

National Pollutant Discharge Elimination System Permit

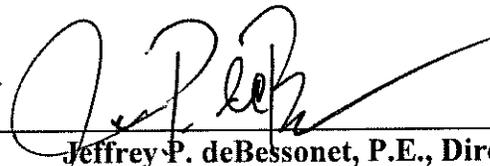
for Discharge to Surface Waters

NPDES GENERAL PERMIT

for discharges from the

APPLICATION OF PESTICIDES

This permit authorizes the discharge of pollutants associated with the application of pesticides to surface waters of the State of South Carolina in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein. This permit is issued in accordance with the provisions of the Pollution Control Act of South Carolina (i.e., PCA, S.C. Code Sections 48-1-20 *et seq.*, 1976), Regulation 61-9 and with the provisions of the Federal Clean Water Act (PL 92-500), as amended, 33 U.S.C. 1251 *et seq.*, the "Act."



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Permit No.: SCG160000

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1.0 COVERAGE UNDER THIS PERMIT

This permit covers any operator that meets the eligibility requirements identified in Part 1.1 and if so required, submits a Notice of Intent (NOI) in accordance with Part 1.2. An operator, based on the definition in Appendix A, could result in more than one operator being responsible for compliance with this permit for any single discharge from the application of pesticides.

This general permit does not apply to the application of pesticides to areas which are “treatment works” (as defined in Appendix A) and to areas which are exempt from an NPDES permit (R.61-9.122.3) including:

- a. Any introduction of pollutants from non point source agricultural and silvicultural activities, including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations as defined in Regulation 61-9.122.23, discharges from concentrated aquatic animal production facilities defined in Regulation 61-9.122.24, discharges to aquaculture projects as defined in Regulation 61-9.122.25, and discharges from silvicultural point sources as defined in Regulation 61-9.122.27, and
- b. Return flows from irrigated agriculture.

1.1 Eligibility

1.1.1 Activities Covered. This permit is available to operators who discharge to surface waters of the State of South Carolina (surface waters of the State) from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (hereinafter collectively “pesticides”), when the pesticide application is for one of the following pesticide use patterns:

- a. **Pesticide Use Pattern # 1: Mosquito and Other Flying Insect Pest Control** – to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above surface waters of the State. Public health/nuisance and other flying insect pests in this use category include but are not limited to mosquitoes and black flies.
- b. **Pesticide Use Pattern # 2: Aquatic Weed and Algae Control** – to control invasive or other nuisance weeds and algae in surface waters of the State and at waters’ edge.
- c. **Pesticide Use Pattern # 3: Aquatic Nuisance Animal Control** –to control invasive or other nuisance animals in surface waters of the State and at waters’ edge. Aquatic nuisance animals in this use category include, but are not limited to fish, lampreys, and mollusks.
- d. **Pesticide Use Pattern # 4: Forest Pest Control** – application of a pesticide in or over a forest to control the population of a pest species where to target the pests effectively a portion of the pesticide unavoidably will be applied over and deposited to surface waters of the State.

- e. **Pesticide Use Pattern # 5: Intrusive Vegetation Control** – to control vegetation along roads and utility rights of way (including utility facilities such as pump stations, plants and electric substations where property is owned by the utility) where to target the intrusive pests effectively, a portion of the pesticide unavoidably will be applied over and or deposited into surface waters of the State.
- f. **Pesticide Use Pattern # 6: Other Similar Activities.** Other activities not explicitly covered in 1.1.1.a-e above may be eligible under this permit where the use patterns are similar to the use patterns identified above. For consideration in such situations, an operator must submit a notice of intent (NOI) form to the Department requesting a determination on whether the activity can be covered under this permit. If the activity can be covered, as determined by the Department, the Department will notify the applicant in writing (e-mail or hardcopy) of its determination. Such a notice of coverage will specify the coverage requirements. If no response is received from the Department within 10 days of the Department’s receipt of the NOI, then the NOI is automatically approved until a written response is received from the Department.

1.1.2 Limitations on Coverage

- 1.1.2.1 **Discharges to Water Quality Impaired Waters.** You are not eligible for coverage under this permit for any discharges from a pesticide application to surface waters of the State if the water is identified as impaired by that pesticide or its degradates. For purposes of this permit, impaired waters are those that have been identified by the Department pursuant to Section 303(d) of the CWA as not meeting applicable State water quality standards. Impaired waters for the purposes of this permit include both waters with EPA-approved or EPA-established Total Maximum Daily Loads (TMDLs) and waters for which EPA has not yet approved or established a TMDL. A list of these waters is available on the Internet at <http://www.scdhec.gov/environment/water/tmdl>. At this website, you can identify the nearest monitoring station that is not meeting standards via a map (see: “map of 2010 303(d) listed locations by major river basins”). If your discharge would not be eligible under this permit because the water is listed as impaired for that specific pesticide or its degradates, but you have evidence that shows the water is no longer impaired, you may submit this information to the Department and request that coverage be allowed under this permit. A quality assurance project plan (QAPP) prepared to the satisfaction of the Department may be required for such a demonstration.
- 1.1.2.2 **Discharges to Waters Designated as Tier 3 for Antidegradation Purposes.** You are not eligible for coverage under this permit for discharges from a pesticide application to waters designated as Tier 3 (Outstanding National Resource Waters) for anti-degradation purposes under R.61-68.G.5 and 6 unless explicitly approved by the Department prior to the discharge (except as noted below). A list of Tier 3 waters in geographic areas covered under this permit is on the Department’s website at <http://www.scdhec.gov/environment/water/regs/r61-69.pdf>. In the event of a “declared pest emergency situation” as defined in Appendix A, the request for coverage must be submitted no later than 30 days after commencement of discharge.
- 1.1.2.3 **Discharges Currently or Previously Covered by another Permit.** You are not eligible for coverage under this permit if any of the following circumstances apply:

- a. The discharges from the application of pesticides are covered by another NPDES permit, or
- b. The discharges from the application of pesticides were included in a permit that within the last five years has been or is in the process of being denied, terminated, or revoked by the Department (this does not apply to the routine reissuance of permits every five years).

1.2 Authorization to Discharge Under this Permit

1.2.1 How to Obtain Authorization. To obtain authorization under this permit, an operator must:

- a. Meet the eligibility requirements identified in Part 1.1, and
- b. If you are an operator identified in Part 1.2.2 as being required to submit an NOI, submit a complete and accurate NOI. If you are an operator meeting the eligibility provisions outlined in Part 1.1 and your discharges are not subject to the requirement to submit an NOI, as identified in Part 1.2.2, you are automatically authorized to discharge beginning on the effective date of this permit, in compliance with the requirements of this permit without submission of an NOI.

An NOI provides notice of an operator's intent for discharges from its pesticide application activities to be covered under this permit. Coverage is for the operator who filed the NOI, including its employees, contractors, subcontractors, and other agents, for all activities identified on the NOI for the duration of this permit unless coverage is terminated pursuant to Part 1.2.5 or Part 1.3. If a submitted NOI is not timely, accurate, or complete, then any employee, contractor, subcontractor or other entity that discharges without the required NOI is not covered by this permit.

1.2.2 Operators Required to Submit a Notice of Intent (NOI). The following operators are required to submit a Notice of Intent to obtain coverage under this general permit for discharges to surface waters of the State resulting from the application of pesticides:

- a. If you are an owner paying for, or making the decision to perform pest control activities that will result in a discharge and know or reasonably should have known that those activities will exceed one or more of the annual (i.e., calendar year) treatment area thresholds listed in Table 1 below for the "treatment area," as defined in Appendix A; or
- b. If you are a for-hire applicator applying pesticides that result in a discharge and know or reasonably should have known that those activities will exceed one or more of the pesticide application annual (i.e., calendar year) treatment area thresholds listed in Table 1 below for the "treatment area," as defined in Appendix A; or
- c. If you apply pesticides that result in a discharge to surface waters of the State and you do not meet the use patterns identified in Part 1.1.1.a-e but you are requesting consideration for coverage under Part 1.1.1.f.

Table 1. Annual Treatment Area Thresholds		
PGP Part	Pesticide Use	Annual Threshold
2.2.1	Mosquitoes and Other Flying Insect Pests	8,960 acres of cumulative treatment area . Equivalent to one square mile with 14 applications per year
2.2.2	Aquatic Weed and Algae Control:	
	- In Water	200 acres of treatment area ¹
2.2.3	- At Water's Edge:	20 linear miles of treatment area at water's edge ²
	Aquatic Nuisance Animal Control:	
2.2.3	- In Water	20 acres of treatment area ¹
	- At Water's Edge	20 linear miles of treatment area at water's edge ²
2.2.4	Forest Pest Control	6,400 acres of cumulative treatment area (10 square miles)
2.2.5	Intrusive Vegetation Control	100 linear miles (rights of way) or 100 acres of treatment area (if on own property) ³

Calculations should include the area of the applications made to surface waters of the State at the time of pesticide application. For calculating annual treatment area totals, count each pesticide application activity as a separate activity. For example, applying pesticides twice a year to a ten acre site should be counted as twenty acres of treatment area.

- ² Calculations should include the linear extent of the application made at water's edge adjacent to surface waters of the State at the time of pesticide application. For calculating annual treatment totals, count each pesticide application activity and each side of a linear water body as a separate activity or area. For example, treating both sides of a ten mile creek is equal to twenty miles of water treatment area.
- ³ Calculation of miles is based on total miles, not factoring in actual surface water affected. For calculating annual treatment area totals, count each pesticide application activity as a separate activity.

Information required to be included in an NOI is provided in Appendix C. Operators must submit an NOI to the Department in one of the following ways:

- a. At the address identified in Part 8.1.1;
- b. By e-mail attachment at pesticidegp@dhec.sc.gov; or
- c. By fax at (803) 898-4215.

NOIs prepared electronically via the Department's website must be followed up by a signed copy of the NOI submitted to the Department at the address identified in Part 8.1.1, by e-mail attachment at pesticidegp@dhec.sc.gov, or by fax at (803) 898-4215. NOI submissions must be in accordance with the deadlines in Part 1.2.3. A new NOI submission and subsequent coverage may occur after the expiration date of this permit if a reissued permit has not replaced this permit. Coverage under this permit via an NOI will be subject to the normal annual fee published in Regulation 61-30 for coverage under an NPDES general permit, including discretionary NOI submissions under Part 1.1.1.a-e (where the threshold is not met) and coverage granted under NOI submissions pursuant to Part 1.1.1.f.

1.2.3 Discharge Authorization Date. Beginning on the effective date of this permit, you must be covered under an NPDES permit for discharges to surface waters of the State as a result of the application of a pesticide. Notwithstanding any other conditions of this permit, for operators required to submit an NOI, the deadline for the submittal of these

NOIs is sixty (60) days after the effective date of this permit. The discharge authorization date for these operators is the effective date of this permit. Beginning seventy-five (75) days after the effective date of this permit, operators are authorized to discharge under this permit consistent with Table 2 below.

Table 2. Discharge Authorization Date		
Category	NOI Submittal Deadline	Discharge Authorization Date ^{2,3}
Operators not required to submit an NOI.	Not applicable.	Immediately.
Operators who know or should have reasonably known, prior to commencement of discharge, that they will exceed an annual treatment area threshold identified in Part 1.2.2 for that year.	At least 15 days prior to the expected commencement of discharge.	The NOI is automatically approved if no response is received within 10 days of the Department's receipt of the signed NOI.
Operators who do not know or would reasonably not know until after commencement of discharge, that they will exceed an annual treatment area threshold identified in Part 1.2.2 for that year.	At least 15 days prior to exceeding an annual treatment area threshold.	Original authorization terminates when annual treatment area threshold is exceeded. The NOI is automatically approved if no response is received within 10 days of the Department's receipt of the signed NOI.
Operators commencing discharge in response to a "declared pest emergency situation" as defined in Appendix A (if an NOI has not already been submitted).	No later than 30 days after commencement of discharge. ¹	Immediately, for activities conducted in response to declared pest emergency situation.
Operators commencing discharge in response to an infestation of fast-spreading aquatic weeds.	No later than 15 days after commencement of discharge. ¹	Immediately.
Operators requesting coverage under Part 1.1.1.f (Other Similar Activities)	At least fifteen days prior to the expected commencement of discharge.	Upon written notification by the Department as per Part 1.1.1.f. If no response is received from the Department within 10 days of the Department's receipt of the signed NOI, then the NOI is automatically approved until a written response is received from the Department.

¹ In the event that a discharge occurs prior to your submitting an NOI, you must comply with all other requirements of this permit immediately.

² If the Department determines that additional information is necessary, you will be notified in writing (e-mail or hardcopy). Upon your receipt of the Department's written notification, any automatic coverage/authorization may be suspended until the required information is received and approved by the Department.

³ If the Department notifies you in writing (e-mail or hardcopy) that you are denied coverage under this permit, any automatic coverage/authorization is terminated at that time.

Timing for NOI submittal is based on when an operator is aware or reasonably should be aware through consideration of past experience, planned activities, planning, and other analyses, that it will exceed an annual treatment area threshold during the calendar year, not on the time when the threshold is actually exceeded. For example, many large operators have exceeded the threshold the last several years and have no reason to believe activities will change such that they will not exceed these thresholds in the future. Except as noted in the first paragraph of this Part, for those operators, NOIs are due prior to commencement of any discharge under this permit.

Based on a review of your NOI or other information, the Department may delay your authorization for further review, or may determine that additional technology-based and/or water quality-based effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3.

1.2.4 Continuation of this Permit

1.2.4.1 If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with R.61-9.122.6 and remain in force and effect. If you were authorized to discharge under this permit prior to the expiration date, and you reapplied in accordance with Appendix B, Subsection B.1, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

- a. Your authorization for coverage under a reissued permit or a replacement of this permit;
- b. The processing and posting of your Notice of Termination consistent with Part 1.2.5.1;
- c. The issuance or denial of an individual permit for a discharge resulting from application of a pesticide that would otherwise be covered under this permit;
- d. A formal permit decision by the Department not to reissue this general permit, at which time the Department will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
- e. The Department has informed you that you are no longer covered under this permit.

If you are automatically covered by this permit (i.e., you are not required to submit an NOI per Part 1.2.2) and you did not submit a discretionary NOI, you have automatic continued coverage and do not have to reapply in accordance with Appendix B, Subsection B.1.

1.2.4.2 **Exception to Continuing Coverage.** If you are currently covered by this general permit and you are required to submit an NOI per Part 1.2.2 or you submitted a discretionary NOI, you must submit an updated NOI at least 180 days prior to the expiration date of the permit (unless an extension has been granted by the Department prior to the deadline). Failure to submit a timely NOI in accordance with Appendix B, Subsection B.1 will result in a loss of coverage when the current permit expires. Any permittee that loses their existing coverage may reapply for new coverage when needed.

1.2.5 Terminating Coverage

1.2.5.1 **Submitting a Notice of Termination (NOT).** To terminate permit coverage, an operator who is required to submit an NOI as identified in Part 1.2.2 and those operators who submitted discretionary NOIs (i.e., those operators who remain below a threshold but submitted an NOI anyway), must submit a complete and accurate NOT. Information required to be included in a Notice of Termination is provided in Appendix D. Operators required to submit a Notice of Termination should submit the NOT to the Department in one of the following ways:

- a. At the address identified in Part 8.1.1;
- b. By e-mail at pesticidegp@dhec.sc.gov; or
- c. By fax at (803) 898-4215.

If you submit a Notice of Termination without meeting one or more of the conditions identified in Part 1.2.5.2, then your Notice of Termination is not valid. You are responsible for complying with the terms of this permit until your authorization is terminated.

1.2.5.2 When to Submit a Notice of Termination (NOT). An operator who is required to submit an NOI as identified in Part 1.2.2 and those operators who submitted discretionary NOIs must submit a NOT within 30 days after one or more of the following conditions have been met:

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

1.2.5.3 Operators covered under this permit that are not required to submit an NOI and did not submit a discretionary NOI are terminated from permit coverage when they no longer have a discharge from the application of pesticides or their discharges are covered under an NPDES individual permit or alternative NPDES general permit.

1.3 Alternative Permits

1.3.1 Department Requiring Coverage under an Alternative Permit. The Department may require you to apply for and/or obtain authorization to discharge under either an individual NPDES permit or an alternative NPDES general permit in accordance with R.61-9.122.64 and 124.5. If the Department requires you to apply for an individual NPDES permit, the Department will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information. In addition, if you are an operator whose discharges are authorized under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the individual NPDES permit, or the alternative general permit as it applies to you, coverage under this general permit will terminate. The Department may grant additional time to submit the application if you submit a request setting forth reasonable grounds for additional time. If you are covered under this permit and fail to submit an individual NPDES permit application as required by the Department, then the applicability of this permit to you is terminated at the end of the day specified by the Department as the deadline for application submittal. The Department may take enforcement action for any unpermitted discharge or violation of any permit requirement.

1.3.2 Operator Requesting Coverage under an Alternative Permit. If you do not want to be covered by this general permit, but need permit coverage, you can apply for an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of R.61-9.122.21(k), with reasons supporting the request, to the Department at the address identified in Part 8.1.1. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit if your reasons are warranted.

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

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

1.5 Other Federal and State Laws. You must comply with all other applicable federal and state laws and regulations that pertain to your application of pesticides. For example, this permit does not negate the requirements under FIFRA and its implementing regulations to use registered pesticides consistent with the product's labeling. Additionally, there are other laws and regulations that may apply to certain activities that are also covered under this permit (e.g., United States Coast Guard regulations).

1.6 Coastal Zone Consistency (CZC) Certification. Projects located in the eight (8) coastal counties are deemed consistent with the Coastal Zone Management Program provided that they meet the minimum criteria of this permit. The Department reserves the right to require an individual CZC determination on any project on a case by case basis.

1.7 Changes in Federal Rules. The requirements of this permit, in whole or in part as applicable, shall end if a change to federal law or regulations results in there no longer being a need for an NPDES permit for the activities regulated under this permit. The requirements shall end upon the Department's notice in the State Register.

2.0 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

To meet the effluent limitations in Part 2, you must implement treatment area-specific control measures that limit discharges of pesticides to surface waters of the State. The term "control measure" is defined in Appendix A.

2.1. Limit Pesticide Discharges to Surface Waters of the State. All operators, regardless of whether you are required to submit an NOI, must limit the discharge of pollutants resulting from the application of pesticides. All operators must also do the following:

- 2.1.1. Use an effective amount of pesticide product per application and optimize frequency of pesticide applications necessary to control the target pest (while avoiding over-application), consistent with reducing the potential for development of pest resistance and consistent with applicable label requirements;
- 2.1.2. Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit; and
- 2.1.3. Maintain pesticide application equipment in proper operating condition by adhering to any manufacturer's conditions, and by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. You must ensure that the equipment's rate of pesticide application is reasonably calibrated to deliver the appropriate quantity of pesticide needed to achieve effective control.

2.2. Integrated Pest Management (IPM) Practices (For Those Required to Submit NOIs)

This Part applies to any entity that is required to submit an NOI, as required in Part 1.2.2, including any pesticide applicator hired by such entity or any other employee, contractor, subcontractor or other agent. Note that IPM is only required for those pesticide use patterns exceeding an annual threshold.

If your discharge of pollutants results from the application of a pesticide that is being used solely for the purpose of "pesticide research and development," as defined in Appendix A, you are not required to fully implement Part 2.2 for such discharge, but you still must implement Part 2.2 to the extent that its requirements do not compromise the research design.

If coverage under this permit is granted pursuant to Part 1.1.1.f, IPM is required if specified in the notice of coverage.

2.2.1. IPM for Pesticide Use Pattern # 1: Mosquito and Other Flying Insect Pest Control

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

- 2.2.1.1. **Identify the Problem.** Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the State, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, you must do the following for "pest management areas", as defined in Appendix A.
 - 2.2.1.1.1 Establish densities for larval and adult mosquito or flying insect pest populations to serve as action threshold(s) for implementing pest management strategies, recognizing that public health emergencies may require alternative methods;
 - 2.2.1.1.2 Identify target mosquito or flying insect pest species to develop species-specific or breeding habitat pest management strategies based on developmental and behavioral considerations for each species;

- 2.2.1.1.3** Identify known breeding sites for source reduction, larval control program, and habitat management;
- 2.2.1.1.4** Analyze existing surveillance data to identify new or unidentified sources of mosquito or flying insect pest problems as well as sites that have recurring pest problems; and
- 2.2.1.1.5** In the event there are no data for your pest management area in the past calendar year, see Part 5 for documentation requirements regarding why current data are not available and the data you used to meet the permit conditions in Part 2.2.1.1.
- 2.2.1.2** **Pest Management.** Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the State, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, you must select and implement, for pest management areas, efficient and effective means of pest management. In developing these pest management strategies, you must evaluate the following management options, considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:
- a. No action
 - b. Prevention
 - c. Mechanical or physical methods
 - d. Cultural methods
 - e. Biological control agents
 - f. Pesticides
- 2.2.1.3** **Pesticide Use.** If a pesticide is selected to manage mosquitoes or flying insect pests and application of the pesticide will result in a discharge to a surface waters of the State, you must:
- 2.2.1.3.1** Conduct larval and/or adult surveillance prior to each pesticide application (unless its preventative application – see definition of Action Threshold in Appendix A) to assess the pest management area and to determine when action threshold(s) are met that necessitate the need for pest management;
- 2.2.1.3.2** Assess environmental conditions (e.g., temperature, precipitation, and wind speed) in the treatment area prior to each pesticide application to identify whether existing environmental conditions support development of pest populations and are suitable for control activities;
- 2.2.1.3.3** Reduce the impact on the environment and on non-target organisms by applying the pesticide only when the action threshold has been met;
- 2.2.1.3.4** In situations or locations where practicable and feasible for efficacious control, use larvicides as a preferred pesticide for mosquito or flying insect pest control when larval action thresholds have been met; and
- 2.2.1.3.5** In situations or locations where larvicide use is not practicable or feasible for efficacious control, use adulticides for mosquito or flying insect pest control when adult action thresholds have been met.

2.2.2 IPM for Pesticide Use Pattern # 2: Aquatic Weed and Algae Control

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

2.2.2.1 Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the State, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, you must do the following for “pest management areas”, as defined in Appendix A:

2.2.2.1.1 Identify areas with aquatic weed or algae problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g., wildlife habitat, fisheries, vegetation, and recreation);

2.2.2.1.2 Identify target weed species;

2.2.2.1.3 Reserved;

2.2.2.1.4 Establish a protocol that draws on knowledge of past practices and effectiveness for implementing pest management strategies, factoring in any applicable aquatic weed or algae densities; and

2.2.2.1.5 In the event there are no data for your pest management area in the past calendar year, see Part 5 for documentation requirements regarding why current data are not available and the data you used to meet the permit conditions in Part 2.2.2.1.

2.2.2.2 Pest Management. Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the State, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, you must select and implement, for pest management areas, efficient and effective means of pest management to control aquatic weeds or algae. In developing these pest management strategies, you must evaluate the following management options, considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:

- a. No action
- b. Prevention
- c. Mechanical or physical methods
- d. Cultural methods
- e. Biological control agents
- f. Pesticides

2.2.2.3 Pesticide Use. If a pesticide is selected to manage aquatic weeds or algae and application of the pesticide will result in a discharge to surface waters of the State, you must:

2.2.2.3.1 Conduct surveillance prior to each pesticide application (unless its preventative application – see definition of Action Threshold in Appendix A) to assess the pest management area and to determine when the action threshold is met that necessitates the need for pest management.

2.2.2.3.2 Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action threshold has been met.

2.2.3 IPM for Pesticide Use Pattern # 3: Aquatic Nuisance Animal Control

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

2.2.3.1 Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the State, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, you must do the following for pest management areas:

2.2.3.1.1 Identify areas with aquatic nuisance animal problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g., wildlife habitat, fisheries, vegetation, and recreation);

2.2.3.1.2 Identify target aquatic nuisance animal species;

2.2.3.1.3 Identify possible factors causing or contributing to the problem (e.g., nutrients, invasive species);

2.2.3.1.4 Establish a protocol that draws on knowledge of past practices and effectiveness for implementing pest management strategies, factoring in any applicable aquatic nuisance animal densities; and

2.2.3.1.5 In the event there are no data for your pest management area in the past calendar year, see Part 5 for documentation requirements regarding why current data are not available and the data you used to meet the permit conditions in Part 2.2.3.1.

2.2.3.2 Pest Management. Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the State, and at least once each year thereafter prior to the first pesticide application during that calendar year, you must select and implement, for pest management areas, efficient and effective means of pest management to control aquatic nuisance animals. In developing these pest management strategies, you must evaluate the following management options, considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:

- a. No action
- b. Prevention
- c. Mechanical or physical methods
- d. Biological control agents
- e. Pesticides

2.2.3.3 Pesticide Use. If a pesticide is selected to manage aquatic nuisance animals and application of the pesticide will result in a discharge to surface waters of the State, you must:

- 2.2.3.3.1 Conduct surveillance prior to each application (unless its preventative application – see definition of Action Threshold in Appendix A) to assess the pest management area and to determine when the action threshold is met that necessitates the need for pest management; and
- 2.2.3.3.2 Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action threshold has been met.

2.2.4 IPM for Pesticide Use Pattern # 4: Forest Pest Control

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

- 2.2.4.1 **Identify the Problem.** Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the State, and at least once each calendar year thereafter prior to the first pesticide application in that calendar year, you must do the following for “pest management areas”, as defined in Appendix A:

- 2.2.4.1.1 Establish target pest densities to serve as action threshold(s) for implementing pest management strategies;
- 2.2.4.1.2 Identify target species to develop a species-specific pest management strategy based on developmental and behavioral considerations for each species;
- 2.2.4.1.3 Identify current distribution of the target pest and assess potential distribution in the absence of control measures; and
- 2.2.4.1.4 In the event there are no data for your pest management area in the past calendar year, see Part 5 for documentation requirements regarding why current data are not available and the data you used to meet the permit conditions in Part 2.2.4.1.

- 2.2.4.2 **Pest Management.** Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the State, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, you must select and implement for pest management areas efficient and effective means of pest management to control forestry pests. In developing these pest management strategies, you must evaluate the following management options, considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:

- a. No action
- b. Prevention
- c. Mechanical or physical methods
- d. Cultural methods
- e. Biological control agents
- f. Pesticides

- 2.2.4.3 **Pesticide Use.** If a pesticide is selected to manage forestry pests and application of the pesticide will result in a discharge to surface waters of the State, you must:

- 2.2.4.3.1 Conduct surveillance prior to each application (unless its preventative application – see definition of Action Threshold in Appendix A) to assess the pest management area and to determine when the pest action threshold is met that necessitates the need for pest management;
- 2.2.4.3.2 Assess environmental conditions (e.g., temperature, precipitation, and wind speed) in the treatment area to identify conditions that support target pest development and are conducive for treatment activities;
- 2.2.4.3.3 Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action thresholds have been met; and
- 2.2.4.3.4 Evaluate using pesticides against the most susceptible developmental stage.

2.2.5 IPM for Pesticide Use Pattern # 5: Intrusive Vegetation Control

2.2.5.1 Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the State, and at least once each calendar year thereafter prior to the first pesticide application in that calendar year, you must do the following for “pest management areas”, as defined in Appendix A:

- 2.2.5.1.1 Identify, as best possible, target pests (e.g., woody vegetation, aggressive vines) to develop a pest management strategy;
- 2.2.5.1.2 Identify, as best possible, current distribution of the target pest and assess potential distribution in the absence of control measures; and
- 2.2.5.1.3 In the event there are no data for your pest management area in the past calendar year, see Part 5 for documentation requirements regarding why current data are not available and the data you used to meet the permit conditions in Part 2.2.5.1.

2.2.5.2 Pest Management. Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the State, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, you must select and implement, for pest management areas, efficient and effective means of pest management to intrusive vegetation. In developing these pest management strategies, you must evaluate the following management options, considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:

- a. No action
- b. Prevention
- c. Mechanical or physical methods
- d. Reserved
- e. Biological control agents
- f. Pesticides

2.2.5.3 Pesticide Use. If a pesticide is selected to manage intrusive vegetation along rights of way and application of the pesticide will result in a discharge to surface waters of the State, you must:

- 2.2.5.3.1 Conduct surveillance prior to each application (unless its preventative application – see definition of Action Threshold in Appendix A) to assess the pest management area and to determine when the action threshold is met that necessitates the need for pest management; and
- 2.2.5.3.2 Assess environmental conditions (e.g., temperature, precipitation, and wind speed) in the treatment area to identify conditions that support target pest development and are conducive for treatment activities; and
- 2.2.5.3.3 Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action thresholds have been met.

3.0 WATER QUALITY-BASED EFFLUENT LIMITATIONS

Your discharge must be controlled as necessary to meet applicable water quality standards.

If at any time you become aware, or the Department notifies you, that your discharge causes or contributes to an excursion of applicable water quality standards, you must take corrective action as required in Part 6.

4.0 MONITORING

4.1 Monitoring Requirements for Pesticide Applicators. You must monitor the amount of pesticide applied to ensure that you are using the appropriate amount, consistent with applicable labeling, to effectively control the pest, consistent with reducing the potential for development of pest resistance. You must also monitor your pesticide application activities to ensure you are performing regular maintenance activities and to ensure that your application equipment is in proper operating condition to reduce the potential for leaks, spills, or other unintended discharge of pesticides to surface waters of the State. Additionally, you must monitor your pesticide application activities to ensure that the application equipment is in proper operating condition by adhering to any manufacturer's conditions, and by calibrating, cleaning, and repairing equipment on a regular basis. Monitoring in this context is not ambient monitoring of surface waters of the State.

4.2 Visual Monitoring Requirements for Operators

4.2.1 Visual Monitoring During Pesticide Application. The owner or the for-hire applicator covered under this permit must conduct spot checks/visual assessments during pesticide application (when safe and feasible) in the area in and around where pesticides are applied for possible and observable "adverse incidents", as defined in Appendix A, caused by application of pesticides, including but not limited to the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

4.2.2 Visual Monitoring After Pesticide Application. The owner or the for-hire applicator covered under this permit must conduct post-application spot checks/visual assessments (when safe and feasible) in the area in and around where pesticides were applied for possible and observable “adverse incidents”, as defined in Appendix A, caused by application of pesticides, including but not limited to the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

5.0. PESTICIDE DISCHARGE MANAGEMENT PLAN (PDMP)

This Part applies to any operator required to submit an NOI, as required in Part 1.2.2, except for for-hire applicators and those solely performing pesticide research and development under Part 1.2.2(c). If coverage is granted pursuant to Part 1.1.1.f, a PDMP is required if specified in the notice of coverage. All other owners that are required to submit an NOI are required to have a PDMP. If an NOI is submitted that is not required by Part 1.2.2 (at the discretion of the operator because the activity will be below the threshold(s)), a corresponding PDMP is not required.

Some sections of the PDMP will require input from the pesticide applicator. This plan could be a plan developed to satisfy other programs that regulate pesticide use as long as the requirements of this permit are satisfied. The PDMP must cover those pesticide use patterns that exceed or are expected to exceed a threshold in Table 1.

If you are required to have a PDMP for your pest management area, this plan must be available to the Department to review upon request. You must keep the plan up-to-date thereafter for the duration of coverage under this general permit, even if your discharges subsequently fall below the applicable NOI threshold. You must develop a PDMP consistent with the deadline outlined in Table 3 below.

Category	PDMP Deadline
Operators not required to submit an NOI.	Not applicable
Operators who are owners who know or should have reasonably known, prior to commencement of discharge, that they will exceed an annual treatment area threshold identified in Part 1.2.2 for that year.	Prior to January of the year following the effective date of the permit.
Operators who are owners who do not know or would reasonably not know until after commencement of discharge, that they will exceed an annual treatment area threshold identified in Part 1.2.2 for that year.	Prior to exceeding an annual treatment area threshold.
Operators who are owners commencing discharge in response to a “declared pest emergency situation” as defined in Appendix A that will cause the operator to exceed an annual treatment area threshold.	No later than 90 days after responding to declared pest emergency situation.

The PDMP does not contain effluent limitations; the limitations are contained in Parts 2 and 3 of the permit. The PDMP documents how you will implement the effluent limitations in Parts 2 and 3 of the permit, including your evaluation and selection of control measures to meet those effluent limitations. In your PDMP, you may incorporate by reference any procedures or plans in other documents that meet the requirements of this permit. If you rely upon other documents to describe how you will comply with the effluent limitations in this permit, such as a pre-existing integrated pest management (IPM) plan, such information must be available upon request. All operators subject to the effluent limitations described above must implement control measures to satisfy the effluent limitations in Parts 2 and 3. This includes the operator who submitted the NOI as well as any employees, contractors, subcontractors, or other agents. The control measures implemented must be documented and the documentation must be kept up-to-date.

5.1 Contents of Your PDMP

Your PDMP must include the following elements, the level of detail should match the scope and complexity of your program:

- a. PEOPLE INVOLVED WITH THE PROGRAM, including key management personnel
- b. PEST MANAGEMENT AREA DESCRIPTION
- c. CONTROL MEASURE DESCRIPTION
- d. SCHEDULES AND PROCEDURES
 1. PERTAINING TO CONTROL MEASURES USED TO COMPLY WITH THE EFFLUENT LIMITATIONS IN PART 2, procedures to implement these provisions
 2. PERTAINING TO OTHER ACTIONS NECESSARY, information about:
 - a. SPILL RESPONSE PROCEDURES
 - b. ADVERSE INCIDENT RESPONSE PROCEDURES
 - c. PESTICIDE MONITORING SCHEDULES AND PROCEDURES
- e. SIGNATURE REQUIREMENTS.

5.1.1 People Involved with the Program. You must identify all the relevant persons (by name and contact information) involved in the program as well as each person's individual responsibilities, including:

- a. Person(s) responsible for managing pests in relation to the pest management area;
- b. Person(s) responsible for implementing corrective actions and other effluent limitation requirements; and
- c. Person(s) responsible for pesticide applications. If the pesticide applicator is unknown at the time of plan development, indicate whether or not a for-hire applicator will be used and when you anticipate that you will identify the applicator.

Identification of personnel must include any written agreement(s) between you and any other operator(s), such as a for-hire pesticide applicator, that specify the division of responsibilities between operators as necessary to comply with the provisions of this permit.

5.1.2 Pest Management Area Description. You must document the following:

- a. Pest problem description. Describe the pest problem at your pest management area, including identification of the target pest(s), source of the pest problem, and source of data used to identify the problem in Parts 2.2.1, 2.2.2, 2.2.3, 2.2.4, and 2.2.5;
- b. Action Threshold(s). Describe the action threshold(s) for your pest management area, including a description of how they were determined;
- c. General location map. In the plan, include a general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and location of the surface waters of the State; and
- d. Water quality standards. Document any water quality standards that are impaired in your pest management area that may be restricted for pesticide application.

5.1.3 Control Measure Description. Document the control measures you will implement to comply with the effluent limitations required in Parts 2 and 3. Include in the description the active ingredient(s) evaluated.

5.1.4 Schedules and Procedures. You must document the following schedules and procedures in your PDMP:

5.1.4.1 Pertaining to Control Measures Used to Comply with the Effluent Limitations in Part 2. The following must be documented in your PDMP:

- a. Application Rate and Frequency (Part 2.1.1);
- b. Spill Prevention (Part 2.1.2);
- c. Pesticide Application Equipment (Part 2.1.3). Schedules and procedures for maintaining the pesticide application equipment in proper operating condition, including calibrating, cleaning, and repairing the equipment;
- d. Pest Surveillance (Parts 2.2.1.3.1, 2.2.2.3.1, 2.2.3.3.1, 2.2.4.3.1, and 2.2.5.3.1); and
- e. Assessing Environmental Conditions (Parts 2.2.1.3.2, 2.2.4.3.2, and 2.2.5.3.2).

5.1.4.2 Pertaining to Other Actions Necessary. The following must be documented in your PDMP:

- a. Spill Response Procedures including procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies, including contact information for appropriate people at these agencies.
- b. Adverse Incident Response Procedures – At a minimum you must have:
 1. Procedures for responding to any incident resulting from pesticide applications; and
 2. Procedures for notification of the incident, both internal to your agency/organization and external, contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder. In addition to the PDMP, this information must be in locations that are readily accessible and available in the event of an adverse incident.
- c. Pesticide Monitoring Schedules and Procedures – You must document procedures for monitoring consistent with the requirements in Part 4 .

5.1.5 Signature Requirements. You must sign, date and certify your PDMP in accordance with Appendix B, Subsection K.

5.2 Pesticide Discharge Management Plan Modifications. You must modify your PDMP as applicable whenever necessary to address any of the triggering conditions for corrective action in Part 6.1 or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. The modified PDMP must be signed and dated in accordance with Appendix B, Subsection K.

5.3 Pesticide Discharge Management Plan Availability. You must retain a copy of the current PDMP, along with all supporting maps and documents, at the operator physical address provided in Section I of the NOI. The PDMP and all supporting documents must be readily available, upon request, and copies of any of these documents provided, upon request, to EPA and/or the Department.

6.0 CORRECTIVE ACTION

This Part applies to owners and for-hire applicators. Please note that the notification and reporting requirements for Parts 6.4.1, 6.4.2, 6.4.3, and 6.5.1 may be performed by either the owner or the for-hire applicator.

6.1 Situations Requiring Revision of Control Measures. If any of the following situations occur, you must review and, as necessary, revise the evaluation and selection of your control measures to ensure that the situation is eliminated and will not be repeated in the future:

- 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. You become aware, or the Department concludes, that your control measures are not adequate/sufficient for the discharge to meet applicable water quality standards;
- c. Any monitoring activities indicate that you failed to:
 1. Use an effective amount of pesticide product per application and optimize frequency of pesticide applications necessary to control the target pest (while avoiding over-application), consistent with reducing the potential for development of pest resistance and consistent with applicable label requirements;
 2. Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit; or
 3. Maintain pesticide application equipment in proper operating condition by adhering to any manufacturer's conditions, and by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. You must ensure that the equipment's rate of pesticide application is reasonably calibrated to deliver the appropriate quantity of pesticide needed to achieve effective control.
- d. An inspection or evaluation of your activities by an EPA or Department official reveals that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or

e. You observe, for example, during visual monitoring that is required in Part 4.2, or are otherwise made aware of, an “adverse incident”, as defined in Appendix A.

6.2. Corrective Action Deadlines. If you determine that changes to your control measures are necessary to eliminate any situation identified in Part 6.1, such changes must be made before the next pesticide application that results in a discharge if practicable, or if not, as soon as possible thereafter.

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

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

6.4 Adverse Incident Documentation and Reporting

6.4.1 Twenty-Four (24) Hour Adverse Incident Notification

If you observe or are otherwise made aware of an “adverse incident”, as defined in Appendix A, that may have resulted from a discharge from your pesticide application, you must immediately notify the applicable Department Regional office. This notification must be made by telephone within 24 hours of you 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 and telephone number of a contact person, if different than the person providing the 24-hour notice;
- d. How and when you became aware of the adverse incident;
- e. Description of the location of the adverse incident;
- f. Description of the adverse incident identified and the EPA pesticide registration number for each product you applied in the area of the adverse incident; and
- g. Description of any steps you have taken or will take to correct, repair, remedy, cleanup, or otherwise address any adverse effects.

If you are unable to notify the Department within 24 hours, you must do so as soon as possible and also provide your rationale for why you were 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.

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

- (1) You are aware of facts that clearly establish that the adverse incident was not related to toxic effects or exposure from the pesticide application.
- (2) You have been notified in writing by the Department that the reporting requirement has been waived for this incident or category of incidents.
- (3) You receive information notifying you of an adverse incident but that information is clearly erroneous.
- (4) An adverse incident occurs to pests that are similar in kind to pests identified as potential targets on the FIFRA label.

6.4.2 Five (5) Day Adverse Incident Written Report. Within five (5) days of a reportable adverse incident pursuant to Part 6.4.1, you must provide a written report of the adverse incident to the appropriate Department Regional office at the address listed in Part 8.2. Your adverse incident report must include at least the following information:

- a. Information required to be provided in Part 6.4.1;
- b. Date and time you contacted the Department notifying the Department of the adverse incident and who you spoke with at the Department and any instructions you received from the Department;
- 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., banks, above, or direct to water), method of application, and name of pesticide product, description of pesticide ingredients, 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, indicate what test(s) were performed, and when, and provide a summary of the test results within 5 days after they become available;
- i. If applicable, explain why you believe the adverse incident could not have been caused by exposure to the pesticide;
- j. Actions to be taken to prevent recurrence of adverse incidents; and
- k. Signed and dated in accordance with Appendix B, Subsection K.

You must report adverse incidents even for those instances when the pesticide labeling states that adverse effects may occur.

6.4.3 Adverse Incident to Threatened or Endangered Species or Critical Habitat

Notwithstanding any of the other adverse incident notification requirements of this section, if you become aware of an adverse incident to a federally-listed threatened or endangered species or its federally-designated critical habitat, that may have resulted from a discharge from your pesticide application, you must immediately notify the National Marine Fisheries Service (NMFS) at (727) 824-5301 in the case of an anadromous or marine species, or the U.S. Fish and Wildlife Service (FWS) at (843) 727-4707 in the case

of a terrestrial or freshwater species. This notification must be made by telephone immediately upon your 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 you became aware of the adverse incident;
- e. Description of the location of the adverse incident;
- f. Description of the adverse incident, including the EPA pesticide registration number for each product you applied in the area of the adverse incident; and
- g. Description of any steps you have taken or will take to alleviate the adverse impact to the species.

Additional information on federally-listed threatened or endangered species and federally-designated critical habitat is available from NMFS (www.nmfs.noaa.gov) for anadromous or marine species or FWS (www.fws.gov) for terrestrial or freshwater species.

6.5 Reportable Spills and Leaks

6.5.1 Spill, Leak, or Other Unpermitted Discharge Notification

This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302. Where a leak, spill, or other release 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:

- a. You must notify the SCDHEC Emergency Response at **(888) 481-0125** (24-hour/toll free) or **(803) 253-6488** (24-hour/Columbia area) and the National Response Center (NRC) at **(800) 424-8802** in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 as soon as you have knowledge of the release. The notification should include:
 1. Chemical name or common name of compound released;
 2. Whether the substance is an Extremely Hazardous Substance (EHS);
 3. Estimate of quantity released;
 4. Time and duration of the release;
 5. Location of release;
 6. Medium or media affected by the release (i.e., soil, water, or air);
 7. Any known or anticipated acute/chronic health risks associated with the release, and any need for medical attention of exposed individuals;
 8. Need for precautions such as evacuation; and
 9. Name and telephone number of contact person.

- b. As soon as practicable, but no later than 14 calendar days of knowledge of the release, you must submit a written description of the release including updated information from the initial notice, the date the release occurred, the circumstances leading to the release, actual response actions, and steps taken in accordance 6.5.2.c. to prevent recurrence of release. This report should be submitted to the appropriate Department Regional office at the address listed in Part 8.2.
- c. State or local requirements may necessitate also reporting spills or leaks to local emergency response, public health, or drinking water supply agencies.

6.5.2 Five-Day Spill, Leak, or Other Unpermitted Discharge Documentation

Within 5 days of you becoming aware of a spill, leak, or other unpermitted discharge triggering the notification in Part 6.5.1, you must document and retain the following information:

- a. Information required to be provided in Part 6.5.1;
- b. Summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed; and
- c. Any measures to prevent recurrence of such a spill or leak or other discharge, including notice of whether PDMP modifications are required as a result of the spill or leak.

6.6 Other Corrective Action Documentation. For situations identified in Part 6.1, other than for adverse incidents (addressed in Part 6.4), or reportable spills or leaks (addressed in Part 6.5), you must document the situation triggering corrective action and your planned corrective action within five (5) days of you becoming aware of that situation and retain a copy of this documentation. This documentation must include the following information:

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

7.0 RECORDKEEPING AND REPORTING

You must keep written records as required in this permit. These records must be accurate and complete and sufficient to demonstrate your compliance with the conditions of this permit. You can rely on records and documents developed for other obligations, such as requirements under FIFRA, and state or local pesticide programs, provided all requirements of this permit are satisfied.

The Department recommends that all operators covered under this permit keep records of acres or linear miles treated for all applicable use patterns covered under this general permit. The records should be kept up-to-date to help you determine if you will meet the annual treatment area threshold during any calendar year, as identified in Part 1.2.2.

7.1. All operators must keep the following records:

- a. A copy of this permit (an electronic copy is also acceptable);
- b. A copy of any Adverse Incident Reports (See Part 6.4.2);
- c. Your rationale for any determination that reporting of an identified adverse incident is not required consistent with allowances identified in Part 6.4.1;
- d. A copy of any corrective action documentation (See Part 6.6);
- e. A copy of any report made under Part 6.5 (Reportable Spills and Leaks); and
- f. Justification for why Part 4.2 monitoring was not performed, if applicable.

7.2. This part applies to any entity required to submit an NOI and to any pesticide applicator hired by such entity to perform activities covered under this permit. Records listed below are required to be kept at the operator physical address provided on the NOI, as identified in Part 1.2.2. Records of equipment maintenance and calibration are to be maintained only by the entity performing the pest application activity (on behalf of self or client).

- a. A copy of the NOI submitted to the Department and any correspondence exchanged between you and the Department specific to coverage under this permit;
- b. The date on which you knew or reasonably should have known that you would exceed an annual treatment area threshold during any calendar year, as identified in Part 1.2.2;
- c. Surveillance method(s) used, date(s) of surveillance activities, and findings of surveillance;
- d. Target pest(s);
- e. Pest density prior to pesticide application;
- f. Company name and contact information for pesticide applicator;
- g. Pesticide application date(s);
- h. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters, either by name or by location, to which you discharged any pesticide(s);
- i. Name of each pesticide product used including the EPA registration number;
- j. Quantity of pesticide applied (and specify if quantities are for the pesticide product as packaged or as formulated and applied);
- k. Concentration (%) of active ingredient in formulation;
- l. For pesticide applications directly to waters, the effective concentration of active ingredient required for control;
- m. Any unusual or unexpected effects identified to non-target organisms;
- n. Documentation of any equipment calibration (to be kept by pesticide application equipment operator); and
- o. A copy of your PDMP, including any modifications made to the PDMP during the term of this permit.

7.3. All required records must be documented as soon as possible but no later than 14 days following completion of such activity. You must retain any records required under this permit for at least 3 years including 3 years from the date your coverage under this permit is terminated. See also Appendix B, Subsection J for additional recordkeeping requirements. Upon request, you must make available to EPA and/or the Department, including an authorized representative of EPA and/or the Department, all records kept under this permit and provide copies of such records.

7.4. Summary Reporting. If you are required to submit an NOI, as required in Part 1.2.2, the Department may request a summary report of your operation.

The summary report, if requested, must include information for the timeframe specified by the Department (e.g., the past calendar year).

The summary report may contain information (including but not limited to the following information) as specified by the Department:

- a. Operator's name;
- b. Contact person name, title, e-mail address (if any), and phone number;
- c. Identification of any waters or other treatment area, including size, either by name or by location, to which you discharged any pesticide(s);
- d. Pesticide use pattern(s) (i.e., mosquito and other flying insect pest control, aquatic weed and algae control, aquatic nuisance animal control, forest pest control, intrusive vegetation control, or other similar use pattern (if approved)) and target pest(s);
- e. Company name(s) and contact information for pesticide applicator(s), if different from the NOI submitter;
- f. Total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);
- g. Whether this pest control activity was addressed in your PDMP prior to pesticide application;
- h. If applicable, reports of any adverse incidents (per 6.4) as a result of these treatment(s); and
- i. A description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

8.0 DEPARTMENT CONTACT INFORMATION AND MAILING ADDRESSES

Notices of Intent and Notices of Termination may be submitted to the address identified in Part 8.1.1 below, or by e-mail at pesticidegp@dhec.sc.gov, or by fax to (803) 898-4215. (Note: NOIs prepared electronically via the Department's website must be followed up by a signed copy of the NOI submitted to the Department at the address identified in Part 8.1.1. below, by e-mail attachment at pesticidegp@dhec.sc.gov, or by fax to (803) 898-4215.)

All Incident Reports under Part 6.4 must be sent within five (5) days of your becoming aware of the adverse incident to the Department Regional offices (see Part 8.2). All Reportable Spill and Leak Reports under Part 6.5 must be sent as soon as practicable but no later than fourteen (14) days of knowledge of the release to the Department Regional offices (see Part 8.2).

All other written correspondence concerning discharges covered under this permit and directed to the Department, including individual permit applications, should be submitted to the address identified in Part 8.1.1 below, unless specified otherwise elsewhere in this permit.

8.1 Department Central Office Addresses

8.1.1 Industrial Wastewater Permitting Section
 Water Facilities Permitting Division
 Bureau of Water
 2600 Bull Street
 Columbia, SC 29201

8.1.2 Water Pollution Control Division
 Bureau of Water
 2600 Bull Street
 Columbia, SC 29201

8.2 Department Regional Addresses (and Counties Served)

County	DHEC Region	Phone No.
Anderson, Oconee	Upstate Region BEHS Anderson	864-260-5585
Abbeville, Greenwood, Laurens, McCormick	Upstate Region BEHS Greenwood	864-227-5915
Greenville, Pickens	Upstate Region BEHS Greenville	864-372-3273
Cherokee, Spartanburg, Union	Upstate Region BEHS Spartanburg	864-596-3327
Fairfield, Lexington, Newberry, Richland	Midlands Region BEHS Columbia	803-896-0620
Chester, Lancaster, York	Midlands Region BEHS Lancaster	803-285-7461
Aiken, Barnwell, Edgefield, Saluda	Midlands Region BEHS Aiken	803-642-1637
Chesterfield, Darlington, Dillon, Florence, Marion, Marlboro	Pee Dee Region BEHS Florence	843-661-4825
Clarendon, Kershaw, Lee, Sumter	Pee Dee Region BEHS Sumter	803-778-6548
Georgetown, Horry, Williamsburg	Pee Dee Region BEHS Myrtle Beach	843-238-4378
Berkeley, Charleston, Dorchester	Low Country Region BEHS Charleston	843-953-0150
Beaufort, Colleton, Hampton, Jasper	Low Country Region BEHS Beaufort	843-846-1030
Allendale, Bamberg, Calhoun, Orangeburg	Low Country Region BEHS Orangeburg	803-533-5490

* After-hour reporting should be made to the 24-Hour Emergency Response telephone number 1-888-481-0125.

APPENDIX A DEFINITIONS

Action Threshold – The point at which pest populations or environmental conditions can no longer be tolerated, necessitating that pest control action be taken based on economic, human health, aesthetic, or other effects. Sighting a single pest does not always mean control is needed. Action thresholds help determine both the need for control actions and the proper timing of such actions. Action thresholds may be linked to preventive application, where based on experience, such pretreatment is justified. In such cases of justified pretreatment, application independent of surveillance data is warranted and the requirement for prior surveillance is waived.

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 incident that you have observed upon inspection or of which you otherwise become aware, in which:

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

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

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

The phrase, “toxic or adverse effects,” also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals that occur either directly or indirectly from a discharge to surface waters of the State that are temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).

Best Management Practices (BMPs) – are examples of control measures that may be implemented to meet effluent limitations. These include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to reflect effective application of pesticides and protection of surface waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, waste disposal, or drainage from raw material storage. [R.61-9.122.2]

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

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

Control Measure – refers to any BMP or other method used to meet the effluent limitations. Control measures must comply with manufacturer specifications, industry standards related to the application of pesticides, and relevant legal requirements. Additionally, control measures could include other actions that a prudent operator would implement to reduce and/or eliminate pesticide discharges to surface waters of the State to comply with the effluent limitations in Parts 2 and 3 of this permit.

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

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.

Department – South Carolina Department of Health or Environmental Control (SCDHEC).

Discharge – when used without qualification, means the "discharge of a pollutant." [R.61-9.122.2]

Discharge of a pollutant means – (1)(i) Any addition of any pollutant or combination of pollutants to surface waters of the State from any point source, or (ii) 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 which is being used as a means of transportation.

(2) includes additions of pollutants into surface waters of the State from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger [excerpted from R.61-9.122.2]

EPA Approved or Established Total Maximum Daily Loads (TMDLs) – “EPA Approved TMDLs” are those that are developed by a State and approved by EPA. “EPA Established TMDLs” are those that are issued by EPA.

Establishment – generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office).

Facility or Activity – any NPDES “point source” (including land or appurtenances thereto) that is subject to regulation under the NPDES program. [R.61-9.122.2]

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).

Inert Ingredient - any substance (or group of structurally similar substances if designated by the Agency), other than an active ingredient, that is intentionally included in a pesticide product. [40 CFR 152.3] Inert ingredient also means any

substance, such as a selectable marker, other than the active ingredient, where the substance is used to confirm or ensure the presence of the active ingredient, and includes the genetic material necessary for the production of the substance, provided that genetic material is intentionally introduced into a living plant in addition to the active ingredient. [40 CFR 174.3]

Integrated Pest Management – is an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices. IPM uses current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.

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

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.

North American Industry Classification System (NAICS) – developed under the direction and guidance of the U.S. Office of Management and Budget (OMB) as the standard for use by Federal statistical agencies in classifying business establishments for the collection, tabulation, presentation, and analysis of statistical data describing the U.S. economy. NAICS is scheduled to be reviewed every 5 years for potential revisions with the most recent version being completed in 2007. Under NAICS, an establishment is generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office). An enterprise, on the other hand, may consist of more than one location performing the same or different types of economic activities. Each establishment of that enterprise is assigned a NAICS code based on its own primary business activity. Ideally, the primary business activity of an establishment is determined by relative share of production costs and/or capital investment. In practice, other variables, such as revenue, value of shipments, or employment, are used as proxies. For this permit, the U.S. Environmental Protection Agency uses revenue or value of shipments to determine an establishment's primary business activity. Details of NAICS are available on the Internet at <http://www.census.gov/eos/www/naics/index.html>.

Operator – any entity involved in the application of a pesticide that results in a discharge to surface waters of the State that meets either or both of the following two criteria:

- (i) The entity paying for, or making the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions (i.e., the “Owner” as defined in Appendix A). (Note: This does not include entities such as a bank that have provided a loan to provide an entity funds.); or
- (ii) The entity has day-to-day control of or performs activities that are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit or perform such activities themselves). This entity could be the Owner or a For-Hire Applicator.

Owner means – for the purposes of this permit, the entity paying for, or making the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions (this does not include entities such as a bank that have provided a loan to provide an entity funds). (See sub-definition (i) under the definition of “Operator” in Appendix A.)

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, which under the circumstances, is deleterious to man or the environment, if it is:

- (a) Any vertebrate animal other than man;
- (b) Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;

(c) Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or

(d) Any fungus, bacterium, virus, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs (as defined in FFDCFA sec. 201(g)(1)) and cosmetics (as defined in FFDCFA sec. 201(i)).

Pest Management Area – The area of land, including any water, for which you are conducting pest management activities covered by this permit.

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

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

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

Pesticide Research and Development – Activities undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development). These types of activities are generally categorized under the four-digit code of 5417 under the 2007 NAICS.

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

Point source means – 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, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture. [R.61-9.122.2]

Pollutant means – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy

Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. [excerpted from R.61-9.122.2]

Surface Waters (or surface waters of the state) means – the portion of waters of the state to the exclusion of underground water.

Target Pest – the organism toward which pest control measures are being directed.

Tier 3 Waters – For antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 waters are identified by the Department as having high quality waters constituting an Outstanding National Resource Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance. That high water quality shall be maintained and protected.

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

Treatment Area – The area of land including any waters, or the linear distance along water's edge, to which pesticides are being applied. Multiple treatment areas may be located within a single "pest management area."

The "treatment area" includes the entire area, whether over land or water, where the pesticide application is intended to effect treatment (including expected drift of spray applications (e.g., mosquito spraying from a truck expecting to spread throughout a neighborhood)). 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 should be calculated by multiplying the width of the canal by the length over which the pesticide is intended to control weeds.

Treatment area calculations for pesticide applications that occur "at water's edge", where the discharge of pesticides directly to waters is unavoidable, are determined by the linear distance over which pesticides are applied. For example, treating both sides of a five mile long river or stream is equal to ten miles of treatment area. Treating five miles of shoreline or coast would equal a five mile treatment area.

Treatment Works means -- any plant, disposal field, lagoon, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfills or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage, industrial waste or other wastes. [R.61-9.122.2 and Pollution Control Act]

Waters of the State means-- lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.

Water Quality Standards – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an antidegradation policy and implementation procedures. See P.U.D. o. 1 of Jefferson County et al v. Wash Dept of Ecology et al, 511 US 701, 705 (1994). States, Territories, Tribes and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)). Where necessary, EPA has the authority to promulgate federal water quality standards.

Wetlands means -- those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [40 CFR 122.2]

"You" and "Your" – as used in this permit are intended to refer to the operator as the context indicates and that party's activities or responsibilities.

APPENDIX B STANDARD PERMIT CONDITIONS

A. DUTY TO COMPLY

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

1. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
2. Failure to comply with permit conditions or the provisions of this permit may subject the permittee to civil penalties under S.C. Code Section 48-1-330 or criminal sanctions under S.C. Code Section 48-1-320. Sanctions for violations of the Federal Clean Water Act may be imposed in accordance with the provisions of 40 CFR Part 122.41(a)(2) and (3).
3. A person who violates any provision of this permit, a term, condition or schedule of compliance contained within this NPDES permit, or the State law is subject to the actions defined in the State law.

B. DUTY TO REAPPLY

1. Permittees required to submit an NOI under Part 1.2.2 of the permit and those permittees who submitted a discretionary NOI, except as otherwise provided for in Part 1.2.4 of the permit, must submit a Notice of Intent (NOI) at least 180 days prior to the permit expiration date (unless an extension has been granted prior to the deadline) to remain covered under the continued permit after expiration. Any permittee that loses their existing coverage may reapply for new coverage when needed. The completed NOI should be submitted to the Department at the address in Part 8.1.1.
2. An NOI submitted in accordance with Appendix B, Subsection B.1 above will be used to determine coverage under the new General Permit when this permit is reissued. The Department may, at the time of permit reissuance, require additional information to be submitted based on the changes in the reissued general permit.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

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

D. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain in good working order and operate as efficiently as possible all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate funding, adequate operator staffing and training and also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. PERMIT ACTIONS

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

G. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

H. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within a reasonable time, any information which the Department 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 Department upon request, copies of records required to be kept by this permit.

I. INSPECTION AND ENTRY

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

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and Pollution Control Act, any substances or parameters at any location.

J. MONITORING AND RECORDS

1. a. (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
(2) Samples shall be reasonably distributed in time, while maintaining representative sampling.
(3) No analysis, which is otherwise valid, shall be terminated for the purpose of preventing the analysis from showing a permit or water quality violation.
- b. Flow Measurements.
 - (1) Where primary flow meters are required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be present and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from the true discharge rates throughout the range of expected discharge volumes. The primary flow device, where required, must be accessible to the use of a continuous flow recorder.

- (2) Where permits require an estimate of flow, the permittee shall maintain at the permitted facility a record of the method(s) used in estimating the discharge flow (e.g., pump curves, production charts, water use records) for the outfall(s) designated on limits pages to monitor flow by an estimate.
 - (3) Records of any necessary calibrations must be kept.
2. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
4.
 - a. Analyses for required monitoring must be conducted according to test procedures approved under 40 CFR Part 136, equivalent test procedures approved by the Department or other test procedures that have been specified in the permit.
 - b. Unless addressed elsewhere in this permit, the permittee shall use a sufficiently sensitive analytical method that achieves a value below the respective standard to which the analytical result is being compared. If more than one method of analysis is approved for use, the Department recommends that the permittee use the method having the lowest practical quantitation limit (PQL) unless otherwise specified in this permit.
5. The PCA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment provided by the Clean Water Act is also by imprisonment of not more than 4 years.

K. SIGNATORY REQUIREMENT

1. All applications, reports, or information submitted to the Department shall be signed and certified.
 - a. Applications. All permit applications shall be signed as follows:
 - (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) 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
 - (b) 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.

- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency or public facility: By either a principal executive officer, mayor, or other duly authorized employee or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator, Region IV, EPA).
- b. All reports and plans required by permits, and other information requested by the Department, shall be signed by a person described in Appendix B, Subsection K.1.a, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in Appendix B, Subsection K.1.a;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a 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.) and,
 - (3) The written authorization is included in the PDMP. A copy must be submitted to the Department, if requested.
- c. Changes to authorization. If an authorization under Appendix B, Subsection K.1.b 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 Appendix B, Subsection K.1.b must be included in the PDMP and submitted to the Department, if requested, prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under Appendix B, Subsection K.1.a or b 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."
2. The PCA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than two years per violation, or by both.

L. REPORTING REQUIREMENTS

1. Anticipated noncompliance.

The permittee shall give advance notice to the DHEC/Bureau of Water/Water Pollution Control Division of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

2. Transfers.

This permit is not transferable to any person except after written notice to the DHEC/Bureau of Water/NPDES Administration. To transfer coverage under the permit to a new permittee, the original permittee must submit a Notice of Termination pursuant to Part 1.2.5. The new permittee must submit a Notice of Intent in accordance with Part 1.2. See also requirements in Appendix B, Subsection K.

3. Twenty-four hour reporting.

In addition to adverse incident and spill reporting requirements in Parts 6.4 and 6.5, respectively, the permittee shall report any non-compliance, which may endanger health or the environment. Any information shall be provided orally to local DHEC office within 24 hours from the time the permittee becomes aware of the circumstances. During normal working hours call the appropriate Department Regional office specified in Part 8.2. After-hour reporting should be made to the 24-Hour Emergency Response telephone number 803-253-6488 or 1-888-481-0125 outside of the Columbia area.

A written submission shall also be provided to the Department at the address in Part 8.1.2 within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Department may waive the requirement for a written submission on a case-by-case basis if the oral report has been received within 24 hours.

4. Other noncompliance.

The permittee shall document all instances of noncompliance not reported under Appendix B, Subsections L.1 and L.3 in the summary report described in Part 7.4, if such report is requested by the Department. The documentation shall contain the information listed in Appendix B, Subsection L.3.

5. Other information.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information to the Water Facilities Permitting Division. This information may result in permit modification, revocation and reissuance, or termination in accordance with Regulation 61-9.

6. Existing manufacturing, commercial, mining, and silvicultural dischargers.

In addition to the reporting requirements under Appendix B, Subsections L.1-5, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the DHEC/Bureau of Water/Water Pollution Control Division of the Department as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (1) One hundred micrograms per liter (100 µg/l);

- (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) The level established by the Department in accordance with section R.61-9.122.44(f).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed in the highest of the following “notification levels”:
- (1) Five hundred micrograms per liter (500 µg/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) The level established by the Department in accordance with section R.61-9.122.44(f).

M. UPSET

“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.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix B, Subsection M.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.
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:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted activity was at the time being properly performed; and
 - c. The permittee submitted notice of the upset as required in Appendix B, Subsection L.3.
 - d. The permittee complied with any remedial measures required under Appendix B, Subsection D.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

O. MISREPRESENTATION OF INFORMATION

1. Any person making application for a NPDES discharge permit or filing any record, report, or other document pursuant to a regulation of the Department, shall certify that all information contained in such document is true. All application facts certified to by the applicant shall be considered valid conditions of the permit issued pursuant to the application.
2. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with the Department pursuant to the State law, and the rules and regulations pursuant to that law, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for pursuant to 48-1-320 or 48-1-330.

**APPENDIX C
NOTICE OF INTENT (NOI) REQUIREMENTS**

Note: A DHEC form will be provided to submit this information.

Fee per Regulation 61-30

I. Operator Information

- Operator name
- Operator physical address/phone
- Operator mailing address (if different from above)
- Federal Employer Identification Number (EIN)
- Operator type

II. Contact Information

- Contact name/title
- Contact company name
- Contact mailing address/phone/fax/e-mail

III. Billing Information

- Billing company name
- Billing contact name or title
- Billing address/phone/fax/e-mail

IV. Site and Discharge Information

- If update to an existing pesticide general permit NOI, specify coverage number
- Identify if discretionary coverage requested (see Part 1.2.2 of permit)
- Specify pesticide use pattern(s)
- Location/size/description of application(s) (for owners)

V. Certification/signature

APPENDIX D
NOTICE OF TERMINATION (NOT) REQUIREMENTS

I. Operator Information

- Coverage number
- Operator name
- Operator physical address/phone
- Operator mailing address (if different from above)
- Federal Employer Identification Number (EIN)
- Operator type

II. Contact Information

- Contact name/title
- Contact company name
- Contact mailing address/phone/fax/e-mail

III. Basis for Termination per Part 1.2.5.2 of Permit

IV. Certification/signature