

Clean Water Act Permitting of Discharges from Pesticide Applications

U.S. EPA, Office of Water

Speakers:

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Oklahoma Clean Lakes and Watersheds
Association Meeting
April 12, 2012



Pesticide Permitting Overview Topics

- Background
- Clean Water Act Permitting
- EPA and State Permitting Responsibilities
- EPA's Final PGP
- Where to Go for Help



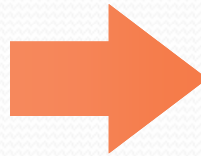
Background

- 2006 EPA Rule clarified EPA's longstanding interpretation that discharges from pesticide applications did not require National Pollution Discharge Elimination System (NPDES) permit coverage.
- EPA was sued on that rule and lost.
- As a result of a 2009 decision by the 6th Circuit Court of Appeals in *National Cotton Council et al. v. EPA*:
 - Point source discharges of "biological pesticides" and "chemical pesticides" that leave a residue are pollutants under the Clean Water Act (CWA).
 - These discharges need to be covered under an NPDES permit as of October 31, 2011.
- 2009-2011: EPA worked with federal agencies, states, industry, and stakeholders; completed public comment period; public noticed a draft permit.
- October 31, 2011: EPA issued its Pesticide General Permit (PGP) that provides a mechanism for certain dischargers to comply with this new requirement.



NPDES Statutory Framework

- Any point source
- discharge of a pollutant
- to waters of the U.S.

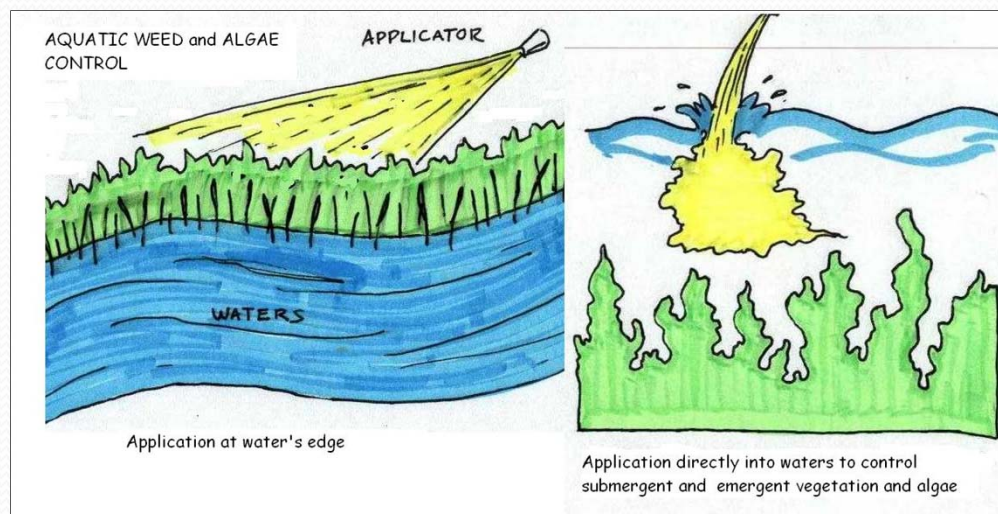
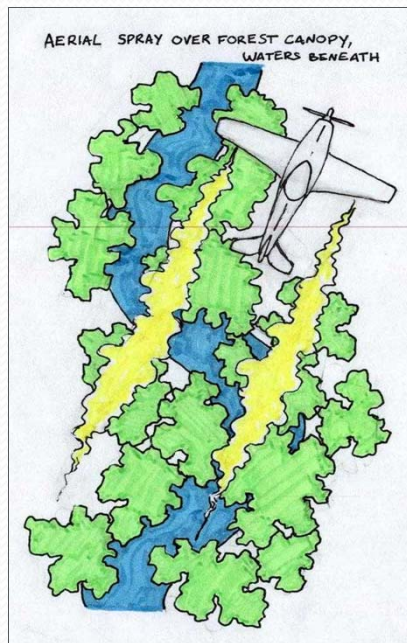
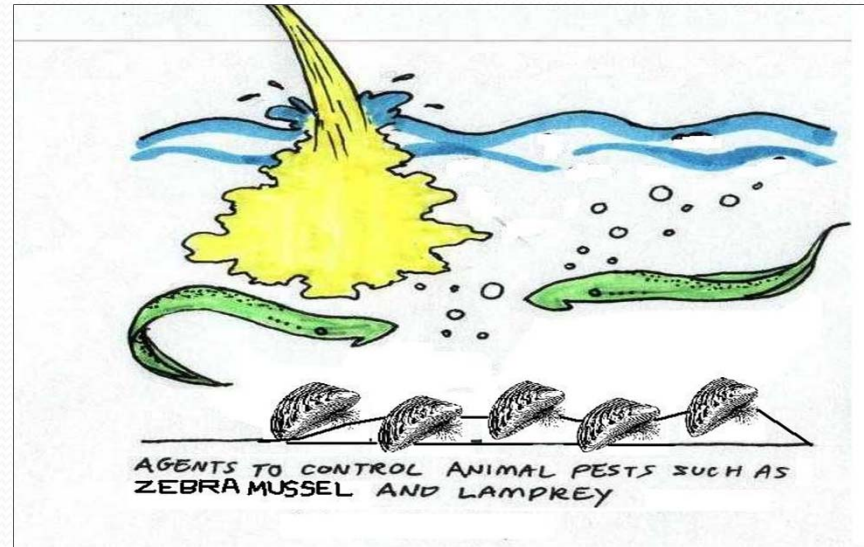
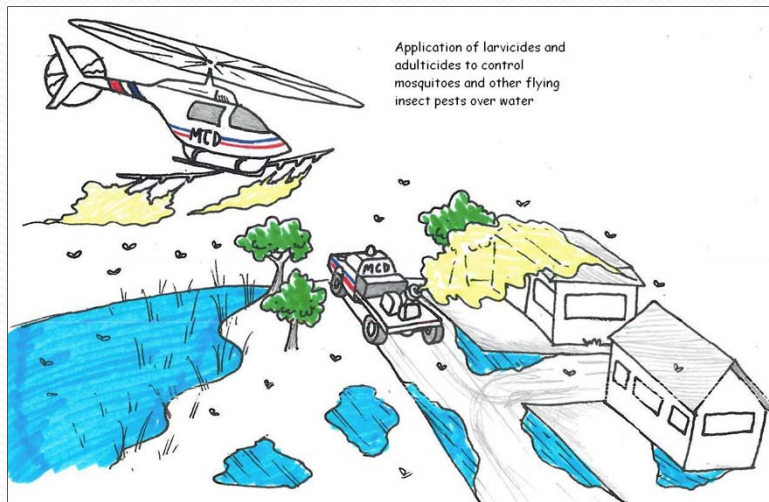


**Must obtain
NPDES permit
coverage**

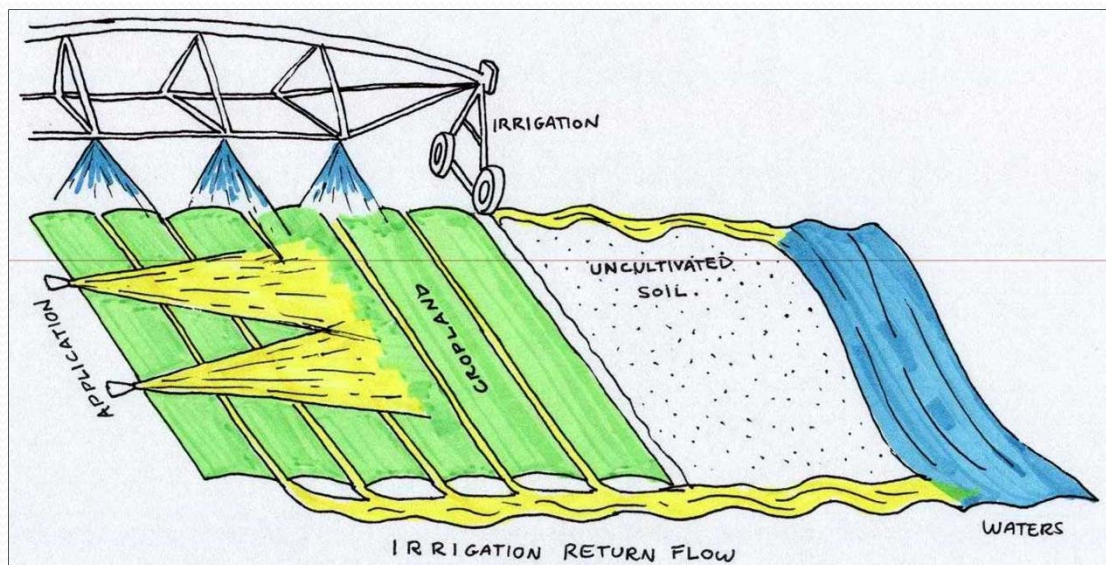
**(provides legal
authority for
discharges of
pollutants to waters
of the U.S.)**



Pesticide Use Patterns



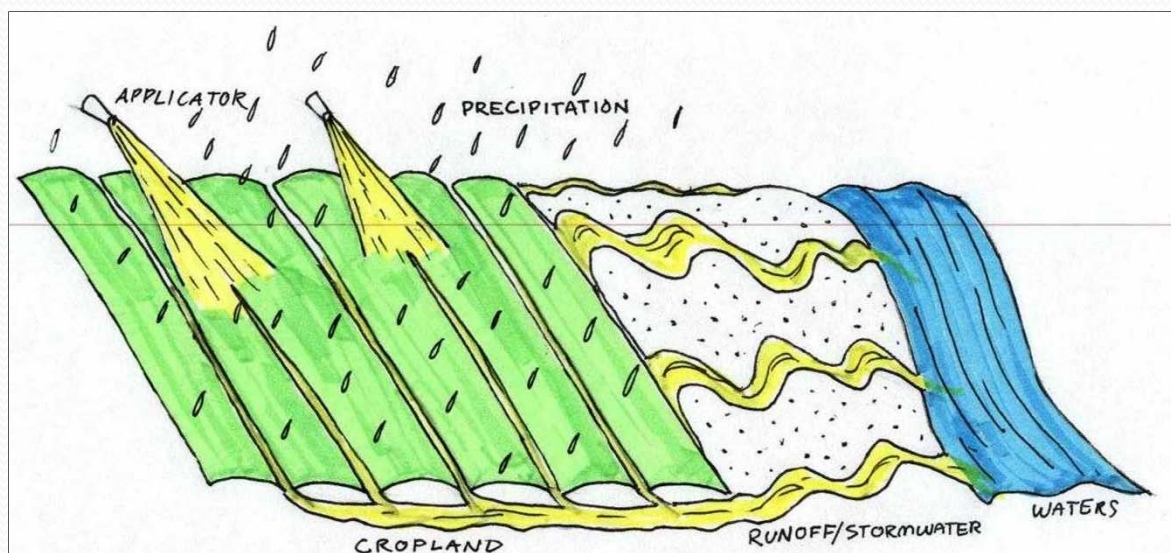
Clean Water Act Exemptions from NPDES Permitting



Irrigation Return Flow:
Generally Exempt by
Statute

CWA §502(14)

Agricultural Stormwater:
Generally Exempt by
Statute



CWA §502(14)



Clean Water Act Pesticide Permitting

Waters of the United States

- Definition of “waters of the U.S.” used in the PGP is consistent with the NPDES regulations (and the same as for all other NPDES permits for all other types of permitted discharges).
- Generally include discharges of pesticides within the ordinary high water mark of waters of the U.S., **whether those areas are wet or dry** at the time of pesticide application.
- Guidance to identify waters of the U.S. available on EPA’s PGP website (under “Additional Resources for Permittees”).



Clean Water Act Pesticide Permitting

Waters of the United States Guidance

Source: Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States* & *Carabell v. United States* (2008)

Summary of Key Points

The agencies will assert jurisdiction over the following waters:

- Traditional navigable waters
- Wetlands adjacent to traditional navigable waters
- Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months)
- Wetlands that directly abut such tributaries

The agencies will decide jurisdiction over the following waters based on a fact-specific analysis to determine whether they have a significant nexus with a traditional navigable water:

- Non-navigable tributaries that are not relatively permanent
- Wetlands adjacent to non-navigable tributaries that are not relatively permanent
- Wetlands adjacent to but that do not directly abut a relatively permanent non-navigable tributary

The agencies generally will not assert jurisdiction over the following features:

- Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow)
- Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water

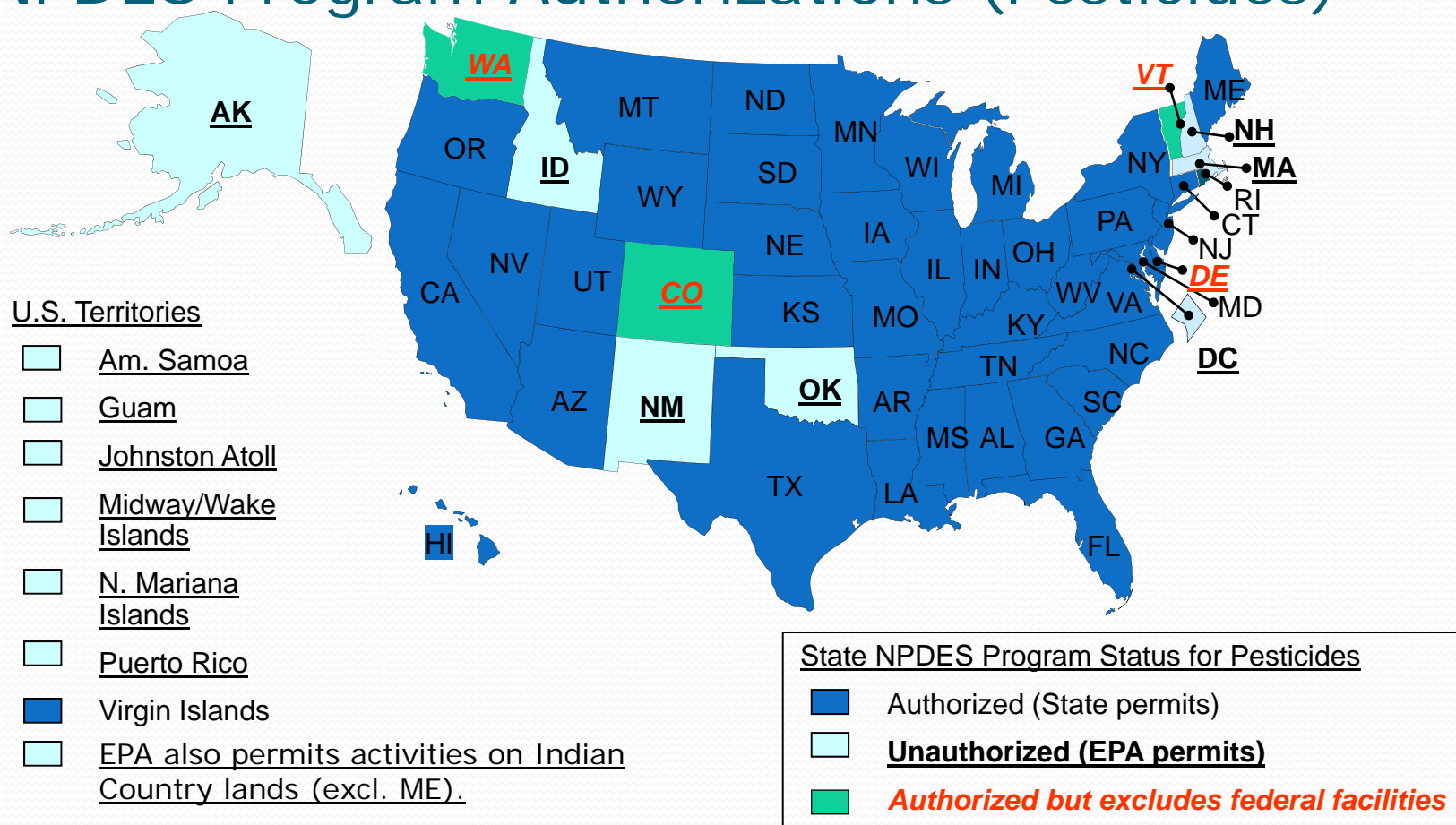
The agencies will apply the significant nexus standard as follows:

- A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters
- Significant nexus includes consideration of hydrologic and ecologic factors



EPA and State Permitting Responsibilities

NPDES Program Authorizations (Pesticides)



Notes:

- Oil, gas, and geothermal activities in Texas are permitted by EPA.
- In certain instances, EPA authorized a state to administer only a portion of the NPDES program.
(For example, OK issues most non-pesticide permits in the state; EPA issues pesticide permits in OK. The state is currently undergoing efforts to assume all NPDES permitting.)



EPA's Final PGP

Pesticide General Permit (PGP) Contents

- Eligibility (Part 1)
 - Scope
 - Notice of Intent (NOI)
 - Other Requirements
- Effluent Limits
 - Technology-Based (Part 2)
 - Water Quality-Based (Part 3)
- Monitoring (Part 4)
- Pesticide Discharge Management Plan (Part 5)
- Corrective Action (Part 6)
- Recordkeeping and Reporting (Part 7)
- CWA Section 401 Certifications (Part 9)
- Definitions, Abbreviations, Acronyms (App. A)
- Standard Permit Conditions (App. B)
- Forms (App. D-H)

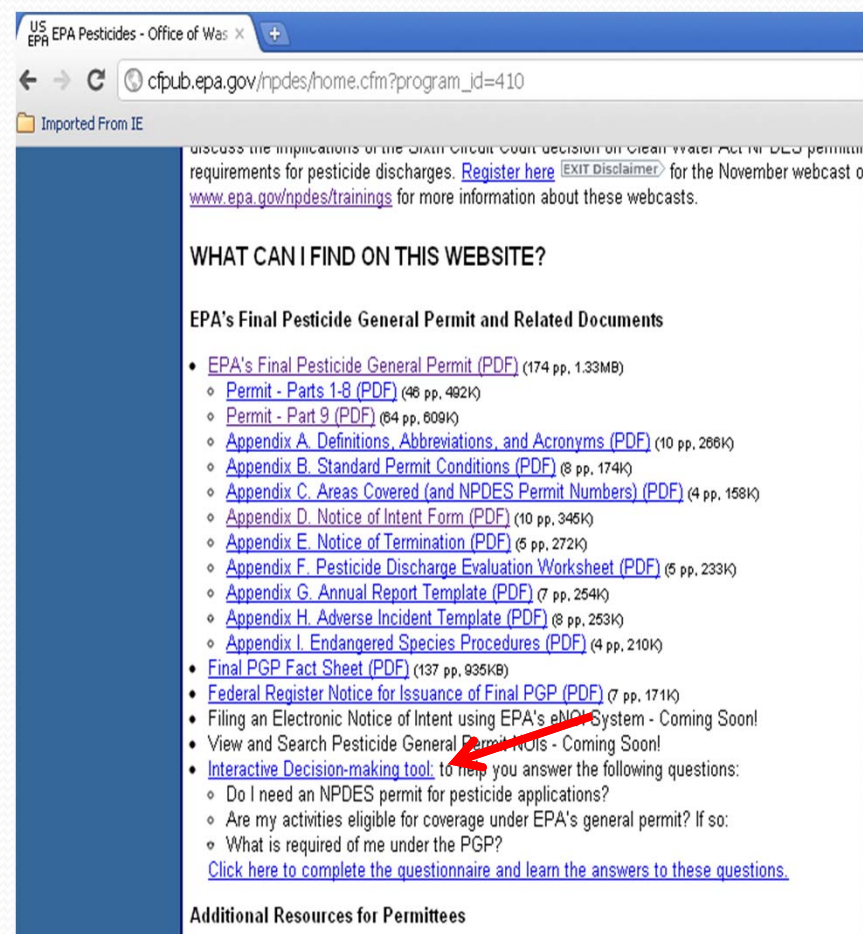


Where to Go for Help

Pesticides Permit Decision Tool

EPA has developed an interactive tool to help potential permittees through questions that help them:

- Determine if an NPDES permit will be needed for their pesticide application when the requirement for a permit takes effect;
- For those who determine they need a permit, determine if they are eligible for coverage under EPA's PGP; and
- If they are eligible for coverage under EPA's PGP, understand what their requirements will be under the PGP.



The screenshot shows a web browser window with the URL cfpub.epa.gov/npdes/home.cfm?program_id=410. The page is titled "WHAT CAN I FIND ON THIS WEBSITE?" and lists various documents under the heading "EPA's Final Pesticide General Permit and Related Documents". A red arrow points to the "Interactive Decision-making tool" link in the list.

US EPA Pesticides - Office of Water

cfpub.epa.gov/npdes/home.cfm?program_id=410

Imported From IE

discuss the implications of the Sixth Circuit Court decision on Clean Water Act NPDES permit requirements for pesticide discharges. [Register here](#) [EXIT Disclaimer](#) for the November webcast or www.epa.gov/npdes/trainings for more information about these webcasts.

WHAT CAN I FIND ON THIS WEBSITE?

EPA's Final Pesticide General Permit and Related Documents

- [EPA's Final Pesticide General Permit \(PDF\)](#) (174 pp, 1.33MB)
 - [Permit - Parts 1-8 \(PDF\)](#) (46 pp, 492K)
 - [Permit - Part 9 \(PDF\)](#) (64 pp, 609K)
 - [Appendix A. Definitions, Abbreviations, and Acronyms \(PDF\)](#) (10 pp, 266K)
 - [Appendix B. Standard Permit Conditions \(PDF\)](#) (8 pp, 174K)
 - [Appendix C. Areas Covered \(and NPDES Permit Numbers\) \(PDF\)](#) (4 pp, 158K)
 - [Appendix D. Notice of Intent Form \(PDF\)](#) (10 pp, 345K)
 - [Appendix E. Notice of Termination \(PDF\)](#) (5 pp, 272K)
 - [Appendix F. Pesticide Discharge Evaluation Worksheet \(PDF\)](#) (5 pp, 233K)
 - [Appendix G. Annual Report Template \(PDF\)](#) (7 pp, 254K)
 - [Appendix H. Adverse Incident Template \(PDF\)](#) (8 pp, 253K)
 - [Appendix I. Endangered Species Procedures \(PDF\)](#) (4 pp, 210K)
- [Final PGP Fact Sheet \(PDF\)](#) (137 pp, 935KB)
- [Federal Register Notice for Issuance of Final PGP \(PDF\)](#) (7 pp, 171K)
- Filing an Electronic Notice of Intent using EPA's eNOI System - Coming Soon!
- View and Search Pesticide General Permit NOIs - Coming Soon!
- [Interactive Decision-making tool](#), to help you answer the following questions:
 - Do I need an NPDES permit for pesticide applications?
 - Are my activities eligible for coverage under EPA's general permit? If so:
 - What is required of me under the PGP?[Click here to complete the questionnaire and learn the answers to these questions.](#)

Additional Resources for Permittees



EPA's Final PGP: Part 1 of 9

Eligibility - Scope

- PGP covers pesticides authorized under FIFRA, generally includes pesticide applications covered by the 2006 Rule.
- PGP covers four use patterns (with discharges to waters of the U.S.):
 - Mosquitoes and Other Flying Insect Pests
 - Weed and Algae
 - Animal Pests
 - Forest Canopy Pest



Eligibility - Scope

Discharges to waters impaired for the pesticide being discharged are not eligible for coverage under the PGP

- PGP covers pesticide applications to impaired waters under the following conditions:
 - If a waterbody is listed as impaired for a specific active ingredient, coverage is available only for pesticides with active ingredients other than the active ingredient causing the impairment for that waterbody.
 - If a waterbody is broadly listed as impaired for a family of active ingredients, coverage is available for pesticides with active ingredients in other families.
 - If cannot find an alternative in accordance with the conditions above and wishes to use a specific pesticide in a waterbody that is listed as impaired for that specific pesticide, then can apply for an individual permit or use other means of pest management that would meet eligibility for PGP.
- In Oklahoma, Chlorpyrifos, Diazinon, Dieldrin, Toxaphene, and DDT are causes of impairment for 303(d) Listed Waters.



Operators of Discharges

- **"Operator"** - PGP defines as any entity associated with an application of a pesticide which results in a discharge to waters of the U.S.
- Types of Operators who can gain coverage under the PGP:
 - **Decision-makers** – have control over the decision to perform pesticide applications
 - **Large Decision-makers** – Public: serves >10,000;
Private: exceeds Small Business Administration standard
 - **Applicators** – have day-to-day control or perform activities that are necessary to ensure compliance with the permit
 - **For-hire applicators** – subset of Applicators who make contractual pesticide applications for which they or their employer receives compensation (e.g., lawn care firms, pest control companies)



Eligibility – Notice of Intent (NOI)

- **Notice of Intent (NOI)** - document submitted by an Operator to notify a permitting authority of their intent for their eligible discharges to be covered under a General Permit.
- NOIs are not “applications” per se, but are similar to permit applications in that they notify the permitting authority of a discharge requiring permit coverage.
- NPDES regulations require NOIs to include basic information on the discharger, type of discharges, and receiving water.
- NOIs cover discharges for the life of the permit (but may be modified or terminated).
- Federal regulations: **In certain instances, discharges can be covered under a general permit without submission of NOI.**



EPA's Final PGP: Part 1 of 9

Eligibility – Notice of Intent (NOI)

- **Who Has to File an NOI under EPA's PGP?**

- Only certain **Decision-makers** who perform more significant pesticide applications:

1. Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations--regardless of size of areas treated
2. Other types of entities with a specific responsibility to control pests (e.g., mosquito and weed control districts, irrigation districts)--regardless of size of areas treated
3. Dischargers to Tier 3 waterbodies (i.e., Outstanding National Resource Waters)--regardless of size of areas treated
4. Dischargers to Waters of the U.S. containing National Marine Fisheries Service (NMFS) Listed Resources of Concern--regardless of size of areas treated (none in OK)
5. Other entities that apply pesticides in excess of annual treatment area thresholds

- **Vast majority of Operators (including, generally, for-hire applicators) are covered automatically without submission of an NOI, an application, or any other type of documentation.**



NOIs: Decision-makers Discharging to Tier 3 Waters

- Pesticide applications made to restore or maintain water quality or to protect public health or the environment that either do not degrade water quality or only degrade water quality on a short-term or temporary basis.
- A list of Tier 3 waters is available on EPA's website.
- No Tier 3 waters in the State of Oklahoma.
(More discussion later)



EPA's Final PGP: Part 1 of 9

NOIs: Thresholds for Decision-makers required to submit NOI

**not relevant for Decision-makers that are otherwise required to submit NOIs as identified in previous slide*

Mosquito and Other Flying Insect Pest Control (adulticiding only)

treat > 6,400 acres/calendar year

Forest Canopy Pest Control

treat > 6,400 acres/calendar year

- Count each pesticide application to a treatment area as a **separate** area treated.
Example: applying pesticides 3x/year to same 3,000 acres = 9,000 acres total

Weed and Algae Pest Control

treat > 20 linear miles OR 80 acres

Animal Pest Control

treat > 20 linear miles OR 80 acres

- Count each treatment area **only once**, regardless of the number of pesticide application activities performed in a given year.
Example: treating same 10 miles treatment area 3x/year = 10 miles total



EPA's Final PGP: Part 1 of 9

NOI Submission Deadlines and Authorization Dates

Discharge not in response to a Declared Pest Emergency Situation

Submit NOI at least **10 days prior to discharge**.

- Discharge authorized no earlier than 10 days after EPA posts online receipt of complete/accurate NOI.

If required to submit NOI for exceeding a treatment threshold, submit at least **10 days before exceeding that threshold**.

- Discharges authorized no earlier than 10 days after EPA posts online receipt of complete/accurate NOI.

Discharge in response to a Declared Pest Emergency Situation

Submit NOIs within **30 days after beginning to discharge**.

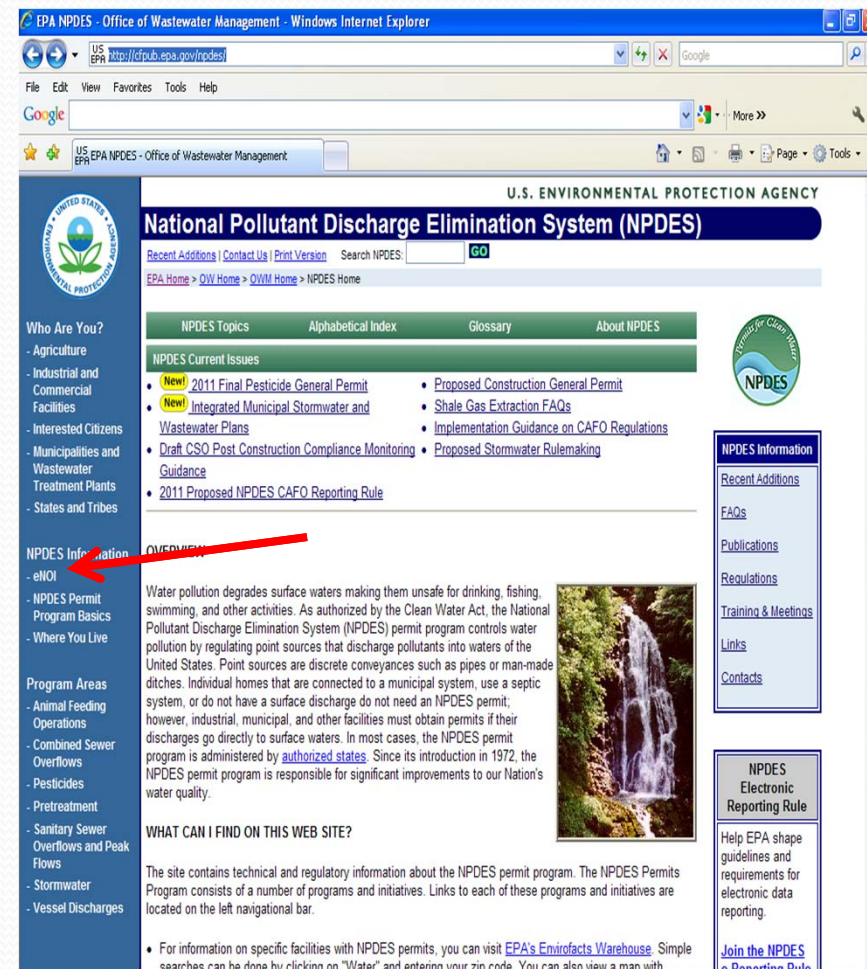
- Discharges authorized immediately.

Note: Deadlines vary in areas with NMFS Listed Resources of Concern (none in OK).



EPA's Final PGP: Part 1 of 9 Electronic NOI Submission (eNOI)

- Decision-makers must file using eNOI unless requesting a waiver because the use of eNOI would incur undue burden or expense (will need to provide reason in paper NOI).
- Website will include guidance on how to use eNOI system.



The screenshot shows the EPA NPDES website in a Windows Internet Explorer browser. The address bar displays <http://cfpub.epa.gov/npdes/>. The page title is "EPA NPDES - Office of Wastewater Management". The main content area is titled "National Pollutant Discharge Elimination System (NPDES)" and includes a search bar and a "GO" button. Below this, there are links for "Recent Additions", "Contact Us", and "Print Version". The page is organized into several sections:

- Who Are You?** (Agriculture, Industrial and Commercial Facilities, Interested Citizens, Municipalities and Wastewater Treatment Plants, States and Tribes)
- NPDES Information** (eNOI, NPDES Permit Program Basics, Where You Live)
- Program Areas** (Animal Feeding Operations, Combined Sewer Overflows, Pesticides, Pretreatment, Sanitary Sewer Overflows and Peak Flows, Stormwater, Vessel Discharges)
- NPDES Current Issues** (2011 Final Pesticide General Permit, Integrated Municipal Stormwater and Wastewater Plans, Draft CSO Post Construction Compliance Monitoring Guidance, 2011 Proposed NPDES CAFO Reporting Rule, Proposed Construction General Permit, Shale Gas Extraction FAQs, Implementation Guidance on CAFO Regulations, Proposed Stormwater Rulemaking)
- NPDES Information** (Recent Additions, FAQs, Publications, Regulations, Training & Meetings, Links, Contacts)
- NPDES Electronic Reporting Rule** (Help EPA shape guidelines and requirements for electronic data reporting, Join the NPDES in Reporting Rule)

A red arrow points to the "eNOI" link under the "NPDES Information" section. The "eNOI" link is highlighted in blue. The "NPDES Information" section also includes a link to "NPDES Permit Program Basics".



Effluent Limits – Technology-Based Effluent Limits

- **All Operators** must minimize discharges by using only the amount of pesticide and frequency of application necessary to control the target pest (Part 2.0)
- **Applicators** must (Part 2.1):
 - Maintain pesticide application equipment in proper operational condition
 - Assess weather conditions
- **Certain Decision-makers** (i.e., Federal and state agencies, other entities with responsibility to control pests, and other entities that apply pesticides in excess of specified annual treatment area thresholds) must implement pest management measures based on IPM principles (Part 2.2.1 – 2.2.4):
 - Identify/assess pest problem
 - Assess pest management alternatives
 - Follow appropriate procedures for pesticide use



EPA's Final PGP: Part 5 of 9

Pesticide Discharge Management Plan (PDMP)

- **Large Decision-makers who are required to submit an NOI** are required to develop a PDMP.
- Content of the PDMP includes:
 - Pesticide discharge management team information,
 - Problem identification,
 - Pest management options evaluation,
 - Response Procedures:
 - Spill Response Procedures
 - Adverse Incident Response Procedures
 - Documentation to support that ESA eligibility criteria (from Part 1.1.2.4) were met
- Decision-makers must keep a copy of the current PDMP at the address provided on the NOI (no need to submit).
- PDMP must be kept up-to-date for duration of permit coverage.



EPA's Final PGP: Part 3 of 9

Effluent Limits – Water Quality-Based Effluent Limits (WQBEL)

All Operators:

- The permit includes a narrative WQBEL:
“Your discharge must be controlled as necessary to meet applicable numeric and narrative state, territorial, or tribal water quality standards (WQS).”
- EPA expects that compliance with FIFRA in addition to compliance with the conditions in the permit will control discharges as necessary to meet applicable water quality standards.
- Section 401 of CWA: EPA permits required to obtain certification from states. Some states added requirements to PGP to ensure consistency with State WQS (Part 9 of the permit).
- During the life of the permit, EPA may determine, after reviewing new information, that additional control measures are warranted.



Monitoring

- **Applicators** (Part 4.1):
 - Must conduct “visual monitoring” to detect observable adverse incidents that may be related to the pesticide discharge.
- **All Operators** (Part 4.2)
 - If any post-application surveillance occurs, must conduct “visual monitoring” to detect observable adverse incidents that may be related to the pesticide discharge.



Corrective Action


Corrective Action for Adverse Incidents

- **All Operators:** If become aware of an adverse incident which may have resulted from your discharge:
 1. Within 24 hours of discovery or as soon as possible: Notify EPA Region by phone
 2. Within 30 days of discovery: Written report
 3. As necessary, corrective action



Forms – Adverse Incident Template

- 30-day Adverse Incident Report
- Report includes:
 - Operator name/telephone number/ mailing address
 - Date/location of adverse incident
 - Description of incident identified, including EPA registration number of product used and description of steps taken or will be taken to contain any adverse effects.

	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY	Form Approved
	WASHINGTON, DC 20460	OMB No.
	THIRTY (30)-DAY ADVERSE INCIDENT WRITTEN REPORT FOR THE PESTICIDE GENERAL PERMIT (PGP)	2040-NEW
	FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES	

This form is for Operators required to submit a written report of any reportable adverse incidents to the appropriate EPA Regional office and to the state lead agency for pesticide regulation. Where multiple Operators are authorized for a discharge that results in an adverse incident, reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of this report is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

A. Reportable Adverse Incident.

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

☐ Yes. You must complete this report and submit it to the appropriate EPA Regional office and to the state lead agency for pesticide regulation.

☐ No. STOP. You are not required to complete this report. However, you may consider using this form to document the incident and your rationale for why reporting of the adverse incident is not required. This information may be useful to support your rationale should you be questioned on such.

B. Information from the 24-Hour Adverse Incident Notification

When an Operator observes or is otherwise made aware of an adverse incident, which may have resulted from a discharge from a pesticide application, the Operator must immediately notify the appropriate EPA Incident Reporting Contact, as identified at www.epa.gov/nepdes/pesticides. This notification must be made by telephone within 24 hours of the Operator becoming aware of the adverse incident. Operators must include in the written report the information provided to EPA in the 24-hour adverse incident notification (PGP Part 6.4.1.1). Attach additional information if necessary.

1. Caller's Contact Information:

a. Name:

b. Telephone Number: -- Ext

2. Operator Information:

a. Operator Name:

b. Mailing Address:

Street:

City: State: ZIP Code: -

3. NOI NPDES Permit Tracking Number: (Enter "NA" if not applicable)

4. Contact person, if different than the person providing the 24-hour notice under Item 1 above:

a. Name:

b. Telephone Number: -- Ext

5. Describe how and when the Operator became aware of the adverse incident:

6. Describe the location of the adverse incident:



Recordkeeping and Reporting

All Operators:

- Copy of any Adverse Incident Reporting
- Copy of any corrective action documentation
- Copy of any spill and leak or other unpermitted discharge documentation

For-Hire Applicators:

- Documentation of equipment calibration
- Information on each treatment area
 1. Description of each area, including location and size and identification of any waters to which pesticides are discharged
 2. Pesticide use patterns
 3. Target pests
 4. Name and EPA Registration # of each pesticide product used
 5. Quantity of each pesticide product applied to each treatment area
 6. Pesticide application dates
 7. Whether or not visual monitoring was conducted during and/or after pesticide application; if not, why not; and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides



Recordkeeping and Reporting

Decision-makers who are required to submit an NOI and are:


Small Entity	Large Entity
<ul style="list-style-type: none">• Submit and retain a copy of the NOI• Keep Pesticide Discharge Evaluation Worksheet <i>(instead of Annual Report)</i>• Documentation of equipment calibration if also an Applicator	<ul style="list-style-type: none">• Submit and retain copy of the NOI• Copy of PDMP• Submit and retain copies of Annual Reports• Documentation of equipment calibration if also an Applicator



EPA's Final PGP: Appendix F

Forms – Pesticide Discharge Evaluation Worksheet

- Required for **Small Decision-makers who submit NOIs** (instead of Annual Report).
- Must retain at the address provided on the NOI (do not need to submit).
- Worksheet includes:
 - Decision-maker and Applicator information
 - Locations and pesticide product use information
 - Identification of target pests and alternate pest management practices considered
 - Whether visual monitoring was conducted during/post application (if not, why not)
 - Adverse effects identified during visual monitoring


		UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460	Form Approved OMB No. 2040-NEW
PESTICIDE DISCHARGE EVALUATION WORKSHEET FOR THE PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES			
This worksheet is for any Operator who is also a Decision-maker required to submit a Notice of Intent (NOI) and is a small entity, as defined in Appendix A of the Pesticide General Permit (PGP). The information on this worksheet must be retained for each pesticide application activity.			
A. General Information			
1. Operator Name: _____			
2. Worksheet Preparer Name: _____			
3. Pest Management Area: # __ of ## ____			
4. Pest Management Area Name: _____			
5. Indicate the pesticide use pattern for the Pest Management Area: a. <input type="checkbox"/> Mosquito and Other Flying Insect Pests b. <input type="checkbox"/> Weed and Algae Pests c. <input type="checkbox"/> Animal Pests d. <input type="checkbox"/> Forest Canopy Pests			
6. For each treatment area (use additional pages for each treatment area): a. Provide a description of the treatment area within this Pest Management Area, including location description: _____ _____ _____ b. Size of treatment area (in acres or linear feet): ____ acres or ____ linear feet. c. Name or location of any Waters of the United States to which discharges occurred: _____ _____			
B. Pest Evaluation			
1. Identify the target pest(s) and explain why pest control is needed: _____ _____ _____ 2. Describe Pest Management Measure(s) implemented before the first pesticide application: _____ _____ _____ _____			
C. Pesticide Application			
1. Name and contact information for pesticide applicator(s): Company Name: _____ Street: _____ City: _____ State: ____ Zip Code: _____ Contact Name: _____ Phone: ____-____-____ Ext. ____ E-mail: _____			



EPA's Final PGP: Appendix G

Forms – Annual Report Template

- Required for **Large Decision-makers who submit NOIs**
- Report includes:
 - Decision-maker and applicator information
 - Adverse incident and corrective action information
 - Summary of locations, use patterns, and pesticides, pesticide application methods
- Submit no later than February 15 after previous calendar year. Must be submitted even if coverage was terminated after a partial year.

 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 ANNUAL REPORTING FORM FOR THE PESTICIDE GENERAL PERMIT (PGP) FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES		Form Approved OMB No. 2040-NEW
This form is for any Operator that is a Decision-maker required to submit an NOI. The annual report must be submitted no later than February 15 of the following year for all pesticide activities covered under the permit occurring during the previous calendar year as detailed in Part 7 of the permit.		
Electronic Submission Waiver (skip if using eNOI) <input type="checkbox"/> I hereby acknowledge my waiver request from the use of EPA's electronic Notice of Intent system (eNOI) because my use of eNOI will incur undue burden or expense over my use of this paper Annual Reporting form. Briefly describe the reason why use of the electronic system causes undue burden or expense: <hr/>		
A. General Information		
1. NPDES Permit Tracking Number: <input type="text"/>		
2. Operator Name: <input type="text"/>		
3. Operator Contact Information:		
a. Street: <input type="text"/>		
b. City: <input type="text"/> c. State: <input type="text"/> d. ZIP Code: <input type="text"/>		
e. Telephone: <input type="text"/> Ext <input type="text"/> f. Fax: <input type="text"/>		
4. Contact Information:		
a. Contact Name: <input type="text"/>		
b. Title: <input type="text"/>		
c. E-mail: <input type="text"/>		
B. Adverse Incidents and Corrective Actions		
1. Was an adverse incident observed and/or corrective actions taken for any Pest Management Area for which you have coverage under the permit? a. <input type="checkbox"/> No adverse incidents were observed or corrective action was taken. (Proceed to Section C) b. <input type="checkbox"/> Yes, an adverse incident was observed and/or a corrective action was taken. (Complete questions 2-6 for each Pest Management Area in which adverse incidents were observed or corrective actions were taken. Copy this section for non-electronic submissions).		
Pest Management Area # ___ of #___		
2. Pest Management Area Name: <input type="text"/>		
3. If applicable, provide the date for any adverse incidents as a result of those treatment(s), as described in Part 6.4 of the permit (use additional pages, if needed): Date of adverse incident observation: <input type="text"/>		
4. Date and time the Operator contacted EPA to notify the Agency of the adverse incident, who the Operator spoke with at EPA, and any instructions received from EPA.		
a. Date: <input type="text"/> c. Who the Operator spoke with at EPA: <input type="text"/>		
b. Time: <input type="text"/> d. Instructions received from EPA: <input type="text"/>		
5. Date of submission of Thirty (30)-Day Adverse Incident Written Report: <input type="text"/>		
6. Describe any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s), subsequent to those steps described in the Thirty (30)-Day Adverse Incident Written Report: <hr/> <hr/> <hr/>		



CWA §401 Certifications: Oklahoma

- ODAFF has denied PGP certification for:
 - New discharges to Scenic Rivers or Outstanding Resource Waters (ORWs) and all waters of the state within their watersheds.
 - Discharges existing as of 6/11/89 are allowed provided there is no increased load of any pollutant. New discharges to any High Quality Waters (HQWs) or Sensitive Public and Private Water Supplies (SWS).
 - New discharges are allowed if demonstrate discharge will maintain/improve water quality.
 - New discharges or increased pollutant loading from existing discharges as of 6/11/1989 listed in Table 1 of App. B in OK's Water Quality Standards (WQS) are only allowed if it is to ensure that recreational and ecological significance of waters will be maintained.
 - Documentation of criteria for any of the above must be submitted to ODAFF to determine eligibility. Copies of ODAFF determinations for the above must be submitted with any NOIs to EPA.
- No additional requirements for Indian Country lands within the State of Oklahoma.



Where to Go for Help

Additional Information

For more information on NPDES Pesticide permitting:

www.epa.gov/npdes/pesticides

PGP NOI homepage:

www.epa.gov/npdes/pesticides/enoi

Send any questions to:

hill.jenelle@epa.gov (EPA Region 6)

pgp@epa.gov (EPA HQ)



End Presentation

Time for Questions

