GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT

Department of Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204
Telephone: (503) 229-5630

Issued pursuant to ORS 468B.050 and The Federal Clean Water Act

ISSUED TO:

PESTICIDE APPLICATIONS THAT ARE COVERED UNDER THE PERMIT:

Mosquito and other flying insect pest control for the protection of public health and prevention of nuisance. Coverage extends to mosquitoes, black flies and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water.

Weed and Algae Control for invasive or other nuisance weeds, algae and pathogens such as, fungi and bacteria in water or at the water's edge. The term "in water" includes, but is not limited to, applications made to creeks, rivers, lakes, riparian areas, wetlands, and other seasonally wet areas when water is present. The term "water's edge" means within 3 feet of waters of the state and conveyances with a hydrologic surface connection to waters of the state at the time of pesticide application. The 3 feet is measured horizontally from the water's edge and conveyance.

A separate general permit is being developed for irrigation districts, such that pesticide applications for weed and algae control approved and regulated under the irrigation district general permit are not included in this category.

Nuisance Animal Control for invasive or other nuisance animals and pathogens in water and at the water's edge. Coverage extends to but is not limited to, control of fish, mollusks, fungi and bacteria. The term "in water" includes, but is not limited to applications made to creeks, rivers, lakes, riparian areas, wetlands, and other seasonally wet areas when water is present. The term "water's edge" means within 3 feet of waters of the state and conveyances with a hydrologic surface connection to waters of the state at the time of pesticide application. The 3 feet is measured horizontally from the water's edge and conveyance.

Forest Canopy Pest Control for the control of pest species, including but not limited to an insect or pathogen, by using aerial application of a pesticide over a forest environment or from the ground when in order to target pests effectively, a portion of the pesticide unavoidably will be applied over and deposited in water.

Area-wide Pest Control for the control of pest species by using aerial pesticide application to cover a large area to avoid substantial and widespread economic and social impact, when in order to target pests effectively, a portion of the pesticide unavoidably will be applied over and deposited in water. The pest control under this category is not included in the above categories.

WHICH OPERATORS ARE SUBJECT TO THIS PERMIT?
Any operator conducting pesticide applications listed on page 1 and 2 that result in a point source discharge to waters of the state.

Issued:
Effective: October 31, 2011

Neil Mullane, Administrator
Water Quality Division

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the operator is authorized to apply pesticides in surface waters of the state only from the authorized discharge point or points established in Schedule A and only in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

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Schedule A - Discharge Limitations not to be Exceeded 11
Schedule B - Minimum Monitoring and Reporting Requirements 17
Schedule C - Compliance Conditions and Schedules..... Reserved
Schedule D - Special Conditions..... 22
Schedule F - General Conditions 25

Unless specifically authorized by this permit, by another NPDES or WPCF permit, or by Oregon Administrative Rule, any other direct or indirect discharge of waste is prohibited, including discharge to waters of the state or an underground injection control system.

DEFINITIONS

Action Threshold – The point at which pest populations or environmental conditions can no longer be tolerated, necessitating that pest control action must be taken based on economic, human health, aesthetics, or other effects. Detecting a single pest does not always mean control is needed. An action threshold may be based on current or past environmental factors that are or have been demonstrated to be conducive to pest emergence or growth, as well as past or current pest presence. Action thresholds are those conditions that indicate both the need for control actions and the proper timing of those actions.

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

(1) A person or non-target organism has likely been exposed to a pesticide residue, (e.g. direct contact or through drinking water) and

(2) The non-target organism suffered a toxic or adverse effect.

The phrase "toxic or adverse effect" includes effects that occur within waters of the state on non-target plants, fish or wildlife that are unusual or unexpected (e.g., non-target organisms are those not 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
- Other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.)

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

Applicator – any entity that performs the application of a pesticide.

Declared Pest Emergency Situation – An event defined by a public declaration, by a governmental entity, 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.

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

Operator **–**means any owner or entity with operational control over the decision to perform a pesticide application that is covered under this permit or has the day-to-day operational control of activities that are necessary to ensure compliance with the permit.

- Owner means landowner, facility owner, property owner. When the owner makes the pesticide application or hires a pesticide applicator, then the owner is making a decision and paying to perform a pesticide application on their property.

- Where pesticides are applied on an owner's land by another entity and the owner does not have the legal authority to control the application and is not directly financing the application, the owner is not an operator for purposes of this permit. (This would include, for example, when a governmental entity is spraying for mosquitoes over a person's property.)

- Examples of entities are mosquito control districts, homeowners associations, local and state governments that have the responsibility to perform pesticide applications to maintain properties for safety, health, invasive species and nuisance pest control.

The phrase 'all operators, ' which is used in the Coverage and Eligibility section, Schedule A and B of the permit, means operators identified in Table 1 and those operators at and below the annual treatment area threshold.

Permittee **–** means any operator conducting a pesticide application listed on page 1 that results in a discharge to waters of the state.

Pesticide **–**"Pesticide" includes:
(a) "Defoliant" which means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant with or without causing abscission;
(b) "Desiccant" which means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;
(c) "Fungicide" which means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any fungus;
(d) "Herbicide" which means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed;
(e) "Insecticide" which means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects that may be present in any environment whatsoever;
(f) "Nematicide" which means any substance or mixture of substances intended for preventing,

destroying, repelling or mitigating nematodes;
(g) "Plant regulator" which means any substance or mixture of substances intended, through physiological action, to accelerate or retard the rate of growth or rate of maturation or to otherwise alter the behavior of ornamental or crop plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments; or
(h) Any substance, or mixture of substances intended to be used for defoliating plants or for preventing, destroying, repelling or mitigating all insects, plant fungi, weeds, rodents, predatory animals or any other form of plant or animal life that is, or that the department may declare to be a pest, which may infest or be detrimental to vegetation, humans, animals, or be present in any environment thereof. [ORS 634.006(8)]

Note 1: The reference to department in the definition of pesticide under (h) above refers to the Department of Agriculture.

Note 2: Drugs used to control diseases of humans or animals (such as livestock, aquaculture, or pets) are not considered pesticides; such drugs are regulated by the Food and Drug Administration or the United States Department of Agriculture. Fertilizers, nutrients, and other substances used to promote plant survival and health are not considered plant growth regulators and thus are not pesticides.

Pest Management Area- The area of land, including any water, for which the operator has the responsibility, control, or jurisdiction for conducting pest management activities covered by this permit.

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 state.

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 state and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.

Target Pest- is the pest intended to be controlled.

Treatment Area- The area where a pesticide application is intended to provide pesticidal benefits within the pest management area. A treatment area can be water and land, which includes water, such as when the pesticide application is made over water, and within 3 feet of the water's edge. Multiple treatment areas may be located within a single "pest management area."

For calculating the annual treatment area referenced in Table 1 under Mosquito and Other Flying Insect Pest Control, count each adulticide application to a treatment area. For example, the application of an adulticide three times a year to the same 3,000 acre site should be counted as 9,000 acres of treatment area. For calculating treatment area in Table 1 under Forest Canopy Pest Control and Area-Wide Pest Control, count repeated pesticide applications to the same treatment area in a given year. The 6,400 acres under these three types of pest control includes land and water, not just land. A pesticide application made solely to a dry area such as a dry wetland is not counted as a pesticide application to surface water under this permit.

To calculate the annual treatment area for Weed and Algae Control and Nuisance Animal Control, count each area once, regardless of the number of pesticide applications performed on that area in a calendar year. For example, in counting linear miles use the length of the linear feature (e.g., a stream or ditch) whether treating in or adjacent to the feature, regardless of the number of applications made to that feature during the calendar year. 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 the purpose of determining whether registration is required. Additionally, if the same linear 10 miles is treated more than once in a calendar year, the total area treated is still 10 miles for the purposes of determining if such an application exceeds an annual treatment area threshold in Table 1.

A treatment area that receives a pesticide application is included in the calculation for the purposes of determining if the application exceeds an annual treatment area threshold in Table 1. For example, if a 10 feet by 1 foot bed (10 sq. ft.) is within 3 feet of a water body but only 10% of that bed receives the pesticide application, then the amount of area counted toward the threshold is 1 sq. ft.

The pesticide application to an intermittent stream or ditch that is dry at the time of the pesticide application is not counted toward the treatment area. Similarly, for calculation for pesticide applications at the water's edge a hydrologic surface connection must exist at the time of application. Applications along edges of dry ditches or dry season streams are not counted toward the thresholds.

If the water from a catch basin or cistern is stagnant so that it does not have a connection to surface water at the time of the pesticide application, then that stagnant water in a catch basin or cistern is not counted for the purpose of determining the annual treatment area threshold under the permit.

Water's edge- means pesticide applications made within 3 feet of waters of the state and conveyances with a hydrologic surface connection to waters of the state at the time of pesticide application. The three feet is measured horizontally from the water's edge and conveyance.

Waters of the state- means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located wholly

or partially within or bordering the state or within its jurisdiction. This definition is in Oregon Administrative Rules (OAR) 340-045-0010(20) and Oregon Revised Statutes 468B.005(10).

COVERAGE AND ELIGIBILITY

A. WHO ARE THE OPERATORS THAT ARE SUBJECT TO THIS PERMIT?

1. The permit covers operators who conduct pesticide applications that are listed on page 1 and 2, which result in a discharge to waters of the state. The requirement to submit an application to be on record as 'registered' to the permit and other permit requirements vary for an operator. An operator that does not have to submit an application is still required to follow certain permit conditions.

B. SOME OF OPERATORS WHO ARE SUBJECT TO THIS PERMIT ARE REQUIRED TO REGISTER FOR THE PERMIT. WHICH OPERATORS ARE REQUIRED TO REGISTER?

1. Operators identified in Table 1 must submit an application and fees to register with Oregon DEQ and are subject to all permit requirements.

2. Operators who conduct pesticide applications at or below the annual threshold in Table 1 do not need to register with Oregon DEQ, but are still responsible for keeping a copy of this permit and meeting the permit requirements in Schedule A, Conditions 1 through 4, Schedule B, Conditions 1 through 8, and Schedule F where applicable. Records are required to be kept for 3 years.

TABLE 1 Operators who are required to register under the permit

Type of Pest Control	Registration is required for	Annual Threshold[1]
Mosquito and Other Flying Insect Pest Control	Federal and State agencies with a responsibility to control pests in this category	None
	Mosquito Control Districts, or similar pest control districts	None
	Operators who conduct pesticide applications that exceed the annual treatment area threshold	6400 acres of treatment surface area [2] with an adulticide
Weed and Algae Control (Pesticide applications for weed and algae control approved and regulated under a separate NPDES permit are not included in this category)	Federal and State agencies with a responsibility to control pests in this category	None
	Weed control districts, or similar pest control districts, excluding irrigation districts	None
	Operators who conduct pesticide applications that exceed the annual treatment area threshold in the water or at the water's edge.	In water: 20 acres of treatment surface area[3] OR In water and at the water's

TABLE 1 Operators who are required to register under the permit		
Type of Pest Control	**Registration is required for**	**Annual Threshold**[1]
		edge: 20 linear miles of treatment area [4]
Nuisance Animal Control	Federal and State agencies with a responsibility to control animals in this category for public health, nuisance or resource management	None
	Operators who conduct pesticide applications that exceed the annual treatment area threshold in the water or at the water's edge.	In water: 20 acres of treatment surface area[3] OR In water and at the water's edge: 20 linear miles of treatment area [4]
Forest Canopy Pest Control	Federal and State agencies with a responsibility to control pests in the forest environment	
	Operators who conduct pesticide applications that exceed the annual treatment area threshold	6400 acres of treatment surface area[2]
Area-Wide Pest Control	Federal and State agencies with a responsibility to control area-wide pests	
	Operators who conduct pesticide applications that exceed the annual treatment area threshold	6400 acres of treatment surface area[2]

[1] Each treatment area must be added for a cumulative annual total.

[2] To calculate treatment area under Mosquito and Other Flying Insect Pest Control, Forest Canopy Pest Control and Area-Wide Pest Control, count the area where pesticides are applied in an aerial application that includes land and water. Water includes (1) waters of the state and (2) conveyances with a hydrologic surface connection to waters of the state at the time of pesticide application. Under Forest Canopy Pest Control and Area-Wide Pest Control, count repeated pesticide applications to the same treatment area in a given year. Under Mosquito and Other Flying Insect Pest Control count repeated adulticide applications to the same treatment area in a given year.

[3] To calculate treatment area under Weed and Algae Control and Nuisance Animal Control, calculations must include the surface area of the applications made to water, which includes: (1) waters of the state and (2) conveyances with a hydrologic surface connection to waters of the state at the time of pesticide application. Count each area once regardless of the number of applications to that same area in a given year.

[4] Calculations for a linear measure for applications made at the water's edge must include the linear extent of the application made 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 the linear extent, do not count the water's edge separately under linear miles of treatment when a pesticide application is made in water. Count each linear extent once regardless of the number of applications to that same area in a given year.

3. Operators seeking to register under this permit are authorized for pesticide discharge under the permit upon the effective date of this permit and must take the following steps so that uninterrupted coverage continues:
   a. Obtain a DEQ application form through the mail or in person from a DEQ regional office, or download the application from the DEQ website.
   b. For operators identified in Table1, that are included regardless of the annual treatment area thresholds, (e.g. federal, and state agencies and some districts), submit a completed application to DEQ no later than January 9, 2012.
   c. For operators whose pesticide application will go above the annual treatment area threshold, submit an application no less than 45 days before a planned pesticide application that exceeds the annual treatment area threshold. The Department may accept applications filed less than 45 days from the planned activity on a case-by-case basis including when pesticide applications are necessary due to a declared pest emergency.

4. DEQ will review the application within 30 days and take one of the following actions:
   a. Issue written notice of permit registration approval.
   b. Request additional information.
   c. Deny coverage under this permit. The applicant will be notified if the applicant's operation cannot be approved for coverage under this permit, or that the applicant may need to obtain an individual permit.

5. Permit fees are required with each new application and annual fees are required for continued coverage. General permit registration and annual fees are posted on DEQ's website and in OAR 340-045-0075 Permit Fee Schedule in Table 70G under the heading of 'Other General Permits.'
   a. For a new registration under this permit, the applicant must submit a new permit application fee and an annual fee with the application.
   b. To maintain registration coverage under the permit, an annual fee is due each year. The due date for the annual fee is triggered by the date of registration and can be different for each operator.

6. Failure to pay applicable fees may result in denial of an application or termination of coverage under this permit.

7. Operators seeking to renew registration before the September 30, 2016 expiration date of the general permit must follow these steps:
   a. On or before September 1, 2016 (30 days prior to permit expiration) those registered under this permit must submit a complete application form to DEQ to renew permit coverage. (Note: The DEQ Director may grant permission to submit the application later than 30 days prior to the expiration but no later than the permit expiration date.)
   b. Pay the annual fee. (Note: A new application fee is not required at renewal)

C. WHAT ARE THE REGISTRATION OR OTHER REQUIREMENTS FOR OPERATORS NOT IDENTIFIED IN TABLE 1?
1. No application for registration or fee is required.
2. The operator is required to keep a copy of this permit and to follow applicable sections of Schedules A, B and F of this permit as follows:
   a. Schedule A, Conditions Nos. 1 through 4;
   b. Schedule B, Conditions Nos. 1 through 8;
   c. Schedule F, when applicable.
   d. Records are required to be kept for 3 years.

D. LIMITATIONS ON COVERAGE FOR ALL OPERATORS (OAR 340-045-0033(10))

1. The Department may revoke a general permit as it applies to any operator and require the operator to apply for and obtain an individual NPDES permit if:
   a. The permitted source or activity is a significant contributor of pollution, causes environmental problems, or
   b. The operator is not in compliance with the terms and conditions of this general permit, or
   c. Circumstances have changed so that the source or activity is no longer appropriately controlled by a general permit.

2. This permit does not cover discharges from a pesticide application that reach any stream segment that is listed pursuant to OAR 340-041-0046 as water quality limited on the EPA approved 303(d) list for that pesticide or degradates, unless the stream segment is subject to a total maximum daily load (TMDL) that includes an allocation for pesticide applications covered under this permit.

3. Coverage under this permit is not available under the following circumstances:
   a. The discharges are covered by another NPDES permit.
   b. The discharges were included in a permit that has been or is in the process of being denied, terminated or revoked. This does not apply to routine permit renewals every 5 years.

4. Any operator not wishing to be covered or limited by this general permit may make application for an individual NPDES permit in accordance with the procedures in OAR 340-045-0030.

E. PERMIT EXPIRATION

1. The permit expiration date is September 31, 2016. The date of expiration is the same for all operators covered under the permit.

2. Public notice is provided for the renewal of a general permit under OAR 340-045-0027(1) (c).

SCHEDULE A
DISCHARGE LIMITATIONS

FOR ALL OPERATORS COVERED UNDER THIS PERMIT

1. An operator must not exceed the following water quality-based effluent limitation for discharges to waters of the state from the use of biological pesticides or chemical pesticides for the pest control covered under this permit. The permit considers that all pesticide applications will leave a residue.

   a. The discharge must not cause or contribute to the violation of water quality standards. If at any time the operator becomes aware, or the Department becomes aware, that the discharge causes or contributes to a violation of water quality standards, corrective action must be taken as required in Condition No. 3. below.

2. The following pest management measures are technology-based effluent limits that must be used to minimize the discharge of biological pesticides or chemical pesticides:

   a. Use the optimal amount of pesticide consistent with the pesticide label directions to reduce the potential for development of pest resistance and to minimize the frequency of pesticide applications necessary to control the target pest;

   b. Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of biological pesticides or chemical pesticides associated with the application of pesticides, including mixing and loading activities;

   c. Maintain the pesticide application equipment in proper operating condition by calibrating, cleaning and repairing the equipment as necessary to ensure effective and accurate pesticide applications.

   d. Assess weather conditions (e.g. air and water temperature, precipitation and wind speed) in the treatment area to ensure application is consistent with all applicable pesticide application requirements.

3. An operator must take the following **Corrective Action** for all pesticide applications covered under this permit:

   a. Review and evaluate the pest management measures in Schedule A.,Conditions 2, 4 and 5 through 9 and, where appropriate, take corrective action by revising the pest management measures and ensuring that the following situations are eliminated and will not be repeated:
      i. A spill, leak or unpermitted discharge;
      ii. A discharge that causes or contributes to a violation of water quality standards;
      iii. A failure to follow pest management measures;
      iv. Pest management measures that are not sufficient to meet the discharge limitations in the permit;
      v. A reportable adverse incident.

   b. If the operator determines that revisions to the Pest Management Measures in Schedule A Conditions 2, 4 and 5 through 9 are necessary for any situation that was identified above, then the operator must make sure that changes to the pest management measures are made before proceeding with the application and, in all cases, before the next pesticide application.

   c. Upon becoming aware of a leak or spill, the operator must take immediate corrective action to stop and contain leaks or spills of pesticides.

FOR OPERATORS AT OR BELOW THE ANNUAL TREATMENT AREA IN TABLE 1, THE FOLLOWING TECHNOLOGY-BASED EFFLUENT LIMIT APPLIES.

4. An operator, that is not identified in Table 1, must use pest management measures as an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices as follows:

   a. Use current, comprehensive information on the life cycles of pests and their interaction with the environment to manage pests with the least possible hazard to the environment, property and people, while keeping under consideration the most economical means to achieve the pest control.

   b. Monitor and identify pests. Consider that not all insects, weeds, and other living organisms require control.

   c. Consider action thresholds before taking any pest control action. Pest Management Measures first sets an action threshold, a point at which pest populations or environmental conditions indicate that pest control action must be taken. Detecting a single pest does not always mean control is needed.

   d. Consider alternative pest management options, such as,
      i. Preventative measures to prevent pests from becoming a problem.
      ii. When monitoring, identification, and action thresholds indicate that pest control is required, and preventive methods are no longer effective or available, evaluate and use the appropriate control method(s) by considering cultural mechanical or physical methods and biological control methods, or other pest control methods.

   e. Operators discharging pesticides to surface waters of the state solely from pesticide research and development activities must use the pesticide consistent with any applicable research plan and experimental use permit and are exempt from the pest management measures described above to the extent that such measures may compromise the research design.

FOR OPERATORS IDENTIFIED IN TABLE 1, THE FOLLOWING TECHNOLOGY-BASED EFFLUENT LIMITS APPLY.

5. For operators identified in Table 1 for **Mosquito and Other Flying Insect Pest Control:** Prior to the first pesticide application 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, the operator must select and implement for each pest management area, efficient and effective means that minimize discharges resulting from application of pesticides by implementing the following pest management measures at a more intensive level to **identify the problem, evaluate pest management options** and **minimize pesticide use.**.

   a. **Identify the problem:**
      i. Identify the target pest to develop pest management measures based on developmental and behavioral considerations for each pest;
      ii. Identify known breeding sites for source reduction, larval control program, and habitat management;
      iii. Establish densities for larval and adult mosquito or flying insect pest populations or identify environmental conditions(s), either current or based on historical data, to serve as action threshold(s) for implementing pest management options in Schedule A,5.b. below; and

iv. 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.
v. 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 in Schedule A, Condition 5.a.

b. **Evaluate Pest Management Options**
The operator must evaluate the following management options, including a combination of these management options, for the target pest in the pest management area considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:
i. No action;
ii. Prevention;
iii. Mechanical or physical methods;
iv. Cultural methods;
v. Biological control agents;
vi. Pesticides.

c. **Determine Appropriate Pesticide Use**
If a pesticide is selected as part of the pest management measure, the operator must follow these **Pesticide Use** practices:
i. Conduct larval or adult pest surveillance, or both, in an area that is representative of the pest problem, or evaluate existing larval surveillance data, environmental conditions or data from an adjacent area prior to each pesticide application to assess the treatment area and to determine when an action threshold is met;
ii. Reduce the impact on the environment and on non-target organisms by applying the pesticide only when the action threshold has been met;
iii. 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 a larval action threshold has been met; and
iv. 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 an adult action threshold has been met.

6. For operators identified in Table 1 for **Weed and Algae Control**: Prior to the first pesticide application 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, the operator must select and implement, for each pest management area, efficient and effective means that minimize discharges resulting from application of pesticides by implementing Pest Management Measures at a more intensive level to **identify the problem, evaluate pest management options** and **minimize pesticide use**.

a. **Identify the Problem:**
i. 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);
ii. Identify the target pest or pests causing the problems;
iii. Identify possible factors causing or contributing to the pest problem (e.g., nutrients, invasive species, etc);
iv. Establish any pest- and site-specific action threshold to serve as action thresholds for implementing pest management options in Schedule A,6.b. below, and
v. 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 in Schedule A, Condition 6.a.

b. **Evaluate Pest Management Options**
The operator must evaluate the following management options, including a combination of these management options, for the target pest in the pest management area, considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:
i. No action;
ii. Prevention;
iii. Mechanical or physical methods;
iv. Cultural methods;
v. Biological control agents;
vi. Pesticides.

c. **Determine Appropriate Pesticide Use**
If a pesticide is selected as part of the pest management measure, the operator must follow these **Pesticide Use** practices:
i. 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 that necessitates the need for applying the pesticide; and
ii. 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.

7. For operators identified in Table 1 for **Nuisance Animal Control**: Prior to the first pesticide application 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, the operator must select and implement, for each pest management area, efficient and effective means that minimize discharges resulting from application of pesticides by implementing Pest Management Measures at a more intensive level to **identify the problem, evaluate pest management options** and **minimize pesticide us.**

a. **Identify the Problem:**
i. 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);
ii. Identify the target pest or pests causing the problems;
iii. Identify possible factors causing or contributing to the problem (e.g., nutrients, invasive species);
iv. Establish any pest- and site-specific action threshold for implementing pest management options in Schedule A,7.b. below and
v. 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 in Schedule A, Condition 7.a.

b. **Evaluate Pest Management Options**
The operator must evaluate the following management options, including a combination of these management options for the target pest in the pest management area considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:
i. No action;
ii. Prevention;
iii. Mechanical or physical methods;
iv. Cultural methods;
v. Biological control agents;
vi. Pesticides.

c. **Determine Appropriate Pesticide Use**
If a pesticide is selected as part of the pest management measure, the operator must follow these **Pesticide Use** practices:
i. Conduct surveillance, in an 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 is met that necessitates the need for applying the pesticide; and
ii. 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.

8. For operators identified in Table 1 for **Forest Canopy Pest Control**: Prior to the first pesticide application 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, the operator must select and implement, for each pest management area, efficient and effective means that minimize discharges resulting from application of pesticides by implementing Pest Management Measures at a more intensive level to **identify the problem**, **evaluate pest management options** and **minimize pesticide use** .

a. **Identify the Problem:**
i. Identify target pest or pests to develop pest management measures based on developmental and behavioral considerations for each pest;
ii. Establish any target pest- and site-specific action threshold to serve as an action threshold for implementing pest management options in Schedule A,8.b. below; and
iii. Identify current distribution of the target pest and assess potential distribution in the absence of pest management measures.
iv. 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 in Schedule A, Condition 8.a.

b. **Evaluate Pest Management Options**
The operator must evaluate the following management options, including a combination of these management options, for the target species, considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:
i. No action;
ii. Prevention;
iii. Mechanical or physical methods;
iv. Cultural methods;
v. Biological control agents;
vi. Pesticides.

c. **Determine Appropriate Pesticide Use**
If a pesticide is selected as part of the pest management measure, the operator must follow these **Pesticide Use** practices:
i. Evaluate using pesticides against the most susceptible developmental stage;
ii. Conduct surveillance, in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the pest action threshold is met;
iii. 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.

9. For operators identified in Table 1 for **Area-Wide Pest Control**: Prior to the first pesticide application 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, the operator must select and implement, for each pest management area, efficient and effective means that minimize discharges resulting from application of pesticides by implementing Pest Management Measures at a more intensive level to **identify the problem,** evaluate **pest management options** and **minimize pesticide use**.

   a. **Identify the Problem:**
      i. Identify the area with the problem, characterize the extent of the problem. Identify the target pest or pests causing the problem;
      ii. Identify possible factors causing or contributing to the problem; and
      iii. Establish any pest- and site-specific action threshold to serve as an action threshold for implementing pest management options in Schedule A,9.b. below.
      iv. 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 in Schedule A, Condition 9.a.

   b. **Evaluate Pest Management Options**
      The operator must evaluate the following management options for the target species, considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:
      i. No action;
      ii. Prevention;
      iii. Mechanical or physical methods;
      iv. Cultural methods;
      v. Biological control agents;
      vi. Pesticides.

   c. **Determine Appropriate Pesticide Use**
      If a pesticide is selected as part of the pest management measure, the operator must follow these **Pesticide Use** practices:
      i. Evaluate using pesticides against the most susceptible developmental stage;
      ii. Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the pest action threshold is met;
      iii. 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.

10. Operators discharging pesticides to surface waters of the state solely from pesticide research and development activities must use the pesticide consistent with any applicable research plan and experimental use permit and are exempt from the pest management measures in Schedule A,Condition 5 through 9 to the extent that such measures may compromise the research design.

SCHEDULE B

MINIMUM MONITORING, REPORTING, AND RECORDKEEPING REQUIREMENTS

MONITORING, REPORTING AND RECORDKEEPING FOR ALL OPERATORS COVERED UNDER THIS PERMIT

1. All operators covered under this permit must conduct **visual assessments** of application sites. Visual assessments consist of spot checks in the area in and around where pesticides are applied for possible and observable adverse impacts caused by an application of pesticides subject to this permit. Possible and observable adverse impacts include, but are not limited to, the unanticipated death or distress of non-target organisms, disruption of fish or wildlife habitat and disruption of recreational or municipal water use.

   Visual assessments are required as follows:
   a. During the application when considerations for safety and feasibility allow and
   b. During any post-application surveillance or efficacy check that is conducted.

2. All operators covered under this permit must provide notification to the users of known public or private drinking water supplied from surface water prior to pesticide applications for those pesticides with potable water use restrictions where applications may impact such a public or private drinking water source. Notification is not required if the FIFRA label requires setbacks and these setbacks are satisfied. Drinking water source information tools to identify downstream intake locations are provided by the DEQ Drinking Water Protection Program and the Oregon Department of Water Resources.

3. An operator must contact the Oregon Emergency Response System (OERS), if the operator observes or is otherwise made aware of an **adverse incident** that may have resulted from a discharge from the pesticide application. The contact must occur no later than 24 hours after the operator becomes aware of the adverse incident. The Oregon Emergency Response System can be reached at 800-452-0311 or Salem Area 503-378-6377.

   a. Adverse Incident Notification to the Oregon Emergency Response System (OERS) at 800-452-0311 or Salem Area 503-378-6377 must include the following information.
      i. Name of the person providing the notification and telephone number;
      ii. Location address and description of the area including water bodies affected;
      iii. Operator name and mailing address if different from above;
      iv. The NPDES File Number, if known;
      v. Name of a contact person if different from the person providing the notification;
      vi. Date, time, and the way that the adverse incident was discovered;
      vii. Description of the adverse incident including name of the affected species;
      viii. EPA registration number of each product applied in the area of the adverse incident;
      ix. Description of any steps taken or plan to take to correct, repair, clean up or mitigate the adverse effects;
      x. Reason why notification was made later than 24 hours, if applicable.

   b. The operator is not required to report an **adverse incident** in the following situations:
      i. The operator is aware of facts that clearly establish that the adverse incident was not related to toxic effects or exposure from the pesticide application;
      ii. The operator has received notification in writing that the Department has waived the reporting requirements for this incident or category of incidents;
      iii. The operator receives information about the adverse incident, but that information is clearly erroneous;
      iv. An adverse incident occurs to pests that are similar in kind to pests identified on the FIFRA label.

c. The operator must provide a written report within thirty (30) days of a reportable **adverse incident** to the DEQ local regional field office at the address below. The report must include the following information:
   i. Date, time and the information that was provided in the initial notification in Condition 4.a. above;
   ii. The DEQ or OERS employee who was contacted and any instructions received from that person;
   iii. The effect of the adverse incident on species involved, including the type of species (if known), estimate of the number dead, estimate of the number distressed, the size of the number of dead and the size of the number distressed;
   iv. The size of the area of water that was affected (square area or stream miles);
   v. Pesticide application rate, where the pesticide was applied (water's edge, canopy, in water), method of application, name of the pesticide product, description of the pesticide active ingredient(s), and EPA registration number for the product ;
   vi. Description of the circumstances under which the adverse incident occurred;
   vii. If laboratory tests were performed, provide information on what tests were performed, when the tests were performed, who conducted the tests and a summary of the test results within 5 days after they become available.
   viii. If applicable, explain why you believe the adverse incident could not have been caused by exposure to the pesticide.
   ix. Actions to be taken to prevent the recurrence of the adverse incidents; and
   x. A signature and date on report.

DEQ Regional Field Office Addresses	
Bend Office 475 NE Bellevue Dr., Suite 110 Bend, OR 97701 541-388-6146 Fax: 541-388-8283 Toll Free: 866-863-6668 (Oregon only) Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler	**Portland Office** 2020 SW Fourth Ave, Suite 400 Portland, OR 97201-4987 (503) 229-5263 fax (503) 229-6945 (Clackamas, Clatsop, Columbia, Multnomah, Tillamook, and Washington)
Pendleton Office 700 SE Emigrant, #330 Pendleton, OR 97801 541-276-4063 Fax: 541-278-0168 Toll Free: 800-304-3513 (Oregon only)	**Eugene Office** 541-686-7838 800-844-8467 (toll free) 541-687-5603 (TTY) 165 East 7th Avenue, Suite 100 Eugene, OR 97401
Medford Office 541-776-6010 877-823-3216 (toll free) 221 Stewart Ave., Suite 201 Medford, OR 97501	**Salem Office** 503-378-8240 800-349-7677 (toll free) 503-378-3684 (TTY) 750 Front St. NE, Suite 120 Salem, OR 97301-1039

4. The **adverse incident** notification requirements in this permit are in addition to the notification and reporting requirements required by FIFRA section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

5. An operator must immediately notify the Oregon Emergency Management Division's Oregon Emergency Response System (OERS) by calling 1-800-452-0311 if the amount

of oil or hazardous material **spilled or released, or threatening to spill or release**, exceeds the reportable quantity established in ORS 466.605 or listed in OAR 340-142-0050, or will exceed a reportable quantity in any 24-hour period.

The reportable quantities in OAR 340-142-0050 include, but are not limited to, any quantity of oil that would produce a visible film, sheen, oily slick, oily solids, or coat aquatic life, habitat or property with oil, and 200 pounds (25 gallons) of pesticide residue. A release does not include a discharge from pesticide applications that are made in compliance with applicable pesticide application laws.

6. Within 5 days of becoming aware of a **spill, leak or other unpermitted discharge of a pesticide** to waters of the state an operator must document and retain the following information in response to Schedule A. Condition 3.a. i.:
   a. Information provided to the Oregon Emergency Response System
   b. Summary of corrective action taken or to be taken including date the corrective action was started and the date completed or expected to be completed.
   c. Any measures taken to prevent the recurrence of such a spill or leak or other unpermitted discharge
   d. Whether Pesticide Discharge Management Plan (PDMP) modifications are required, if applicable.

7. An operator must document corrective actions taken in response to Schedule A, Condition 3.a. ii. through v. within 5 days of becoming aware of that situation and retain a copy of the documentation. The operator must document and retain the following information:
   a. Identify what triggered the need for corrective action and include a brief description;
   b. The date the need for corrective was identified;
   c. How the operator became aware of the situation;
   d. Results of any water quality sampling data;
   e. The type of corrective action(s) taken;
   f. Date the corrective action began and ended;
   g. Measures taken to prevent the recurrence, include whether PDMP modifications are required, if applicable.

8. All operators must keep the following records:
   a. A copy of the permit (either electronic copy or hardcopy);
   b. A copy of the documentation required for Schedule B, Conditions 3, 6 and 7 above;
   c. Rationale for not reporting an adverse incident as allowed in Schedule B, Condition 3.b. above;
   d. Up-to-date records on the amount of acres or linear miles treated for the pesticide applications covered under this permit on an annual basis;
   e. If licensed as a pesticide applicator or pesticide consultant in Oregon, pesticide application records as required by ORS 634.146 and OAR 603-057-0130;
   f. If licensed as a private pesticide applicator in Oregon, records as required by US Department of Agriculture Agricultural Marketing Service.
   g. Records must be kept for a period of at least 3 years.

ADDITIONAL RECORDKEEPING FOR OPERATORS IDENTIFIED IN TABLE 1

9. For operators identified in Table 1, the records below must be kept at the address provided on the permit registration. All required records must be documented as soon as possible but no later than 14 days following completion of each pesticide application in a treatment area. The operator can rely on copies of the records and documents that are developed for other obligations, such as required under FIFRA, USDA, and state and local pesticide programs, provided that these separate documents satisfy the requirements of the permit and are kept at the address provided on the permit registration.

   a. A copy of the application for permit registration submitted to the Department;

b. Correspondence exchanged with the Department specific to coverage under this permit, and a copy of the Department acknowledgment letter assigning the file number for registration;
c. A copy of the annual report;
d. Information on each treatment area to which pesticides are discharged as follows:
   i. Surveillance methods used, dates of surveillance activities, and findings of surveillance;
   ii. Target pest(s) and explanation of the need for pest control;
   iii. Pest or site-specific action threshold prior to pesticide application;
   iv. Description of pest management measures(s) implemented prior to the first pesticide application;
   v. Company name and contact information for pesticide applicator;
   vi. Pesticide application dates and time of day of the application;
   vii. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters, either by name or by location, to which any pesticides were discharged;
   viii. Name of each pesticide product used including the EPA registration number;
   ix. Quantity of pesticide applied (application rate, diluents, dilution);
   x. Concentration (%) of active ingredient in formulation;
   xi. For pesticide applications directly to waters, the effective concentration of active ingredient required for control;
   xii. Any unusual or unexpected effects identified to non-target organisms;
   xiii. Whether or not a visual assessment was conducted. If a visual assessment was conducted was it during the pesticide application or post pesticide application, if no visual assessment was conduct, explain why was it not conducted;
   xiv. Assessment of environmental conditions relating to proper pesticide use.
e. Documentation of any equipment calibration, for example date of equipment calibration; (Copies of records kept by a pesticide application equipment operator may be used.);
f. A copy of the PDMP along with all the supporting maps and documents, including any modifications made to the PDMP during the term of this permit.

ANNUAL REPORTING FOR OPERATORS IDENTIFIED IN TABLE 1

10. An operator identified in Table 1 must submit an annual report to the DEQ regional field office as follows:

a. If initial registration confirmed in the letter from the Department is dated on or before December 1, the operator must submit the first annual report no later than February 15 of the following year for all pesticide activities covered under this permit that occurred during the previous calendar year. See the table below for an example.

b. If registration confirmed in the letter from the Department is dated later than December 1, the operator must submit the first annual report no later than February 15 after the following full year. For example if the registration confirmation letter is dated December 2, 2011, the first annual report is due on February 15, 2013. The first annual report is required to include information for the portion of the prior calendar year and the next full year. See the table below for an example.

Examples of when reporting is due based on registration dates			
Condition	Date of the letter	First annual report due date	Information included

10.a	July 12, 2012	February 15, 2013	July 12, 2012 through December 31, 2012
10.b	December 2, 2011	February 15, 2013	December 2, 2011 through December 31, 2012

c. After the initial registration, an annual report is due each year the permit is in effect even if there has been no pesticide application.

d. If the permit coverage is terminated, an annual report is due no later than 45 days after the termination date or February 15 of the following year whichever is earlier. The annual report must address the portion of the year the permit registration was effective.

e. The annual report must contain the following information:
   i. Operator's name;
   ii. NPDES permit file number;
   iii. Timeframe the annual report covers;
   iv. Contact person name, title, mailing address, e-mail address (if any), and phone number;
   v. For each pest treatment area:
      1) Identification of any waters or other treatment area, including size, either by name or by location, to which you discharged any pesticide;
      2) What the pesticide application was used to control (i.e., mosquito and other flying insects, weeds and algae, nuisance animals, or forest canopy) and target pest;
      3) Company name and contact information for each pesticide applicator, if different from the operator;
      4) Total amount of each pesticide product applied for the reporting year by the EPA registration numberand by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);
      5) Whether the pest control activity was addressed in your PDMP prior to pesticide application;
   vi. If applicable, an annual report of any adverse incidents as a result of a treatment, for incidents, as described in Schedule B Conditions 2 through 6;
   vii. A description of any corrective action and the rationale for such action, including spill responses, resulting from pesticide application activities and
   viii. A description of any modifications made to the PDMP.

SCHEDULE D
SPECIAL CONDITIONS

PESTICIDE DISCHARGE MANGEMENT PLAN (PDMP) FOR OPERATORS IDENTIFIED IN TABLE 1

1. Operators identified in Table 1, must develop and maintain a Pesticide Discharge Management Plan (PDMP) for their pest management area as follows.
   a. For federal and state agencies, districts identified in Table 1 and non emergency situations, develop the PDMP by the time the application for registration is submitted to DEQ,
   b. For situations when the operator cannot reasonably predict that the annual pesticide application(s) will exceed the annual threshold in Table 1, develop, the PDMP prior to the pesticide application that will cause the annual threshold to be exceeded.
   c. For declared pest emergency, develop the PDMP no later than 90 days after responding to the declared pest emergency situation.
   d. Once the PDMP is developed, keep the PDMP up-to-date for the duration of registration under the general permit.

2. The PDMP required under Condition 1 above can include copies of the records and documents that are developed for other obligations, such as required under FIFRA, USDA, and state and local pesticide programs, if these separate documents satisfy the requirements for the content of the PDMP. The PDMP must contain the following elements.

   a. **Pesticide Discharge Management Team-** The PDMP must identify all the persons (by name and contact information) that compose the team and each person's individual responsibilities, including:
      i. Persons responsible for managing pests in relation to the pest management area;
      ii. Persons responsible for developing and revising the PDMP; and
      iii. Persons responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements.

   b. **Pest Problem Identification**. The operator must document the pest problem in the pest management area.
      i. Pest problem description. Description of the pest problem in the pest management area, including identification of the target pest or pests, source of the pest problem, and source of data used to identify the problem in Schedule A , Condition Nos. 5.a,6.a,7.a,8.a and 9.a.
      ii. Action Thresholds. Describe the action thresholds in the pest management area, including a description of how they were determined (e.g. data used in developing an action threshold and method used to determine when the action threshold has been met).
      iii. General location map. In the plan, include a general location map (e.g., USGS quadrangle map, or a portion of a city or county map) that identifies the geographic boundaries of the pest management area to which the plan applies, the anticipated treatment areas and locationof the waters of the state.;
      iv. Water quality limited water. Use the DEQ 303(d) list of impaired water bodies on DEQ's web site to identify waters that are impaired for the substance discharged, including the list of pesticide(s) or degradates for which the water is impaired.

   c. **Pest Management Options Evaluation.** The PDMP must include an evaluation of pest management options including a combination of the pest management options to control the target pest for the pest management area. The operator must document the pest management options that will be implemented to comply with

the effluent limitations required in Schedule A. The operator must include in the description the active ingredients evaluated for pesticide use.

d. **Schedules and Procedures.** The PDMP must include the following schedules and procedures. These document the pest management measures used to comply with the effluent limitations in Schedule A.

i. List of proposed pesticides to be applied including brand name and EPA registration number, and a copy of the label. (Schedule A, Condition 2.a.)

ii. Application Rate and Frequency Procedures(Schedule A, Condition 2.a) for using the optimal amount of pesticide consistent with the pesticide label directions to reduce the potential for development of pest resistance and to minimize the frequency of pesticide applications necessary to control the target pest;

iii. Spill Prevention. (Schedule A, Condition 2.b.) Procedures and schedule of maintenance activities for preventing spills and leaks of pesticides associated with the application of pesticides covered under this permit.

iv. Pesticide Application Equipment. (Schedule A, Condition 2.c.) Schedules and procedures for maintaining the pesticide application equipment in proper operating condition, including calibrating, cleaning, and repairing the equipment.

v. Pesticide Monitoring– The operator must document procedures for monitoring consistent with the requirements in Schedule B, Condition 1. 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,

e. **Response Procedures**. Pertaining to Other Actions Necessary to Minimize Discharges. At a minimum, the PDMP must include the following actions necessary to minimize discharges.

i. Spill Response Procedures. 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 the PDMP team.

ii. Adverse Incident Response Procedures. Procedures for responding to any adverse incident resulting from pesticide applications;

iii. Procedures for notification of spill and adverse incident response. Procedures for notification of appropriate facility personnel, emergency chemical responders, drinking water intake contacts and OERS, contact information for the notifications and information on the nearest emergency medical facility must be in locations that are readily accessible and available.

f. **Supporting Documentation**. Documentation of approvals for pesticide applications in sensitive areas, such as required by Oregon Department of Fish and Wildlife under ORS 452.140(1) and (2), 452.245(1) and (2), and pesticide licensing as required by Oregon Department of Agriculture under ORS chapter 634. Record of notifications to sources of public and private drinking water intakes. (Schedule B. Condition 3.) Copies of any portions of any documents that are incorporated by reference to satisfy the required elements of the PDMP.

g. **Signature Requirement**. The PDMP and revisions to the PDMP must be signed, dated and certified as described in Schedule F Section D Reporting Requirements under Condition No. 8.

3. An operator required to develop a PDMP under Schedule D, Condition 1 above must review and modify the PDMP as follows:
   a. Review the PDMP at least once per calendar year and whenever necessary to update the pest problem identified, scope of pest management area and pest management strategies evaluated.
   b. Modify the PDMP to address corrective actions taken in Schedule A., or
   c. Modify the PDMP when a change in pest control activities significantly changes the type or quantity of pollutants discharged.
   d. Make the changes to the PDMP before the next pesticide application that results in a discharge, if practicable, or if not, as soon as possible thereafter.

SCHEDULE F
NPDES GENERAL CONDITIONS

THE GENERAL CONDITIONS IN THIS SCHEDULE APPLY ONLY TO THE EXTENT THEY DO NOT CONFLICT WITH THE REQUIREMENTS CONTAINED IN SCHEDULES A THROUGH E. IF THE PERMIT REQUIREMENTS IN SCHEDULE A THROUGH D CONFLICT WITH THESE GENERAL CONDITIONS, THE PERMIT REQUIREMENTS IN SCHEDULE A THROUGH D WILL CONTROL.

SECTION A. STANDARD CONDITIONS

1. Duty to Comply with Permit
The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for the Department to terminate, modify and reissue, revoke, or deny renewal of a permit.

2. Penalties for Water Pollution and Permit Condition Violations
The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions 33 USC §1365. DEQ enforcement is generally based on provisions of state statutes and EQC rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows the Department to impose civil penalties up to $10,000 per day for violation of a term, condition, or requirement of a permit. The federal Clean Water Act provides for civil penalties not to exceed $32,500 and administrative penalties not to exceed $11,000 per day for each violation of any condition or limitation of this permit.

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to $25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense. The federal Clean Water Act provides for criminal penalties of not more than $50,000 per day of violation, or imprisonment of not more than 2 years, or both for second or subsequent negligent violations of this permit.

Under ORS 468.946, a person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a Class B felony punishable by a fine not to exceed $200,000 and up to 10 years in prison. The federal Clean Water Act provides for criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment of not more than 3 years, or both for knowing violations of the permit. In the case of a second or subsequent conviction for knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

3. Duty to Mitigate
The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. 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 and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

The Department may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

a. Violation of any term, condition, or requirement of this permit, a rule, or a statute
b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts
c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge
d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a Total Maximum Daily Load (TMDL)
e. New information or regulations
f. Modification of compliance schedules
g. Requirements of permit reopener conditions
h. Correction of technical mistakes made in determining permit conditions
i. Determination that the permitted activity endangers human health or the environment
j. Other causes as specified in 40 CFR 122.62, 122.64, and 124.5

The filing of a request by the permittee for a permit modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 and 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

7. Property Rights and Other Legal Requirements

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

8. Permit References

Except for effluent standards or prohibitions established under Section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants and standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

9. Permit Fees

The permittee must pay the fees required by Oregon Administrative Rules.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Activity Not a Defense

For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permittee must, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of Treatment Facilities
   a. Definitions
      (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs b. and c. of this section.
      (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
   b. Prohibition of bypass.
      (1) Bypass is prohibited and the Department may take enforcement action against a permittee for bypass unless:
         (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
         (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
         (c) The permittee submitted notices and requests as required under General Condition B.3.c.
      (2) The Department may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the Department determines that it will meet the three conditions listed above in General Condition B.3.b.(1).
   c. Notice and request for bypass.
      (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, a written notice must be submitted to the Department at least ten days before the date of the bypass.
      (2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D.5.

4. Upset
   a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
   b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of General Condition B.4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
   c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
      (1) An upset occurred and that the permittee can identify the causes(s) of the upset;
      (2) The permitted facility was at the time being properly operated;
      (3) The permittee submitted notice of the upset as required in General Condition D.5, hereof (24-hour notice); and
      (4) The permittee complied with any remedial measures required under General Condition A.3 hereof.

d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Treatment of Single Operational Upset
For purposes of this permit, A Single Operational Upset that leads to simultaneous violations of more than one pollutant parameter will be treated as a single violation. A single operational upset is an exceptional incident that causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational upset is a violation.

6. Public Notification of Effluent Violation
If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entitles (e.g., public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed in accordance with General Condition B.7. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

7. Emergency Response and Public Notification Plan
The permittee must develop and implement an emergency response and public notification plan that identifies measures to protect public health from bypasses or upsets that may endanger public health. At a minimum the plan must include mechanisms to:
a. Ensure that the permittee is aware (to the greatest extent possible) of such events;
b. Ensure notification of appropriate personnel and ensure that they are immediately dispatched for investigation and response;
c. Ensure immediate notification to the public, health agencies, and other affected entities (including public water systems). The response plan must identify the public health and other officials who will receive immediate notification;
d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained;
e. Provide emergency operations: and
f. Ensure that DEQ is notified of the public notification steps taken.

8. Removed Substances
Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in such a manner as to prevent any pollutant from such materials from entering waters of the state, causing nuisance conditions, or creating a public health hazard.

SECTION C. MONITORING AND RECORDS

1. Representative Sampling
Sampling and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit, and shall be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points may not be changed without notification to and approval of the Department.

2. Flow Measurements
Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.

3. Monitoring Procedures
Monitoring must be conducted according to test procedures approved under 40 CFR part 136, or in the case of sludge use and disposal, under 40 CFR part 503, unless other test procedures have been specified in this permit.

4. Penalties of Tampering
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 may, upon conviction, be punished by a fine of not more than $10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both.

5. Reporting of Monitoring Results
Monitoring results must be summarized each month on a Discharge Monitoring Report form approved by the Department. The reports must be submitted monthly and are to be mailed, delivered or otherwise transmitted by the 15th day of the following month unless specifically approved otherwise in Schedule B of this permit.

6. Additional Monitoring by the Permittee
If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or, in the case of sludge use and disposal, under 40 CFR part 503, or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (e.g., Total Chlorine Residual), only the average daily value must be recorded unless otherwise specified in this permit.

7. Averaging of Measurements
Calculations for all limitations that require averaging of measurements must utilize an arithmetic mean, except for bacteria which shall be averaged as specified in this permit.

8. Retention of Records
Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR part 503). Records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for this permit shall be retained for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Department at any time.

9. Records Contents
Records of monitoring information must include:
a. The date, exact place, time, and methods of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and
f. The results of such analyses.

10. Inspection and Entry
The permittee must allow the Department or EPA upon the presentation of credentials, to:
a. 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;
b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

11. Confidentiality of Information
Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The Permittee may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permittee, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR 122.21 will not be classified as confidential. 40 CFR 122.7(b).

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes
The permittee must comply with OAR chapter 340, division 52, "Review of Plans and Specifications" and 40 CFR Section 122.41(l) (1). Except where exempted under OAR chapter 340, division 52, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by the Department. The permittee must give notice to the Department as soon as possible of any planned physical alternations or additions to the permitted facility.

2. Anticipated Noncompliance
The permittee must give advance notice to the Department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

3. Transfers
This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and the rules of the Commission. No permit may be transferred to a third party without prior written approval from the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR Section 122.61. The permittee must notify the Department when a transfer of property interest takes place.

4. Compliance Schedule
Reports of compliance or noncompliance 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. Any reports of noncompliance must include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

5. Twenty-Four Hour Reporting
The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours from the time the permittee becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal business hours, the Department's Regional office must be called. Outside of normal business hours, the Department must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

The following must be included as information that must be reported within 24 hours under this paragraph:
a. Any unanticipated bypass that exceeds any effluent limitation in this permit;
b. Any upset that exceeds any effluent limitation in this permit;
c. Violation of maximum daily discharge limitation for any of the pollutants listed by the Department in this permit; and
d. Any noncompliance that may endanger human health or the environment.

A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:

e. A description of noncompliance and its cause;
f. The period of noncompliance, including exact dates and times;
g. The estimated time noncompliance is expected to continue if it has not been corrected;
h. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and
i. Public notification steps taken, pursuant to General Condition B.7.

The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D.4 or D.5, at the time monitoring reports are submitted. The reports must contain:

a. A description of the noncompliance and its cause;
b. The period of noncompliance, including exact dates and times;
c. The estimated time noncompliance is expected to continue if it has not been corrected; and
d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

7. Duty to Provide Information

The permittee must furnish to the Department within a reasonable time any information that the Department may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to the Department, upon request, copies of records required to be kept by this permit.

Other Information: When the permittee becomes aware that it has failed to submit any relevant facts or has submitted incorrect information in a permit application or any report to the Department, it must promptly submit such facts or information.

8. Signatory Requirements

All applications, reports or information submitted to the Department must be signed and certified in accordance with 40 CFR Section 122.22.

9. Falsification of Information

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed $100,000 per violation and up to 5 years in prison. Additionally, according to 40 CFR 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a federal civil penalty not to exceed $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

10. Changes to Discharges of Toxic Pollutant

The permittee must notify the Department as soon as it knows or has reason to believe the following:

a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:
   (1) One hundred micrograms per liter (100 µg/l);
   (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
   (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR Section 122.21(g)(7); or
   (4) The level established by the Department in accordance with 40 CFR Section 122.44(f).

b. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
   (1) Five hundred micrograms per liter (500 µg/l);
   (2) One milligram per liter (1 mg/l) for antimony;
   (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR Section 122.21(g)(7); or
   (4) The level established by the Department in accordance with 40 CFR Section 122.44(f).

SECTION E. DEFINITIONS

1. *BOD* means five-day biochemical oxygen demand.
2. *CBOD* means five day carbonaceous biochemical oxygen demand.
3. *TSS* means total suspended solids.
4. "*Bacteria*" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and E. coli bacteria.
5. *FC* means fecal coliform bacteria.
6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR Section 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR Chapter 340, Division 41.
8. *mg/l* means milligrams per liter.
9. *kg* means kilograms.
10. m^3/d means cubic meters per day.
11. *MGD* means million gallons per day.
12. 24-hour *Composite sample* means a combination of at least six discrete sample aliquots of at least 100 milliliters, collected at periodic intervals from the same location, during the operating hours of the facility over a 24 hour period. Four (rather than six) aliquots should be collected for volatile organics analyses. The composite must be flow or time proportional, whichever is more appropriate. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.
13. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
14. *Quarter* means January through March, April through June, July through September, or October through December.
15. *Month* means calendar month.
16. *Week* means a calendar week of Sunday through Saturday.