

Effective Date:  
Expiration Date: 5 years

OHIO ENVIRONMENTAL PROTECTION AGENCY  
GENERAL PERMIT AUTHORIZATION TO DISCHARGE  
PESTICIDE APPLICATIONS 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 wastewater, 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 VI 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 provisions, 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 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. D.).

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Chris Korleski  
Director

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## 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 the four categories listed below located in, over or near surface waters is a point source of pollutants and must be covered under an Ohio NPDES permit
- C. Eligibility
1. 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 for the following pesticide use patterns:
    - a. Mosquito and Other Aquatic Nuisance Insect Control - management 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 not limited to mosquitoes and black flies;
    - b. Aquatic Weed and Algae Control - management of weeds and algae in water, including but not limited to lakes, ponds, rivers, streams, irrigation canals, and drainage systems (ditches, canals, etc);
    - c. Area-Wide Pest Control - management of a diverse pest spectrum (insects, weeds, and/or pathogens) in wide range of diverse habitats where a portion of the pesticides will unavoidably be deposited to water to target the pests effectively. Habitats in this use category include but are not limited to rangeland, forests, urban, and ditch banks. Area wide application means management of a pest (e.g., gypsy moths, Mormon crickets, grasshoppers, etc.) to contain an infestation and in area greater than 15 contiguous acres;
    - d. Aquatic Nuisance Animal Control - management of invasive or other nuisance species in water, including but not limited to lakes, ponds, rivers, and streams. Aquatic nuisance animals in this use category include, but are not limited to fish, lampreys, and mollusks.
  2. Coverage under this permit is available only if your 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.

3. 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 the Ohio Integrated Water Quality Report as not meeting applicable State water quality standards. Impaired waters include both waters with EPA-approved and Ohio EPA-established Total Maximum Daily Loads (TMDLs) and those for which EPA has not yet approved or established a TMDL. Ohio's Integrated Water Quality Report is posted on the Ohio EPA web site:  
<http://www.epa.state.oh.us/dsw/tmdl/index.aspx>
  - b. Discharges Currently Covered by another Permit. You are not eligible for coverage under this permit if you have coverage under an existing NPDES permit (for example, you have 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 or of an individual permit for a discharge resulting from 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. Operators Required to Submit a Notice of Intent (NOI). The following operators are required to submit a Notice of Intent to obtain coverage under this general permit for discharges resulting from the application of pesticides:
1. Any direct application to reservoirs used as a drinking water supply for aquatic algae, weed or nuisance animal control;
  2. Any piscicide application;
  3. Any direct pesticide application to Category 3 wetlands, Outstanding State Waters or Superior High Quality Waters other than Lake Erie for aquatic algae, weed or nuisance animal control;
  4. Any direct application to Category 1 or 2 wetlands that exceeds an annual treatment area threshold in Part V.
  5. Any aerial spraying for forest pest control, or for aquatic weed control in Lake Erie that exceeds an 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. Persons with an existing discharge who intend to obtain coverage under this general permit shall submit an NOI in accordance with the requirements of Part II of this permit within 45 days of the effective date of this renewed permit. (See Part V.F.3.).
  3. 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 V.E. for transfer requirements.)
- C. Contents of Notice of Intent. The applicant shall complete and submit an approved NOI form provided by Ohio EPA. The Notice of Intent shall include the information required by the NOI form and its instruction sheet. Failure to follow the NOI instructions may result in the NOI being returned to the applicant. The NOI application form and instructions for completing the form are available on the following internet website by clicking on "Applying for Coverage":
- <http://www.epa.ohio.gov/dsw/permits/gpfact.aspx>
- 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.

- E. Where to Submit. Facilities that discharge wastewater associated with pesticide applications must use the NOI form referenced above. NOIs must be signed in accordance with Part V.D of this permit. A check in the amount designated on the form, payable to "Treasurer, State of Ohio," must accompany the NOI form. NOIs are to be submitted to the Ohio EPA at the following address:

Ohio Environmental Protection Agency  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

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

- G. Renotification for Permit Renewal. In order to receive authorization to discharge beyond the expiration date of this general permit (i.e. renew existing general permit coverage), the permittee shall notify the Director of the intent to be covered by the new general permit by submitting a new NOI within 45 days after the effective date of the renewed general permit.

- H. 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 Notice of Termination that is signed in accordance with Part V.D of this permit.

1. The Notice of Termination shall include the information required by the NOT form and its instruction sheet which are available at the following internet website by clicking on "Applying for Coverage":

<http://www.epa.ohio.gov/dsw/permits/gpfact.aspx>

2. All Notices of Termination shall be sent, using the form provided by the Director, to the following address:

Ohio Environmental Protection Agency  
General Permit Program  
P.O. Box 1049  
Columbus, OH 43216-1049

## Part III - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

## A. Technology-Based Effluent Limitations

1. Minimize Pesticide Discharges into Waters of the United States. You 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 necessary to control the target pest, consistent with minimization of the potential for development of pest resistance;
  - b. Perform regular maintenance activities to minimize potential for leaks, spills, and unintended/accidental release of pesticides from pesticide containers to surface waters of the state; and
  - 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. Your discharge must be controlled as necessary to meet applicable numeric and narrative state water quality standards.

For any pesticides applied directly to quarries, borrow pits or ponds – 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.

If at any time you become aware, or EPA determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, you must take corrective action as required in Part V D.

EPA may impose additional water quality-based limitations or require you 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.** You must monitor the amount of pesticide applied to ensure that you are using the lowest amount to effectively control the pest, consistent with minimization of the potential for development of pest resistance. You must also monitor your pesticide application activities to ensure you are performing regular maintenance activities and to ensure that your application equipment is in proper operating condition to minimize the potential for leaks, spills, and unintended/accidental release of pesticides to waters of the United States. Additionally, you must monitor your pesticide application activities to ensure that the application equipment is in proper operating condition by calibrating, cleaning, and repairing equipment on a regular basis. This will ensure effective pesticide application and pest control.
2. **Visual Monitoring Requirements.** You must conduct a visual assessment:
  - a. During the treatment activity when you are making a pesticide application, other than by aircraft or road vehicle, during daylight hours;
  - b. During any post-application surveillance or efficacy check that you choose to conduct.

Visual assessments will consist of spot checks in the area to and around where pesticides are applied for possible and observable adverse impacts, as defined in Part VII, caused by application of pesticides, including but not limited to the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

### 3. Additional Monitoring

Ohio EPA may notify you 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. Your discharge likely contributed to a reported adverse incident;
- b. The product you are using contains a pesticide for which additional controls may be necessary;
- c. The product you are using raises environmental impact concerns;

- d. More information about your pesticide use is needed to modify or determine more appropriate effluent limitations;
- e. You are 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, you will receive a written explanation of the additional requirements and the basis for them. The notice will include a reasonable timeframe in which 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 will 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, or alternatively, revoked and reissued to the permit holder, to comply with any applicable standards or regulations.
- B. General Effluent Limitations. The effluent 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, greasy, 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 pose an unreasonable danger to human 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 in any other fashion;

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. You become aware or Ohio EPA concludes that your control measures are not adequate/sufficient for the discharge to meet applicable water quality standards;
  - c. Any monitoring activities indicate that you failed to
    - i. Use the lowest amount of pesticide product per application and optimum frequency of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pest resistance;
    - ii. Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered by under this permit; or
    - iii. Maintain pesticide application equipment in proper operating condition by adhering to any manufacturer's conditions and industry practices, and by calibrating, cleaning and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. You must ensure that the equipment's rate of pesticide application is calibrated to deliver the precise minimum quantity of pesticide needed to achieve the greatest efficacy against the target pest.
  - d. An inspection or evaluation of your 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. You observe, for example, during visual monitoring that is required in Part III C., or are otherwise made aware of, an adverse incident, as defined in Part VII.

2. **Corrective Action Deadlines.** If you determine that changes to your 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 is a schedule considered reasonable for documenting your findings and for making repairs and improvements. The schedule is included in this permit to ensure that any condition prompting the need for repair and improvement is not allowed to persist indefinitely.
3. **Adverse Incident Documentation and Reporting**
  - a. You must report any adverse incident, as defined in Part VII, that may have resulted from a discharge from your pesticide application by e-mail or telephone within 24 hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.state.oh.us  
Southwest District Office: swdo24hournpdes@epa.state.oh.us  
Northwest District Office: nwdo24hournpdes@epa.state.oh.us  
Northeast District Office: nedo24hournpdes@epa.state.oh.us  
Central District Office: cdo24hournpdes@epa.state.oh.us  
Central Office: co24hournpdes@epa.state.oh.us

The permittee shall attach an incident report to the e-mail. An incident report form is available on the following web site:

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

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330  
Southwest District Office: (800) 686-8930  
Northwest District Office: (800) 686-6930  
Northeast District Office: (800) 686-6330  
Central District Office: (800) 686-2330  
Central Office: (614) 644-2001

- 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 or telephone within 24 hours of discovery in accordance with paragraph C 2. a. above.

- c. When the telephone option is used for the non-compliance reports required by paragraphs C. 1 and 2. above, the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five (5) days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed noncompliance report.
4. Fourteen (14) Day Adverse Incident Written Report. Within 14 days of becoming aware of an adverse incident reported pursuant to Part IV C. 3, you must provide a written report of the adverse incident to the Ohio EPA, Division of Surface Water. Your adverse incident report must include at least the following information:
  - a. Name of permittee, mailing address, and telephone number;
  - b. Name, address, email address (if any), and telephone number of contact person;
  - c. Date and time permittee became aware of the incident;
  - d. Date of incident (if appropriate, list start and end dates);
  - e. Date and time you contacted Ohio EPA notifying the Agency of the adverse incident;
  - f. Location of 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;
5. Other Corrective Action Documentation.
- a. For situations identified in Part IV C. 3., other than for adverse incidents, you must document the situation triggering corrective action within 24 hours of you becoming aware of that situation and retain a copy of this documentation on-site. 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 situation; and
    - iii. Date the problem was identified.
  - b. Within 14 days of you becoming aware of any condition listed in Part IV C. 1., other than for adverse incidents, you must document and retain the following information:
    - i. Summary of corrective action taken or to be taken;
    - ii. Notice of whether PDMP modifications are required as a result of the identified situation;
    - iii. Date corrective action initiated; and
    - iv. Date corrective action completed or expected to be completed.
6. Recordkeeping

- a. All permittees are required to keep the following documentation:
  - i. A copy of this permit (an electronic copy is also acceptable);
  - ii. A copy of any Adverse Incident Reports (See Part IV C.);
  - iii. Your rationale for any determination that reporting of an identified adverse incident is not required consistent with allowances specified in Part IV C. 3. a;
  - iv. A copy of any corrective action documentation.

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

- b. Permittees who are required to implement IPM practices, Part V A., are required to keep the following records:
  - i. Pest Management Log for the pesticide applications you perform. The Pest Management Log must be completed and maintained to demonstrate your compliance with the conditions of this permit. You must retain a copy of the current Pesticide Management Log at the address provided on the NOI. You must maintain records of the following information:
    - ii. Permittee's name
    - iii. The name(s) of the record keeper;
    - iv. Times and date(s) of pest management activities;
    - v. Target Pest;
    - vi. Pest management strategies used and what action threshold has been met;
    - vii. Pesticide used:
    - viii. Names and amounts of pesticides used, including EPA registration numbers;
    - ix. Locations and names of waters to which pesticides are applied (any 8-digit HUC identifiers or map coordinates, if known);
    - x. Surveillance method used;

- xi. Any observed impacts to non-target organisms resulting from your pesticide discharge as required in Part III C., Site Monitoring;
  - xii. When the application equipment was calibrated, cleaned, and repaired, if applicable;
  - xiv. For mosquito control and aquatic nuisance insect control, if applicable, why larviciding is impractical; and
  - xv. Any monitoring information required in Part III C.
- c. Permittees who are required to develop a Pesticide Discharge Management Plan and required to submit an annual report under Part V of this permit must keep the following records available for inspection:
- i. A copy of your annual reports;
  - ii. A Pesticide Discharge Management Plan (PDMP) as detailed in Part V B.
- d. You must retain copies of documentation outlined in paragraph 6. a. and, if applicable, paragraphs 6. b. and c. (including any modifications made to the PDMP during the term of this permit) for a period of at least 3 years from the date that your coverage under this permit expires or is terminated.
7. 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 conditions(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. 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 PWS contact information on the Division of Drinking and Ground Waters web site:  
<http://www.epa.state.oh.us/ddagw/pws.aspx> .

#### Part V. CONDITIONS FOR APPLICATIONS GREATER THAN TREATMENT AREA THRESHOLDS

The following covered operators must comply with the additional conditions in this part if:

You are in control over the financing for, or over the decision to perform pest control activities that will result in a discharge and know or reasonably should have known that those activities will exceed one or more of the annual treatment area thresholds listed in Table 1 below for the treatment area, as defined in Part VII; or,

You apply pesticides that result in a discharge and know or reasonably should have known that those activities will exceed one or more of the pesticide application annual treatment area thresholds listed in Table 1 below for the treatment area, as defined in Part VII.

	Pesticide Use	Annual Threshold
	Mosquitoes and Other Insect Pests	640 acres of treatment area
	Aquatic Weed and Algae Control:	
	- In Water	20 acres of treatment area <sup>1</sup>
	- At Water's Edge	20 linear miles of treatment area at water's edge <sup>2</sup>
	Aquatic Nuisance Animal Control:	
	- In Water	20 acres of treatment area <sup>1</sup>
	- At Water's Edge	20 linear miles of treatment area at water's edge <sup>2</sup>
	Forest Canopy Pest Control	640 acres of treatment area

<sup>1</sup>Calculations should include the area of the applications made to: (1) waters of the state and (2) conveyances with a hydrologic surface connection to waters of the state at the time of pesticide application. For calculating annual treatment area totals, count each pesticide application activity as a separate activity. For example, applying pesticides twice per year to a ten acre site should be counted as twenty acres of treatment.

<sup>2</sup>Calculations should include the linear extent of the application made at water's edge adjacent to: (1) waters of the state and (2) conveyances with a hydrologic

surface connection to waters of the state at the time of pesticide application. For calculating annual treatment totals, count each pesticide application activity and each side of a linear water body as a separate activity or area. For example, treating both sides of a ten-mile ditch is equal to twenty miles of water treatment area.

#### A. Integrated Pest Management (IPM) Practices

Permittees under this Part of the permit are subject to the following management practice requirements. If your 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, you are not required to fully implement IPM for such discharge, but you must still implement IPM to the extent that its requirements do not compromise the research design.

##### 1. Mosquito and Other Aquatic Nuisance Insect Control

This Part applies to discharges from the application of pesticides for mosquito and other aquatic nuisance insect control as defined in Part I.C.1.

- a. Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the state, and at least once each year thereafter during which you will have a discharge, you must do the following for each treatment area, as defined in Part VII:
  - i. Establish densities for larval and adult mosquito or aquatic nuisance insect populations which serve as action threshold for implementing pest management strategies;
  - ii. Identify target mosquito or aquatic nuisance insect species to develop a species-specific control strategy based on developmental and behavioral considerations for each species;
  - iii. Identify known and potential breeding sites for source reduction, larval control program, and habitat management; and
  - iv. Analyze existing surveillance data to identify new/unidentified sources of mosquito or aquatic nuisance insect production as well as sites that have recurring pest problems.

In the event site data are not available within the past year, you must document why the site data are not available and the data you used to meet the permit conditions in paragraph A.1.a of this Part. (See also paragraph B of this Part – Pesticide Discharge Management Plans)

- b. Pest Management. Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the state, and at least once each year thereafter during which you will have a discharge, you must select and implement for each treatment area efficient and effective means of pest management that most successfully minimize discharges resulting from application of pesticides to control mosquitoes or other aquatic nuisance insects, including the use of pesticide and non-pesticide methods. In developing your pest management strategies, you must evaluate the following management options considering impact to water quality, non-target organisms, pest resistance, feasibility, and cost effectiveness:
- i. No action
  - ii. Prevention
  - iii. Mechanical/physical methods
  - iv. Cultural method
  - v. Biological control agents
  - vi. Pesticides
- c. Pesticide Use. If a pesticide is selected for managing mosquitoes or aquatic nuisance insects and application of the pesticide will result in a discharge to surface waters of the state, you must:
- i. Conduct larval and/or adult surveillance prior to each pesticide application to assess the treatment area and to determine when pre-established conditions (pest action threshold) are met which necessitate the need for pest management;
  - ii. Assess environmental conditions prior to each pesticide application (e.g. temperature, precipitation, and wind speed in the treatment area) to identify conditions which support development of pest populations and are suitable for control activities;
  - iii. Minimize the impact on the environment and non-target organisms by applying the pesticide only when the action thresholds have been met or disease is present;
  - iv. Use larvicides as the primary pesticide for mosquito or aquatic nuisance insect control;

- v. Use adulticides only where the adult action threshold has been met and/or under emergency condition (e.g. flooding, disease outbreak); and
- vi. Do not apply adulticides over surface waters of the state, except when necessary to target areas where adult mosquitoes or insect pests are present, and when weather conditions will facilitate movement of pesticide product away from the water to minimize discharges into the water.

## 2. Aquatic Weed and Algae Control

This Part applies to discharges from the application of pesticides for aquatic weed and algae control as defined in Part I.C.1

- a. Identify the Problem. Prior to the first application covered under this permit that will result in a discharge to surface waters of the state, and at least once each year thereafter during which you will have a discharge, you must do the following for each treatment area, as defined in Part VII.
  - i. Identify areas with weed or algae problems and characterize the extent of the problem, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
  - ii. Identify target weed species as necessary for pest control;
  - iii. Identify possible sources of the problem (e.g., nutrients, invasive species, etc); and
  - iv. Establish past or present pest weed densities which serve as action threshold(s) for implementing pest management strategies.

In the event site data are not available within the past year, you must document why the site data are not available and the data you used to meet the permit conditions in A.1.a. (See paragraph B of this Part, Pesticide Discharge Management Plan)

- b. Pest Management. Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the state, and at least once each year thereafter during which you will have a discharge, you must select and implement for each treatment area efficient and effective means of pest management that most successfully minimize discharges resulting from application of

pesticides to control aquatic weeds or algae, including pesticide and non-pesticide methods. In developing your pest management strategies, you must evaluate the following management options considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:

- i. No action
  - ii. Prevention
  - iii. Mechanical/physical methods
  - iv. Cultural methods
  - v. Biological control agents
  - vi. Pesticides
- c. Pesticide Use. If a pesticide is selected to manage weeds or algae and application of the pesticide will result in a discharge to waters of the state., you must:
- i. Conduct surveillance prior to each pesticide application to assess the treatment area and to determine when pre-established conditions (pest action threshold) are met which necessitate the need for pest management;
  - ii. Conduct surveillance after each pesticide application to determine effectiveness of the treatment; and
  - iii. Minimize the impact on the environment and non-target organisms by applying the pesticide only when the action threshold has been met and/or under an emergency condition (e.g. invasive species).

### 3. Area-Wide and Ditch Bank Pest Control

This Part applies to discharges from the application of pesticides for area-wide and ditch bank pest control as defined in Part I.C.1.

- a. Identify the Problem. Prior to the first application covered under this permit that will result in a discharge to surface waters of the state, and at least once each year thereafter during which you will have a discharge, you must do the following for each treatment area, as defined in Part VII:

- i. Establish target pest densities which serve as an action threshold for implementing pest management strategies;
- ii. Identify target species to develop a species-specific control strategy based on developmental and behavioral considerations for each species; and
- iii. Identify current distribution of the target pest and assess potential distribution in the absence of control measures.

In the event site data are not available within the past year, you must document why the site data are not available and the data you used to meet the permit conditions in A.1.a. (See paragraph B of this Part, Pesticide Discharge Management Plan)

- b. Pest Management. Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the state, and at least once each year thereafter during which you will have a discharge, you must select and implement for each treatment area efficient and effective means of pest management that most successfully minimize discharges resulting from application of pesticides to control area-wide pests, including pesticide and non-pesticide methods. In developing your pest management strategies, you must evaluate the following management options considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:
  - i. No action
  - ii. Prevention
  - iii. Mechanical/physical methods
  - iv. Cultural methods
  - v. Biological control agents
  - vi. Pesticides
- c. Pesticide Use. If a pesticide is selected to manage area wide pests and application of the pesticide will result in a discharge to surface waters of the state, you must:
  - i. Conduct surveillance prior to each application to assess the treatment area and to determine when pre-established conditions (pest action threshold) are met which necessitate the need for pest management;

- ii. Conduct surveillance after each pesticide application to determine effectiveness of the treatment;
- iii. Assess environmental conditions (e.g. temperature, precipitation, and wind speed in the treatment area) to identify conditions which support target pest development and are conducive for treatment activities;
- iv. Minimize the impact on the environment and non-target organisms by considering the restrictions, application timing, and application method in addition to applying the pesticide only when the action thresholds have been met;
- v. Use pesticides against the most susceptible developmental stage; and
- vi. Use pesticides only where the action threshold has been met and/or under emergency condition (e.g. invasive species).

#### 4. Aquatic Nuisance Animal Control

This Part applies to discharges from the application of pesticides for aquatic nuisance animal control as defined in Part I.C.1.

- a. Identify the Problem. Prior to the first application covered under this permit that will result in a discharge to surface waters of the state, and at least once each year thereafter during which you will have a discharge, you must do the following for each treatment area, as defined in Part VII:
  - i. Identify areas with aquatic nuisance animal problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
  - ii. Identify target aquatic nuisance animal species as necessary for pest control;
  - iii. Identify possible sources of the problem (e.g., nutrients, invasive species); and
  - iv. Establish past or present aquatic nuisance animal densities which serve as an action threshold for implementing pest management strategies.

In the event site data are not available with the past year, you must document why the site data are not available and the data you used to

meet the permit conditions in A.1.a. (See paragraph B of this Part, Pesticide Discharge Management Plan)

- b. Pest Management. Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the state, and at least once each year thereafter during which you will have a discharge, you must select and implement for each treatment area efficient and effective means of pest management that most successfully minimize discharges resulting from application of pesticides to control aquatic nuisance animals, including pesticide and non-pesticide methods. In developing your pest management strategies, you must evaluate the following management options considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:
  - i. No action.
  - ii. Prevention
  - iii. Mechanical/physical methods
  - iv. Cultural methods
  - v. Biological control agents
  - vi. Pesticides
- c. Pesticide Use. If a pesticide is selected for managing aquatic nuisance animals and application of the pesticide will result in a discharge to surface waters of the state, you must:
  - i. Conduct surveillance prior to each application to assess the treatment area and to determine when pre-established conditions (pest action threshold) are met which necessitate the need for pest management;
  - ii. Conduct surveillance after each pesticide application to determine effectiveness of the treatment; and
  - iii. Minimize the impact on the environment and non-target organisms by considering site restrictions, application timing, and application method in addition to applying the pesticide only when the action threshold has been met.

## B. Pesticide Discharge Management Plans

If you exceed the thresholds above, you must prepare a Pesticide Discharge Management Plan (PDMP) for the pest management area. You must keep the plan up-to-date thereafter for the duration of coverage under this general permit, even if your discharges subsequently fall below the applicable threshold. You must develop a PDMP consistent with the deadline in Table 2 below:

Category	PDMP Deadline
Permittees who know or should have reasonably known, prior to commencement of discharge, that they will exceed an annual treatment area threshold identified in Table 1 for that year,	Prior to the first pesticide application covered under this permit.
Permittees who do not know or would reasonably not know until after commencement of discharge, that they will exceed an annual treatment area threshold identified in Table 1 for that year	Prior to exceeding an annual treatment area threshold.
Permittees commencing discharge in 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 PDMP does not contain effluent limitations; the limitations are contained in Part II of this permit. The PDMP documents how you will implement the effluent limitations in Part II of the permit, including your evaluation and selection of control measures to meet those effluent limitations and minimize discharges. In your PDMP you may incorporate by reference any procedures or plans in other documents that meet the requirements of this permit. If you rely on other documents to describe how you will comply with the effluent limitations in this permit, such as a pre-existing integrated pest management plan, you must attach to your PDMP a copy of any portions of any documents that you are using to document your implementation of the effluent limitations. 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.

1. Contents of Your Pesticide Discharge Management Plan. Your 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. Equipment Maintenance Procedures
  - h. Adverse Incident Response Plan
  - i. Pesticide Monitoring
  - j. Documentation to Support Eligibility Considerations under Other Federal Laws.
  - k. Signature Requirements.
2. PDMP Team. You must identify the persons (by name or title) that 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 pesticide applicator is unknown at the time of plan development, indicate whether or not a for-hire applicator will be used.
3. Problem Description. You must document the following:
- 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 United States. They can be just about anything that “does the job” of minimizing pesticides being discharged, and of meeting applicable limits. In the PDMP, you must document the pest management tools that you will evaluate and the criteria you will use to select control measures that minimize discharges resulting from the application of pesticides. The evaluation must include the following management tools and considering 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
  - 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 aquatic nuisance insect control, you must document why larviciding is not the primary pesticide to effectively manage mosquitoes or insects [See Part V B. 1.]
5. Pest Surveillance. You must document your procedures for conducting pre- and post-application pest surveillance.
6. Schedules and Procedures. You must document the following schedules and procedures in your PDMP:
  - a. Spill Prevention and Response Schedules and Procedures – Schedules and procedures for preventing and responding to spills and leaks. You must identify and document the following:
    - i. Maintenance activities and performance schedule to minimize 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 your agency/organization and external;
    - iv. State/Federal contacts with phone number;
    - v. Name, location, and telephone of nearest emergency medical facility;
    - vi. Name, location, and telephone of nearest hazardous chemical responder (including police and fire department); and
  - b. Equipment Maintenance Schedules and Procedures – Schedules and procedures for maintaining the application equipment in proper operating condition, including calibrating, cleaning, and repairing the equipment.
  - c. Adverse Incident Response Procedures - Procedures for responding to adverse incident resulting from pesticide applications. You must identify and document the following:
    - 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 your agency/organization and external;

- iii. State/Federal contacts with phone numbers;
  - iv. Name, location, and telephone of nearest emergency medical facility;
  - v. Name, location, and telephone of nearest hazardous chemical responder (including police and fire department); and
- d. Pesticide Monitoring Schedules and Procedures – You must document the procedures for monitoring consistent with the requirements in Part III C. including:
- i. The process for determining the location of any monitoring;
  - ii. A schedule and procedures for any monitoring;
  - iii. The person (or position) responsible for conducting monitoring; and
  - iv. Procedures for documenting any incidents of noncompliance observed.
7. Documentation to Support Eligibility Considerations Under Other Federal Laws. [will include any ESA-related documentation requirements]
8. Signature Requirements. You must sign and date your PDMP in accordance with Part VI T.
9. Pesticide Discharge Management Plan Modifications. You must modify your PDMP whenever necessary to address any of the triggering conditions for corrective action in Part IV C. 1.. Keeping the PDMP up-to-date will help to ensure that any condition that triggered the corrective action does not reoccur. When a review following the triggering conditions in Part IV C. 1 indicates that changes to your control measures are necessary to meet the effluent limits (or other conditions) in this permit, you must modify the PDMP to reflect changes implemented. Changes to your 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 T.
- You must review your PDMP at a minimum once per year or whenever necessary to update the pest management strategies at your treatment area(s).
10. Pesticide Discharge Management Plan Availability. You must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided on the NOI. The PDMP and all supporting

documents must be immediately available to EPA; a State, Territorial, Tribal, or local agency governing pesticide applications; and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) upon request. Ohio EPA may provide access to portions of your 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

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

1. Permittee's name;
2. Permittee'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. Locations and names of waters to which pesticides are discharged (including any 8-digit HUC identifiers, if known)
  - d. Pests controlled

Ohio EPA strongly recommends that you submit this report electronically using the Annual Reporting Form. You must submit the annual report 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. If you did not have any discharges from pesticide applications during any year, you are not required to submit an annual report for that 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.

## Part VI. STANDARD PERMIT CONDITIONS

### A. Duty to Comply.

1. The permittee must 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, revocation and reissuance, 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.
  - 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.
  - 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 wastewater treatment works 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 treatment or 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 treated discharge.
    3. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by the Ohio EPA as specified in the Paragraph in this PART V entitled, "UNAUTHORIZED DISCHARGES".
  - G. Permit Coverage Transfers. The Director may require the operator to apply for and obtain an individual NPDES permit as stated in Part V.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 appropriate 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 owner or operator in writing that a permit application is required. This notice may 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. 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 the day specified for application submittal. Any discharge past this date is illegal and subject to enforcement, unless the proper NPDES permit is obtained.

2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Short Form R or 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. 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 (see Part I.C).
3. When an individual NPDES permit is issued to an owner or 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 V.F.).

- 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 or 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, any substances or parameters at any location.
- O. Sampling and Analytical Methods. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to insure accuracy of measurements.

P. 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 EPA 4500);
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.

Q. 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; and
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.

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.

R. 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.

S. Reporting.

Pesticide Monitoring Reports. This permit does not require permittees to report monitoring results on a routine basis; however, Ohio EPA may, pursuant to Part II C. 3., require certain permittees to monitor and report such results.

1. If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted to EPA.
2. Calculations for all limitations which require averaging of measurements must use an arithmetic mean unless otherwise specified by EPA in the permit.

T. Signatory Requirements.

1. All 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.
  - 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; or (2) The manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - 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 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Director;
  - 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 V.D.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 V.D.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."

- U. 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.
- V. 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 AND ACRONYMS

"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.

"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 aquatic plants
- Other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.)

The phrase, "toxic or adverse effects," also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).

However, reporting of adverse incidents is not required in the following situations:

- (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 pesticides” (also called biopesticides) include microbial pesticides, biochemical pesticides and plant-incorporated protectant (PIP). Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or dessicant, that (1) is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (2) is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaeobacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses. [40 CFR 174.43] Biochemical pesticide mean a pesticide that (1) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and (3) Has a non-toxic mode of action to the target pest(s). [40 CFR 158.2000(a)] 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]

“Category 1 wetlands” are:

- (a) Wetlands assigned to category 1 support minimal wildlife habitat, and minimal hydrological and recreational functions as determined by an appropriate wetland

evaluation methodology acceptable to the director. Wetlands assigned to category 1 do not provide critical habitat for threatened or endangered species or contain rare, threatened or endangered species.

- (b) Wetlands assigned to category 1 may be typified by some or all of the following characteristics: hydrologic isolation, low species diversity, a predominance of nonnative species (greater than fifty per cent areal cover for vegetative species), no significant habitat or wildlife use, and limited potential to achieve beneficial wetland functions.
- (c) Wetlands assigned to category 1 may include, but are not limited to, wetlands that are acidic ponds created or excavated on mined lands without a connection to other surface waters throughout the year and that have little or no vegetation and wetlands that are hydrologically isolated and comprised of vegetation that is dominated (greater than eighty per cent areal cover) by species including, but not limited to: *Lythrum salicaria*; *Phalaris arundinacea*; and *Phragmites australis*.

“Category 2 wetlands” are:

- (a) Wetlands assigned to category 2 support moderate wildlife habitat, or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director or his authorized representative.
- (b) Wetlands assigned to category 2 may include, but are not limited to: wetlands dominated by native species but generally without the presence of, or habitat for, rare, threatened or endangered species; and wetlands which are degraded but have a reasonable potential for reestablishing lost wetland functions.

“Category 3 wetlands” are:

- (a) Wetlands assigned to category 3 support superior habitat, or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director or his authorized representative.
- (b) Wetlands assigned to category 3 may be typified by some or all of the following characteristics: high levels of diversity, a high proportion of native species, or high functional values.
- (c) Wetlands assigned to category 3 may include, but are not limited to: wetlands which contain or provide habitat for threatened or endangered species; high quality forested wetlands, including old growth forested wetlands, and mature forested riparian wetlands; vernal pools; and wetlands which are scarce regionally and/or statewide including, but not limited to, bogs and fens.

“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

“Declared 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]

"Director" means the director of Ohio EPA or an authorized representative.

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

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

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

“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.

“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” 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.

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

"Municipal separate storm sewer system" 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.

"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".

“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>.

“Operator” – any entity with a discharge resulting from a pesticide application that meets either of the following two criteria:

- (1) The entity has operational control over the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions; and/or
- (2) The entity has day-to-day operational control of activities which are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit).

“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 pursuant to paragraph(E) of this rule. 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.

“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)).

“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 2007 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 may include the pesticide and its degradates of the pesticide.

“Point source” means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, 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.

“Superior High Quality Waters” are surface waters that possess exceptional ecological values and that have been so categorized pursuant to paragraph(E) of this rule. 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.

“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, to or over which pesticides are being applied at a concentration adequate to cause the intended effect of controlling targeted pests within that 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.

#### ABBREVIATIONS AND ACRONYMS

BAT – Best Available Technology Economically Achievable

BMP – Best Management Practice

BPJ – Best Professional Judgment

BPT – Best Practicable Control Technology Currently Available

CERCLA – Comprehensive Environmental Response, Compensation and Liability Act

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

EPA – U. S. Environmental Protection Agency

ESA – Endangered Species Act

FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act, 7 USC 136 et seq.

FWS – U. S. Fish and Wildlife Service

HUC – Hydrologic Unit Code

IPM – Integrated Pest Management

MCL – Maximum Contaminant Level

NAICS – North American Industry Classification System

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NMFS – U. S. National Marine Fisheries Service

NPDES – National Pollutant Discharge Elimination System

NRC – National Response Center

NRHP – National Register of Historic Places

PWS – Public Water Supply

SARA – Superfund Amendments and Reauthorization Act

SHPO – State Historic Preservation Officer

TMDL – Total Maximum Daily Load

WQS – Water Quality Standard