



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

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

**NPDES PERMIT NO: PA0065340**

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.*,

**Stillwater Estates Property Owners Association (POA)  
HC 89, Box 85  
Pocono Summit, PA 18346**

is authorized to discharge as a result of pesticides application(s) located in **Coolbaugh and Tobyhanna Townships, Monroe County to Stillwater Lake (on Upper Tunkhannock Creek)**, which is listed in Watershed(s) **2-A**, 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     AUGUST 1, 2012**

**THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON     JULY 31, 2017**

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)

<b>DATE PERMIT ISSUED</b>	<u>    July 31, 2012    </u>	<b>ISSUED BY</b>	<u>    /s/    </u>
			<b>Dino R. Agustini, P.E.</b> <b>Environmental Program Manager</b> <b>Department of Environmental</b> <b>Protection</b>

## PART A

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

#### I. EFFLUENT LIMITATIONS

This permit establishes technology-based and water quality-based effluent limitations along with site specific control measures that minimize discharge of pesticides to waters of the Commonwealth of Pennsylvania.

##### A. Technology-Based Effluent Limitations

To meet the effluent limitations in this section, All Operators with discharge(s) authorized under this Permit must implement site-specific control measures that minimize the discharges of pesticides to waters of the Commonwealth. The term "minimize" is defined in Part A II.

1. **Applicator's Responsibilities:** To meet the effluent limitations of this permit, all Applicators must implement the requirements in a. through c. below to minimize the discharge of pesticides to waters of the Commonwealth from the application of pesticides, through the use of Pest Management Measures (see Appendix A), as defined in Part A II of this Permit.
  - a. 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.
  - b. Maintain pesticide application equipment in proper operating condition, including required calibration, cleaning, and repair of equipment. In addition, caution must be used to prevent leaks, spills or other unintended discharges.
  - c. 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.

##### 2. Decision-Makers Responsibilities: For all Decision-Makers

All Decision-Makers must minimize the discharge of pesticides into the waters of the Commonwealth from the application of pesticides, through the use of Pest Management Measures (see Appendix A), as defined in Part A II of this Permit.

To the extent the Decision-Maker determines the amount of pesticide or frequency of pesticide application, the Decision-Maker must use only the amount of pesticide and frequency of pesticide application necessary to control the target pest.

##### B. Water Quality-Based Effluent Limitations

All Operators must control discharges as necessary to meet applicable numeric and narrative state water quality standards, for any discharges authorized under this Permit, with compliance required upon commencing such discharges.

If at any time an Operator becomes aware (i.e., through self-monitoring or notification from DEP) or DEP determines that the Operator's discharge causes or contributes to an excursion of applicable water quality standards, operators must take corrective action (see Appendix C).

##### C. Pesticide Discharge Management Plan (PDMP)

Except for any application made in response to a declared pest emergency situation as defined in Part A II of this permit, a Pesticide Discharge Management Plan (PDMP) is required. The PDMP will require input from the pesticide applicator. For detailed contents of the PDMP see Appendix D.

##### D. Corrective Action

Corrective action is applicable to all Operators; requirements are specified in Appendix C.

**E. Adverse Incident Documentation and Reporting**

Adverse incident documentation and reporting is applicable to all Operators; requirements are specified in Appendix C.

**F. Reportable Spills and Leaks**

Reportable spills and leaks are applicable to all Operators; requirements are specified in Appendix C.

**G. Notice of Termination**

Operators must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

1. A new operator has taken over responsibility of the pest control activities covered under an existing permit;
2. All discharges from the application of pesticides for which permit coverage was obtained have ceased, and there is no expectation to continue to discharge during the remainder of the permit term.

## II. DEFINITIONS

**Action Threshold** – the point at which pest populations or environmental conditions cannot be tolerated necessitating 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. (40 CFR 152.3 and 40 CFR 174.3)

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

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

The phrase “toxic or adverse effect” includes effects that occur within waters of the 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 waters of the Commonwealth that are temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).

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

For calculating annual treatment areas for Mosquitoes and Other Flying Insect Pest Control and Forest Canopy Pest, count each pesticide application activity to a treatment area (i.e., that area where a pesticide application is intended to provide pesticidal benefits within the pest management area) as a separate area treated. For example, applying pesticides three times a year to the same 3,000 acre site should be counted as 9,000 acres of treatment area for purposes of determining if such an application exceeds an Annual Treatment Area Threshold. The treatment area for these two pesticide use patterns is additive over the calendar year.

For calculating annual treatment areas for Weed and Algae Control and Animal Pest Control, calculations should include either the linear extent of or the surface area of waters for applications made to waters of the Commonwealth or at water's edge adjacent to waters of the Commonwealth. For calculating the annual treatment area, count each treatment area only once, regardless of the number of pesticide application activities performed on that area in a given year. Also, for linear features (e.g., a canal or ditch), use the length of the linear feature whether treating in or adjacent to the feature, regardless of the number of applications made to

that feature during the calendar year. For example, whether treating the bank on one side of a ten-mile long ditch, banks on both sides of the ditch, and/or water in that ditch, the total treatment area is ten miles for purposes of determining if an application is required to be submitted. Additionally, if the same 10 mile area is treated more than once in a calendar year, the total area treated is still 10 miles. The treatment area for these two pesticide use patterns is not additive over the calendar year.

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

**Best Management Practices (BMPs)** – control measures that may be implemented to meet effluent limitations. These include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to minimize the discharge of pollutants to waters of the Commonwealth. BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, waste disposal, or drainage from raw material storage. (40 CFR 122.2)

**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. (40 CFR 158.2100(b), 40 CFR 158.2000(a)(1) and 40 CFR 174.3)

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

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

**Decision-Maker** – any entity with control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to waters of the 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 (40 CFR 166):

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

**Director** – a Regional Administrator of the Environmental Protection Agency or an authorized representative. (40 CFR 122.2)

**Discharge** – when used without qualification, means the "discharge of a pollutant." (40 CFR 122.2)

**Discharge of a pollutant** – any addition of any “pollutant” or combination of pollutants to waters of the Commonwealth from any “point source,” or any addition of any pollutant or combination of pollutants to the water of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation. This includes additions of pollutants into waters of the Commonwealth from surface runoff that is collected or channeled by man and discharges through pipes, sewers, or other conveyances leading into privately owned treatment works. (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.

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

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

**Impaired Waters (or “Water Quality Impaired Waters” or “Water Quality Limited Segment”)** – A water is impaired for purposes of this permit if it has been identified by DEP pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called “water quality limited segments” under 40 CFR 130.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

**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. (40 CFR 152.3 and 40 CFR 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 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.

**Operator** – any entity associated with the application of pesticides which results in a discharge to waters of the Commonwealth that meets either of the following criteria:

- a. 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); or
- b. Any entity with control over the decision to perform pesticide applications including the ability to modify those decisions.

**Person** – an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

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

- (a) Any vertebrate animal other than man;

- (b) Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;
- (c) Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or
- (d) Any fungus, bacterium, virus, 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 the Federal Food, Drug and Cosmetic Act (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 an Operator who is a mosquito control district, the pest management area is the total area of the district).

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

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

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

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

**Pollutant** – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. For purposes of this definition, a “biological pesticide” is considered a “biological material,” and any “pesticide residue” resulting from use of a “chemical pesticide” is considered a “chemical waste.” (40 CFR 122.2)

**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.

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

**Total Maximum Daily Load (TMDL)** – 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. (Section 303(d) of the CWA and 40 CFR 130.2 and 130.7)

**Treatment Area** – The “treatment area” includes 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** – means 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.1)

**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. (40 CFR 122.41(n)(1))

**Waters of the Commonwealth** – any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface water, or parts thereof, including wetlands, whether natural or artificial, within or on the boundaries of this Commonwealth.

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

**Water Quality Standards** – water quality goals for a water body, or portion thereof, established by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an anti-degradation policy and implementation procedures. States, Territories, Tribes and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a) and 303(c)).

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



### III. SELF-MONITORING, REPORTING AND RECORDS KEEPING

**A. Monitoring Requirements for Pesticide Applicators.** Operators must 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. Operators must also 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 waters of the Commonwealth. Additionally, Operators must monitor pesticide application activities to ensure that the application equipment is in proper operating condition by adhering to any manufacturer's recommendations and industry practices, and by calibrating, cleaning, and repairing equipment on a regular basis.

**B. Visual Monitoring Requirements for all Operators.** All operators covered under this permit must conduct spot checks in the area to and around where pesticides are applied for possible and observable adverse incidents, as defined in Part A II, 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 that you conduct, if surveillance or an efficacy check is conducted.
2. During any pesticide application, when considerations for safety and feasibility allow.

#### **C. Representative Sampling**

1. Visual Monitoring shall be representative of the monitored activity.
2. Records Retention - All records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this Permit shall be retained by the permittee for 3 years from the date of the visual monitoring, report or application. The 3-year period shall be extended as requested by DEP.
3. For each monitoring activity pursuant to the requirements of this Permit, the Permittee shall record the following information:
  - a. The exact place, date and time of monitoring activity;
  - b. The person(s) who performed the monitoring activity;
  - c. The date(s) the analysis were performed;
  - d. The person(s) who performed the analysis;
  - e. The results of such analysis.
4. The Clean Water Act 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 \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

#### **D. Reporting of Monitoring Results**

1. The permittee shall effectively monitor the operation and efficiency of equipment and the quantity and quality of the discharge(s) as specified in this permit.
2. **Annual Report:** The permittee shall submit an Annual Report to DEP and, if applicable, other agencies, using form 3800-PM-WSFR0345f (Annual Pesticides Application Report). The permittee must submit an Annual Report each calendar year for the duration of coverage under this permit, whether or not the permittee has discharges from the application of pesticides in any subsequent calendar year. The permittee must submit the Annual Report to DEP and other related agencies no later than January 28 of the following year (and retain a copy for your records) for all pesticide activities covered under this permit occurring during the previous calendar year. See Appendix B for detailed requirements.

The Annual Report must include information for the calendar year, with the first Annual Report required to include activities for the portion of the calendar year after the effective date of the permit. If the effective date is between December 1 - 31, you 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. When the permit is terminated, the permittee must submit an Annual Report for the portion of the year up through the date of termination. The Annual Report (3800-PM-WSFR0345f) is due no later than 45 days after the termination date, or January 28 of the following year, whichever is earlier.

3. All applications, reports, certifications or information submitted to DEP by the permittee that is required by this permit shall be signed as per Part B II.B.

#### **E. Other Reporting Requirements**

1. Anticipated Non-Compliance:

The permittee shall give advance notice to DEP of any planned changes in the permitted facility or activity that may result in non-compliance with permit requirements. (40 CFR 122.41(l)(2))

2. Pesticide Monitoring Reports. This permit does not require operators to report monitoring results on a routine basis; however, DEP may require certain operators to monitor and report such results.
3. Compliance Schedules. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

4. 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 Sections 91.33 and 92a.41(b).

- i. If, because of an accident, other activity or incident a toxic substance or another substance 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 the Department is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution.
- 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 contained thereon or therein from the ground and from the affected waters of the Commonwealth to the extent required by applicable law.

- b. The permittee shall report any non-compliance which may endanger health or the environment in accordance with the requirements of 40 CFR 122.41(l)(6). These requirements include the following obligations:

- i. 24-Hour Oral Reporting - the permittee shall give at least a 24-hour advanced notice to DEP of any planned changes to the permitted activity or facility that may result in non-compliance with permit requirements. The permittee shall also report non-compliance with any term or condition of this Permit, and any statute, rule or regulation, to DEP within 24 hours of becoming aware of the non-compliance.
- ii. Follow-up Written Reporting - where the permittee orally reports the non-compliance information, a written report outlining the same information must be completed, kept on file and submitted to DEP upon request.

5. Upset

- a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for non-compliance with technology-based permit effluent limitations if the requirements of Part A III.E.5.b are met. No determination made during administrative review of claims that non-compliance was caused by upset, and before an action for non-compliance, is final administrative action subject to judicial review. See 40 CFR 122.41(n)(2).
- b. Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). An operator who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - i. An upset occurred and that you can identify the cause(s) of the upset;
  - ii. The permitted activity was at the time being properly operated; and
  - iii. The permittee provided notice of the upset as required in Part A III.E.4.
  - iv. The permittee complied with any remedial measures required under Part B I.G.
- c. Burden of proof. In any enforcement proceeding, the permittee, as the one seeking to establish the occurrence of an upset, has the burden of proof. See 40 CFR 122.41(n)(4). The permittee shall report all instances of non-compliance not reported under paragraph E.5.b of this section, at the time of annual reporting. The reports shall contain the information listed in paragraph E.4. of this section.

6. Other Non-Compliance

The permittee shall report all instances of non-compliance not reported under paragraph E.5. of this section, at the time of annual reporting. The reports shall contain the information listed in paragraph E.4 of this section.

**F. Recordkeeping Requirements**

This recordkeeping and annual reporting requirement vary depending on the type of Operator and whether a Decision-Maker is a Small or Large Entity. Table 1 references applicable requirements for the range of Operators covered under the Permit. For details see Appendix B.

**Table 1: Applicable Recordkeeping and Annual Reporting Requirements for Operators.**

Appendix B Part	Applicable Type of Operator
1 and 5	All Operators
2	All Operators who are For-Hire Applicators, as defined in Part A II
3	Any Decision-Maker who is a <i>Small Entity</i> <sup>1</sup>
4 and 6	Any Decision-Maker who is a <i>Large Entity</i> <sup>2</sup>

1. Small Entity - As defined in Part A II, is any (1) public entity that serves a population of 10,000 or less or (2) private enterprise that does not exceed the Small Business Administration size standard as identified at: [www.sba.gov/contractingopportunities/officials/size/table/index.html](http://www.sba.gov/contractingopportunities/officials/size/table/index.html).
2. Large Entity - As defined in Part A II, is 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: [www.sba.gov/contractingopportunities/officials/size/table/index.html](http://www.sba.gov/contractingopportunities/officials/size/table/index.html).

**PART B**  
**STANDARD CONDITIONS**

**I. MANAGEMENT REQUIREMENTS**

**A. Duty to Comply.**

You must comply with all conditions of this permit. Any permit non-compliance constitutes a violation of the federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**B. 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. 40 CFR 122.21(d)

**C. Compliance Schedules**

1. The permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit.
2. The permittee shall submit reports of compliance or non-compliance, or progress reports as applicable, for any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline.

**D. Permit Modification, Termination, or Revocation and Reissuance**

1. DEP may amend, revoke, suspend or terminate previously issued coverage under this permit and require the discharger to apply for and obtain an individual NPDES permit in accordance with 25 Pa. Code §92a.54(f).
2. The filing of a request by the permittee for a permit revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition.

**E. 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 this Permit, or to determine compliance with this Permit.
2. The permittee shall furnish copies of records required to be kept by this permit to DEP upon request.
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.

**F. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit.

**G. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge, or disposal in violation of this Permit that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR 122.41(d))

## II. PENALTIES AND LIABILITY

### A. Violations of Permit Conditions

1. Any person violating Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative and/or criminal penalties as set forth in 40 CFR §122.41(a)(2).
2. Any person or municipality who violates any provision of this permit, any rule, regulation, or order of DEP, or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

### B. Signatory Requirements

1. All applications, reports, and certifications must be signed as follows:
  - a. *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.
  - 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 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. Pesticide Discharge Management Plan (PDMP), including changes to the PDMP to document any corrective actions taken as required by Part A I.D, and all reports submitted to DEP, must be signed by a person described in Part B II.B 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 in Part B II.B;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity such as the position of superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
  - c. The signed and dated written authorization is included in the PDMP. A copy must be submitted to DEP, if requested.
  - d. All other changes to your PDMP, and other compliance documentation required under this permit, must be signed and dated by the person preparing the change or documentation.  
  
If signed by a person other than the above, written notification of delegation of Annual Report signatory authority must be submitted to DEP in advance of or along with the relevant Annual Report form.
3. Changes to Authorization. If an authorization under Part B II.B is no longer accurate because the application activities have been purchased by a different entity, a new application satisfying the requirements of Part B II.B or a transfer application in accordance with Part B III.B must be submitted to DEP.

4. Any person signing documents in accordance with Part B II.B must include 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 contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### **C. Falsifying Information**

The Clean Water Act provides that any person who does any of the following:

1. Falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under this Permit, or
2. 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 and/or imprisonment as set forth in Section 309 of the Clean Water Act. In addition, criminal sanctions are set forth for false swearing and unsworn falsification at 18 Pa. C.S. §§4903-4904.

### **D. Liability**

Nothing in this Permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance 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.

### **E. Severability**

Invalidation of a portion of this permit does not render the whole permit invalid; in the event that any part of this permit is invalidated, the remaining parts of the permit will remain in effect.

### **F. Need To Halt Or Reduce Activity Not A Defense**

It shall not be a defense for the 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.

## **III. OTHER RESPONSIBILITIES**

### **A. Right of Entry**

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, 25 Pa. Code Chapter 92a and 40 CFR §122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

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;
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this Permit; and
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.

## B. Transfer of Coverage under Permit

1. This permit may be automatically transferred to a new permittee if the requirements of paragraphs a., b., and c. below are met. If all conditions are met, the transfer is effective on the date specified on the transfer application.
  - a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph b. of this section;
  - b. The notice includes the appropriate DEP transfer application form signed by the existing and new permittees with a specific date for transfer of permit responsibility, coverage and liability between them; and
  - c. DEP does not notify the existing permittee and the proposed new permittee of the intent to modify or revoke and reissue this permit.
2. In the event DEP does not approve transfer of this Permit, the new owner or controller must submit a new permit application.

## C. Notification

If potential users of treated water may possibly be affected by treatment, notification at least 24 hours in advance is required to such users. Recognize that products applied to water can drift to non-target areas or be discharged downstream.

## D. Property Rights

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

## E. Other Laws

The issuance of 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.

## F. Termination of Coverage

Notice of Termination. If all pesticide discharges authorized by this permit are eliminated or will no longer occur, the permittee may submit a completed Notice of Termination form that is signed in accordance with Part B II.B of this Permit certifying that:

"Under penalty of law, I hereby certify that all pesticide discharges authorized by the NPDES Permit have ceased or have been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge under the Permit, and that discharging pollutants to waters of the Commonwealth is unlawful under the Clean Water Act and the Clean Streams Law where the discharge is not authorized by an NPDES permit."

All letters certifying discharge termination are to be sent to the appropriate DEP regional office.

## IV. ANNUAL FEES

Permittees shall pay an annual fee in accordance with 25 Pa. Code § 92a.62. Annual fee amounts are due on each anniversary of the effective date of the most recent new or reissued permit. 25 Pa. Code 92a. 62

As of the effective date of this permit, the facility or activities covered by the permit are classified in the following fee category: **Minor IW Facility with ELG (Individual Pesticides Permit)**.

Invoices for annual fees will be mailed to permittees approximately three months prior to the due date. In the event that an invoice is not received, the permittee is nonetheless responsible for payment. Throughout a five year permit term, permittees will pay four annual fees followed by a permit renewal application fee in the last year of permit coverage. Permittees may contact the DEP at 717-787-6744 with questions related to annual fees.

Payment for annual fees shall be remitted to DEP at the address below by the anniversary date. Checks should be made payable to the Commonwealth of Pennsylvania.

PA Department of Environmental Protection  
Bureau of Water Standards and Facility Regulation  
Re: Chapter 92a Annual Fee  
P.O. Box 8466  
Harrisburg, PA 17105-8466



**PART C**  
**SPECIAL CONDITIONS**

**I. COMPLIANCE WITH LABEL**

The permittee and applicator shall comply with the most recent EPA-approved pesticide label requirements, developed in accordance with, and regulated by, the Federal Fungicide, Insecticide, and Rodenticide Act (FIFRA). The applicator shall review the most-recent EPA-approved pesticide label prior to each treatment/application.

**II. AUTHORIZED PESTICIDE USES**

Pesticide use shall be in accordance with the attached Joint Permit for Use of an Algicide, Herbicide or Fish Control Chemical in Waters of the Commonwealth (Permit No. NE-45-09-12).

**III. SIGNS**

Prior to each pesticide treatment/application, the permittee shall post signage regarding water usage restrictions (if any) in accordance with the most recent EPA-approved Pesticide label recommendations at public access points to the lake.

## APPENDIX A PEST MANAGEMENT MEASURES

### 1. Mosquito and Other Flying Insect Pest Control

This section applies to discharges from the application of pesticides for mosquito and other flying insect pest control.

**A. Identify the Problem.** Prior to the first pesticide application covered under the Permit that will result in a discharge to waters of the Commonwealth, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, Decision-Makers required to submit applications must do the following for each pest management area, as defined in Part A II of the Permit:

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;
2. Identify target pest to develop Pest Management Measures based on developmental and behavioral considerations for each pests;
3. Identify known breeding sites for source reduction, larval control program, and habitat management;
4. Analyze existing surveillance data to identify new or unidentified sources of mosquito or flying insect pest problems as well as sites that have recurring pest problems; and
5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet permit conditions in Part 1.A of this section.

**B. Pest Management Options.** Prior to the first pesticide application covered under this Permit that will result in a discharge to waters of the Commonwealth, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, Decision-Makers required to submit applications must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from application of pesticides to control mosquitoes or other flying insect pests. In developing these Pest Management Measures in each pest management area, the Decision-Maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

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

**C. Pesticide Use.** If a pesticide is selected to manage mosquitoes or flying insect pests and application of the pesticide will result in a discharge to a waters of the Commonwealth, Decision-Makers required to submit applications must:

1. Conduct larval and/or adult surveillance in an area that is representative of the pest problem or evaluate existing larval surveillance data, environmental conditions, or data from adjacent area prior to 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 applying the pesticide only when the action threshold(s) has been met;

3. In situations or locations where practicable and feasible for efficacious control, use larvicides as a preferred pesticide for mosquito or flying insect pest control when larval action thresholds have been met; and
4. 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 threshold(s) has been met.

## 2. Weed and Algae Pest Control

This part applies to discharges from the application of pesticides for weed and algae pest control.

**A. Identify the Problem.** Prior to the first pesticide application covered under this Permit that will result in a discharge to waters of the Commonwealth, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, Decision-Makers required to submit applications must do the following for each pest management area, as defined in Part A II of the Permit:

1. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
2. Identify target pest(s);
3. Identify possible factors causing or contributing to the pest problem (e.g., nutrients, invasive species, etc);
4. Establish any pest and site specific action threshold(s) as defined in Part A II of the Permit for implementing Part 2.B of this section; and
5. In the event there are no data for your pest management area in the past calendar year, use other available data as appropriate to meet permit conditions in Part 2.A of this section.

**B. Pest Management Options.** Prior to the first pesticide application covered under this Permit that will result in a discharge to waters of the Commonwealth, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, Decision-Makers required to submit applications must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from application of pesticides to control pests. In developing these Pest Management Measures for each pest management area, the Decision-Makers required to submit applications must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

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

**C. Pesticide Use.** If a pesticide is selected to manage pests, and application of the pesticide will result in a discharge to waters of the Commonwealth, Decision-Makers that are required to submit applications must:

1. Conduct surveillance in an area that is representative of the pest problem prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met; and
2. Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action threshold has been met.

## 3. Animal Pest Control

This section applies to discharges from the application of pesticides for control of animal pests.

**A. Identify the Problem.** Prior to the first pesticide application covered under this Permit that will result in a discharge to waters of the Commonwealth, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, Decision-Makers required to submit applications must do the following for each pest management area, as defined in Part A II of the Permit:

1. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
2. Identify target pest;
3. Identify possible factors causing or contributing to the problem (e.g., nutrients, invasive species);
4. Establish any pest and site specific action threshold(s) as defined in Part A II of the Permit for implementing Part 3.B of this section; and
5. In the event there are no data for the pest management area in the past calendar year, use other data available as appropriate to meet the permit conditions in Part 3.A of this section.

**B. Pest Management Options.** Prior to the first pesticide application covered under this Permit that will result in a discharge to waters of the Commonwealth, and at least once each year thereafter prior to the first pesticide application during that calendar year, Decision-Makers required to submit applications must select and implement efficient and effective means of Pest Management that Measures that minimize discharges resulting from application of pesticides to control pests. In developing these Pest Management Measures for each pest management area the Decision-Maker required to submit applications must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:

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

**C. Pesticide Use.** If a pesticide is selected to manage pests, and application of the pesticide will result in a discharge to waters of the Commonwealth, Decision-Makers required to submit applications must:

1. Conduct surveillance in the area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the action threshold(s) is met; and
2. Reduce the impact on the environment and non-target organisms by evaluating site restrictions, application timing, and application method in addition to applying the pesticide only when the action threshold(s) has been met.

#### **4. Forest Canopy Pest Control**

This part applies to discharges from the application of pesticides for forest canopy pest control.

**A. Identify the Problem.** Prior to the first pesticide application covered under this Permit that will result in a discharge to waters of the Commonwealth, and at least once each calendar year thereafter prior to the first pesticide application in that calendar year, Decision-Makers required to submit applications must do the following for each pest management area, as defined in Part A II of the Permit:

1. Establish any pest and site-specific action threshold(s) as defined in Part A II of the Permit for implementing Part 4.B of this section;
2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;
3. Identify current distribution of the target pest and assess potential distribution in the absence of Pest Management Measures; and

4. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions Part 4.A of this section.
- B. Pest Management Options.** Prior to the first pesticide application covered under this Permit that will result in a discharge to waters of the Commonwealth, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, Decision-Makers required to submit applications must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from application of pesticides to control pests. In developing these Pest Management Measures for each pest management area, the Decision-Makers required to submit applications must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:
1. No action
  2. Prevention
  3. Mechanical/physical methods
  4. Cultural methods
  5. Biological control agents
  6. Pesticides
- C. Pesticide Use.** If a pesticide is selected to manage forestry pests and application of the pesticide will result in a discharge to waters of the Commonwealth, Decision-Makers required to submit applications must:
1. Conduct surveillance in an Area that is representative of the pest problems prior to each application to assess the pest management area and to determine when the pest action threshold(s) is met;
  2. Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when the action threshold(s) has been met; and
  3. Evaluate using pesticides against the most susceptible developmental stage.

## APPENDIX B

### RECORDKEEPING & ANNUAL REPORTING REQUIREMENTS

Operators 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 Operators' compliance with the conditions of the Permit. Operators 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.

DEP recommends that all Decision-Makers, who are or may be required to submit an application based on their annual treatment area, keep records of acres or linear miles treated for all applicable use patterns covered under the Permit. The records should be kept up-to-date to help Decision-Makers determine if the Annual Treatment Area Threshold is met during any calendar year, as identified in Table 1 of the permit.

1. **Recordkeeping for all Operators** - All operators must keep the following records:
  - a. A copy of any Adverse Incident Reports (see Appendix C 2.C);
  - b. Rationale for any determination that reporting of an identified adverse incident is not required consistent with allowances identified in Appendix C 2.B;
  - c. A copy of any corrective action documentation (Appendix C 3.C); and
  - d. A copy of any spill and leak or other unpermitted discharge documentation (Appendix C 3.B).
2. **Recordkeeping for all Operators who are For-Hire Applicators** – Any Operator who is a For-Hire Applicator, as defined in Part A II of the Permit, must retain the following records:
  - a. Documentation of equipment calibration; and
  - b. Information on each treatment area to which pesticides are discharged, including:
    1. Description of each treatment area, location and size (acres or linear feet) of treatment area and identification of any waters of the Commonwealth, either by name or by location, to which pesticide(s) are discharged;
    2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
    3. Target pest(s);
    4. Name of each pesticide product used including the EPA registration number;
    5. Quantity of each pesticide product applied to each treatment area;
    6. Pesticide application date(s); and
    7. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.
3. **Recordkeeping for Any Decision-Maker required to submit an Application and who is a Small Entity** – Any Decision-Maker required to submit an application that is defined as a small entity, must retain the following records at the address provided on the application:
  - a. Copy of the APPLICATION submitted to DEP, any correspondence exchanged between the Decision-Maker and DEP specific to coverage under this Permit, and a copy of the DEP acknowledgment letter with the assigned permit tracking number;
  - b. Documentation of equipment calibration (only if Decision-Maker is also the Applicator);
  - c. Information on each treatment area to which pesticides are discharged, including:
    1. Description of treatment area, location and size (acres or linear feet) of treatment area and identification of any waters of the Commonwealth, either by name or by location, to which pesticide(s) are discharged;

2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
  3. Target pest(s) and explanation of need for pest control;
  4. Description of pest management measure(s) implemented prior to the first pesticide application;
  5. Company name and contact information for pesticide applicator;
  6. Name of each pesticide product used including the EPA registration number;
  7. Quantity of each pesticide product applied to each treatment area;
  8. Pesticides Application Start Date;
  9. Pesticides Application End Date; and
  10. Whether or not visual monitoring was conducted during pesticides application and/or post application and if not, why not and whether monitoring identified any possible or observable adverse incident caused by application of pesticides.
4. **Recordkeeping for any Decision-Maker required to submit an APPLICATION and who is a Large Entity** – Records listed below are required to be kept at the address provided on the APPLICATION.
- a. A copy of the APPLICATION submitted to DEP, any correspondence exchanged between the Decision-Maker and DEP specific to coverage under the Permit, and a copy of the DEP acknowledgment letter with the assigned permit tracking number;
  - b. A copy of the PDMP, including any modifications made to the PDMP during the terms of this Permit;
  - c. Copies of Annual Reports submitted to DEP;
  - d. Documentation of any equipment cleaning, calibration, and repair (only if the Decision-Maker is also the applicator);
  - e. Information on each treatment area to which pesticides are discharged, including:
    1. Description of each treatment area, location and size (acres or linear feet) of treatment area and identification of any waters of the Commonwealth, either by name or by location, to which pesticide(s) are discharged;
    2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
    3. Target pest(s) and explanation of need for pest control;
    4. Action Thresholds;
    5. Method and/or data used to determine that action threshold(s) has been met;
    6. Description of pest management measure(s) implemented prior to the first pesticide application;
    7. Company name and contact information for pesticide applicator;
    8. Name of each pesticide product used including the EPA registration number;
    9. Quantity of each pesticide product applied to each treatment area;
    10. Pesticides application Start Date;
    11. Pesticides application End Date; and
    12. 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.
5. **Additional Recordkeeping Requirements for all Operators** – All required records must be documented as soon as possible but no later than 14 days following completion of each pesticide application. Operators must retain any records required under this Permit for at least 3 years from the date that the Operator's coverage under this

Permit expires or is terminated. Operators must make available to DEP, including an authorized representative of DEP, all records kept under this Permit and provide copies of such records, upon request.

6. **Annual Reporting for any Decision-Maker required to submit an APPLICATION due to overage in Annual Treatment Area Threshold or who is a Large Entity** – Decision-Makers who are required to submit an APPLICATION due to overage in Annual Treatment Area Threshold or are defined as a Large Entity in Part A II, must submit an Annual Report to DEP using form 3800-PM-WSFR0345f (Annual Pesticides Application Report). Once a Decision-Maker meets the obligation to submit an Annual Report, the Decision-Maker must submit the Annual Report each calendar year thereafter for the duration of coverage under this Permit, whether or not the Decision-Maker has discharges from the application of pesticides in any subsequent calendar year. Decision-Makers must submit the Annual Report on paper to the DEP regional office that issued coverage under this Permit or electronically through DEP's electronic Discharge Monitoring Report (eDMR) system (see [www.dep.state.pa.us/edmr](http://www.dep.state.pa.us/edmr)), if available. The Annual Report must be received by DEP no later than January 28 of the following year for all pesticide activities covered under this Permit occurring during the previous calendar year. Annual reporting requirements begin with those discharges occurring during calendar year 2012.

Decision-Makers who are required to submit an APPLICATION based on an Annual Treatment Area Threshold must include information for the calendar year, with the first Annual Report required to include activities for the portion of the calendar year after the point at which Decision-Makers exceeded the Annual Treatment Area Threshold. If the Decision-Maker first exceeds an Annual Treatment Area Threshold between December 1 – 31, an Annual Report is not required for that first partial year but an Annual Report is required thereafter, with the first Annual Report submitted also including information from the first partial year.

When Decision-Makers terminate permit coverage an Annual Report must be submitted for the portion of the year up through the date of termination. The Annual Report is due no later than January 28 of the next year.

The Annual Report must contain the following information:

- a. The name of the Operator (permittee);
- b. NPDES permit number;
- c. Contact person name, title, address, e-mail address, and phone number; and
- d. For each treatment area, report the following information:
  1. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters of the Commonwealth, either by name or by location, to which pesticide(s) are discharged;
  2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy) and target pest(s);
  3. Company name(s) and contact information for pesticide applicator(s), if different from the Operator;
  4. Name of each pesticide product and total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);
  5. Whether this pest control activity was addressed in the PDMP prior to pesticide application;
  6. A summary of any adverse incidents as a result of these treatment(s) as described in Appendix C 2.A and B; and
  7. A description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).



## APPENDIX C

### CORRECTIVE ACTION DOCUMENTATION AND REPORTING

1. **Corrective Action** – All Operators must comply with the provisions in this appendix for any discharges authorized under this Permit, with compliance required upon beginning such discharges.

- A. **Situations requiring revision of Control Measures.** If any of the following situations occur, Operators must 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:
- 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. Operators become aware, or DEP concludes, that Pest Management Measures are not adequate or sufficient for the discharge to meet applicable water quality standards.
  - c. Any monitoring activities indicate failure to meet applicable technology-based effluent limitations of this Permit that Operators failed to implement.
  - d. An inspection or evaluation of your activities by DEP reveals that modifications to the Pest Management Measures are necessary to meet the effluent limitations in the Permit.
  - e. An Operator observes, or is otherwise made aware of an adverse incident, as defined in Part A II of the Permit.
- B. **Corrective Action Deadlines.** If an Operator determines that changes to Pest Management Measures are necessary to eliminate any situation identified in Part 1 A of this appendix, 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. **Effect of Corrective Action.** The occurrence of a situation identified in Part 1 A of this appendix may constitute a violation of the permit. Correcting the situation according to Part 1 A of this appendix does not absolve Operators of liability for any original violation. However, failure to comply with Part 1 B of this appendix constitutes an additional permit violation. DEP will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

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 more stringent than specified in this permit. Those requirements and schedules will supersede those of Part 1 A and Part 1 B of the appendix if such requirements conflict.

## 2. **Adverse Incident**

- A. **Twenty-Four (24)-Hour Adverse Incident Notification. Adverse Incident Notification Required**
- a. Except as provided for in Part 2 E of this appendix, if an Operator 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 Operator 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 Operator becoming aware of the adverse incident and must include at least the following information:
    1. The caller's name and telephone number;
    2. Operator name and mailing address;
    3. If covered under an APPLICATION, the APPLICATION NPDES permit number assigned by DEP;
    4. The name and telephone number of a contact person, if different than the person providing the 24-hour notice;
    5. How and when the Operator became aware of the adverse incident;
    6. Description of the location of the adverse incident;

7. 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;
8. Description of any steps the Operator has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects; and
9. If known, the identity of any other Operators authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident.
  - b. If an Operator is unable to notify DEP within 24 hours, the Operator must do so as soon as possible and also provide an appropriate rationale for why the Operator was unable to provide such notification within 24 hours. DEP's contact information for reporting adverse incidents can be found by visiting DEP's website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) and clicking on "Report an Incident."
- c. 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. Adverse Incident Notification Not Required**

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

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

**C. Thirty (30)-Day Adverse Incident Written Report**

Except as provided for in Part 2 E of this appendix, within 30 days of a reportable adverse incident pursuant to Part 2 A of this appendix, Operators must provide 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:

- a. Information required to be provided in Part 2 A and 2 B of this appendix;
- b. Date and time the Operator contacted DEP notifying the Agency of the adverse incident, who the Operator spoke with at DEP, and any instructions received from DEP;
- c. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc);
- d. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms;
- e. Magnitude and scope of the affected area (e.g., aquatic square area or total stream distance affected);
- f. Pesticide application rate; intended use site (e.g., on the bank, above waters, or directly to water); method of application; and the name of pesticide product and EPA registration number;
- g. Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied);
- h. If laboratory tests were performed, an indication of which test(s) were performed, and when; additionally, a summary of the test results must be provided within 5 days after they become available if not available at the time of submission of the 30-day report;
- i. Description of actions to be taken to prevent recurrence of adverse incidents; and
- j. Signature, date, and certification in accordance with Part B II.B of the Permit.

D. **Adverse Incident to Threatened or Endangered Species or Critical Habitat**

Notwithstanding any of the other adverse incident notification requirements of this section, if an Operator becomes aware of an adverse incident affecting a Pennsylvania Natural Diversity Inventory (PNDI) listed threatened or endangered species or its federally designated critical habitat which may have resulted from a discharge from the Operator's pesticide application, the Operator 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 #400-0200-001). This notification must be made by telephone, to the contacts listed on EPA's website at [www.epa.gov/npdes/pesticides](http://www.epa.gov/npdes/pesticides), immediately upon the Operator becoming aware of the adverse incident, and must include at least the following information:

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

E. **Notification and Reporting for Adverse Incidents Involving Multiple Operators**

Where multiple Operators are authorized for a discharge that results in an adverse incident, notification and reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of the written report required in Part 2 C of this appendix is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

3. **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, an Operator must notify the National Response Center immediately at (800) 424-8802 as soon as the Operator has knowledge of the release. Contact information must be in locations that are readily accessible and available in the area where the spill, leak, or other unpermitted discharge may occur.

State or local requirements may necessitate also reporting spills or leaks to local emergency response, public health, or drinking water supply agencies.

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

If an Operator becomes aware of a spill, leak, or other unpermitted discharge which triggers the notification in Part 3 A of this appendix and results in an adverse incident, then the Operator must report the incident per the guidelines in Part 2 A and 2 B of this appendix. If the spill, leak, or other unpermitted discharge triggers the notification in Part 3 A of this appendix, but does not result in an adverse incident, then the Operator must document and retain the following information within 30 days of becoming aware of the situation:

- a. Information required to be provided in Part 3 A;
- b. Summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed; and
- c. Any measures to prevent recurrence of such a spill or leak or other discharge, including notice of whether PDMP modifications are required as a result of the spill or leak.

C. **Other Corrective Action Documentation**

For situations identified in Part 1 A of this appendix, other than for adverse incidents (addressed in Part 2 of this appendix), or reportable spills or leaks (addressed in Part 3 of this appendix), Operators must document the situation triggering corrective action and planned corrective action within 30 days of becoming aware of that situation, and retain a copy of this documentation. This documentation must include the following information:

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

## APPENDIX D

### PESTICIDES DISCHARGE MANAGEMENT PLAN (PDMP)

A Pesticides Discharge Management Plan (PDMP) applies to any Decision-Maker who is required to submit an APPLICATION, and is a Large Entity, as defined in Part A II of the Permit. Except for any application made in response to a declared pest emergency situation, as defined in Part A II, a Decision-Maker who is required to submit an APPLICATION, and is a Large Entity, must prepare a PDMP and submit it with the APPLICATION. Some sections of the Pesticide Discharge Management Plan (PDMP) will require input from the pesticide applicator.

The PDMP documents how Decision-Makers will implement the Technology based and water quality based effluent limitations of the Permit, including the evaluation and selection of Pest Management Measures to meet those effluent limitations in order to minimize discharges. In the PDMP, Decision-Makers may incorporate by reference any procedures or plans in other documents that meet the requirements of this permit. If Decision-Makers rely upon other documents to comply with the effluent limitations in this permit, such as a preexisting pest management plan, the Decision-Maker must attach to the PDMP a copy of any portions of any documents that are used to document the implementation of the effluent limitations.

#### 1. Contents of the Pesticide Discharge Management Plan

The PDMP must include the following elements:

- a. Pesticide Discharge Management Team
  - b. Problem Identification
  - c. Pest Management Options Evaluation
  - d. Response Procedures
    - i. Spill Response Procedures
    - ii. Adverse Incident Response Procedures
  - e. Documentation to support eligibility considerations under other state and federal laws
  - f. Signature Requirements.
- A. PDMP Team.** Decision-Maker must identify all the persons (by name and contact information) that compose the team as well as each person's individual responsibilities, including:
1. Person(s) responsible for managing pests in relation to the pest management area
  2. Person(s) responsible for developing and revising the PDMP; and
  3. Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements.

#### **B. Problem Identification.**

Decision-Makers must document the following:

- a. Pest problem description. Document a description of the pest problem at the pest management area, including identification of the target pest(s), source(s) of the pest problem, and source of data used to identify the problem in Parts 1, 2, 3, and 4 of Pest Management Measures (Appendix A);
- b. Action Threshold(s). Describe the action threshold(s) for the pest management area, including data used in developing the action threshold(s) and method(s) to determine when the action threshold(s) has been met;
- c. General location map. In the plan, include a general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and location of the waters of the Commonwealth; and

- d. Water quality standards. Document any Special Protection water (High Quality and Exceptional Value Waters) and any water(s) identified as impaired by a substance which either is an active ingredient or a degradate of such an active ingredient.

**B. Pest Management Options Evaluation**

Decision-Makers must document the evaluation of the pest management options, including combination of the pest management options, to control the target pest(s). Pest management options include the following: No action, prevention, mechanical/physical methods, cultural methods, biological control agents, and pesticides. In the evaluation, Decision-Makers must consider the impact to water quality, impact to non-target organisms, feasibility, cost effectiveness, and any relevant previous Pest Management Measures.

**C. Response Procedures.** Decision-Makers must document the following procedures in the PDMP:

- a. Spill Response Procedures – At a minimum Decision-Maker must have:
  - i. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your PDMP team.
  - ii. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.
- b. Adverse Incident Response Procedures – At a minimum Decision-Makers must have:
  - i. Procedures for responding to any adverse incident resulting from pesticide applications;
  - ii. Procedures for notification of the adverse incident, both internal to Decision-Makers agency/organization and external. Contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.

**D. Signature Requirements.** Decision-Maker must sign, date and certify the PDMP in accordance with Part B II.B the Permit. This requirement is consistent with standard NPDES permit conditions described in 40 CFR 122.22 and is intended to ensure that the operator understands his/her responsibility to create and maintain a complete and accurate PDMP. The signature requirement includes an acknowledgment that there are significant penalties for submitting false information.

**E. Documentation to Support Eligibility Considerations under Other Federal Laws [reserved]**

**F. Pesticide Discharge Management Plan Modifications.** A Decision-Maker required to submit an APPLICATION and is a Large Entity must modify the PDMP whenever necessary to address any of the triggering conditions for corrective action in Part A I.D of the 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, if practicable, or if not, no later than 90 days after any change in pesticides application activities. The revised PDMP must be signed and dated in accordance with Part 1 E of this section.

**G. Pesticide Discharge Management Plan Availability.** A Decision-Maker required to submit an APPLICATION and is a Large Entity must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided in Section II of the APPLICATION. The PDMP and all supporting documents must be readily available, upon request, and copies of any of these documents provided, upon request, to DEP. 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.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

**PAG-15**  
**ANNUAL PESTICIDES APPLICATION REPORT**

Reporting Period: January 1 – December 31, \_\_\_\_\_

Operator Name: \_\_\_\_\_ Permit Number: **PA0065340**  
 Contact Person Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
 \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_ Email: \_\_\_\_\_

(Information that exceeds the available space on this form should be attached or otherwise supplied electronically)

**1. Treatment Area Details:**

	Pesticides Treatment Area Name or Location:	Area Size	Units (acres or feet)	Waterbody (Name and Location)	Municipality	County
1						
2						
3						
4						
5						

Completion, submittal and receipt of this report by January 28 of following year is a requirement of this Permit. Unless DEP's eDMR system is used, reports are to be mailed to the DEP regional office that issued your permit and to the municipality in which the project is located.

**2. Pesticides Use Pattern(s)** (i.e. mosquito or other flying pests, weeds and algae, animal pests or forest canopy) for locations identified in table above:

Location #: \_\_\_\_\_ Use Pattern: \_\_\_\_\_ Target Pest: \_\_\_\_\_  
 Company or Applicator(s) Name (if different than above): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_ Phone: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_

Location #: \_\_\_\_\_ Use Pattern: \_\_\_\_\_ Target Pest: \_\_\_\_\_  
 Company or Applicator(s) Name (if different than above): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_ Phone: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_

Location #: \_\_\_\_\_ Use Pattern: \_\_\_\_\_ Target Pest: \_\_\_\_\_  
 Company or Applicator(s) Name (if different than above): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_ Phone: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_

Location #: \_\_\_\_\_ Use Pattern: \_\_\_\_\_ Target Pest: \_\_\_\_\_  
 Company or Applicator(s) Name (if different than above): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_ Phone: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_

Location #: \_\_\_\_\_ Use Pattern: \_\_\_\_\_ Target Pest: \_\_\_\_\_  
 Company or Applicator(s) Name (if different than above): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_ Phone: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_

**3. Applied Pesticides Details:**

Location	Name of Pesticide	Amount and Units	EPA Registration #	Application Method	Addressed in PDMP Prior to Application?
1					<input type="checkbox"/> Yes <input type="checkbox"/> No
2					<input type="checkbox"/> Yes <input type="checkbox"/> No
3					<input type="checkbox"/> Yes <input type="checkbox"/> No
4					<input type="checkbox"/> Yes <input type="checkbox"/> No
5					<input type="checkbox"/> Yes <input type="checkbox"/> No



**4. Adverse incident(s) as a result of pesticide applications:**

Location	Details of adverse incident (as described in adverse incident notification*) or noticeable observation due to pesticides applications	Description of corrective actions including spill responses, if any, resulting from pesticides activities and the rationale for such action
1		
2		
3		
4		
5		

\* All adverse incident reports must be sent within 30 days of the date the Operator became aware of the adverse incident to DEP and other related state agencies.

I certify under penalty of law and subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities) 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 further acknowledge that the facility, treatment area and operator described herein is eligible for coverage under DEP's Permit. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date