

# AUTHORIZATION TO DISCHARGE

## GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

### GENERAL PESTICIDE PERMIT - **NVG870001**

In compliance with the provisions of the Clean Water Act (**33 U.S.C. 1251 et. Seq.** the "Act") and the Nevada Revised Statutes (**Chapter NRS 445A**), eligible dischargers who have submitted a Notice of Intent (NOI) and filing fee in accordance with Nevada Administrative Code (**NAC**) **445A.268**, and as defined herein, are authorized to apply pesticides, fungicides, herbicides, rodenticides and insecticides to **Waters of the U.S.** from the following pesticide application activities:

- **Mosquito and Other Flying Insect Pest Control**
- **Weed and Algae Control**
- **Nuisance Animal Control**
- **Forest Canopy Pest Control**

All discharges shall be in accordance with conditions set forth in Parts A, B and C hereof,

This permit shall become effective on:

**Monday October 31<sup>st</sup>, 2011**

This permit and authorization to discharge shall expire at Midnight:

**Monday October 31<sup>st</sup>, 2016**

Signed this **Thursday October 20<sup>th</sup>, 2011**



Alexi Lanza, P. E.  
Nevada Division of Environmental Protection  
Bureau of Water Pollution Control – Permits Branch



- A. COVERAGE UNDER THIS GENERAL NPDES PERMIT:** The purpose of **NVG870001** is to provide authorization for pesticides discharges to **Waters of the U.S.** pursuant to Nevada Revised Statutes **NRS 445A.465**; this regulation prohibits discharge of pollutants from a point source without a permit.
- A.1. Permit Coverage:** This general permit establishes **Notice of Intent (NOI)** requirements, water quality limitations, prohibitions and management practices for the four (4) pesticide discharge categories described in **Section A.3**. This permit covers any **operator** (defined in **Section C.20**, below) that meets eligibility requirements described in **Part A**, of this permit. If required, an **operator** shall submit a **Notice of Intent (NOI)**, in accordance with **Part A.16**, of this permit, in order to obtain coverage under **NVG870001**.
- A.2. Limitations on coverage:** This permit does not authorize any discharges subject to effluent limitation guidelines in **40 CFR – Pesticide Management**.
- A.2.1.** Terrestrial applications to control pests on agricultural crops or forest floors are exempted and thus, not covered by this permit.
- A.3. Discharge Categories:** Unless authorized by a different National Pollutant Discharge Elimination System (NPDES) permit, any discharge(s) to **Waters of the U.S.** from the following pesticide application categories are required to obtain coverage under this permit prior to any pesticide application activity:
- A.3.1. Category 1 - Mosquito and Other Flying Insect Pest Control –** Pesticide discharges to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include but are not limited to mosquitoes and black flies.
- A.3.2. Category 2 - Weed and Algae Control –** Pesticide discharges to control to control weeds, algae, and pathogens that are pests in water and at water's; this includes irrigation ditches and/or irrigation canals.
- A.3.3. Category 3 - Animal Pest Control –** Pesticide discharges to control animal pests in water and at water's edge. Animal pests in this use category include, but are not limited to, fish, lampreys, insects, mollusks, and pathogens.
- A.3.4. Category 4 - Forest Canopy Pest Control –** Aerial and terrestrial pesticide discharges to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where, to target the pests effectively, a portion of the pesticide will be unavoidably applied over and deposited to water.
- A.4. Prohibited Discharges:** Pesticide discharges not covered by this permit include, but are not limited to:
- A.4.1. Discharges to Water Quality Impaired Waters – Operators** are not eligible for coverage under this permit for any discharges from a pesticide application to **Waters of the U.S.** identified as impaired for that pesticide or its degradates. For purposes of this permit, impaired waters are those that have been identified by a State, Territory, Tribe

or Environmental Protection Agency (EPA) pursuant to **Section 303(d) of the CWA** as not meeting applicable State, Territorial, or Tribal water quality standards. Impaired waters within the State of Nevada are listed in **Section C.21.** of this permit.

**A.4.2. Discharges Currently or Previously Covered by another Permit - Operators** are not eligible for coverage under this permit if any of the following circumstances apply:

**A.4.2.1.** Operators' pesticide discharges are covered under another NPDES permit, or

**A.4.2.2.** Operators' pesticide discharges were covered by a permit that, within the last five years, has been or is in the process of being denied, terminated, or revoked by the State of Nevada; this does not apply to the routine reissuance of permits every five years.

**A.5. Area Wide Discharge Permitting:** This refers to aerial and ground application of a pesticide to control the population of target pests where control technologies over large areas are most effective to avoid substantial and widespread economic or social impact. This involves pesticide applications to areas that include a wide range of diverse habitats such that a portion of the pesticide applied will unavoidably be applied over and deposited into **Waters of the U.S.** to target the pests effectively. Examples include, but are not limited to, pesticide application for cricket control, pesticide application for the control of nuisance and disease bearing mosquitoes, pesticide application for the maintenance of rights-of-ways, drainage ditches, and other governmental infrastructure, urban landscaping, treating orchard pests, or controlling fruit flies

**A.5.1.** Pursuant to **Section A.5.**, **NDEP** may provide **NVG870001** coverage for a pesticide application entity, such as a mosquito control group, weed control group, a Nevada County or a similar entity as a working group.

**A.5.2.** In order to qualify for working group permitting, a pesticide application entity must engage in a single pesticide discharge category defined in **Section A.3.**

**A.6. Automatic Permit Coverage:** All **Operators** engaged in pesticide application activities described in **Section A.3.** will automatically receive coverage under permit **NVG870001**, for a period of **180 days** starting with the date of permit issuance.

**A.7.** Qualified operators must submit **NOI** within a **180 day** period starting on the date of permit issuance – **October 31<sup>st</sup>, 2011** and ending on **April 30<sup>th</sup>, 2012.**

**A.8. Electronic Submissions:** The Nevada pesticide permitting program is designed for electronic Notice of Intent (**NOI**) submissions. All **Operators** engaged in the pesticide application practices defined in **Section A.3.** shall apply for coverage under permit **NVG870001** electronically - unless a written waiver for an alternate format is requested in writing and granted by the Division.

**A.9. Narrative Standards:** Pursuant to Nevada Administrative Code (**NAC**) **445A.121**, pesticide discharges shall not cause the following standards to be violated in any surface **Waters of the U.S.** Waters shall be free from:

**A.9.1.** Substances that will settle to form sludge or bottom deposits in amounts sufficient to be

unsightly, putrescent, or odorous;

- A.9.2. Floating debris, oil, grease, scum, and other floating materials in amounts sufficient to be unsightly;
- A.9.3. Materials in amounts sufficient to produce taste or odor in the water, detectable off-flavor in the flesh of fish, or in amounts sufficient to change the existing color, turbidity, or other conditions in the receiving stream to such a degree as to create a public nuisance;
- A.9.4. High temperature; biocides; organisms pathogenic to human beings; or toxic, corrosive, or other deleterious substances at levels or combinations sufficient to be toxic to human, animal, plant, or aquatic life;
- A.9.5. Radioactive materials resulting in accumulations of radioactivity in plants or animals hazardous or harmful to humans or aquatic life;
- A.9.6. Untreated or uncontrolled wastes or effluents that are reasonably amenable to treatment or control; and
- A.9.7. Substances or conditions which interfere with the beneficial use of the receiving waters.
- A.9.8. Narrative standards are not considered violated when the natural conditions of the receiving water are outside the established limits, including periods of high or low flow. Where effluents are discharged to such waters, the discharges are not considered a contributor to substandard conditions provided that compliance with permit requirements is maintained.

#### **A.10. Eligibility, Permit Requirement and Request for Coverage under General Pesticide Permit**

- A.11. All **operators** or persons who are planning on conducting any pesticide discharge activity described in **Section A.3.** are eligible for this General Permit; this includes, but is not limited to the following entities:
  - A.11.1. All federal and state agencies with pest control responsibilities.
  - A.11.2. Irrigations control districts.
  - A.11.3. Pest control districts.
- A.12. Once **automatic permit coverage** expires as defined in **Section A.6. & A.7.**, **operators** shall not begin discharges of pesticides to **Waters of the U.S.** until the Division has issued written authorization to apply pesticides under this permit.
- A.13. Existing pesticide applicators who are covered under a current Permit may continue to discharge until such valid permit expires.
- A.14. The Division may require the holder of this General Permit to apply for and obtain an individual permit in accordance with **NRS 445A.480.**
- A.15. Qualifying **operators** shall request inclusion under this General Permit by completing and

submitting a **Notice of Intent (NOI)** application to the Division along with appropriate permit fees. **NOI** applications are available online at <http://ndep.nv.gov/bwpc/>.

**A.16. Notice of Intent (NOI) requirements:** Pesticide **operators** are required to submit a **Notice of Intent (NOI)** to obtain coverage under this General Permit for discharges to **Waters of the U.S.** resulting from the application of pesticides:

A.16.1. If they are in control of the financing, or the decision to perform pest control activities that will result in a discharge and know or reasonably should have known that those activities will exceed one or more of the annual (i.e., calendar year) treatment area thresholds listed in **Table 1** below for the “**Annual Treatment Area Thresholds,**” as defined in **Section A.16.4.**, or

A.16.2. If they are **operators** that apply pesticides that result in a discharge, and know or reasonably should have known that those activities will exceed one or more of the pesticide application annual (i.e., calendar year) treatment area thresholds listed in **Table 1** below for the “**Annual Treatment Area Thresholds**”.

A.16.3. **Annual Treatment Area Thresholds - Operators** shall use **Table 1** below to determine whether an **operator’s** pesticide application activities will exceed one or more of the annual treatment area thresholds. **Operators** may exclude from their calculation any pesticide application activities conducted under another entity’s **NOI**.

A.16.4. **Table 1. Annual Treatment Area Thresholds – per calendar year.**

PGP Part	Pesticide Use	Annual Threshold
<b>A.16.1.</b>	Mosquitoes and Other Flying Insect Pests	<b>6,400</b> acres of treatment area
<b>A.16.2.</b>	Aquatic Weed and Algae Control:	
	- In Water	<b>80</b> acres of treatment area <sup>1</sup>
<b>A.16.3.</b>	- At Water’s Edge:	<b>50</b> linear miles of treatment area at water’s edge <sup>2</sup>
	Aquatic Nuisance Animal Control:	
	- In Water	<b>80</b> acres of treatment area <sup>1</sup>
<b>A.16.4.</b>	- At Water’s Edge	<b>50</b> linear miles of treatment area at water’s edge <sup>2</sup>
	Forest Canopy Pest Control	<b>6,400</b> acres of treatment area

1. Please see **Section A.17.** to determine how to calculate **Area Annual Treatment Area Thresholds.**
2. Please see **Section A.18.** to determine how to calculate **Linear Annual Treatment Area Thresholds.**

**A.17. Area Threshold Calculations – per calendar year** - should include the area of the applications made to: (1) Waters of the U.S. and (2) conveyances with a hydrologic surface connection to Waters of the U.S. at the time of pesticide application. For calculating annual treatment area totals, count each pesticide application activity as a separate activity. For example, applying pesticides twice a year to a ten acre site should be counted as twenty acres of treatment are

**A.18. Lineal Threshold Calculations – per calendar year** - should include the linear extent of the application made at water’s edge adjacent to: (1) Waters of the U.S. and (2) conveyances with a hydrologic surface connection to Waters of the U.S. at the time of pesticide application. For

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

**A.19.** The minimum information required on a **NOI** consists of the following:

- A.19.1. Applicant Information – owner / responsible party, billing information;
- A.19.2. Name of receiving water and/or description of discharge location;
- A.19.3. General pesticide information – description of proposed pesticide and application area.
- A.19.4. Certification statement & signature as established in section **Section A.20.** of this permit.

**A.20.** Any person signing a **NOI** shall make the following certification:

“I hereby certify that I am familiar with the information contained in the application and that to the best of my knowledge and ability such information is true, complete, and accurate.”

**A.21.** A **Notice of Termination (NOT)** shall be submitted to NDEP upon termination of discharge in order to end coverage under pesticide general permit **NVG870001**. **NOT** applications are available online at <http://ndep.nv.gov/bwpc/>.

**A.22.** The minimum information required on a **NOT** consists of:

- A.22.1. General permit and authorization number;
- A.22.2. **Operator** / Permittee / Applicant information: name, address, city, county, state, zip code, and phone;
- A.22.3. Project (Site) location information: project name, project address, city, county, state, zip code;
- A.22.4. Certification statement signed and dated by the **Operator** as defined in **Section A.23.** of this permit.

**A.23.** Any person signing a **NOT** shall make the following certification:

“I hereby certify that I am familiar with the information contained in the application and that to the best of my knowledge and ability such information is true, complete, and accurate.”

## **B. DISCHARGE LIMITATIONS, REQUIREMENTS AND CONDITIONS**

**B.1.** During the period beginning on the effective date of this general permit, and lasting until it expires, pesticide discharge activities shall be limited and, as applicable, monitored by the **operator** as specified the sections below.

**B.2. Minimize Pesticide Discharges to Waters of the U.S.:** **Operators** shall minimize the discharge of pollutants resulting from the application of pesticides. **Operators** shall also do the following:

- B.2.1. Use the amount of pesticide product per application and optimum frequency of pesticide applications necessary to control the target pest - this amount shall also be consistent with reducing the potential for development of pest resistance;
- B.2.2. Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit; and
- B.2.3. Maintain pesticide application equipment in proper operating condition by adhering to any manufacturer's conditions and industry practices, and by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control.
- B.2.4. **Operators** shall ensure that the equipment's rate of pesticide application is calibrated to deliver the precise quantity of pesticide needed to achieve greatest efficacy against the target pest.

**B.3. Pest Management Practices (PM):** **PM** applies to any entity that is required to submit an **NOI**, as required in **Section A.16.**, including any pesticide dischargers hired by such entity or any other employee, contractor, subcontractor or other agent.

- B.3.1. **Operators** shall develop and implement a written **Pesticide Discharge Management Plan (PDMP)** – as defined in **Section B.4.** - to document measures taken to meet the discharge limits and general pesticide application practices
- B.3.2. The **PM** and all supporting documents shall be readily available; copies of any of these documents shall be provided to the Division, upon request.

**B.4. Pesticide Discharge Management Plan – (PDMP) - PDMPs** shall include the following elements:

**B.4.1. Pesticide Discharge Management Team:**

- B.4.1.1. Person(s) responsible for managing pests in relation to the pest management area
- B.4.1.2. Person(s) responsible for developing and revising the **PDMP**;
- B.4.1.3. Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements ; and
- B.4.1.4. Person(s) responsible for pesticide applications. If the pesticide applicator is unknown at the time of plan development, indicate whether or not a for-hire applicator will be used and when you anticipate that you will identify the applicator.
- B.4.1.5. Pest Management Area description
- B.4.1.6. Schedules and procedures documentation to support eligibility considerations under other federal laws
- B.4.1.7. Signature requirements.

**B.4.2. Control Measures Used to Comply with Limitations:**

- B.4.2.1. Application rate and frequency procedures
- B.4.2.2. Spill prevention procedures
- B.4.2.3. Pesticide application equipment procedures
- B.4.2.4. Pest surveillance procedures
- B.4.2.5. Assessing environmental conditions procedures

**B.4.3. Other Actions Necessary to Minimize Discharges:**

- B.4.3.1. Spill response procedures
- B.4.3.2. Adverse incident response procedures
- B.4.3.3. Pesticide monitoring schedules and procedures

B.4.4. The **PDMP** and all supporting documents shall be readily available; copies of any of these documents shall be provided to the Division upon request.

**B.5. Pest Management Area Description – Operators** shall document the following:

- B.5.1. **Pest problem description:** Document and describe the pest problem at your pest management area, including identification of the target pest(s), source of the pest problem, and source of data used to identify the problem.
- B.5.2. **Action Threshold(s):** Document and describe the action threshold(s) for your pest management area, including a description of how they were determined.
- B.5.3. **General location map:** Include a general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and location of the **Waters of the U.S.**; and
- B.5.4. **Water quality standards:** Document and describe any water quality standards applicable to waters to which they may discharge, including the list of pesticide(s) or any pollutants for which the water is impaired as defined in **Section C.20**.

**B.6. Schedules and Procedures for PDMP: Operators** shall establish and document the following information in their respective **PDMP**:

- B.6.1. **Application Rate and Frequency:** Procedures for determining the effective amount of pesticide product per application and the optimum frequency of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pest resistance;
- B.6.2. **Spill Prevention:** Procedures and schedule of maintenance activities for preventing spills and leaks of pesticides associated with the application of pesticides covered under this permit.
- B.6.3. **Pesticide Application Equipment:** Procedures and schedule for maintaining the pesticide application equipment in proper operating condition, including calibrating, cleaning, and repairing the equipment shall be implemented.
- B.6.4. **Pest Surveillance:** Procedures, schedule and methods for conducting pre- application pest surveillance.
- B.6.5. **Assessing Environmental Conditions:** Procedures and schedule for assessing environmental conditions in the treatment area.

**B.7. Actions Necessary to Minimize Discharges:** The following shall be documented in the



## **PDMP:**

### **B.7.1. Spill Response Procedures** - At a minimum, **operators** shall have:

- B.7.1.1.** Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases.
- B.7.1.2.** Employees who may cause, detect, or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available.
- B.7.1.3.** If possible, one of these individuals should be a member of your **PDMP** team.

### **B.7.2. Adverse Incident Response Procedures** - At a minimum, **operators** shall have:

- B.7.2.1.** Procedures for responding to any incident resulting from pesticide applications;
- B.7.2.2.** Contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder shall be in locations that are readily accessible and available.
- B.7.2.3.** Procedures for notification of the incident, both internal to your agency/organization and external of appropriate facility personnel, emergency response agencies, and regulatory agencies.

### **B.7.3. Pesticide Monitoring Schedules and Procedures** – **Operators** shall document procedures for monitoring consistent with the requirements in **Section C.** of this permit including:

- B.7.3.1.** The process for determining the location of any monitoring;
- B.7.3.2.** A schedule for monitoring;
- B.7.3.3.** The person (or position) responsible for conducting monitoring; and
- B.7.3.4.** Procedures for documenting any observed impacts to non-target organisms resulting from your pesticide discharge.
- B.7.3.5.** Sampling may be required to identify extent of environmental impact.

### **B.8. Pesticide Discharge Management Plan Availability** - **Operators** shall maintain a copy of the current **PDMP**, along with all supporting maps and documents, at the address provided on the **NOI**. The **PDMP** and all supporting documents shall be readily available; copies of any of these documents shall be provided to the Division upon request.

### **B.9. Pesticide Discharge Management Plan Modifications** - **Operators** shall modify their **PDMP** whenever necessary to address any of the triggering conditions for corrective action or when a change in pest control activities significantly changes the type or quantity of pollutants discharged.

- B.9.1.** Changes to **PDMP** shall be made before the next pesticide application that results in a discharge, if practicable, or if not, as soon as possible thereafter.
- B.9.2.** The **PDMP** shall be reviewed at a minimum once per calendar year and whenever necessary to update the pest problem identified and pest management strategies evaluated for your pest management area.
- B.9.3.** The revised **PDMP** shall be signed and dated in accordance with **Section C.20.** of this

permit.

## **B.10. Best Management Practices (BMP)**

- B.10.1 Operators** shall implement **BMPs** prior to commencement of discharge.
- B.10.2 Operators** shall maintain **BMP** requirements to ensure compliance with the terms and conditions of this general permit - **GNVPGP11**. All pesticide control measures and other protective measures shall be maintained in effective operating condition;
- B.10.3 Operators** shall make all **BMP** records and plans available to the Division upon request.
- B.10.4** If existing **BMPs** need to be modified or additional **BMPs** are necessary, implementation shall be completed as soon as possible.

## **C. MONITORING AND REPORTING**

### **C.1. Monitoring**

- c.1.1. Visual Monitoring Requirements: Operators** covered under this permit shall monitor the area to and around which pesticides are applied for possible and observable adverse incidents, caused by application of pesticides. This includes, but is not limited to, the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, and recreational or municipal water use. Visual assessments of the application site shall be performed:
  - c.1.1.1.** During any pesticide application, when considerations for safety and feasibility allow;
  - c.1.1.2.** During any post-application surveillance or efficacy check, if surveillance or an efficacy check is conducted.
- c.1.2. Test Procedures:** Test procedures for the analysis of pollutants shall conform to regulations (**40 CFR, Part 136**) published pursuant to **Section 304(h)** of the Act, under which such procedures may be required unless the Division approves other procedures. For the purpose of this permit, the **operators** may use alternate field test kits and instrumentation for field screening. Field testing is permitted, using suitable methods for flow, pH, and temperature.
- c.1.3. Modification of Monitoring Frequency and Sample Type:** After considering monitoring data, discharge type and receiving water conditions, the Division, may, for just cause, modify the monitoring frequency and/or sample type by issuing a written letter to the **operator**.
- c.1.4. Recording the Results:** For each measurement or sample taken pursuant to the requirements of this Pesticide general permit, the **operator** shall record the following information:

- c.1.4.1. The exact place, date, and time of sampling;
  - c.1.4.2. The dates the analyses were performed;
  - c.1.4.3. The person(s) who performed the analyses;
  - c.1.4.4. The analytical techniques or methods used (list field testing equipment);
  - c.1.4.5. The results of all required analyses, including reporting limits.
- c.1.5. **Additional Monitoring:** If the **operator** monitors any constituent at the location(s) designated herein more frequently than required by this General Discharge permit, using approved analytical methods and laboratories as specified above, the results of that monitoring shall be included in the next annual or monitoring report submitted to the Division. Such increased frequency shall also be indicated on the **DMR**.
- c.1.6. **Records Retention:** All records and information resulting from the monitoring activities required by this pesticide general permit, including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years after approval to discharge under **NVG880001**, or longer if required by the Administrator.
- c.1.7. **Reporting Limits:** All laboratory analysis conducted in accordance with this general permit shall have detection at or below the general permit limits or the method detection limit as defined in the analytical method.
- c.1.8. **Photographic Documentation:** Discharges conducted under the terms and conditions of this general permit shall also be monitored by means of photographic documentation to verify performance of the water management **BMPs** and the discharge point **BMPs**. The photographs shall be submitted with a brief summary narrative report quarterly if conditions have changed. Photographs shall be taken from established photograph points, and shall depict representative views of the discharge activities on site, as well as the scope of operations with project sites, monitoring location(s), discharge point(s), and any relevant activity related to the discharge.

## C.2. Reporting

- c.2.1. **Annual Reporting:** Annual monitoring results obtained pursuant to **Section C.** of the permit are due each **January 28<sup>th</sup>, (following the 4<sup>th</sup> Quarter)** of the applicable calendar year. Reports shall be summarized and submitted in a written report. The initial annual report is due on **January 28<sup>th</sup>, 2013**. The **operator** shall also submit the data in an electronic format provided by the Division to the address in **Section C.2.9.** below.
- c.2.2. If permit coverage is terminated, the **operator** shall submit an annual report for the portion of the year when pesticides were applied; this final report is due no later than 45 days after your pesticide application termination date.
- c.2.3. The annual report shall contain the following information:
- c.2.3.1. Operator's name, number and contact information
  - c.2.3.2. Contact person name, title, e-mail address (if any), and phone number
  - c.2.3.3. For each pest treatment area, report the following information:

- c.2.3.3.1. Identification of any waters or other treatment area, including size, either by name or by location, to which you discharged any pesticide(s);
  - c.2.3.3.2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, aquatic weeds and algae, aquatic nuisance animals, or forest canopy) and target pest(s);
  - c.2.3.3.3. Company name(s) and contact information for pesticide applicator(s), if different from the **NOI** submitter;
  - c.2.3.3.4. Total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);
  - c.2.3.3.5. Information regarding how pest control activity was addressed in your **PDMP** prior to pesticide application;
  - c.2.3.3.6. If applicable, an annual report of any adverse incidents as a result of these treatment(s), for incidents described in **Section C.**;
  - c.2.3.3.7. A description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).
  - c.2.3.3.8. Photographic evidence.
- c.2.4. Summaries of laboratory results for analyses conducted by outside laboratories shall accompany the report, and the full data package provided by the laboratory shall be provided if requested in writing by the Division. If at any time the **operator** concludes that submitted data were incorrect, the **operator** shall notify the Division in writing, identify the incorrect data, and replace the incorrect data with corrected data, which shall thereafter be used for determining compliance with this permit
- c.2.5. **Compliance Report:** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- c.2.6. **Other information:** If the **operator** becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Administrator, it shall promptly submit such facts or information.
- c.2.7. **Planned changes:** The **operator** shall give notice to the Administrator as soon as possible of any planned physical alterations or additions to the permitted operation. Notice is required only when the alteration or addition to a permitted facility; may meet one of the criteria for determining whether a facility is a new source; or could significantly change the nature or increase the quantity of pollutants discharged;
- c.2.8. **Anticipated non-compliance:** The **operator** shall give advance notice to the Administrator of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements:
- c.2.8.1. Reports shall include a certification that the **operator** is in substantial compliance with the permit, and identify any incidents of non-compliances; a narrative explanation shall be attached to every non-compliance incident.
- c.2.9. **Address for Submittal:** All monitoring results and annual reports shall be submitted to

the Division; an original signed copy of all reports required herein, shall be submitted to the Division at the following address:

**Division of Environmental Protection  
Bureau of Water Pollution Control  
ATTN: Compliance Coordinator  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701**

- C.4. Annual Fee:** The **operator** shall remit an annual review and services fee in accordance with **NAC 445A.268** on or before **July 1<sup>st</sup>** of every year that the **operator** is authorized to discharge under this general permit.
- C.5. General Permit Coverage for Ongoing Projects:** Current permits are valid until expiration date. To be covered by this new General NPDES Discharge Permit, holders of an expired permit shall submit a new **NOI** with the proper filing fee.
- C.6. Operation:** The **operator** shall at all times maintain in good working order and operate as efficiently as possible all equipment and ancillary **BMPs** used by the **operator** to achieve compliance with the terms and conditions of this general discharge permit.
- C.7. Change in Discharge:** All discharges authorized herein shall be consistent with the terms and conditions of this general permit. Any anticipated new discharges at the site related to the discharges as described in **Section A**, which will result in new, different, or increased discharges of pollutants shall be reported to the Division. Pursuant to **NAC 445A.263**, the general permit may be modified to specify and limit any pollutants not previously limited.
- C.8. Adverse Impact:** The **operator** shall take all reasonable steps to minimize any adverse impact to receiving waters resulting from noncompliance with this general permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge. The **operator** shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment.
- C.9. 24 Hour Reporting:** The **operator** shall orally report any noncompliance or spill/discharge which may seriously endanger human health or the environment as soon as possible, but no later than 24 hours from the time the **operator** becomes aware of the circumstances. The report shall be made to the Division at **(888) 331-6337** during normal business hours. A written report shall also be submitted to the Division within **thirty (30)** days of the time the **operator** becomes aware of the circumstances. The written submission shall contain the following information:
- c.9.1. Operator's** contact and permit information;
  - c.9.2.** Description of spill/discharge the event, and its cause;
  - c.9.3.** Period of time over which it occurred, including exact dates and times, and
  - c.9.4.** If the situation has not been corrected, the anticipated time it is expected to continue;
  - c.9.5.** Steps taken or planned to reduce, eliminate, and prevent reoccurrence.

- C.10. Right of Entry:** The **operator** shall allow the Administrator and/or his/her authorized representatives, upon the presentation of credentials:
- c.10.1. To enter upon the **operator's** premises (and other property) where a discharge occurs and/or in which any records are required to be kept under the terms and conditions of this general permit;
  - c.10.2. At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this general permit;
  - c.10.3. Inspect any monitoring equipment or monitoring method required in this general permit;
  - c.10.4. Perform any necessary inspection and/or sampling to determine compliance with this permit.
- C.11. Transfer of Ownership or Control:** In the event of any change in control or ownership from which the authorized discharge emanates, the **operator** shall notify the succeeding owner or controller of the existence of this general permit, by letter, a copy of which shall be forwarded to the Administrator. The Division shall approve ALL transfers of the permit.
- C.12. Availability of Reports:** Except for data determined to be confidential under **NRS 445A.665**, all reports prepared in accordance with the terms of this General Permit shall be available for public inspection at the office of the Division. As required by the Clean Water Act and NRS, discharge data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in **NRS 445A.710**.
- C.13. Furnishing False Information and Tampering with Monitoring Devices:** Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of **NRS 445A.300 to 445A.730**, inclusive, or by any general permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of **NRS 445A.300 to 445A.730**, inclusive, or by any general permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$25,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to **NRS 445A.300 to 445A.730** inclusive.
- C.14. Penalty for Violation of General Permit Conditions:** **NRS 445A.675** provides that any person who violates a **NVG870001** condition is subject to administrative and judicial sanctions as outlined in **NRS 445A.690** through **445A.705**
- C.15. General Permit Modification, Suspension or Revocation:** After notice and opportunity for a hearing, coverage under this general permit may be suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
- c.15.1. Violation of any terms or conditions of this general permit;

- c.15.2. Change in discharge conditions to new conditions outside of the scope of this permit; or
- c.15.3. Obtaining this general permit by misrepresentation or failure to disclose fully all relevant facts.

**C.16. Liability:** Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the **operator** from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.

**C.17. Property Rights:** The issuance of this general permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws, regulations or ordinances.

**C.18. Severability:** The provisions of this general permit are severable, and if any provision of this Permit, or the application of any provisions of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

**C.19. Signatures Requirements:**

c.19.1 All Notices of Intent - **NOT** - and reporting forms shall be signed as follows:

- c.19.1.1. A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the activity for which the discharge described in the application or reporting form originates;
- c.19.1.2. A general partner of the partnership;
- c.19.1.3. The proprietor of the sole proprietorship;
- c.19.1.4. A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility; or
- c.19.1.5. Owner of the land on which the discharge is to occur, or the landowner's Agent.

c.19.2 **BMP** Plans, Monitoring Reports, and all other information required by the Division shall be signed by a person described in **Section C.19.1.** or by a duly authorized representative of that person. A person is a duly authorized representative only of:

- c.19.2.1 The authorization is made in writing by a person described in **Section C.19.1.;**  
or
- c.19.2.2 The authorization specifies either an individual or a position within the organization;
- c.19.2.3 The written authorization is submitted to the Division.

c.19.3 **Changes to Authorization:** If an authorization under **Section C.19.2.** is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of **Section C.19.2.** of this section shall be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

c.19.4 Each application, report and/or any other information submitted shall contain a

certification by the person signing the application or report that he is familiar with the information provided, that to the best of his knowledge and belief the information is complete and accurate and that he has the authority to sign and execute the document.

## **C.20. Definitions:**

- c.20.1. **Waters of the U. S.** is defined at **40 CFR §122.2**, and includes but is not limited to lakes, reservoirs, ponds, rivers, streams (including intermittent and ephemeral streams), creeks, washes, draws, sloughs, playas and wetlands.
- c.20.2. **Waters of the State** - as defined in **NRS 445A.415**, “means all waters situated wholly or partly within or bordering upon this State, including but not limited to:
- c.20.2.1. All streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and
  - c.20.2.2. All bodies or accumulations of water, surface and underground, natural or artificial.(Added to NRS by 1973, 1709)—(Substituted in revision for NRS 445.191)
- c.20.3. **Discharge of a pollutant** – any addition of any “pollutant” or combination of pollutants to “waters of the State” from any “point source,” or any addition of any pollutant or combination of pollutants to the water of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation. This includes additions of pollutants into waters of the State from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. **[40 CFR 122.2]**
- c.20.4. **303 (d) List - Nevada:** Criteria – Please see the following web link:  
[http://ndep.nv.gov/bwqp/file/303d\\_list09.pdf](http://ndep.nv.gov/bwqp/file/303d_list09.pdf)
- c.20.5. **303 (d) List - Nevada:** Nevada's 303(d) List of Impaired Waters – Please see the following web link:  
[http://ndep.nv.gov/bwqp/file/303d\\_list09-att1.pdf](http://ndep.nv.gov/bwqp/file/303d_list09-att1.pdf)
- c.20.6. **Action Threshold** – The point at which pest populations or environmental conditions can no longer be tolerated necessitating that pest control action be taken based on economic, human health, aesthetic, or other effects. Sighting a single pest does not always mean control is needed. Action thresholds help determine both the need for control actions and the proper timing of such actions.
- c.20.7. **Active Ingredient** – any substance (or group of structurally similar substances if specified by the Agency) that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of **FIFRA sec. 2(a)**. **[40 CFR 152.3]**. Active ingredient also means a pesticide substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for the production of such a pesticide substance. **[40 CFR 174.3]**
- c.20.8. **Pesticide** – a pesticide is defined as:



- c.20.8.1. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest,
  - c.20.8.2. Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and
  - c.20.8.3. Any nitrogen stabilizer, except that the term “pesticide” shall not include any article that is a “new animal drug” within the meaning of section **201(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(w))**, that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of **Section 201(x) of such Act (21 U.S.C. 321(x))** bearing or containing a new animal drug.
  - c.20.8.4. The term “pesticide” does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in **Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)**.
  - c.20.8.5. For purposes of the preceding sentence, the term “critical device” includes any device that introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term “semi-critical device” includes any device that contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body. **[FIFRA Section 2(u)]**
  - c.20.8.6. The term “pesticide” applies to insecticides, herbicides, fungicides, rodenticides, and various other substances used to control pests. The definition encompasses all uses of pesticides authorized under the **Federal Insecticide, Fungicide and Rodenticide Act - FIFRA** including uses authorized under sections 3 (registration), 5 (experimental use permits), 18 (emergency exemptions), 24(c) (special local needs registrations), and 25(b) (exemptions from **FIFRA**).
- c.20.9. **Pesticide Product** – a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.
- c.20.10. **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).
- c.20.11. **Pesticide Residue** – includes that portion of a pesticide application that is discharged from a point source to **Waters of the U.S.** and no longer provides pesticide benefits. It also includes any pesticide derivatives.
- c.20.12. **Impaired Water** - (or “**Water Quality Impaired Water**” or “**Water Quality Limited Segment**”) – A water is impaired for purposes of this permit if it has been identified by a State, Territory, Tribe or EPA pursuant to **Section 303(d) of the Clean Water Act** as not meeting applicable State, Territorial, or Tribal water quality standards (these waters are called “water quality limited segments” under **40 CFR 130.2(j)**). Impaired waters include both waters with approved or established **TMDLs**, and those for which a **TMDL** has not yet been approved or established.

- c.20.13. **Biological Control Agents** – These agents are organisms that can be introduced to your sites, such as herbivores, predators, parasites, and hyperparasites. **[US FWS IPM Guidance, 2004]**
- c.20.14. **Chemical Pesticides** – all pesticides not otherwise classified as biological pesticides.
- c.20.15. **Inert Ingredient** - any substance (or group of structurally similar substances if designated by the Agency), other than an active ingredient, that is intentionally included in a pesticide product. **[40 CFR 152.3]** Inert ingredient also means any substance, such as a selectable marker, other than the active ingredient, where the substance is used to confirm or ensure the presence of the active ingredient, and includes the genetic material necessary for the production of the substance, provided that genetic material is intentionally introduced into a living plant in addition to the active ingredient. **[40 CFR 174.3]**
- c.20.16. **Operator** – any entity involved in the application of a pesticide that results in a discharge to **Waters of the U.S.** that meets either or both of the following two criteria:
- c.20.16.1. The entity has control over the financing for, or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions;
  - c.20.16.2. The entity has day-to-day control of or performs activities that are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit or perform such activities themselves).
- c.20.17. **Integrated Pest Management – IPM** is an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices. **IPM** uses current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.
- c.20.18. **Pest Management Area** – The area of land, including any water, for which you are conducting pest management activities covered by this permit.
- c.20.19. **Pest – 40 CFR 152.5**, any organism under circumstances that make it deleterious to man or the environment, if it is:
- c.20.19.1. Any vertebrate animal other than man;
  - c.20.19.2. Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;
  - c.20.19.3. Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or
  - c.20.19.4. Any fungus, bacterium, virus, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs (**FFDCA sec. 201(g)(1)**) and cosmetics (**FFDCA sec. 201(i)**).
- c.20.20. **Treatment Area** – The area of land including any waters, or the linear distance along

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

- c.20.21. **Total Maximum Daily Loads (TMDLs)** – a **TMDL** is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A **TMDL** includes waste load allocations (**WLAs**) for point source discharges; load allocations (**LAs**) for nonpoint sources and/or natural background, and shall include a margin of safety (**MOS**) and account for seasonal variations. [**Section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7**]
- c.20.22. **Water Quality Standards** – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an anti-degradation policy and implementation procedures. States, Territories, Tribes and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the **Clean Water Act (CWA sections 101(a) 2 & 303(c))**. Where necessary, **EPA** has the authority to promulgate federal water quality standards.
- c.20.23. **Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of **Waters of the U.S.** **BMPs** also include treatment requirements, operating procedures and practices to control site runoff, spillage, leaks, or other sources of pollution.