



# AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE REQUIREMENTS FOR THE APPLICATION OF PESTICIDES

**NPDES PERMIT NO: PA0270792**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

**PENNDOT Highway Administration  
Commonwealth Keystone Building  
400 North Street, 6th Floor  
Harrisburg, PA 17120**

is authorized to discharge as a result of pesticides application(s) located **STATEWIDE** in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C and appendices herein.

**THIS PERMIT SHALL BECOME EFFECTIVE ON** SEPTEMBER 1, 2020

**THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON** AUGUST 31, 2025

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.
2. Failure to comply with the terms, conditions or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. 40 CFR 122.41(a)
3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. 40 CFR 122.41(b), 122.21(d)

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports (DMRs), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. 25 Pa. Code 92a.7 (b),(c)

**DATE PERMIT ISSUED** August 3, 2020

**ISSUED BY** Sean M. Furjanic  
**Sean M. Furjanic, PE**  
**Environmental Program Manager**  
**Central Office**

## PART A

### EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

#### I. EFFLUENT LIMITATIONS

- A. This permit establishes effluent limitations through the implementation of best management practices (BMPs) to reduce the discharge of pollutants in pesticide applications to surface waters of the Commonwealth.
1. The permittee shall develop and implement Pest Management Measures as specified in Part C I of this permit.
  2. The permittee shall use only the amount of pesticide and frequency of pesticide applications necessary to control the target pest, using equipment and procedures appropriate for this task.
  3. The permittee shall maintain pesticide application equipment in proper operating condition, including required calibration, cleaning, and repair of equipment. In addition, the permittee shall use caution to prevent leaks, spills or other unintended discharges.
  4. The permittee shall assess weather conditions (i.e., temperature, precipitation and wind speed) in the treatment area to ensure the application is consistent with all applicable federal requirements.
- B. All discharges must comply with applicable requirements established in accordance with 25 Pa. Code Chapters 91-96, 102, and 105 of DEP's rules and regulations. For all permittees covered under this permit, DEP may, upon written notice, require additional BMPs or other control measures to ensure that the water quality standards of the receiving waters are attained.
- C. The permittee may not discharge:
1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa. Code § 92a.41(c))
  2. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline. (25 Pa. Code §§ 92a.47(a)(7), 95.2(2))
  3. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa. Code § 93.6(a))
  4. Foam or substances that produce an observable change in the color, taste, odor or turbidity of the receiving water. (25 Pa. Code § 92a.41(c))
- D. Pesticide Discharge Management Plan (PDMP).
1. A Decision Maker who is considered a Large Entity must submit a PDMP with the individual permit application. The permittee shall implement the approved PDMP.
  2. The permittee shall modify the PDMP whenever necessary to address any of the triggering conditions for corrective action under this permit or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to the PDMP must be made before the next pesticide application that results in a discharge. The revised PDMP must be signed and dated and be submitted to DEP upon request.
  3. A Decision Maker required to submit an NPDES permit application and is a Large Entity must retain a copy of the current PDMP, along with all supporting maps and documents, at the pesticide application location(s). DEP may provide copies of the PDMP or other information related to this permit that is in its possession to members of the public. Any Confidential Business Information (CBI), as defined in 40

CFR Part 2, may be withheld from the public provided that a claim of confidentiality is properly asserted and documented in accordance with 40 CFR Part 2. However, the CBI must be submitted to DEP, if requested, for CBI review. See 25 Pa. Code § 92a.8.

## II. DEFINITIONS

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

**Active Ingredient** – any substance (or group of structurally similar substances if specified by the permitting authority) that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Sec. 2(a). 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. (See 40 CFR §§ 152.3 and 174.3).

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

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

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

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

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

**Annual Treatment Area Threshold** – the size of a treatment area which, if exceeded during a calendar year, requires NPDES permit coverage. For any state or federal agency for which pest management for land resource stewardship is an integral part of the organization’s operations, and for mosquito, irrigation and weed control districts and similar pest control districts, the annual treatment area threshold is zero. For local governments and all other entities, the annual treatment area thresholds are 6,400 acres of adulticide treatment for mosquito and other flying insect pest control and forest canopy pest control, and 80 acres or 20 linear miles for weed and algae control and animal pest control.

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

**Biological Control Agents** – organisms that can be introduced to Operator sites, such as herbivores, predators, parasites, and hyperparasites (see US FWS IPM Guidance, 2004).

**Biological Pesticides (also called biopesticides)** - include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, that (1) is a eukaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (2) is a prokaryotic microorganism, including, but not limited to, Eubacteria and Archaeobacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses (40 CFR § 158.2100(b)). Biochemical pesticide means a pesticide that (1) is a naturally-occurring substance or structurally similar and functionally identical to a naturally-occurring substance; (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticide, is equivalent to a naturally-occurring substance that has such a history; and (3) has a non-toxic mode of action to the target pest(s) (40 CFR § 158.2000(a)(1)). Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. (See 40 CFR § 174.3).

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

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

**Decision Maker** – any entity with control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to surface waters of the Commonwealth.

**Declared Pest Emergency Situation** – An event defined by a public declaration by a federal agency, state, or local government of a pest problem determined to require control through application of a pesticide beginning less than ten days after identification of the need for pest control. This public declaration may be based on: (1) significant risk to human health; (2) significant economic loss; or (3) significant risk to: endangered species, threatened species, beneficial organisms, or the environment. (See 40 CFR Part 166).

**Discharge** – an addition of any pollutant to surface waters of the Commonwealth from a point source. (25 Pa. Code § 92a.2)

**Facility or Activity** – any NPDES “point source” (including land or appurtenances thereto) that is subject to regulation under the NPDES program. (25 Pa. Code § 92a.2)

**Federal Facility** – any building, installation, structure, land, public works, equipment, aircraft, vessel, or other vehicle or property owned, operated, or leased by, or constructed or manufactured for the purpose of leasing to, the federal government.

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

**Impaired Waters** – surface waters that fail to attain one or more of its designated uses under 25 Pa. Code Chapter 93 and is listed in Categories 4 or 5 of Pennsylvania’s Integrated Water Quality Monitoring and Assessment Report.

**Inert Ingredient** - any substance (or group of structurally similar substances if designated by the permitting authority), other than an active ingredient, that is intentionally included in a pesticide product. 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. (See 40 CFR §§ 152.3 and 174.3).

**Large Entity** - any (1) public entity that serves a population greater than 10,000 or (2) private enterprise that exceeds the Small Business Administration size standard as identified at 13 CFR § 121.201.

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

**Minimize** - to reduce and/or eliminate pesticide discharges to surface waters of the Commonwealth through the use of "Pest Management Measures" to the extent technologically available and economically practicable and achievable.

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

**Permittee** – the Decision Maker who is required to apply for NPDES permit coverage for the application of pesticides and who has obtained permit coverage from DEP. The term is inclusive of those agent(s) of the permittee that perform the application of pesticides or who have day to day control of the application.

**Person** – any individual, public or private corporation, partnership, association, municipality or political subdivision of this Commonwealth, institution, authority, firm, trust, estate, receiver, guardian, personal representative, successor, joint venture, joint stock company, fiduciary; department, agency or instrumentality of State, Federal or local government, or an agent or employee thereof; or any other legal entity. (25 Pa. Code § 92a.2)

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

- (a) Any vertebrate animal other than man;
- (b) Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;
- (c) Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or
- (d) Any fungus, bacterium, virus, 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 the Federal Food, Drug and Cosmetic Act (FFDCA), Sec. 201(g)(1)) and cosmetics (as defined in the FFDCA, Sec. 201(i)).

**Pest Management Area** – the area of land, including any water, for which an operator has responsibility for and is authorized to conduct pest management activities as covered by this permit (e.g., for a permittee who is a mosquito control district, the pest management area is the total area of the district).

**Pest Management Measure** – any practice used to meet the effluent limitations that comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, relevant legal requirements and other provisions that a permittee would implement to reduce and/or eliminate pesticide discharges to surface waters of the Commonwealth.

**Pesticide** – (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 FFDCA (21 U.S.C. 321(w)), that has been determined by the U.S. Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such Act (21 U.S.C. 321(x)) bearing or containing a new animal drug. The term "pesticide" does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). For purposes of the preceding sentence, the term "critical device" includes any device that introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term "semi-critical device" includes any device that contacts intact mucous membranes but

which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body. (FIFRA Section 2(u))

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

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

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

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

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

**Point source** – a discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAAP, CAFO, landfill leachate collection system or vessel, or other floating craft from which pollutants are or may be discharged. (25 Pa. Code § 92a.2)

**Pollutant** – a contaminant or other alteration of the physical, chemical, biological or radiological integrity of surface water that causes or has the potential to cause pollution as defined in Section 1 of the State Act (35 P.S. § 691.1). (25 Pa. Code § 92a.2)

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

**Surface waters** – perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process. (25 Pa. Code § 92a.2)

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

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

**Toxic Pollutant** – those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring. (25 Pa. Code 92a.2)

**Upset** – means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does

not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (See 40 CFR § 122.41(n)(1)).

**Water Quality Standards** – the combination of water uses to be protected and the water quality criteria necessary to protect those uses. (25 Pa. Code 92a.2)

**Water's Edge** – thirty-five feet from the top of bank of surface waters, unless there is no vegetated buffer, in which case water's edge is one hundred feet from the top of bank of surface waters.

### III. SELF-MONITORING, REPORTING AND RECORDKEEPING

#### A. Monitoring Requirements.

1. The permittee shall monitor the amount of pesticide applied to ensure that the lowest amount to effectively control the pest is used, consistent with reducing the potential for development of pest resistance.
2. The permittee shall monitor pesticide application activities to ensure regular maintenance activities are performed and to ensure that application equipment is in proper operating condition to reduce the potential for leaks, spills, or other unintended discharge of pesticides to surface waters of the Commonwealth by calibrating, cleaning and repairing equipment on a regular basis.
3. The permittee shall conduct spot checks in and around where pesticides are applied for possible and observable adverse incidents 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. Visual assessments of the application site must be performed 1) during any post-application surveillance or efficacy check, if surveillance or an efficacy check is conducted, and 2) during any pesticide application, when considerations for safety and feasibility allow.

#### B. Representative Sampling and Recordkeeping

1. Where applicable, the permittee shall take representative samples and measurements to monitor compliance with this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(e) and 40 CFR § 122.41(j)(1))
2. Records Retention (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(f)(2) and 40 CFR § 122.41(j)(2))
  - a. The permittee shall retain all records of monitoring activities and results, copies of all reports required by this permit, and records of all data used to complete the application for this permit for 3 years from the date of the sample measurement, report or application, unless a longer retention period is required by the permit. The permittee shall retain records beyond the 3-year period as requested by DEP or the EPA Regional Administrator.
  - b. The permittee shall comply with the recordkeeping requirements contained in Part C V of this permit.
3. Recording of Results (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(f)(1) and 40 CFR § 122.41(j)(3))

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

- a. The exact place, date and time of sampling or measurements.
  - b. The person(s) who performed the sampling or measurements.
  - c. The date(s) the analyses were performed.
  - d. The person(s) who performed the analyses.
  - e. The analytical techniques or methods used; and the associated detection level.
  - f. The results of such analyses.
4. Test Procedures

- a. Where applicable, the permittee shall use facilities in compliance with laboratory accreditation requirements of The Environmental Laboratory Accreditation Act (27 Pa. C.S. §§ 4101-4113) and 25 Pa. Code Chapter 252 (relating to environmental laboratory accreditation) to test or analyze samples used to demonstrate compliance with this permit. (25 Pa. Code § 92a.61(b))
- b. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be those approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, unless the method is specified in this permit or has been otherwise approved in writing by DEP. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.44 and 40 CFR §§ 122.41(j)(4), 122.44(i)(1)(iv))

5. Quality/Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

- a. The permittee shall participate in, or shall use a laboratory that agrees to participate in, periodic scheduled quality assurance inspections conducted by DEP or EPA. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(i) and 40 CFR §§ 122.41(e), 122.41(i)(3))
- b. The permittee shall develop and implement, or shall use a laboratory that has developed and implemented a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit, in accordance with 40 CFR Part 136. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(i) and 40 CFR § 122.41(j)(4))

C. Reporting Requirements and Annual Fee

1. Annual Pesticides Report – The permittee shall submit a complete Annual Pesticides Report to the DEP office that issued the approval of permit coverage by March 1 each year using DEP’s Annual Report template, 3800-PM-BCW0345e. The Annual Pesticides Report shall address activities under the permit for the previous calendar year. The permittee shall submit the Annual Pesticides Report electronically if notified by DEP in writing. (25 Pa. Code § 92a.61(g))
2. Signatory Requirements – All applications, reports, and certifications must be signed as follows:
  - For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
  - For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit or the agency.
2. Planned Changes to Physical Facilities – The permittee shall give notice to DEP as soon as possible but no later than 30 days prior to planned physical alterations or additions to the permitted facility, where applicable. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(l)).



### 3. Unanticipated Non-Compliance or Potential Pollution Reporting

- a. Immediate Reporting – The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b).
  - (i) If, because of an accident, other activity or incident a toxic substance or another substance is discharged which would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to DEP is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution. If the discharge is to an MS4, notification shall also be provided to the operator of the MS4 in accordance with this paragraph.
  - (ii) If reasonably possible to do so, the permittee shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.
  - (iii) The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.
- b. The permittee shall report any non-compliance which may endanger human health or the environment (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR §§ 122.41(l)(6), 122.44(g)). These requirements include the following obligations:
  - (i) 24 Hour Reporting - The permittee shall orally report any non-compliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances. The permittee shall include the following information when reporting under this paragraph:
    - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
    - (2) Any upset which exceeds any effluent limitation in the permit; and
    - (3) Violation of the maximum daily discharge limitation for any of the pollutants listed in the permit as being subject to the 24-hour reporting requirement.
  - (ii) Written Report - The permittee shall submit a written report to DEP within 5 days of the time the permittee becomes aware of any non-compliance which may endanger human health or the environment, unless DEP has advised the permittee in writing that this requirement has been waived. The permittee shall provide in the report a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.
  - (iii) Waiver of Written Report - DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger human health or the environment. Unless such a waiver is granted by DEP in writing, the permittee shall submit a written report in accordance with this paragraph. (25 Pa. Code §92a.41(b) and 40 CFR § 122.41(l)(6)(iii))
- c. The permittee shall comply with the requirements in this permit for notification and reporting related to adverse incidents (Part C III) and reportable leaks and spills (Part C IV).

### 4. Other Non-Compliance

The permittee shall report to DEP all other instances of non-compliance, including non-compliance with specific requirements of compliance schedules, at the time DMRs are submitted, on the Non-Compliance

Reporting Form (3800-FM-BCW0440). The permittee shall provide the information listed in paragraph C.3.b.(ii) of this section for applicable instances of non-compliance. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(l)(7))

## PART B

### STANDARD CONDITIONS

#### I. MANAGEMENT REQUIREMENTS

##### A. Compliance

The permittee shall comply with all conditions of this permit. Any permit non-compliance constitutes a violation of the Clean Water Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or denial of a permit renewal application. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(a))

##### B. Permit Modification, Termination, or Revocation and Reissuance

1. DEP may modify, terminate or revoke and reissue this permit during its term. (25 Pa. Code §§ 92a.3, 92a.41(a), 92a.72 – 92a.75 and 40 CFR § 122.41(f))
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition. (25 Pa. Code §§ 92a.3, 92a.41(a) and 40 CFR § 122.41(f))
3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(a)(1))

##### C. Duty to Provide Information

1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under this permit, or to determine compliance with this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(h))
2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(h))
3. Other Information – Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to DEP, it shall promptly submit the correct and complete facts or information. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(l)(8))

##### D. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), including BMPs, which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls such as appropriate quality assurance procedures. The permittee shall properly operate and maintain backup or auxiliary facilities or similar systems installed by the permittee, as necessary to achieve compliance with the terms and conditions of this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(e))

##### E. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(d))

## F. Bypassing

1. Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions in paragraphs F.2, F.3 and F.4 of this section. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(m)(2))
2. Other Bypassing - In all other situations, bypassing is prohibited and DEP may take enforcement action against the permittee for bypass unless:
  - a. A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage." (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(m)(4)(i)(A))
  - b. No feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime are available. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(m)(4)(i)(B))
  - c. The permittee submitted the necessary notice required in paragraph F.4 of this section below. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(m)(4)(i)(C))
3. DEP may approve an anticipated bypass, after considering its adverse effects, if DEP determines that it will meet the conditions listed in F.2. of this section. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR 122.41(m)(4)(ii))
4. Notice
  - a. Anticipated Bypass – If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the bypass. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(m)(3)(i))
  - b. Unanticipated Bypass – The permittee shall submit oral notice of any other unanticipated bypass within 24 hours, regardless of whether the bypass may endanger human health or the environment or whether the bypass exceeds effluent limitations. The notice shall be in accordance with Part A III.C.3.b. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(m)(3)(ii))
- I. Termination of Permit Coverage (25 Pa. Code § 92a.74 and 40 CFR 122.64)
  1. Notice of Termination (NOT) – If the permittee plans to cease operations or will otherwise no longer require coverage under this permit, the permittee shall submit DEP's NPDES Notice of Termination (NOT) for Permits Issued Under Chapter 92a (3800-BCW-0410), signed in accordance with Part A III.C.2 of this permit, at least 30 days prior to cessation of operations or the date by which coverage is no longer required.
  2. Where the permittee plans to cease operations, NOTs must be accompanied with an operation closure plan that identifies how tankage and equipment will be decommissioned and how pollutants will be managed, as applicable.
  3. The permittee shall submit the NOT to the DEP regional office with jurisdiction over the county in which the facility is located.

## II. PENALTIES AND LIABILITY

### A. Violations of Permit Conditions

DEP may take an enforcement action to restrain violations, to impose criminal or civil penalties, to withhold a permit, or to seek other remedies or relief as authorized by the Clean Streams Law against a permittee

that violates any condition or limitation of this permit, or any rule, regulation or order issued by DEP pursuant to the Clean Streams Law.

In addition, EPA may take an enforcement action to restrain violations, to impose criminal or civil penalties, or to seek other remedies or relief as authorized by the Clean Water Act against a permittee that violates any condition or limitation of this permit, or any rule, regulation or order issued by EPA pursuant to the Clean Water Act.

#### B. Falsifying Information

The permittee or any person who engages in the conduct described below may, upon conviction, be punished by a fine and/or imprisonment pursuant to 18 Pa.C.S. § 4904, or 40 CFR §§ 122.41(j)(5) or (k)(2). (25 Pa. Code §§ 92a.3(c), 92a.41(c))

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or non-compliance).

#### C. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

#### D. Need to Halt or Reduce Activity Not a Defense

The permittee may not maintain as a defense 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. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(c))

### III. OTHER RESPONSIBILITIES

#### A. Right of Entry

The permittee shall allow authorized representatives of DEP and EPA to conduct the following activities upon the presentation of credentials and other documents as may be required by law (35 P.S. §§ 691.5(b) and 305, 25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(i)(2)):

1. To 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; (25 Pa. Code §92a.41(a) and 40 CFR § 122.41(i)(1))
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; (25 Pa. Code §92a.41(a) and 40 CFR § 122.41(i)(2))
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and (25 Pa. Code §92a.41(a) and 40 CFR § 122.41(i)(3))
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. (25 Pa. Code §92a.41(a) and 40 CFR § 122.41(i)(4))

## B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph B.2 of this section, a permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (25 Pa. Code §§ 92a.3(c), 92a.71 and 40 CFR 122.61(a))
2. Automatic transfers. As an alternative to transfers under paragraph B.1 of this section, any NPDES permit may be automatically transferred to a new permittee on the date identified in paragraph B.2.b. of this section if (25 Pa. Code §§ 92a.3(c), 92a.71):
  - a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b. of this section; (25 Pa. Code §92a.71(a) and 40 CFR § 122.61(b)(1))
  - b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; (25 Pa. Code §92a.71(a) and 40 CFR § 122.61(b)(2))
  - c. DEP does not notify the existing permittee and the proposed new permittee in writing prior to the transfer date of its intent to modify or revoke and reissue this permit; and (40 CFR § 122.61(b)(3))
  - d. The new permittee is in compliance with existing DEP issued permits, regulations, orders and schedules of compliance, or has demonstrated that any non-compliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations. (25 Pa. Code § 92a.71)
3. In the event DEP does not approve transfer of this permit, the new owner or operator must submit a new permit application.

## C. Property Rights

The approval of coverage under this permit does not convey any property rights, or any exclusive privilege. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(g))

## D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(b))

## E. Other Laws

The approval of coverage under this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

## PART C

### SPECIAL CONDITIONS

#### I. PEST MANAGEMENT MEASURES

##### A. Problem Identification.

Prior to the first pesticide application covered under the permit that will result in a discharge to surface waters of the Commonwealth, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, the permittee shall conduct the following evaluations for each pest management area, as applicable:

1. Establish densities for larval and adult mosquito or flying insect pest populations or identify environmental condition(s), either current or based on historical data, to serve as action threshold(s) for implementing Pest Management Measures for mosquito and other flying insect pest control.
2. Identify target pests to develop Pest Management Measures based on developmental and behavioral considerations for each pest.
3. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation).
4. Identify possible factors causing or contributing to the pest problem (e.g., nutrients, invasive species, etc.).
5. Establish any pest and site-specific action threshold(s) as defined in Part A II of this permit.
6. Identify known breeding sites for source reduction, larval control program, and habitat management.
7. Analyze existing surveillance data to identify new or unidentified sources of mosquito or flying insect pest problems as well as sites that have recurring pest problems.
8. Identify current distribution of the target pest and assess potential distribution in the absence of Pest Management Measures.
9. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate.

##### B. Pest Management Options.

Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the Commonwealth, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, the permittee must select and implement Pest Management Measures that minimize discharges resulting from application of pesticides. In developing these Pest Management Measures in each pest management area, the permittee shall evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness: 1) No action; 2) Prevention; 3) Mechanical or physical methods; 4) Cultural methods (as applicable); 5) Biological control agents; and 6) Pesticides.

##### C. Pesticide Use.

If application of a pesticide will result in a discharge to a surface water of the Commonwealth, permittees shall, as applicable:

1. Conduct surveillance in an area that is representative of the pest problem or evaluate existing surveillance data, environmental conditions, or data from adjacent area prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met.

2. Reduce the impact on the environment and on non-target organisms by evaluating site restrictions, application timing, and application method and by applying the pesticide only when the action threshold(s) has been met.
3. Evaluate using pesticides against the most susceptible developmental stage.
4. In situations or locations where practicable and feasible for efficacious control, use larvicides as a preferred pesticide for mosquito or flying insect pest control when larval action thresholds have been met.
5. In situations or locations where larvicide use is not practicable or feasible for efficacious control, use adulticides for mosquito or flying insect pest control when adult action thresholds have been met.

## **II. CORRECTIVE ACTION REQUIREMENTS**

The permittee shall comply with the following corrective action requirements for any discharges authorized under this permit.

### **A. Revisions to Pest Management Measures.**

If any of the following situations occur, the permittee shall review and, as necessary, revise the evaluation and selection of Pest Management Measures to ensure that the situation is eliminated and will not be repeated in the future:

1. An unauthorized release or discharge associated with the application of pesticides occurs (e.g., spill, leak, or discharge not authorized by this or another NPDES permit).
2. Operators become aware, or DEP concludes, that Pest Management Measures are not adequate or sufficient for the discharge to meet applicable water quality standards.
3. An inspection or evaluation of the permittee's activities by DEP reveals that modifications to the Pest Management Measures are necessary to meet the effluent limitations in the permit.
4. The permittee observes, or is otherwise made aware of an adverse incident, as defined in Part A II of the permit.

### **B. Corrective Action Deadlines.**

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

### **C. Additional Requirements.**

DEP may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements.

## **III. ADVERSE INCIDENT REPORTING**

### **A. Twenty-Four (24)-Hour Adverse Incident Notification.**

1. If the permittee observes or is otherwise made aware of an adverse incident, as defined in Part A II of the permit, which may have resulted from a discharge from a pesticide application, the permittee must immediately notify the appropriate EPA Incident Reporting Contact, as identified at [www.epa.gov/npdes/pesticides](http://www.epa.gov/npdes/pesticides). This notification must be made by telephone within 24 hours of the permittee becoming aware of the adverse incident and must include at least the following information:
  - a. The caller's name and telephone number.



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

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

B. Thirty (30)-Day Adverse Incident Written Report.

Within 30 days of a reportable adverse incident, the permittee shall submit a written report of the adverse incident to the appropriate DEP Regional office and to the state lead agency for pesticide regulation (see <http://npic.orst.edu/>). The adverse incident report must include at least the following information:

1. Information required by Part C III A.1.
2. Date and time the permittee contacted DEP and EPA about the adverse incident and any instructions received from DEP.
3. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc).
4. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms.
5. Magnitude and scope of the affected area (e.g., aquatic square area or total stream distance affected).
6. Pesticide application rate; intended use site (e.g., on the bank, above waters, or directly to water); method of application; and the name of pesticide product and EPA registration number.
7. Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied).
8. If laboratory tests were performed, an indication of which test(s) were performed, and when; additionally, a summary of the test results must be provided within 5 days after they become available if not available at the time of submission of the 30-day report.
9. Description of actions to be taken to prevent recurrence of adverse incident.
10. Signature of a responsible official of the permittee and the date of the signature.

C. Adverse Incident to Threatened or Endangered Species or Critical Habitat.

Notwithstanding any of the other adverse incident notification requirements of this section, if the permittee becomes aware of an adverse incident affecting a Pennsylvania Natural Diversity Inventory (PNDI) listed threatened or endangered species or its federally designated critical habitat that may have resulted from a discharge from the permittee's pesticide application, the permittee must immediately notify the PA Department of Conservation and Natural Resources, Pennsylvania Department of Agriculture, Bureaus of Forestry and Topographic and Geologic Survey, PA Fish and Boat Commission, PA Game Commission, and U.S. Fish and Wildlife Service as listed in Appendix B of the Department's Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination during Permit Review and Evaluation (Document

Identification # 021-0200-001). These notifications must be made by telephone to these agencies and to the contacts listed on EPA's website at [www.epa.gov/npdes/pesticides](http://www.epa.gov/npdes/pesticides), immediately upon the permittee becoming aware of the adverse incident, and must include at least the information contained in Part C III A.1.

D. Adverse Incident notification is not required in the following situations:

1. The permittee is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application.
2. The permittee has been notified by DEP, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents.
3. An adverse incident occurs to pests that are similar in kind to potential target pests identified on the product label.

#### **IV. REPORTABLE SPILLS AND LEAKS**

A. Spill, Leak, or Other Unpermitted Discharge Notification.

Where a leak, spill, or other release into waters of the Commonwealth containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs in any 24-hour period, the permittee must notify the National Response Center immediately at (800) 424-8802 as soon as the permittee has knowledge of the release. Contact information must be in locations that are readily accessible and available in the area where the spill, leak, or other unpermitted discharge may occur.

B. Thirty-Day Spill, Leak, or Other Unpermitted Discharge Documentation.

If the permittee becomes aware of a spill, leak, or other unpermitted discharge which triggers the notification in paragraph A above and results in an adverse incident, the permittee shall report the incident in accordance with Part C III. If the spill, leak, or other unpermitted discharge triggers the notification in paragraph A above, but does not result in an adverse incident, the permittee shall document and retain the following information within 30 days of becoming aware of the situation:

1. The date, time, location, responsible party and other relevant information about the incident.
2. A summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed.
3. Any measures to prevent recurrence of such a spill or leak or other discharge, including notice of whether PDMP modifications are required as a result of the spill or leak.

#### **V. RECORDKEEPING REQUIREMENTS**

A. Permittees must keep written records as required in the permit for all discharges covered under the permit. These records must be accurate and complete to demonstrate the permittee's compliance with the conditions of the permit. Permittees may rely on records and documents developed for other obligations, such as requirements under Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), and state or local pesticide programs, provided all requirements of the permit are satisfied.

B. The following documents must be retained by the permittee on-site at the location of pesticide application(s) and/or an office of the permittee and shall be provided to DEP upon request.

1. A copy of the application submitted to DEP, any correspondence exchanged between the permittee and DEP specific to coverage under the permit, and a copy of the DEP acknowledgment letter with the assigned permit number.

2. A copy of the PDMP, including any modifications made to the PDMP during the terms of this permit (Large Entities only).
3. Copies of Annual Pesticides Reports submitted to DEP.
4. Documentation of any equipment cleaning, calibration, and repair.
5. A copy of any Adverse Incident Reports.
6. Rationale for any determination that reporting of an identified adverse incident is not required.
7. A copy of any corrective action documentation.
8. A copy of any spill and leak or other unpermitted discharge documentation.
9. Information on each treatment area to which pesticides are discharged, including:
  - a. Description of each treatment area, location and size (acres or linear feet) of treatment area and identification of any surface waters of the Commonwealth, either by name or by location, to which pesticide(s) are discharged.
  - b. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy).
  - c. Description of pest management measure(s) implemented prior to the first pesticide application.
  - d. Company name and contact information for pesticide applicator.
  - e. Target pest(s).
  - f. Name of each pesticide product used including the EPA registration number.
  - g. Quantity of each pesticide product applied to each treatment area.
  - h. Pesticide application date(s).
  - i. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

## **VI. AUTHORIZED PESTICIDES AND APPLICATION RATES**

- A. Only those pesticides, maximum application doses, and treatment areas identified in the permit application or subsequent requests are authorized under this permit. The permittee must submit a request for approval for any change in the pesticide use pattern for an authorized treatment area; a change in the pesticide (active ingredient) that will be used for a treatment area; or an increase in the total amount (dosage) of pesticide that will be used in a treatment area. In no case may application rates exceed the approved product instructions.
  1. The permittee shall submit requests at least 30 days in advance of anticipated changes. Requests may also be submitted as a part of the Annual Report.
  2. All requests must include the following:
    - a. Pesticide application method
    - b. Pesticide use pattern (Mosquito and Other Flying Insect Pest Control, Weeds and Algae Pest Control, Weeds and Algae Pest Control, Animal Pest Control, Forest Canopy Pest Control)

- c. Area or length of the treatment area
  - d. Treatment frequency
  - e. Latitude and longitude of the treatment area (at the geographic center)
  - f. A list of all surface waters in the treatment area and their designated or existing uses
  - g. Application type (General, Direct, Water's Edge)
  - h. Product label
3. PNDI results shall be submitted where a new pesticide(s) or an increased amount of a previously approved pesticide(s) will be used in a treatment area in which the permittee previously consulted with the Pennsylvania Department of Conservation and Natural Resources, the Pennsylvania Game Commission, the Pennsylvania Fish and Boat Commission, or the U.S. Fish and Wildlife Service. The permittee shall submit all documentation of consultation with the appropriate party as required by the results of the PNDI.
  4. If the treatment area is in an HQ or EV watershed the permittee will submit the Antidegradation Module of the NPDES Permit Application for Discharges from Pesticides Application (3800-PM-BCW0025e).
  5. The permittee may implement requested changes upon approval from DEP or 30 days after submittal of a request if DEP does not respond.
- B. Nothing in this permit authorizes a "take" of endangered or threatened species under the Endangered Species Act.
  - C. Pesticides with the same active ingredients but different EPA registration numbers (due to change in active ingredient proportion or change in manufacturer) may be used if the total concentration of such pesticides does not change. Explanation for such changes must be submitted with the Annual Report.

## **VI. OTHER REQUIREMENTS**

- A. The permittee must adhere to instructions on pesticide container labels and ensure that aquatic algicides and herbicides are used in a manner consistent with the product label.
- B. When using two or more pesticides, compatibility shall be considered prior to application in order to prevent adverse impacts to non-target organisms.
- C. Avoid the spraying of non-aquatic pesticides and herbicides directly over any surface water by switching off the application equipment when the applicator or operator is in close proximity to any Waters of the Commonwealth.