OHIO EPA
DRAFT PERMIT
SUBJECT TO REVISION

Effective Date: February 1, 2017 (proposed)

Expiration Date: 5 Years

OHIO ENVIRONMENTAL PROTECTION AGENCY

GENERAL PERMIT AUTHORIZATION TO DISCHARGE
PESTICIDES IN, OVER OR NEAR WATERS OF THE STATE UNDER

THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq. hereafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), discharges of pesticide, as defined in Part I.B. of this permit, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge to surface waters of the state in accordance with the conditions specified in Parts I through VII of this permit.

It has been determined that a lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio. Provision (D)(1)(j) of rule 3745-1-05 of the Ohio Administrative Code was applied to this application. This provision excludes the need for the submittal and subsequent review of technical alternatives and social and economic issues related to the degradation. Other rule provision, however, including public participation and appropriate intergovernmental coordination were required and considered prior to reaching this decision.

Granting of permit coverage is conditioned upon payment of applicable fees and submittal of the Notice of Intent Application form, if required.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. Covered activities are authorized to discharge beyond the above date of expiration, depending on the timely submittal of information and forms as are required by the Ohio EPA (see Part I, Item D).

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Craig W. Butler
Director

Total Pages: 42

PART I. COVERAGE UNDER THIS PERMIT

A. Permit Area. This permit covers the entire State of Ohio.

B. Applicability. Ohio Revised Code Chapter 6111 provides that pesticide discharges from a point source to waters of the state are unlawful unless authorized by an NPDES permit. Any application of pesticide under Item C of this part and located in, over or near surface waters is a point source of pollutants and must be covered under an Ohio NPDES permit. Discharges near surface waters are those applications where the pesticide will be unavoidably deposited to surface waters.

C. Eligibility

1. Except for dischargers identified under Part I.C.4., this permit may cover all new and existing pesticide dischargers to waters of the state.

2. Activities Covered. This permit is available to operators of discharges to surface waters of the state from the application of (1) biological pesticides and (2) chemical pesticides that leave a residue for the following pesticide use patterns.

a. Mosquito and Other Nuisance Insect Control - control of all public health/nuisance pests which develop during a portion of their life cycle in standing or flowing water. Public health/nuisance pests in this use category include but are not limited to mosquitoes and black flies;

b. Weed and Algae Control - control of weeds and algae in water, including but not limited to lakes, ponds, wetlands, rivers, streams, irrigation canals, and drainage systems (ditches, canals, etc.), except for projects in Items e and f below;

c. Nuisance Animal Control - control of invasive or other nuisance species in water, including but not limited to lakes, ponds, rivers, and streams. Nuisance animals in this use category include, but are not limited to fish, lampreys, and mollusks;

d. Forest Canopy Pest Control - application of a pesticide over or into a forest canopy to control the population of a pest where a portion of the pesticide will be applied over and deposited in surface waters of the state. The deposition of pesticide must be unavoidable in that it is the only way to target the pests effectively;

e. Intrusive Vegetation Control - control of vegetation along roads and utility rights of way (including utility facilities such as pump stations, plants and electric substations where the property is owned by the utility). The deposition of pesticide must be unavoidable in that it is the only way to target the pests effectively;

f. Invasive Plant Management in Resource Conservation Areas and Mitigation Areas - control of invasive plants in public parks, wildlife preserves and other conservation management areas, and in wetland mitigation areas established by Clean Water Act Section 401 certifications, Ohio wetland permits or by state or federal enforcement orders.

3. Coverage under this permit is available only if discharges and discharge-related activities will not adversely affect any species that are federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) and will not result in the adverse modification or destruction of habitat that is federally designated as "critical habitat" under the ESA.

4. Limitations on coverage. The following discharges are not authorized by this permit:

a. Discharges to Water Quality Impaired Waters. An operator is not eligible for coverage under this permit for discharges to surface waters of the state identified as impaired for the pesticide or its degradates. Impaired waters are those which have been identified in Section H of the most recent Ohio Integrated Water Quality as not meeting applicable State water quality standards. Ohio's Integrated Water Quality Report is posted on the Ohio EPA web site:

http://www.epa.ohio.gov/dsw/tmdl/OhioIntegratedReport.aspx.

b. Discharges Currently Covered by another Permit. Dischargers are not eligible for coverage under this permit if coverage under an existing NPDES permit is already in effect (e.g. approval for the discharge of a pesticide used as a cooling or boiler water additive); and

c. Discharges for which the Director requests an individual permit application.

D. Authorization.

Discharges of pesticides eligible for coverage under this permit are authorized during the life of this permit. If this permit is not reissued or replaced prior to the expiration date, it will administratively continue in accordance with OAC 3745-33-03(B) and remain in force and effect. If you were authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

1. The Ohio EPA issues a renewed permit;

2. The issuance of a denial of coverage, or of an individual permit for a discharge resulting from an application of a pesticide that would otherwise be covered under this permit;

3. A formal decision by Ohio EPA to terminate and not reissue this general permit, at which time Ohio EPA 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

4. Ohio EPA has informed you that you are no longer covered under this permit.

Part II. NOTICE OF INTENT REQUIREMENTS

A. Decision Makers Required to Submit a Notice of Intent (NOI). The following decision makers are required to submit a NOI to obtain coverage under this general permit for discharges resulting from the application of pesticides:

1. Any decision maker directly applying pesticide to reservoirs used as a public drinking water supply for algae, weed or nuisance animal control;

2. Any decision maker applying pesticide targeting non-native fish;

3. Any decision maker directly applying pesticide to Outstanding National Resource Waters, Outstanding State Waters or Superior High Quality Waters other than Lake Erie for algae, weed, or nuisance animal control. A listing of these waters may be found attached to Ohio's Antidegradation Rule [OAC 3745-1-04], on the Division of Surface Water web site:

http://www.epa.ohio.gov/dsw/dswrules.aspx;

4. Any decision maker directly applying pesticide to wetlands that exceeds an annual treatment area threshold in Part V. This requirement does not apply to pesticide uses under Part I.C.2.f. of this permit.

5. Any decision maker applying pesticide for forest pest control, or for weed control by aircraft in or over Lake Erie that exceeds the annual treatment area threshold in Part V.

B. Deadlines for Notification.

1. No NOIs will be accepted prior to the effective date of this permit.
2. Individuals applicable to Part II.A. who intend to continue coverage for pesticide discharge under this permit shall submit a NOI form within 45 days of the effective date of this permit.
3. Individuals applicable to Part II.A. that begin discharging pesticides after the effective date of this permit shall submit an NOI form at least 45 days prior to commencing discharge.
4. Coverage under the general permit is transferable. Ohio EPA must be notified in writing at least 60 days prior to any proposed transfer of the general permit. See Part VI.G. for transfer requirements.

C. Contents of NOI

1. The applicant shall submit an approved and complete NOI. Failure to follow the NOI instructions may result in the NOI being returned to the applicant. The NOI electronic application form and instructions are available through the Ohio EPA eBusiness Center at

https://ebiz.epa.ohio.gov/

Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the NOI. Existing eBusiness Center account holders can access the NOI form through their existing account and submit using their existing PIN.

http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide%20(Dashboard).pdf

Alternatively, if unable to access the NOI form through the agency eBusiness Center, the NOI may be submitted on paper NOI forms provided by Ohio EPA. NOI information shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive a paper NOI form.

D. Additional Information to Apply for Coverage. In addition to the NOI, the applicant shall also submit any other information required by the Director related to the pesticide application. This shall include, but not be limited to a list of any endangered or threatened species known to be present in the receiving water, plans to mitigate damage from lampreycides, etc.

E. Submittal. NOIs shall be signed in accordance with Part VI.S. of this permit. Payment in the amount designated on the form can be electronically submitted through the agency eBusiness Center ePay service. Instructions on submitting fee payments via the ePay service can be found here:

http://epa.ohio.gov/portals/35/edmr/doc/ePAYwalkthrough.pdf

F. Additional Notification. Facilities that discharge wastewater associated with pesticide applications through a municipal separate storm sewer system shall, in addition to filing copies of the NOI in accordance with Parts II.A. through II.D., also submit signed copies of the NOI to the operator of the municipal separate storm sewer system (MS4) through which they discharge. See Part VII of this permit for a definition of a MS4.

G. Notice of Termination (NOT). When all wastewater discharges associated with pesticide applications that are authorized by this permit are eliminated, the operator of the facility must submit a NOT that is signed in accordance with Part VI.S. of this permit.

1. The NOT shall include the information required by the NOT form and will be submitted through the Ohio EPA eBusiness Center Division of Surface Water NPDES Permit Application STREAMS service using the online form provided by the Director of the Ohio EPA. The online form can be found in the link below.

https://ebiz.epa.ohio.gov/login.html

2. Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the NOT. Existing eBusiness Center account holders can access the NOT form through their existing account and submit using their existing PIN at the following:

http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide%20(Dashboard).pdf

Alternatively, if unable to access the NOT form through the agency eBusiness Center, the NOT may be submitted on paper NOT forms provided by Ohio EPA. NOT information shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive a paper NOT form.

PART III. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Technology-Based Effluent Limitations

1. Minimize Pesticide Discharges into Waters of the State. Permittees must implement control measures to minimize the discharge resulting from application of pesticides. The term "minimize" means to reduce and/or eliminate discharges to surface waters of the state to the extent achievable using control measures (e.g., best management practices) that are technologically available and economically practicable and achievable. To minimize discharges resulting from application of pesticides, all permittees must do the following:

a. Use the lowest effective amount of pesticide product per application and optimum frequency of pesticide applications to provide best control of the target pest, consistent with the independent obligation and authority of the FIFRA label, manufacturer's specifications for equipment precision, weather conditions, and best professional judgment, minimizing the potential for development of pest resistance;

b. Perform regular maintenance activities to minimize potential for leaks, spills, and unintended/accidental release of pesticide from pesticide containers to surface waters of the state;

c. Maintain application equipment in proper operating condition by calibrating and cleaning/repairing such equipment on a regular basis to ensure effective pesticide application and pest control.

B. Water-Quality-Based Limitations

1. Discharges of pesticides must be controlled as necessary to meet applicable numeric and narrative state water quality standards.

2. For any pesticides applied directly to quarries, borrow pits, or ponds greater than five (5) acres in surface area - If the maximum contaminant level (MCL) for drinking water is lower than the FIFRA label application rate, the concentration of the pesticide may not exceed the MCL, based on the dosing projected rate for the whole waterbody. When pesticides are applied to these waterbodies that have public access, the operator shall post signs notifying of the application for the duration of the longest FIFRA restriction. The MCL for drinking water can be found in OAC 3745-81 and OAC 3745-82.

3. If at any time the permittee becomes aware, or EPA determines, that the discharge causes or contributes to an exceedance of applicable water quality standards, you must take corrective action as required in Part IV.C.

4. EPA may impose additional water quality-based limitations or require the permittee to obtain coverage under an individual permit if information in required reports, or other sources, indicates that your discharges are not controlled as necessary to meet applicable water quality standards.

C. Site Monitoring

1. Monitoring Requirements for All Permittees.

a. Permittees must monitor the amount of pesticide applied to ensure that pollutants are kept to a minimum. Permittees should apply only the necessary amount of pesticides based on the following:
- effective control of the target pest;
- consistency with the independent obligation and authority of the FIFRA label;
- manufacturer's specifications for equipment precision;
- weather conditions;
- potential for development of pest resistance; and
- best professional judgment.

b. Permittees must also monitor maintenance activities to ensure that the application equipment is in proper operating condition to minimize the potential for leaks, spills, and accidental release of pesticides to waters of the state. These maintenance activities include but are not limited to calibrating, cleaning, and repairs.

2. Visual Monitoring Requirements. For every treatment activity, permittees must conduct a visual assessment:

a. During the treatment activity when pesticide is applied, other than by aircraft or road vehicle, during daylight hours;
b. During any post-application surveillance or efficacy check that is conducted.

Visual assessments will consist of spot checks in and around the area where pesticides were applied. Permittees are to check for possible and observable adverse incidents, as defined in Part VII, caused by application of pesticides. Examples of adverse incidents include but are not limited to the unanticipated death or distress of non-target organisms, disruption of wildlife habitat, and negative health impacts to humans or non-domestic animals caused by exposure to pesticides.

If an adverse incident is observed, the permittee must notify Ohio EPA in accordance to the procedures in Parts IV.C.3. and IV.C.4. of this permit.

3. Additional Monitoring

Ohio EPA may notify the permittee of additional discharge monitoring requirements. Any such notice will clearly state the reasons for the monitoring and the details of the monitoring and any associated reporting and recordkeeping requirements. For example, EPA may require additional monitoring when the Agency determines:

a. The permittee's treatment activity likely contributed to a reported adverse incident;

b. The pesticide used in treatment contains components for which additional controls may be necessary;

c. The pesticide used in treatment raises environmental concerns;

d. More information about pesticide use is needed to modify or determine more appropriate effluent limitations;

e. The permittee is not in compliance with the conditions of this permit;

f. A change has occurred in the availability of demonstrated technology or practices for the reduction of discharges from the application of pesticides; or

g. Additional requirements may be necessary in light of threatened or endangered species.

Should Ohio EPA exercise its authority to require additional monitoring requirements, the permittee will receive a written explanation of the additional requirements and the basis for them. The notice will include a reasonable timeframe to discuss these new requirements with Ohio EPA. Unless Ohio EPA establishes a new timeframe in writing, after that time period has passed, the written notice shall state that the new requirements will become active and enforceable permit conditions. The written notice will explain that the discharger may either accept the new requirements or elect to apply for an alternative permit.

PART IV. SPECIAL CONDITIONS

A. This permit may be modified the permit holder, to comply with any applicable standards or regulations.

B. General Discharge Limitations: The discharge shall, at all times, be free of substances:

1. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;

2. Of an oily, grease, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam, or sheen;

3. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;

4. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life according to the pesticide WQS exception in OAC 3745-1-01(E)(1);

5. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance of any other fashion; and

6. In amounts that will impair designated instream or downstream water uses.

C. Corrective Actions

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. The permittee becomes aware or Ohio EPA concludes that the current control measures are not adequate/sufficient for the discharge to meet applicable water quality standards;

c. Any monitoring activities indicate failure to meet applicable treatment standards in Part III.A. of this permit.

d. An inspection or evaluation of treatment activities by an Ohio EPA official, or local entity, reveals that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or

e. The permittee observes or is made aware of an adverse incident, as defined in Part VII.

2. Corrective Action Deadlines. If the permittee or Ohio EPA determines that changes to the control measures are necessary to eliminate any situation identified in Part IV.C.1., such changes must be made before the next pesticide application that results in a discharge, or as soon as practicable. This time interval is not a grace period, but a schedule considered reasonable for documenting findings and for making repairs and improvements. The schedule is included in Part IV.C. to ensure that any conditions prompting the need for repair and improvement is not allowed to persist indefinitely.

3. Adverse Incident Documentation and Reporting. Where multiple Operators are authorized for a discharge that results in an adverse incident, notification and reporting by any one of the Operators constitutes compliance for all the Operators, provided a copy of the written report required in Part IV.C.4. is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident. All notifications under this paragraph shall be made to the Ohio EPA and also to the municipal separate storm sewer system (MS4) operator.

a. The permittee must report any adverse incident, as defined in Part VII, that may have resulted from a discharge from pesticide application. Reports must be sent by email within 24 hours of discovery.

The permittee shall report to the appropriate Ohio EPA district office e-mail account as follows:

Southeast District Office: sedo24hournpdes@epa.ohio.gov
Southwest District Office: swdo24hournpdes@epa.ohio.gov
Northwest District Office: nwdo24hournpdes@epa.ohio.gov
Northeast District Office: nedo24hournpdes@epa.ohio.gov
Central District Office: cdo24hournpdes@epa.ohio.gov
Central Office: co24hournpdes@epa.ohio.gov

The permittee shall attach an incident report to the e-mail. An Adverse Incident Report Form is available on the following website:

http://www.epa.ohio.gov/dsw/permits/permits.aspx .

b. The permittee shall report noncompliance that is the result of any spill or discharge which may endanger human health of the environment within 30 minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by e-mail within 24 hours of discovery in accordance with paragraph C.3.a. above.

4. Thirty (30) Day Adverse Incident Written Report. In addition to the report required in Part IV.C.3.a., the permittee must submit another report within 30 days of becoming aware of the adverse incident. The Thirty Day Adverse Incident Written Report must include at least the following information:

a. Name of permittee, facility permit number (if any), mailing address, and telephone number;

b. Name, address, email address, and telephone number of the contact person;

c. Date and time the permittee became aware of the incident;

d. Date of the incident (if appropriate, list start and end dates);

e. Date and time the permittee contacted Ohio EPA notifying the Agency of the adverse incident;

f. Location of the incident, including approximate range, area, and magnitude of impact;

g. Names of any waters affected and appearance of affected waters (e.g. sheen, color, clarity, etc.);

h. EPA Product Registration Number of the pesticide that allegedly caused the incident;

i. Product use purpose;

j. A brief description of the circumstances of the incident including species affected, number of individual and approximate size of dead or distressed organisms;

k. Symptoms or adverse effects;

l. Magnitude of the effect (e.g. aquatic square area or total stream distance affected);

m. Pesticide application rate, intended use site (e.g. banks, above, or direct to water), and method of application;

n. Description of the habitat and the circumstances under which the incident occurred (including any available ambient water data for pesticides applied);

o. If plants were impacted, the type of plant life affected (i.e. crop, forest, orchard, home garden, ornamental foliage, etc.);

p. If laboratory tests were performed, indicate what test(s) were performed and provide a summary of the test results;

q. Actions to be taken to prevent recurrence of incident; and

r. The date and observations of the follow-up visual monitoring event.

5. Other Corrective Action Documentation.

a. For situations identified in Part IV.C.1., other than for adverse incidents, the permittee must document the situation triggering corrective action within 24 hours of becoming aware of that situation. This documentation must include the following information:

i. 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;

ii. A brief description of the circumstances of the situations; and

iii. Date the problem was identified.

b. Within 30 days of becoming aware of any condition listed in Part IV.C.1., other than for adverse incidents, the permittee must document and retain the following information:

i. Summary of corrective action taken or be taken;

ii. Notice of whether Pesticide Discharge Management Plan modifications are required as a result of the identified situation;

iii. Date corrective action was initiated; and

iv. Date of which the corrective action is completed or expected to be completed.

6. Effect of Corrective Action. The occurrence of a situation identified in Part IV.C.1. may constitute a violation of the permit. Correcting the situation according to Part IV.C.1. does not absolve you of liability for any original violation. However, failure to comply with Part IV.C.1. constitutes an additional permit violation. Ohio EPA will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

Ohio EPA or a court 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 IV.C.1. if such requirements conflict.

D. Recordkeeping

Operators must keep written records as required in this permit for all discharges covered under this permit. These records must be accurate and complete to demonstrate the Operator's compliance with the conditions of this permit. Operators may rely on records and documents developed for other obligations, such as requirements under FIFRA, and state or local pesticide programs, provided that all requirements of this permit are satisfied.

1. Copies of applicable documentation outlined in this section shall be kept for a period of at least 3 years from the date that coverage under this permit expires or is terminated. These records shall be kept on-site (at the facility location).

2. All permittees are required to keep the following documentation:

a. A copy of any Adverse Incident Reports (See Part IV.C.);

b. A copy of any corrective action documentation;

c. Spill, leak, and unpermitted discharge documentation;

d. Description of each 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 pesticide(s) is discharged;

e. Pesticide use pattern(s) (i.e. mosquito and other flying insects, weed and algae, animal pest, or forest canopy);

f. Target pest(s);

g. Name of each pesticide product used (including the EPA registration number);

h. Quantity of each pesticide product applied to each treatment area;

i. Pesticide application date(s); and

j. When and where visual monitoring was conducted during pesticide application and/or post-application and whether possible or observable adverse incidents were caused by the pesticide application. If visual monitoring was not conducted, provide an explanation (an explanation does not necessarily absolve liability).

These records must be accurate and complete to demonstrate your compliance with the conditions of this permit.

3. Requirements for For-Hire Applicators

In addition with the requirements in Part IV.D.2. above, for-hire applicators are to retain any documentation of equipment calibration.

4. Requirements for Decision Makers

a. Copy of the NOI submitted to EPA (if required), any correspondence exchanged between the Decision-maker and EPA specific to coverage under this permit, and a copy of the EPA acknowledgment letter with the assigned permit tracking number;

b. A copy of the Pesticide Discharge Management Plan (if required), including any modifications made to the Plan during the term of this permit;

c. Copy of annual reports submitted to Ohio EPA (if required);

d. Documentation of equipment calibration (only if the Decision-maker is also the Applicator);

e. Information on each treatment area to which pesticides are discharged, including:

i. Method and/or data used to determine that action threshold(s) have been met;

ii. Description of pest management measure(s) implemented prior to the first pesticide application;

iii. Company name and contact information for pesticide applicator;

5. Permittees who are required to implement Integrated Pest Management practices (Part V.A.) are required to keep the following records:

a. Pest Management Log for the pesticide applications performed. The Pest Management Log must be completed and maintained to demonstrate compliance with the conditions of this permit. The permittee must retain a copy of the current Pesticide Management Log at the company address.

b. Pest management strategies used and what action threshold has been met; and

c. For mosquito control and nuisance insect control, if applicable, why larviciding is impractical.

E. Any operator that applies pesticides covered by this permit to ditches or banks in a location that is less than 500 yards from a public water supply intake must notify the water supply operator. You can find public water supply information on the Ohio EPA Division of Drinking and Ground Waters web site:

http://www.epa.ohio.gov/ddagw/pws.aspx .

F. Conditions for applications to surface waters used as a public drinking water supply:

Pesticides applied to control the growth of algae are best applied during the early stages of bloom development when cell numbers are low because some blue-green algae can produce cyanotoxins that are released when an algaecide is applied. Conventional drinking water treatment processes are relatively effective at removing whole blue-green algal cells but are less effective at removing extracellular cyanotoxins. Therefore, algaecide application can increase the potential for cyanotoxins to break through the treatment processes and occur in finished drinking water.

Any application during a bloom of blue-green algae should consider recommendations in Ohio EPA's Fact Sheet "Application of Aquatic Pesticides and Algaecides to Reservoirs Used as a Public Drinking Water Supply". This document can be found in the link below.

http://epa.ohio.gov/ddagw/HAB.aspx .

Operators may not use algaecides on sources of drinking water if cyanotoxin concentrations at the public water supply intake exceed Ohio EPA drinking water thresholds or if severe blooms of blue-green algae (visible scum or > 100,000 cells/mL) that cover greater than twenty percent of the reservoir or are within 500 yards of the intake, unless information is provided to Ohio EPA priior to the algaecide application that confirms:

1. the bloom is not currently producing cyanotoxins, or
2. the surface waters will not be used as a public drinking water source until monitoring is conducted to verify the cyanotoxin concentrations are below levels of concern, or
3. finished water cyanotoxin concentrations will remain below thresholds established in the State of Ohio Public Water System Harmful Algal Bloom Response Strategy during and following application of the algaecide, or
4. cyanotoxins are already in extracellular form and not bound within cyanobacteria cells.

PART V. CONDITIONS FOR APPLICATIONS GREATER THAN TREATMENT AREA THRESHOLDS
(Not applicable to small entities as defined in Part VII)

1. The additional conditions apply to the following:

a. Permittees who know or reasonably should have known that activities will exceed at least one criteria in Table 1 (below); and
b. The permittee is in control over the financing for, decision making, or application of the actions which exceed a criterion in Table 1.

Table 1. Annual Treatment Area Thresholds

Pesticide Use	Annual Threshold
Mosquitos and other Insect Pests	6,400 acres of treatment area
Weed and Algae Control:	
- In Water and Wetlands	80 acres of treatment area (1)
- At Water's Edge	20 linear miles of treatment area at water's edge (2)
Nuisance Animal Control:	
- In Water and Wetlands	80 acres of treatment area (1)
- At Water's Edge	20 linear miles of treatment area at water's edge (2)
Forest Canopy Pest Control	6,400 acres of treatment area
Intrusive Vegetation Control	20 linear miles of treatment area at water's edge (2)
Invasive Plant Management in Conservation Management Areas and Mitigation Areas	No Threshold (only annual reporting from this Part applies)

(1) Calculations include the area of the applications made to waters of the state. For calculating annual treatment area totals in the Mosquito/Insect Pest and Forest Canopy uses, count each pesticide application activity as a separate activity. For example, applying pesticides twice per year to a ten-acre site should be counted as twenty acres of treatment. For calculating annual treatment totals in the noted Weed/Algae Control and Nuisance Animal Control uses, each area should be counted once regardless of the number of applications.

(2) Calculations include the linear extent of the application made at the water's edge adjacent to waters of the state. For calculating annual treatment totals in each use category, count each side of a linear water body as a separate activity or area. For example, treating both sides of a ten-mile ditch is equal to twenty miles of water treatment area. Each area should be counted once regardless of the number of applications.

A. Integrated Pest Management (IPM) Practices

Permittees under this Part of the permit are subject to the following management practice requirements. If the permittee's discharge of pollutants results from the application of a pesticide that is being used solely for "pesticide research and development", as defined in Part VII, a fully implemented IPM is not required for such discharge. However, the permittee must still implement an IPM to the extent that its requirements do not compromise the research design.

Permittees under Part I.C.1.e. and I.C.1.f. are exempt from IPM requirements. Small entities, as defined in Part VII of this permit, are also exempt from IPM requirements.

Permittees required to use IPM practices shall use the framework in Ohio Department of Agriculture Rules [OAC 901:5-11-14] to develop those practices, including the evaluation and re-assessment requirements.

B. Pesticide Discharge Management Plans (PDMP)

If the permittee exceeds the thresholds in Table 1 (above), a Pesticide Discharge Management Plan (PDMP) must be prepared for the pest management area. The plan must be kept up-to-date threreafter for the duration of coverage under this general permit, even if the discharges subsequently fall below the applicable threshold.

Permittees under Part I.C.1.f. are exempt from PDMP requirements. Small entities, as defined in Part VII of this permit, are also exempt from PDMP requirements.

The PDMP must be consistent with the deadline in Table 2 (below):

Table 2. Pesticide Discharge Management Plan Deadline

Category	PDMP Deadline
Permittees who have or will exceed an annual treatment area threshold identified in Table 1 for that year.	Within six months of the effective date of this permit, or within four months of exceeding an annual area threshold.
Permittees commencing discharge response to a declared pest emergency situation as defined in Part VI that will cause the operator to exceed an annual treatment threshold.	No later than 90 days after responding to the declared pest emergency situation.

The purpose of the PDMP is to document how the permittee will implement the effluent limitations in Part III of the permit, including the evaluation and selection of control measures to meet those effluent limitations and minimize discharges. The PDMP may include or reference any procedures or plans from other documents that meet the requirements of this permit.

All permittees subject to the effluent limits must implement control measures to satisfy the effluent limitations in Part III. This includes the operator as well as any employees, contractors, subcontractors, or other agents. The control measures implemented must be documented and the documentation kept up to date.

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1. Contents of the Pesticide Discharge Management Plan. The PDMP must contain the following elements:

a. Pesticide Discharge Management Team;

b. Problem Description;

c. Control Measures Description;

d. Pest Surveillance;

e. Schedules and Procedures;

f. Spill Prevention and Response Procedures ;

g. Adverse Incident Response Plans;

h. Pesticide Monitoring;

i. Procedures for protecting state or federal endangered or threatened species in the treatment area; and

j. Signature Requirements.

2. PDMP Team. Identification of the persons (by name or title) which comprise the team as well as their individual responsibilities, including:

a. Person(s) responsible for managing pests in relation to the treatment area described below;

b. Person(s) responsible for developing and revising the PDMP;

c. Person(s) responsible for taking corrective actions where required; and

d. 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.

3. Problem Description. The following must be documented:

a. Treatment Area Description, including geographic boundaries and surface waters of the state to which the plan applies, and 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 treatment area and waters of the U.S.;

b. Pest Management Objective;

c. Target Pest;

d. Action threshold(s);

e. The water quality standards applicable to waters to which there will be a discharge; and

f. Source of the data used to meet problem identification conditions in Part V.B.

4. Description of Control Measures. Control measures can be actions (including processes, procedures, schedules of activities, prohibitions on practices, and other management practices), or structural or installed devices to minimize discharges of pesticides to waters of the state. The description must include the following management tools and estimated impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:

a. No action;

b. Prevention;

c. Mechanical/physical methods;

d. Cultural methods;

e. Biological control agents; and

f. Pesticides

i. Name of pesticide product(s) evaluated and corresponding EPA Registration Number(s);

ii. Procedures for determining the lowest effective amount of pesticide product per application and the optimum frequency of pesticide applications to effectively control the target pest; consistent with steps to minimize the development of pest resistance; and

iii. For mosquito control and nuisance insect control, you must document why larviciding is not the primary pesticide to effectively manage mosquitos or insects.

5. Pest Surveillance. The permittee must document the procedures for conducting pre- and post-application pest surveillance.

6. Schedules and Procedures. The following schedules and procedures must be documented in the PDMP:

a. Spill Prevention and Response Schedules and Procedures - Schedules and procedures for preventing and responding to spills and leaks. The following must be documented:

i. Maintenance activities and performance schedules to minimize the potential for leaks, spills, and unintended/accidental release of pesticides from pesticide containers;

ii. Course of action or responses to any spill;

iii. Chain of command notification for spill, both internal to the agency/organization and external;

iv. State/Federal contacts with phone numbers;

v. Name, location, and telephone of the nearest emergency medical facility; and

vi. Name, location, and telephone of the nearest hazardous chemical responder (including police and fire department).

b. Adverse Incident Response Procedures - Procedures for responding to adverse incidents resulting from pesticide applications. The following must be identified and documented:

i. Course of action and timing of responses to any incident resulting from pesticide applications;

ii. Chain of command notification for the incident, both internal to the agency/organization and external;

iii. State/Federal contacts with phone numbers;

iv. Name, location, and telephone of the nearest emergency medical facility; and

vi. Name, location, and telephone of the nearest hazardous chemical responder (including police and fire department).

c. Pesticide Monitoring Schedules and Procedures - Procedures for monitoring consistent with the requirements in Part III.C. must be documented. These include:

i. The process for determining the location of any monitoring;

ii. Schedule(s) and procedure(s) for any monitoring;

iii. The person (or position) responsible for conducting monitoring; and

iv. Procedures for documenting any incidents of observed noncompliance.

7. Procedures for protecting any state or federally-listed endangered or threatened species in the treatment area. The PDMP must include procedures for avoiding impacts to endangered or threatened species known to be present in the receiving water, or those identified in submittals under Part II.D. of this permit.

8. Signature Requirements. The permittee must sign and date the PDMP in accordance with Part VI.S.

9. Pesticide Discharge Management Plan Modifications. If corrective action conditions are triggered (as described in Part IV.C.1., the permittee or Ohio EPA will determine whether the control measures are adequate to meet the effluent limits (or other conditions) in this permit. If changes to the control measures are necessary, the permittee must modify the PDMP to reflect the changes implemented. Changes to the PDMP must be made in accordance with the corrective action deadlines in Part IV.C.2. and must be signed and dated in accordance with Part VI.S.

The permittee must review the PDMP at a minimum once per year or whenever necessary to update the pest management strategies at the treatment area(s).

10. Pesticide Discharge Management Plan Availability. The permittee must retain a copy of the current PDMP, along with all supporting maps and documents, on site (at the facility address provided on the NOI). The PDMP and all supporting documents must be immediately available to EPA; a State, Territorial, Tribal, or local agency governing pesticide applications; and National Marine Fisheries Service (NMFS) upon request. Ohio EPA may provide access to portions of the PDMP to a member of the public upon request. Confidential Business Information (CBI) may be withheld to the extent allowed by OAC Rule 3745-33-03(E).

C. Annual Reporting

Decision makers that exceed one of the treatment area annual thresholds in this part must submit an annual report to Ohio EPA. This annual report must include information for the calendar year during coverage under this permit, with the first annual report required for the first calendar year, or portion of the calendar year, which exceeded the treatment area threshold under this permit. The annual report must contain the following information:

1. Operator's name;

2. Operator's mailing address;

3. Contact person name, title, e-mail address (if any), and phone number; and

4. For each use pattern (see Part I.C.1.)
a. EPA Product Registration number(s) for each product used,
b. Amount of each product used,
c. Names of waters to which pesticides are discharged (including any 8-digit HUC identifiers, if known), and
d. Pests controlled.

Ohio EPA strongly recommends electronical submittal of the Annual Reporting Form. The annual report must be submitted to Ohio EPA no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year.

Submittal of the annual report is not required if no pesticides were applied during any calendar year. Permittees exceeding a treatment area annual threshold within 30 days of the end of the calendar year are not required to submit an annual report for that first partial year but must submit annual reports thereafter, with the first annual report submitted also including information from the first partial year. Once a permittee meets the obligation to submit an annual report, it must submit an annual report each year thereafter for the duration of coverage under this general permit.

The Annual Report Form can be found on the website below:

http://www.epa.ohio.gov/dsw/permits/GP_Pesticide.aspx .

Part VI. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Ohio Revised Code Chapter 6111 and is grounds for enforcement action; for permit termination or modification; or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions.

a. Criminal

i. Ohio Revised Code Chapter 6111 provides that any person who violates permit conditions is subject to a fine or imprisonment.
ii. False Statement. Ohio Revised Code Section 2921.13 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Act, shall upon conviction be punished by a fine or by imprisonment for not more than six months, or both.
iii. Where the permittee becomes aware that it failed to submit any relevant facts in a NOI or submitted incorrect information in a NOI or in any report to the Director, it shall promptly submit such facts or information.

b. Civil Penalties. Ohio Revised Code Chapter 6111 provides that any person who violates a permit condition is subject to a civil penalty.

B. Penalties for Violations of Permit Conditions.

1. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information. ORC 6111.99 provides that any person who knowingly submits false information or records or fails to submit information or records shall be fined not more than $25,000.

2. ORC 6111.99 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 per violation.

3. ORC 6111.99 states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

4. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042., 6111.05., or division (A) of Section 6111.07 of the Revised Code shall be fined not more than twenty-five thousand dollars or imprisoned not more than one year, or both.

C. Continuation of the Expired General Permit. An expired general permit continues in force and effect until a new general permit is issued provided a complete and acceptable NOI has been submitted within 45 days after the effective date of the renewed general permit.

D. Need to Halt or Reduce Activity Not a Defense. 40 CFR 122.41(c) states that 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.

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

F. Facility Operation and Quality Control. All application equipment shall be operated in a manner consistent with the following:

1. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all application equipment and control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.

2. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the pesticide applied.

G. Permit Coverage Transfers. The Director may require the operator to apply for and obtain an individual NPDES permit as stated in Part VI.H.

This permit cannot be transferred or assigned nor shall a new owner or successor be authorized to discharge from this facility until the following requirements are met:

1. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the Ohio EPA central office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the Ohio EPA central office sixty days prior to the proposed date of transfer;

2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the Ohio EPA central office within sixty days after receipt by the central office of the copy of the letter from the permittee to the succeeding owner;

3. The Director does not exercise his right within thirty days after receipt of the written agreement to notify the current permittee and the new permittee of his or her intent to revoke the permit and to require that a new NOI be filed; and

4. The new owner or successor receives written confirmation and approval of the transfer from the Director of the Ohio EPA.

At any time during the 60-day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit.

H. Requiring an individual permit or an alternative general permit.

1. The Director may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Director to take action under this paragraph. The Director may notify the operator in writing that an application for an individual permit is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the appropriate Ohio EPA district office, Division of Surface Water. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Director, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of last day of the period specified for application submittal. Any discharge past this date is illegal and subject to enforcement, unless the proper NPDES permit is obtained.

2. Any operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The operator shall submit an individual application (Form 1 and Form 2C, 2D, 2E, or 2F) with reasons supporting the request to the Director. Individual permit applications shall be submitted to the appropriate Ohio EPA district office, Division of Surface Water. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

3. When an individual NPDES permit is issued to an operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be.

I. Permit Revocation.

1. After notice and opportunity for a hearing, permit coverage may be revoked by the Ohio EPA during its term for cause including, but not limited to, the following:

a. violation of any terms or conditions of this permit;
b. obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts;
c. change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or
d. obtaining coverage under an individual or alternative general permit is required (see Part VI.H.).

2. The filing of a request by the permittee for permit coverage revocation does not stay any permit condition. See Part II.G. for requirements regarding Notice of Termination (NOT).

J. State Laws and Regulations. Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

K. Environmental Laws. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

L. Property Rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

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

N. Inspection and Entry. The permittee shall allow the Director or an authorized representative of Ohio EPA or other designated representative or, in the case of a facility that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the 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 Ohio Revised Code Chapter 6111 or the Clean Water Act, any substances or parameters at any location.

O. Recording of Results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The exact place and date of sampling (time of sampling not required on Discharge Monitoring Report);
2. The person(s) who performed the sampling or measurements;
3. The date the analyses were performed on those samples;
4. The person(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all analyses and measurements.

P. Records Retention. The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years, including:

1. All sampling and analytical records (including internal sampling data not reported);
2. All original recordings for any continuous monitoring instrumentation;
3. All instrumentation, calibration and maintenance records;
4. All plant operation and maintenance records;
5. All reports required by this permit;
6. Records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, or application; and
7. All chain of custody forms within the past three years.

These periods will be extended during the course of any unresolved litigation, or when requested by the Regional Administrator or the Ohio EPA. The three-year period for retention of records shall start from the date of sample, measurement, report, or application.

Q. Availability of Reports. Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the Ohio EPA Central Office. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Ohio Revised Code Section 6111.99.

R. Reporting.

Water Quality Monitoring Reports. This permit does not require permittees to report water quality monitoring results on a routine basis. However, Ohio EPA may, pursuant to Part III.C.3. require certain permittees to monitor and report such results.

Adverse Incident Reporting - see Part IV.C.3 and IV.C.4.

Annual Reports - see Part V.C.

S. Signatory Requirements. All Notices of Intent, Notices of Termination, reports, certifications or information
either submitted to the Director (and/or the operator of a large or medium municipal separate storm sewer
system), or that this permit requires be maintained by the permittee, shall be signed as provided in the following paragraphs 1 through 2a.

1. All Notices of Intent shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) 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 and who has authority to sign documents on behalf of the corporation; or (2) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality: State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).

2. All reports required by the permit and other information requested by the Director shall be signed by a person described in paragraph 1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if all of the following apply:

a. The authorization is made in writing by a person described above and submitted to the Director; or

b. 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 manager, operator, superintendent, or 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).

c. Changes to authorization. If an authorization under paragraph VI.S.2. 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 paragraph VI.S.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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."

T. Applicable Federal Rules. All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

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

PART VII. DEFINITIONS

"Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4 33 U.S.C. 1251 et.seq.

"Action threshold" means 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.

"Active ingredient" means 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, which you have observed upon inspection or of which you otherwise become aware, in which:

(1) A person or non-target organism may have been exposed to a pesticide residue, and

(2) The person or non-target organism suffered a toxic or adverse effect, or is reasonably likely to suffer a delayed or chronic adverse effect in the future.

The phrase "toxic or adverse effects" includes effects on non-target plants, fish or wildlife that are unusual or unexpected 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 plants
- Other dead or visibly distressed non-target 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 temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).

(1) The permittee is aware of facts that clearly establish that the reported toxic effect, or reported exposure, did not or will not occur.

(2) The permittee has been notified in writing by EPA that the reporting requirement has been waived for this incident or category of incidents, and the permittee has not been notified in writing by the Agency that the waiver is rescinded.

(3) The adverse incident involves only a toxic effect to non-target plants, which were at the use site at the time the pesticide was applied, and pesticide labeling provides adequate notice of such a risk.

(4) It concerns an adverse effect to pests not specified on the label, provided that such pests are similar to pests specified on the label.

"Best Management Practices (BMPs)" mean schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to surface waters of the state BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, or drainage from raw material storage. [40 CFR 122.2]

"Biological control agents" mean organisms that can be introduced to your sites, such as herbivores, predators, parasites and hyperparasites.

"Biological pesticides" (also called "biopesticides") include microbial pesticides, biochemical pesticides and plant-incorporated protectant (PIP).

The term "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 eukaryotic microorganism including, but not limited to, protozoa, algae, and fungi;
(2) is a prokaryotic microorganism, including, but not limited to, Eubacteria and Archaebacteria; or
(3) is a parasitically replicating microscopic element, including but not limited to, viruses. [40 CFR 174.43]

The term "biochemical pesticide" means a pesticide that
(1) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance;
(2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and
(3) Has a non-toxic mode of action to the target pest(s). [40 CFR 158.2000(a)]

The term "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]

"Bloom", "Algae Bloom" or "Algal Bloom" means a visually identified concentration of algae or cyanobacteria that discolors the water, or has a cell count greater than 4,000 cells per milliliter. These concentrations include both cells present at a defined depth and cells measured throughout the water column.

"Blue-green algae" mean photosynthesizing bacteria, also called cyanobacteria. These organisms may produce toxins that can cause sickness and possibly death in exposed populations of humans and animals. The term includes these bacteria present as unicellular, colonial or filamentous organisms. Some have the ability to fix nitrogen and/or regulate their buoyancy.

"Chemical pesticides" mean all pesticides not otherwise classified as biological pesticides.

"Control Measure" refers to any BMP or other method used to meet the effluent limitations to minimize the discharge of pollutants to surface waters of the state.

"Cultural methods" are manipulations of the habitat to increase pest mortality by making the habitat less suitable to the pest.

"Cyanotoxins (algal toxins)" are toxins produced by cyanobacteria. These cyanotoxins include liver toxins, nerve toxins, and skin toxins.

"Decision maker" means the person making the decision to control pests for which a discharge will occur that requires NPDES permit coverage under this permit.

"Declared Pest Emergency Situation" means any event defined by public declaration by a federal agency, state, or local government of a pest problem that is determined to require control by the 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.

[40 CFR 166]

"Degradates" of a pesticide mean those intermediate products formed by biological or chemical breakdown of the pesticide that are specifically related to the pesticide. They do not include ultimate degradation products that are natural components of the receiving water.

"Director" means the Director of the Ohio Environmental Protection Agency.

"Discharge of a pollutant" means any addition of any "pollutant" or combination of pollutants to "waters of the state" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the state from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

"Enterprise" means a business organization consisting of one or more establishments specified under common ownership or control. The enterprise and establishment are the same for single-establishment enterprises. Each establishment of an enterprise is assigned a NAICS code based on its own primary business activity.

"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 means 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" means any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. [40 CFR 122.2]

"Federal Facility" means any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned 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).

"Herbicide" means a pesticide used to kill plants or algae.

"Hydrologic Unit Code (or HUC)" - The United States is divided and sub-divided into successively smaller hydrologic units which are classified into four levels: regions, sub-regions, accounting units, and cataloging units. The hydrologic units are arranged within each other, from the smallest (cataloging units) to the largest (regions). Each hydrologic unit is identified by a unique hydrologic unit code (HUC) consisting of two to eight digits based on the four levels of classification in the hydrologic unit system. (http://water.usgs.gov/GIS/huc.html)

"Impaired Water" (or "Water Quality Impaired Water" or "Water Quality Limited Segment") - A water is impaired for purposes of this permit if it has been identified by a State, Territory, Tribe or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State, Territorial, or Tribal water quality standards (these waters are called "water quality limited segments" under 40 CFR 30.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

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

"Integrated Pest Management (IPM)" means a holistic approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that balances economic, health, and environmental risks and benefits.

"Mechanical/Physical methods" mean mechanical tools or physical alterations of the environment, for pest prevention or removal.

"Minimize" means to reduce and/or eliminate pesticide discharges to waters of the state through the use of control measures and to the extent technologically available and economically practicable and achievable.

"Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutter, ditches, man-made channels or storm drains) that is:

(i) owned or operated by the federal government, state, municipality, township, county, district or other public body (created by or pursuant to state or federal law) including special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the Act that discharges into surface waters of the state;

(ii) designated or used for collecting or conveying solely storm water;

(iii) not a combined sewer; and

(iv) not part of a publicly owned treatment works.

"NOI" means notice of intent to be covered by this permit (see Part II).

"NOT" means notice of termination (see Part II.G.)

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the CWA. The term includes an "approved program".

"Non-target organism" includes the plant and animal hosts of the target pest, the natural enemies of the target pest 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)" is 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.

"Outstanding National Resource Waters" are any waters that have been classified in this category in the Ohio Water Quality Standards [OAC 3745-1].

"Outstanding State Waters" are waters that have special significance for the state because of their exceptional ecological values or exceptional recreational values, and that have been so categorized in Ohio's Antidegradation Rule [OAC 3745-1-05]. To qualify on the basis of exceptional ecological values they must meet the qualifications for superior high quality waters and be further distinguished as being demonstratively among the best waters of the state from an ecological perspective. To qualify on the basis of exceptional recreational values they must provide outstanding or unique opportunities for recreational boating, fishing or other personal enjoyment. These waters are specifically listed in OAC Rule 3745-1-05, Tables 5-5 and 5-6.

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

(1) Any vertebrate animal other than man;

(2) 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;

(3) 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

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

"Pest management area" means the area of land, including any water, for which you are conducting pest management activities covered by this permit.

"Pest management area" means 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 which is 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 which 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 as pesticides 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 drift" means the physical movement of pesticide droplets or particles through the air from the target site to any non-target site. Pesticide spray and dust drift occurs during application or soon thereafter. [Under stable atmospheric conditions (such as near-ground temperature inversion), drift can also occur after the application has been completed.] Pesticide drift does not include the movement of pesticide caused by other types of migration such as windblown soil particles or volatilization from the application site after application.

"Pesticide Product" means 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" means 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 2012 NAICS.

"Pesticide Residue" includes that portion of a pesticide application that is discharged from a point source to waters of the US and no longer provides pesticidal benefits. It also includes any degradates of the pesticide (degradates include partial degradation products of the pesticide, but do not include ultimate breakdown products such as phosphorus, ammonia, and sulfur concentrations that meet applicable water quality standards).

"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, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. [40 CFR 122.2]

"Public entity" means a Federal, State, city, district, or other public body including a school district, university, public utility (e.g., electric, water, gas), a special district such as a mosquito control district, or a similar entity; an Indian tribe or authorized Indian tribal organization (e.g., as identified by category code 92 in the 2007 NAICS, and government establishments engaged in other sectors including but not limited to category codes 22 (Utilities) and 71 (Arts, Entertainment, and Recreation) in the 2007 NAICS).

"Receiving waters" means the waters of the state into which point and non-point sources flow.

"Responsible entity" means the person making the decision to control pests for which a discharge will occur that requires NPDES permit coverage under this permit.

"Small Entity" is (1) a public entity that serves a population less than 10,000 people or (2) a private enterprise that employs fewer than 100 employees and is independently owned.

"Superior High Quality Waters" are surface waters that possess exceptional ecological values and that have been so categorized in Ohio's Antidegradation Rule [OAC 3745-1-05]. Except as provided below, exceptional ecological values shall be assessed based upon a combination of the presence of threatened or endangered species and a high level of biological integrity. The following factors shall be considered in determining exceptional ecological value: providing habitat for Ohio or federal endangered species; providing habitat for Ohio threatened species; harboring stable populations of a declining fish species that coincide with the presence of suitable habitat for that species, or that coincide with an essential migration path between areas of suitable habitat for that species; and displaying a level of biological integrity equivalent to the exceptional warmwater habitat index of biotic integrity or invertebrate community index criteria values listed in rule 3745-1-07 of the Administrative Code.

Water bodies that exhibit a pattern of biological integrity equivalent to index of biotic integrity and, where applicable, invertebrate community index scores of fifty-six or greater at most sites are characteristic of a near pristine aquatic habitat. Such waters, as well as other ecologically unique water bodies that have essentially undisturbed native faunas, but for which the biological criteria in rule 3745-1-07 of the Administrative Code do not apply, may be considered as possessing exceptional ecological values without the presence of threatened or endangered species.

"Target pest" means the organism toward which pest control measures are being directed.

"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" means the area of land including any waters, or the linear distance along the 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 provide pesticidal benefits. 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. The treatment area for a lake area is the water surface area where the application is intended to provide pesticidal benefits.

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, stream or ditch is equal to ten miles of treatment area. Treating five miles of shoreline or coast would equal a five mile treatment area.

"Water Quality Impaired" - See 'Impaired Water'.

"Water Quality Standards" means the Ohio Water Quality Standards [Ohio Administrative Code 3745-1] and water quality criteria calculated using these rules.

"Waters of the State" means all streams, lakes, reservoirs, ponds, marshes, wetlands, watercourses, waterways, springs, irrigation systems, drainage systems, and all other bodies or accumulations of surface water, natural or artificial, that are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface waters.