



STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATER AND WASTE MANAGEMENT  
601 57<sup>th</sup> STREET SE  
CHARLESTON, WV 25304-2345  
GENERAL

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**  
**WATER POLLUTION CONTROL PERMIT**

Permit No. WV0116645

Issue Date: October 31, 2011

Effective Date: October 31, 2011

Expiration Date October 30, 2016

Subject: Pesticide General Permit  
For Point Source Discharges

To Whom It May Concern:

This is to certify this permit is available to operators who discharge to waters of the State from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (hereinafter collectively "pesticides"), when the pesticide application is for one of the following pesticide use patterns:

1. **Mosquito and Other Flying Insect Pest Control** - to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include mosquitoes and black flies.
2. **Weed and Algae Pest Control**—to control weeds, algae, and pathogens that are pests in water and at water's edge, including ditches and/or canals.
3. **Animal Pest Control**—to control animal pests in water and at water's edge. Animal pests in this use category include fish, lampreys, insects, mollusks, and pathogens.
4. **Forest Canopy Pest Control**—application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where, to target the pests effectively, a portion of the pesticide unavoidably will be applied over and deposited to water."

This General Permit is subject to the following terms and conditions:

The information submitted on and with the site registration application form will hereby be made terms and conditions of the General Permit with like effect as if all such information were set forth herein, and other pertinent conditions set forth in Sections A, B, C, D, E, F, G, H, I and J.

The following operators are required to submit a Notice of Intent to obtain coverage under this general permit for discharges to waters of the State resulting from the application of pesticides:

a. If you are in control over the financing for, or over the decision to perform pest control activities that will result in a discharge and know or reasonably should have known that those activities will exceed one or more of the annual (i.e., calendar year) treatment area thresholds listed in Table 1 below for the “treatment area,” as defined in the definition.

b. If you apply pesticides that result in a discharge and know or reasonably should have known that those activities will exceed one or more of the pesticide application annual (i.e., calendar year) treatment area thresholds listed in Table 1 below for the “treatment area,” as defined in the definition. To determine whether an entity’s activities will exceed one or more of the annual treatment area thresholds, the entity should exclude from its calculation any pesticide application activities conducted under another entity’s NOI required under (a) above.

<b>Table 1. Annual Treatment Area Thresholds</b>		
<b>PGP Part</b>	<b>Pesticide Use</b>	<b>Annual Threshold</b>
2.2.1	Mosquitoes and Other Flying Insect Pests	6400 acres of treatment area
2.2.2	Aquatic Weed and Algae Control:	
	-In Water	80 acres of treatment area <sup>1</sup>
	- At Water’s Edge:	20 linear miles of treatment area at water’s edge <sup>2</sup>
2.2.3	Animal Pest Control:	
	-In Water	80 acres of treatment area <sup>1</sup>
	- At Water’s Edge	20 linear miles of treatment area at water’s edge <sup>2</sup>
2.2.4	Forest Canopy Pest Control	6400 acres of treatment area

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

2 Calculations should include the linear extent of the application made at water's edge adjacent to: (1) waters of the State and (2) conveyances with a hydrologic surface connection to waters of the State at the time of pesticide application. For calculating annual treatment totals, count each pesticide application activity and each side of a linear water body as a separate activity or area. For example, treating both sides of a ten mile ditch is equal to twenty miles of water treatment area.

**Discharges to Waters Designated as Tier 3.**

You are not eligible for coverage under this permit for discharges from a pesticide application to Tier 3 waters designated by a State. The Director of the Division of Water and Waste Management retains authority to require any owner/operator to apply for and obtain an individual WV/NPDES Permit. This authority will be exercised when the Director determines that such individual permit will better protect the receiving water.

SECTION B. SCHEDULE OF COMPLIANCE

Effective date of the permit

## **Part 2.0 – Technology-Based Effluent Limitations**

### **2.0 Technology-Based Effluent Limitations**

To meet the effluent limitations in Part 2, you must implement site-specific control measures that minimize discharges of pesticides to waters of the State. The terms “minimize” and “control measure” are defined in Appendix A.

#### **2.1. Minimize Pesticide Discharges to Waters of the United States.**

All operators, regardless of whether you are required to submit an NOI, must minimize the discharge of pollutants resulting from the application of pesticides. All operators must also do the following:

- 2.1.1.** Use the lowest effective amount of pesticide product per application and optimum frequency of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pest resistance;
- 2.1.2.** Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit; and
- 2.1.3.** Maintain pesticide application equipment in proper operating condition by adhering to any manufacturer’s conditions and industry practices, and by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. You must ensure that the equipment’s rate of pesticide application is calibrated to deliver the precise quantity of pesticide needed to achieve greatest efficacy against the target pest.

#### **2.2. Integrated Pest Management (IPM) Practices**

This Part applies to any entity that is required to submit an NOI, including any pesticide applicator hired by such entity or any other employee, contractor, subcontractor or other agent. If your discharge of pollutants results from the application of a pesticide that is being used solely for the purpose of “pesticide research and development,” as defined in Appendix A, you are not required to fully implement Part 2.2 for such discharge, but you still must implement Part 2.2 to the extent that its requirements do not compromise the research design.

***Note: Part 5 of this permit requires any operator that is required to submit an NOI and comply with the provisions of Part 2.2 to also develop a written Pesticide Discharge Management Plan (PDMP) to document measures taken to meet the effluent limits.***

### **2.2.1. Mosquito and Other Flying Insect Pest Control**

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

#### **2.2.1.1. Identify the Problem.**

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

- 2.2.1.1.1** Establish densities for larval and adult mosquito or flying insect pest populations to serve as action threshold(s) for implementing pest management strategies;
  - 2.2.1.1.2** Identify target mosquito or flying insect pest species to develop species-specific pest management strategies based on developmental and behavioral considerations for each species;
  - 2.2.1.1.3** Identify known breeding sites for source reduction, larval control program, and habitat management;
  - 2.2.1.1.4** Analyze existing surveillance data to identify new or unidentified sources of mosquito or flying insect pest problems as well as sites that have recurring pest problems; and
  - 2.2.1.1.5** In the event there are no data for your pest management area in the past calendar year, see Part 5 for documentation requirements regarding why current data are not available and the data you used to meet the permit conditions in Part 2.2.1.1.
- 2.2.1.2 Pest Management.** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the STATE., and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, you must select and implement, for each pest management area, efficient and effective means of pest management that minimize discharges resulting from application of pesticides to control mosquitoes or other flying insect pests. In developing these pest management strategies, you must evaluate the following management options, considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:
- a. No action
  - b. Prevention
  - c. Mechanical or physical methods
  - d. Cultural methods
  - e. Biological control agents

f. Pesticides

**2.2.1.3 Pesticide Use.** If a pesticide is selected to manage mosquitoes or flying insect pests and application of the pesticide will result in a discharge to a waters of the STATE., you must:

**2.2.1.3.1** Conduct larval and/or adult surveillance prior to each pesticide application to assess the pest management area and to determine when action threshold(s) are met that necessitate the need for pest management;

**2.2.1.3.2** Assess environmental conditions (e.g. temperature, precipitation, and wind speed) in the treatment area prior to each pesticide application to identify whether existing environmental conditions support development of pest populations and are suitable for control activities;

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

**2.2.1.3.4** In situations or locations where practicable and feasible for efficacious control, use larvicides as a preferred pesticide for mosquito or flying insect pest control when larval action thresholds have been met; and

**2.2.1.3.5** In situations or locations where larvicide use is not practicable or feasible for efficacious control, use adulticides for mosquito or flying insect pest control when adult action thresholds have been met.

**2.2.2 Aquatic Weed and Algae Control**

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

**2.2.2.1 Identify the Problem.**

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

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

**2.2.2.1.2** Identify target weed species;

**2.2.2.1.3** Identify possible factors causing or contributing to the weed or algae problem (e.g., nutrients, invasive species, etc);

**2.2.2.1.4** Establish past or present aquatic weed or algae densities to serve as action threshold(s) for implementing pest management strategies; and

**2.2.2.1.5** In the event there are no data for your pest management area in the past calendar year, see Part 5 for documentation requirements regarding why current data are not available and the data you used to meet the permit conditions in Part 2.2.1.1.

**2.2.2.2 Pest Management.**

Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the STATE., and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, you must select and implement, for each pest management area, efficient and effective means of pest management that minimize discharges resulting from application of pesticides to control aquatic weeds or algae. In developing these pest management strategies, you must evaluate the following management options, considering impact to water quality, impact to nontarget organisms, pest resistance, feasibility, and cost effectiveness:

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

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

**2.2.2.3.1** Conduct surveillance prior to each pesticide application to assess the pest management area and to determine when the action threshold is met that necessitates the need for pest management; and

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

**2.2.3 Animal Pest Control**

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

**2.2.3.1 Identify the Problem.** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the STATE., and at least once each calendar year thereafter prior to the first pesticide application for that calendar year,

you must do the following for each pest management area, as defined in Appendix A:

- 2.2.3.1.1 Identify areas with aquatic nuisance animal problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
  - 2.2.3.1.2 Identify target aquatic nuisance animal species;
  - 2.2.3.1.3 Identify possible factors causing or contributing to the problem (e.g., nutrients, invasive species);
  - 2.2.3.1.4 Establish past or present aquatic nuisance animal densities to serve as action threshold(s) for implementing pest management strategies; and
  - 2.2.3.1.5 In the event there are no data for your pest management area in the past calendar year, see Part 5 for documentation requirements regarding why current data are not available and the data you used to meet the permit conditions in Part 2.2.1.1.
- 2.2.3.2 **Pest Management.** Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the STATE., and at least once each year thereafter prior to the first pesticide application during that calendar year, you must select and implement, for each pest management area, efficient and effective means of pest management that minimize discharges resulting from application of pesticides to control aquatic nuisance animals. In developing these pest management strategies, you must evaluate the following management options, considering impact to water quality, impact to nontarget organisms, pest resistance, feasibility, and cost effectiveness:
- a. No action.
  - b. Prevention
  - c. Mechanical or physical methods
  - d. Biological control agents
  - e. Pesticides
- 2.2.3.3 **Pesticide Use.** If a pesticide is selected to manage aquatic nuisance animals and application of the pesticide will result in a discharge to waters of the STATE., you must:
- 2.2.3.3.1 Conduct surveillance prior to each application to assess the pest management area and to determine when the action threshold is met that necessitates the need for pest management; and
  - 2.2.3.3.2 Reduce the impact on the environment and non-target organisms by evaluating site restrictions, application timing, and application method in addition to applying the pesticide only when the action threshold has been met.

## **2.2.4 Forest Canopy Pest Control**

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

### **2.2.4.1 Identify the Problem.**

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

- 2.2.4.1.1** Establish target pest densities to serve as action threshold(s) for implementing pest management strategies;
- 2.2.4.1.2** Identify target species to develop a species-specific pest management strategy based on developmental and behavioral considerations for each species;
- 2.2.4.1.3** Identify current distribution of the target pest and assess potential distribution in the absence of control measures; and
- 2.2.4.1.4** In the event there are no data for your pest management area in the past calendar year, see Part 5 for documentation requirements regarding why current data are not available and the data you used to meet the permit conditions in Part 2.2.1.1.

### **2.2.4.2 Pest Management.**

Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the STATE., and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, you must select and implement for each pest management area efficient and effective means of pest management that minimize discharges resulting from application of pesticides to control forestry pests. In developing these pest management strategies, you must evaluate the following management options, considering impact to water quality, impact to nontarget organisms, pest resistance, feasibility, and cost effectiveness:

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

**2.2.4.3 Pesticide Use.**

If a pesticide is selected to manage forestry pests and application of the pesticide will result in a discharge to waters of the STATE., you must:

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

**3.0 Water Quality-Based Effluent Limitations**

Your discharge must be controlled as necessary to meet applicable numeric and narrative State, territory, or tribal water quality standards.

**4.0 Site Monitoring**

- 4.1 Monitoring Requirements for Pesticide Applicators.** You must monitor the amount of pesticide applied to ensure that you are using the lowest amount to effectively control the pest, consistent with reducing the potential for development of pest resistance. You must also monitor your pesticide application activities to ensure you are performing regular maintenance activities and to ensure that your application equipment is in proper operating condition to reduce the potential for leaks, spills, or other unintended discharge of pesticides to waters of the State. Additionally, you must monitor your pesticide application activities to ensure that the application equipment is in proper operating condition by adhering to any manufacturer's conditions and industry practices, and by calibrating, cleaning, and repairing equipment on a regular basis.
- 4.2 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 Appendix A, caused by application of pesticides, including but not limited to the unanticipated death or distress of non-target organisms and disruption of wildlife habitat,

recreational or municipal water use. Visual assessments of the application site must be performed:

- a. During any post-application surveillance or efficacy check that you conduct, if surveillance or an efficacy check is conducted.
- b. During any pesticide application, when considerations for safety and feasibility allow.

**5.0. Pesticide Discharge Management Plan**

This Part applies to any operator required to submit an NOI, as required in Part 1.2.2. Some sections of the Pesticide Discharge Management Plan (PDMP) will require input from the pesticide applicator.

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

<b>Table 3. Pesticide Discharge Management Plan Deadline</b>	
<b>Category</b>	<b>PDMP Deadline</b>
Operators not required to submit an NOI.	Not applicable
Operators who know or should have reasonably known, prior to commencement of discharge, that they will exceed an annual treatment area threshold identified in Part 1.2.2 for that year. Operators who do not know or would reasonably not know until after commencement of discharge, that they will exceed an annual treatment area threshold identified in Part 1.2.2 for that year.	Prior to first pesticide application covered under this permit. Prior to exceeding an annual treatment area threshold.
Operators commencing discharge in response to a declared pest emergency situation as defined in Appendix A that will cause the operator to exceed an annual treatment area threshold.	No later than 90 days after responding to declared pest emergency situation.

The PDMP does not contain effluent limitations; the limitations are contained in Parts 2 and 3 of the permit. The PDMP documents how you will implement the effluent limitations in Parts 2 and 3 of the permit, including your evaluation and selection of control measures to meet those effluent limitations and minimize discharges. In your PDMP, you may incorporate by reference any procedures or plans in other documents that meet the requirements of this permit. If you rely upon other documents to describe how you will comply with the effluent limitations in this permit, such as a pre-existing integrated pest management (IPM) plan, you must attach to your PDMP a copy of any portions of any documents that you are using to document your implementation of the effluent limitations. All operators subject to the effluent limitations

described above must implement control measures to satisfy the effluent limitations in Parts 2 and 3. This includes the operator who submitted the NOI as well as any employees, contractors, subcontractors, or other agents. The control measures implemented must be documented and the documentation must be kept up-to-date.

### **5.1 Contents of Your Pesticide Discharge Management Plan**

Your PDMP must include the following elements:

- a. Pesticide Discharge Management Team
- b. Pest Management Area Description
- c. Control Measure Description
- d. Schedules and Procedures
  1. Pertaining to Control Measures Used to Comply with the Effluent Limitations in Part 2
    - a. Application Rate and Frequency Procedures
    - b. Spill Prevention Procedures
    - c. Pesticide Application Equipment Procedures
    - d. Pest Surveillance Procedures
    - e. Assessing Environmental Conditions Procedures
  2. Pertaining to Other Actions Necessary to Minimize Discharges
    - a. Spill Response Procedures
    - b. Adverse Incident Response Procedures
    - c. Pesticide Monitoring Schedules and Procedures
- e. Documentation to Support Eligibility Considerations under Other Federal Laws
- f. Signature Requirements.

**5.1.1 PDMP Team.** You must identify all the persons (by name and contact information) that compose the team as well as each person's individual responsibilities, including:

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

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

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

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

**5.1.3 Control Measure Description.** You must document your evaluation of control measures for your pest management area. You must document the control measures you will implement to comply with the effluent limitations required in Parts 2 and 3. Include in the description the active ingredient(s) evaluated.

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

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

- a. Application Rate and Frequency. (Part 2.1.1) Procedures for determining the lowest effective amount of pesticide product per application and the optimum frequency of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pest resistance;
- b. Spill Prevention. (Part 2.1.2) Procedures and schedule of maintenance activities for preventing spills and leaks of pesticides associated with the application of pesticides covered under this permit.
- c. Pesticide Application Equipment. (Part 2.1.3) Schedules and procedures for maintaining the pesticide application equipment in proper operating condition, including calibrating, cleaning, and repairing the equipment.
- d. Pest Surveillance. (Parts 2.2.1.3, 2.2.2.3, 2.2.3.3, and 2.2.4.3) Procedures and methods for conducting pre- application pest surveillance.
- e. Assessing Environmental Conditions. (Parts 2.2.1.3.2 and 2.2.4.3.3) Procedures and methods for assessing environmental conditions in the treatment area.

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

- a. Spill Response Procedures – At a minimum you must have:
  1. 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.
  2. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.
- b. Adverse Incident Response Procedures – At a minimum you must have:
  1. Procedures for responding to any incident resulting from pesticide applications;
  2. Procedures for notification of the incident, both internal to your agency/organization and external. Contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.
- c. Pesticide Monitoring Schedules and Procedures – You must document procedures for monitoring consistent with the requirements in Part 4 including:
  1. The process for determining the location of any monitoring;
  2. A schedule for monitoring;
  3. The person (or position) responsible for conducting monitoring; and
  4. Procedures for documenting any observed impacts to non-target organisms resulting from your pesticide discharge.

**5.1.5 Signature Requirements.** You must sign, date and certify your PDMP in accordance with 47 CSR 10, Subsection 5.11.

## **5.2 Pesticide Discharge Management Plan Modifications.**

You must modify your PDMP whenever necessary to address any of the triggering conditions for corrective action in Part 6.1 or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to your PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, as soon as possible thereafter. The revised PDMP must be signed and dated in accordance with Appendix B, Subsection B.11.

You must review your PDMP at a minimum once per calendar year and whenever necessary to update the pest problem identified and pest management strategies evaluated for your pest management area.

### **5.3 Pesticide Discharge Management Plan Availability.**

You must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided in Section III.3 of the NOI. The PDMP and all supporting documents must be readily available, upon request, and copies of any of these documents provided, upon request, to EPA; a State, Territorial, Tribal, or local agency governing discharges or pesticide applications within their respective jurisdictions; and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS). EPA may provide copies of your 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, CBI must be submitted to EPA, if requested, and may not be withheld from those staff within EPA, FWS, and NMFS cleared for CBI review.

SECTION C. OTHER CONDITIONS

- C.1 The permittee shall practice good housekeeping including maintaining the facility grounds. There shall be no scattered parts, equipment, debris, etc. Any and all drums shall be either stored in a covered area or kept upon pallets and properly sealed.
- C.2 The issuance of this permit shall not relieve the permittee of the obligation to comply with any other federal, state or local laws. Compliance with this permit does not relieve the permittee from the obligation of Section 311 of the Clean Water Act. This permit does not authorize spills of hazardous substances/wastes from any permitted outlet into waters of the State. Such incidents are to be reported in accordance with Sections IV.1 and IV.2 of Appendix A of this permit.
- C.3 Upon review of information submitted under terms and conditions of this permit, the permit may be modified to require additional effluent limitations/monitoring requirements and/or improved best management practices.
- C.4 The permittee shall notify the Division of Water and Waste Management immediately when it becomes aware of any migration of any pollutant from any unpermitted source (such as contaminated groundwater and/or storm water) into surface waters of the State.
- C.5 This permit is not authorized for any discharge from a pesticide application to waters of the State if the water is identified as impaired by that pesticide or its degradates.
- C.6 The Groundwater Protection Plan (GPP) shall be maintained at the plant site and shall be available for inspection by the Division of Water and Waste Management personnel.
- C.7 The facility shall maintain a Spill Prevention Control and Countermeasures (SPCC) Plan as required by Section 311(j) of the Clean Water Act. At a minimum, the plan shall include all the required elements in 40 CFR 112 of the Code of Federal Regulations and shall be certified in accordance with 40 CFR 112.
- C.8 If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the permit may be promptly modified and/or reissued to include effluent limitations and/or other requirements to control such storm water discharges.

Appendix A  
Definitions, Abbreviations, and Acronyms

“Action Threshold” means the point at which pest populations or environmental conditions can no longer be tolerated necessitating that pest control action be taken based on economic, human health, aesthetic, or other effects. Sighting a single pest does not always mean control is needed. Action thresholds help determine both the need for control actions and the proper timing of such actions.

“Active Ingredient” means any substance (or group of structurally similar substances if specified by the Agency) that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of FIFRA sec. 2(a). [40 CFR 152.3] Active ingredient also means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for the production of such a pesticidal substance. [40 CFR 174.3]

“Adverse Incident” means an incident that you have observed upon inspection or of which you otherwise become aware, in which:

- (1) A person or non-target organism may have been exposed to a pesticide residue.
- (2) The person or non-target organism suffered a toxic or adverse effect.

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

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

Biological Pesticides (also called biopesticides) - include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or dessicant, that (1) is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (2) is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaeobacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses. [40 CFR 158.2100(b)] Biochemical pesticide mean a pesticide that

(1) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and (3) Has a non-toxic mode of action to the target pest(s). [40 CFR 158.2000(a)(1)] Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 CFR 174.3]

“Chemical Pesticides” means all pesticides not otherwise classified as biological pesticides.

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

“Cultural Methods” means manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest.

“Declared Pest Emergency Situation” means an event defined by a public declaration by a federal agency, State, or local government of a pest problem determined to require control through application of a pesticide beginning less than ten days after identification of the need for pest control. This public declaration may be based on:

- (1) Significant risk to human health;
- (2) Significant economic loss; or
- (3) Significant risk to:
  - (i) Endangered species,
  - (ii) Threatened species,
  - (iii) Beneficial organisms, or
  - (iv) The environment. [40 CFR 166]

“Director” means a Regional Administrator of the Environmental Protection Agency or an authorized representative. [excerpted from 40 CFR 122.2]

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

“Discharge of a pollutant” means any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of

any pollutant or combination of pollutants to the 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 STATE. from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. [excerpted from 40 CFR 122.2]

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

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

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

“Federal Facility” means any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned, operated, or leased by, or constructed or manufactured for the purpose of leasing to, the federal government.

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

“Impaired Water (or “Water Quality Impaired Water” or “Water Quality Limited Segment”) means a water is impaired for purposes of this permit if it has been identified by a State, Territory, Tribe or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State, Territorial, or Tribal water quality standards (these waters are called “water quality limited segments” under 40 CFR 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.

“Indian Country” means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe. [18 STATE.C. 1151; 40 CFR 122.2]

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

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

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

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

“Non-target Organisms” means 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” means any entity involved in the application of a pesticide that results in a discharge to waters of the STATE. that meets either or both of the following two criteria:

- (i) The entity has control over the financing for, or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions;
- or
- (ii) The entity has day-to-day control of or performs activities that are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit or perform such activities themselves).

“Person” means 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 FFDCa sec. 201(i)).

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

“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 STATE.C. 321(w)), that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such Act (21 STATE.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 STATE.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).

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

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

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

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

"Pollutant" means 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." [excerpted from 40 CFR 122.2]

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

"Tier 3 Waters" means for antidegradation purposes, pursuant to 40 CFR

131.12(a)(3), Tier 3 waters are identified by States, Territories, or Tribes as having high quality waters constituting an Outstanding National Resource Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance. That high water quality shall be maintained and protected.

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

“Treatment Area” means the area of land including any waters, or the linear distance along water’s edge, to which pesticides are being applied. Multiple treatment areas may be located within a single “pest management area.” The “treatment area” includes the entire area, whether over land or water, where the pesticide application is intended to provide pesticidal benefits. In some instances, the treatment area will be larger than the area where pesticides are actually applied. For example, the treatment area for a stationary drip treatment into a canal should be calculated by multiplying the width of the canal by the length over which the pesticide is intended to control weeds. The treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits. Treatment area calculations for pesticide applications that occur “at water’s edge”, where the discharge of pesticides directly to waters is unavoidable, are determined by the linear distance over which pesticides are applied. For example, treating both sides of a five mile long river, stream, or ditch is equal to ten miles of treatment area. Treating five miles of shoreline or coast would equal a five mile treatment area.

“Waters of the United States” means Waters of the United States or waters of the STATE. means:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interState or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interState waters, including interState “wetlands;”
- (c) All other waters such as intraState lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interState or foreign commerce including any such waters:
  - (1) Which are or could be used by interState or foreign travelers for recreational or

other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) Which are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as waters of the United States under this definition;

(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) The territorial sea; and

(g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the STATE. Waters of the STATE do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA. [40 CFR 122.2.]

#### H. Reopener Clause

If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge authorized by this general permit, the owner or operator of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Section G.1. of this permit, or the permit may be modified to include different limitations and/or requirements.

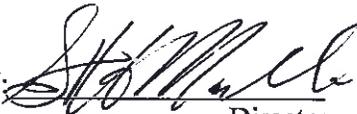
- I. The conditions, standards, and limitations of this General Permit will be reviewed at the time of reissuance for possible revisions that may lead to more or less stringent conditions, standards, and limitations.
- J. Permit coverage for construction activities encompassed by this permit expires upon satisfactory stabilization of the site. Satisfactory stabilization means **ALL** disturbed areas shall be covered by some permanent protection. Stabilize includes pavement, buildings, waterways (riprap, concrete, grass, or pipe), a healthy, vigorous stand of grass that uniformly covers more than 70 percent of the ground, stable outlet channels with velocity dissipation which directs site runoff to a natural watercourse, and any other approved structure or material. The permittee will request a final inspection by sending in the Notice of Termination. The Notice of Termination shall also include as-built drawings,

certified by a registered professional engineer, for any permanent ponds or basins. Sites not stabilized will continue to have coverage under this permit and will be assessed an annual permit fee as promulgated by the West Virginia Legislature. Sites will be assessed a prorated annual fee based upon the completion date and proper stabilization. The Notice of Termination must be submitted within 30 days after final stabilization is achieved.

The herein-described activity is to be constructed or installed and operated, used and maintained strictly in accordance with the terms and conditions of this permit with any plans, specifications, and information submitted with the individual site registration application form, with any plan of maintenance and method of operation thereof submitted and with any applicable rules and regulations promulgated by the Environmental Quality Board and the Secretary of the Department of Environmental Protection.

Failure to comply with the terms and conditions of this permit, with any plans, specifications and information submitted, and with any plan of maintenance and method of operation thereof submitted shall constitute grounds for the revocation or suspension of this permit to any individual establishment or other person and for the invocation of all the enforcement procedures set forth in Chapter 22, Articles 11 and 12 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Chapter 22, Article 11 of the Code of West Virginia.

BY:   
Director