includes any device that contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body [FIFRA Section 2(u)].

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

Note: drugs used to control diseases of humans or animals (such as livestock, fishstock and pets) are not considered pesticides; such drugs are regulated by the Food and Drug Administration.

Fertilizers, nutrients, and other substances used to promote plant survival and health are not considered plant growth regulators and thus are not pesticides. Biological control agents, except for certain microorganisms, are exempted from regulation under FIFRA. (Biological control agents include beneficial predators such as birds or ladybugs that eat insect pests, parasitic wasps, fish, etc).

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

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

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

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

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

**Pesticide Residue** – for the purpose of determining whether an NPDES permit is needed for discharges to waters of the United States from pesticide application, means that portion of a pesticide application that is discharged from a point source to waters of the United States and no longer provides pesticidal benefits. It also includes any degradates of the pesticide. [40 CFR § 122.2]

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

**Pollutant** – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into

water. For purposes of this definition, a “biological pesticide” is considered a “biological material,” and any “pesticide residue” resulting from use of a “chemical pesticide” is considered a “chemical waste.” [Excerpted from 40 CFR § 122.2]

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

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

**Take** - means to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. See Section 3 of the Endangered Species Act, 16 U.S.C. § 1532 (19).

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

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

**Total Maximum Daily Loads (TMDLs)** – a TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet applicable water quality standards, and an allocation of that amount to the pollutant’s sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources and/or natural background, and it must include a margin of safety (MOS) and account for seasonal variations. [See section 303(d) of the CWA and 40 CFR § 130.2 and 130.7]

**Treatment Area** – the entire area, whether over land or water, where a pesticide application is intended to provide pesticidal benefits within the pest management area. In some instances, the treatment area will be larger than the area where pesticides are actually applied. For example, the treatment area for a stationary drip treatment into a canal includes the entire width and length of the canal over which the pesticide is intended to control weeds. Similarly, the treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits.

**Water Quality Impaired** – See ‘Impaired Water.’

**Water Quality Standards** – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an antidegradation policy and implementation procedures. See *P.U.D. No. 1 of Jefferson County v. Wash. Dept. of Ecology*, 511 U.S. 700, 705 (1994). States, tribes and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the CWA (See CWA sections 101(a)2 and 303(c)). Where necessary, EPA has the authority to promulgate federal water quality standards.

**Wetlands** – means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps,

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#### **Abbreviations and Acronyms**

CBI: Confidential Business Information

CERCLA: Comprehensive Environmental Response, Compensation and Liability Act

CFR: Code of Federal Regulation

CWA: Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq.*)

CZMA: Coastal Zone Management Act

EPA: U. S. Environmental Protection Agency

ESA: Endangered Species Act

FFDCA: Federal Food Drug and Cosmetic Act

FIFRA: Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136 *et seq.*

FWS: U. S. Fish and Wildlife Service

IPM: Integrated Pest Management

LA: Load Allocation

MOS: Margin of Safety

NEPA: National Environmental Policy Act

NeT: NPDES eReporting Tool

NMFS: U. S. National Marine Fisheries Service

NOI: Notice of Intent

NOT: Notice of Termination

NPDES: National Pollutant Discharge Elimination System

NRC: National Response Center

ONRW: Outstanding National Resource Water

PIP: Plant-incorporated Protectants

PDMP: Pesticide Discharge Management Plan

SARA: Superfund Amendments and Reauthorization Act

TMDL: Total Maximum Daily Load


U.S.C.: United States Code

WLA: Wasteload Allocation

WQS: Water Quality Standard

## Appendix B: Pesticide Discharge Evaluation Worksheet (Template)

Any Operator, who is a Decision-maker, may complete this Pesticide Discharge Evaluation Worksheet to meet the requirements of Part 9.3 of the Permit.

	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.		
<b>A. General Information</b>		
1. Operator Name: <span style="border-bottom: 1px solid black; display: inline-block; width: 500px;"></span>		
NPDES Permit Tracking Number: <span style="border-bottom: 1px solid black; display: inline-block; width: 100px;"></span>		
2. Worksheet Preparer Name: <span style="border-bottom: 1px solid black; display: inline-block; width: 500px;"></span>		
3. Pest Management Area: # ___ of ## ___		
4. Pest Management Area Name: <span style="border-bottom: 1px solid black; display: inline-block; width: 500px;"></span>		
5. Indicate the pesticide use pattern for the Pest Management Area:		
a. <input type="checkbox"/> Mosquito and Other Flying Insect Pests      b. <input type="checkbox"/> Weed and Algae Pests      c. <input type="checkbox"/> Animal Pests      d. <input type="checkbox"/> 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:		
<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>		
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:		
<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>		
<b>B. Pest Evaluation</b>		
1. Identify the target pest(s) and explain why pest control is needed:		
<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>		
2. Describe Pest Management Measure(s) implemented before the first pesticide application:		
<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>		
<b>C. Pesticide Application</b>		
1. Name and contact information for pesticide Applicator(s):		
Company Name: <span style="border-bottom: 1px solid black; display: inline-block; width: 300px;"></span>		
Street: <span style="border-bottom: 1px solid black; display: inline-block; width: 250px;"></span>		
City: <span style="border-bottom: 1px solid black; display: inline-block; width: 200px;"></span> State: <span style="border-bottom: 1px solid black; display: inline-block; width: 20px;"></span> Zip Code: <span style="border-bottom: 1px solid black; display: inline-block; width: 50px;"></span> - <span style="border-bottom: 1px solid black; display: inline-block; width: 20px;"></span>		
Contact Name: <span style="border-bottom: 1px solid black; display: inline-block; width: 150px;"></span>		
Phone: <span style="border-bottom: 1px solid black; display: inline-block; width: 30px;"></span> - <span style="border-bottom: 1px solid black; display: inline-block; width: 30px;"></span> - <span style="border-bottom: 1px solid black; display: inline-block; width: 30px;"></span> Ext. <span style="border-bottom: 1px solid black; display: inline-block; width: 30px;"></span>		
E-mail: <span style="border-bottom: 1px solid black; display: inline-block; width: 300px;"></span>		

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? <input type="checkbox"/> Yes. <input type="checkbox"/> No. If no, describe why not?			
<input type="text"/>			
<input type="text"/>			
5. Were any adverse effects identified during visual monitoring? <input type="checkbox"/> Yes. <input type="checkbox"/> No. If yes, describe.			
<input type="text"/>			
<input type="text"/>			
<input type="text"/>			
<b>D. Certification</b>			
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:	<input type="text"/>		
Title:	<input type="text"/>		
E-Mail:	<input type="text"/>		
Signature/Responsible Official:	<input type="text"/>	Date:	<input type="text"/> / <input type="text"/> / <input type="text"/>
<b>Pesticide Discharge Evaluation Worksheet Preparer (Complete if worksheet was prepared by someone other than the certifier)</b>			
Preparer Name:	<input type="text"/>		
Organization:	<input type="text"/>		
Phone:	<input type="text"/> - <input type="text"/> - <input type="text"/> Ext. <input type="text"/>	Date:	<input type="text"/> / <input type="text"/> / <input type="text"/>
E-Mail:	<input type="text"/>		

**Instructions for Completing the Pesticide Discharge Evaluation Worksheet (PDEW) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES****Who Must Complete a PDEW?**

Any Operator, who is a Decision-maker and is a small entity as defined in Appendix A of the permit may complete this Pesticide Discharge Evaluation Worksheet to meet the requirements of Part 9.3 of the Permit.

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 Permit 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 Permit must retain this worksheet for at least 3 years from the date that coverage is granted under the Permit 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 ID
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.

## Appendix C: Thirty (30) Day Adverse Incident Written Report (Template)

	<b>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY</b> <b>WASHINGTON, DC 20460</b> <b>THIRTY (30)-DAY ADVERSE INCIDENT WRITTEN REPORT FOR</b> <b>THE PESTICIDE GENERAL PERMIT (PGP)</b> <b>FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES</b>	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.		
<b>A. Reportable Adverse Incident</b> 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.		
<input type="checkbox"/> Yes. You must complete this report and submit it to the appropriate EPA Regional office and to the state lead agency for pesticide regulation. <input type="checkbox"/> No. STOP. You are not required to complete this report. However, you may consider using this form to document the incident and your rationale for why reporting of the adverse incident is not required. This information may be useful to support your rationale should you be questioned on such.		
<b>B. Information from the 24-Hour Adverse Incident Notification</b> 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 <a href="https://www.epa.gov/npdes/pesticide-permitting">https://www.epa.gov/npdes/pesticide-permitting</a> . 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: <input style="width: 100%;" type="text"/>		
b. Telephone Number: <input style="width: 20%;" type="text"/> - <input style="width: 20%;" type="text"/> - <input style="width: 20%;" type="text"/> Ext <input style="width: 20%;" type="text"/>		
2. Operator Information:		
a. Operator Name: <input style="width: 100%;" type="text"/>		
b. Mailing Address:		
Street: <input style="width: 100%;" type="text"/>		
City: <input style="width: 40%;" type="text"/> State: <input style="width: 10%;" type="text"/> ZIP Code: <input style="width: 20%;" type="text"/> - <input style="width: 10%;" type="text"/>		
3. NOI NPDES Permit Tracking Number: <input style="width: 20%;" type="text"/> (Enter "NA" if not applicable)		
4. Contact person, if different than the person providing the 24-hour notice under Item 1 above:		
a. Name: <input style="width: 100%;" type="text"/>		
b. Telephone Number: <input style="width: 20%;" type="text"/> - <input style="width: 20%;" type="text"/> - <input style="width: 20%;" type="text"/> Ext <input style="width: 20%;" type="text"/>		
5. Describe how and when the Operator became aware of the adverse incident:		
<input style="width: 100%; height: 40px;" type="text"/>		
<input style="width: 100%; height: 40px;" type="text"/>		
<input style="width: 100%; height: 40px;" type="text"/>		
<input style="width: 100%; height: 40px;" type="text"/>		
6. Describe the location of the adverse incident:		
<input style="width: 100%; height: 40px;" type="text"/>		
<input style="width: 100%; height: 40px;" type="text"/>		
<input style="width: 100%; height: 40px;" type="text"/>		

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A horizontal number line with 20 tick marks, labeled from 0 to 19. The line is used for plotting the data points from the frequency table.

[illegible]

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2. Time EPA was contacted: \_\_\_\_\_

[illegible]

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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.):

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:

Pesticide application rate:

Intended use site:

\_\_\_\_\_

Intended use site:

\_\_\_\_\_

**Method of application:**

**Method of application:**

\_\_\_\_\_

Pesticide Product:

A horizontal number line with 15 tick marks, labeled from 1 to 15.

Pesticide Product:

\_\_\_\_\_

EPA Reg. No.:

EPA Reg. No.:

\_\_\_\_\_

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

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

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

**E. Certification**

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

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

## Instructions for Completing and Submitting the Thirty (30) Day Adverse Incident Written Report

### 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 Section 8.4 of the Permit must submit an Adverse Incident report.

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

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

Where multiple Operators are authorized for a discharge that results in an Adverse Incident, notification and reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of the written report required in Section 8.4.2 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 Section 8.4.1.1 of the Permit.

### Where to File the 30-day Adverse Incident Report

The Operator must immediately notify the appropriate EPA Incident Reporting Contact of the Adverse Incident within 24 hours. The Operator(s) must provide a written report of the Adverse Incident to the appropriate EPA Region 8 office as indicated in 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 Permit 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

1. 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.
2. Provide the Operator's contact information.

- Enter the legal name of the Operator.
- Enter the mailing address of the Operator.

3. Enter the NPDES Permit ID.

4. 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.
5. Provide a description of how and when the Operator became aware of the Adverse Incident.

6. Provide a description of the location of the Adverse Incident.

7. Provide a description of the Adverse Incident and the pesticide product used in the Adverse Incident. Include the EPA pesticide registration number for each product applied in the area of the Adverse Incident. Attach additional pages if necessary.

8. Provide a description of any steps the Operator has taken to correct, repair, remedy, clean up or otherwise address the adverse effects of the incident.

9. Identify any other Operators authorized for coverage under the permit for discharges from the pesticide application activities that resulted in the Adverse Incident. If other Operators are authorized under this permit, provide details of your notification of those other Operator(s).

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

- 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).

6. Indicate which laboratory test(s) were performed and when, if laboratory tests were performed. The summary of the test results must be provided within 5 days after they become available, if not available at the time of submission of this report.
7. Provide a description of the actions to be taken to prevent recurrence of Adverse Incidents.

**Section E. Certification**

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see 40 CFR § 122.41(k). (CAUTION: An unsigned or undated form will not be accepted.) Federal statutes provide for severe penalties for submitting false information. Federal regulations require this application to be signed as follows:

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

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

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

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

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

**Paperwork Reduction Act Notice**

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

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