



***STATE OF WISCONSIN***  
***DEPARTMENT OF NATURAL RESOURCES***

**GENERAL PERMIT (GP) TO DISCHARGE UNDER THE WISCONSIN  
POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES)**

In compliance with the provisions of Chapter 283, Wis. Statutes, any Wisconsin operation with a point source discharge of

**A POLLUTANT, SUCH AS AN EXCESS OR RESIDUAL PESTICIDE,  
DUE TO ACTIVITIES TO CONTROL  
NUISANCE OR VECTOR MOSQUITOES OR OTHER FLYING INSECTS**

that meets the applicability criteria listed in part 1 of this permit, is authorized to discharge pollutants directly to surface waters of the state and to groundwater of the state (via incidental seepage of pesticide treated water) in accordance with the effluent limitations, monitoring requirements and other conditions set forth in this permit.

State of Wisconsin Department of Natural Resources  
For the Secretary

By *Susan L. Sylvester*  
Susan L. Sylvester, Director  
Bureau of Water Quality  
Division of Water

10-26-11  
Date Permit Signed/Issued

**PERMIT EFFECTIVE DATE – November 1, 2011**

**EXPIRATION DATE - September 30, 2016**

# 1. APPLICABILITY CRITERIA & PERMIT COVERAGE

## 1.1. Activities Covered

This permit applies to a point source pollutant discharge directly into waters of the state from a nuisance or vector flying insect control activity that has: (1) a biological pollutant discharge, (2) an excess chemical pollutant discharge into waters of the state located beyond the flying insect treatment area boundary, and/or (3) a chemical pollutant residue that remains in waters of the state after completion of the flying insect control treatment period. An excess or residual chemical pollutant for a flying insect control activity would include, but not be limited to: a pesticide active or inert ingredient, a pesticide degradation by-product, a chemical applied to enhance pesticide effectiveness, and a non-pesticide chemical applied to control a flying insect pest. As specified in s. 283.01(20), Wis. Statutes, waters of the state include those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the state or its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

The following activities are eligible for coverage under this permit:

### 1.1.1. Control of Nuisance or Vector Mosquitoes

This permit is applicable to a point source discharge of a pollutant directly to waters of the state due to control of nuisance or vector mosquitoes;

### 1.1.2. Control of Nuisance or Vector Black Flies

This permit is applicable to a point source discharge of a pollutant directly to waters of the state due to control of nuisance or vector black flies;

### 1.1.3. Control Activities for Other Similar Flying Insect Pests

This permit is applicable to a point source discharge of a pollutant directly to waters of the state due to control of other similar nuisance or vector flying insect pests as approved by the Department.

## 1.2. Activities Excluded

### 1.2.1. Discharge to Outstanding Resource Waters for Control of a Wis. Native Species

This permit is not applicable to a control activity for an organism native to Wisconsin where there would be a biological or chemical pollutant discharge to an outstanding resource water as defined in s. NR 102.10, Wis. Adm. Code or there would be a biological or chemical pollutant discharge that would lower the water quality of a downstream outstanding resource water.

### 1.2.2. Discharge to Exceptional Resource Waters for Control of a Wis. Native Species

This permit is not applicable to a control activity for an organism native to Wisconsin where there is no public health problem and there would be a biological or chemical pollutant discharge to an exceptional resource water as defined in s. NR 102.11, Wis. Adm. Code, or there would be a biological or chemical pollutant discharge that would lower the water quality of a downstream exceptional resource water.

### 1.2.3. Discharge to a Wetland

This permit is not applicable to a nuisance or vector flying insect control activity that would have a biological or chemical pollutant discharge that the Department has determined will not meet the wetland protection requirements of ch. NR 103, Wis. Adm. Code.

#### **1.2.4. Discharge from Indian activities within Indian Country**

This permit is not applicable to a flying insect control activity by a tribal entity that would have a pollutant discharge within Indian Country. Note: The US Environmental Protection Agency regulates pollutant discharges by tribal entities within Indian Country.

#### **1.2.5. Discharge to 303(d) listed Impaired Resource Waters**

This permit is not applicable to a flying insect control activity that would have a biological or chemical pollutant discharge to waters of the state identified as impaired by that pollutant. Impaired waters are those that have been identified by Wisconsin pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards. Impaired waters include both waters with State and Federally approved Total Maximum Daily Loads (TMDLs) and impaired waters for which the State and EPA have not yet approved a TMDL. At the issuance date of this permit, there are no Wisconsin waters identified as impaired for a pesticide.

Note: The section 303(d) list of Wisconsin impaired water bodies may be obtained by contacting the Department or by searching for the section 303(d) list on the Department's Internet site. The Department updates the section 303(d) list approximately every two years. The updated list is effective upon approval by EPA. The current link to the section 303(d) list is:  
<http://dnr.wi.gov/org/water/wm/wqs/303d/>.

### **1.3. Submittal of a Notice of Intent (NOI)**

To obtain authorization to discharge a pollutant under this permit, the applicator or sponsor of the flying insect control activity shall submit a notice of intent for this Wisconsin General WPDES Permit or submit a ch. NR 107 Wis. Adm. Code aquatic organism management permit application (that requests WPDES permit coverage). A link to an electronic NOI for this permit will be included in 2012 on the Wisconsin WPDES general permit internet page.

### **1.4. Department Coverage Determination**

The permittee shall retain the written record of the Department's decision to authorize a pollutant discharge under this general WPDES Permit. The Department's permit coverage authorization shall be in writing and will show the permittee's start date for legal discharge under this permit.

### **1.5. Notice of Termination (NOT) Submittal**

When requesting discontinuation of coverage under this WPDES general permit, the permittee shall inform the Department in writing. The request for termination can be made via letter, electronic document transmittal, or by sending a copy of the Wis. GP Notice of Termination to the Wis. Dept. of Natural Resources, Water Quality Program, P.O. Box 7921, Madison, WI 53707. Coverage under a WPDES general permit will be terminated upon receipt of the termination notice by the Department.

## **2. REQUIREMENTS FOR ALL DISCHARGES**

### **2.1. Compliance with Wisconsin Water Quality Standards**

The permittee shall implement applicable measures as necessary to ensure any biological or chemical pollutant discharge is controlled to prevent:

**2.1.1** Violation of the surface water quality standards as specified in chs. NR 102, 103, 104, 105, 106, and 207, Wis. Adm. Code. General surface water standards (NR 102.04) specify that pollutant discharges be controlled to prevent interference with public rights from toxic substances, objectionable deposits, floating or submerged material, and materials producing color, odor, taste or unsightliness;

**2.1.2** Violation of any groundwater standards in ch. NR 140, Wis. Adm. Code; and

**2.1.3** Harm to endangered and threatened resources as specified in ch. NR 27, Wis. Adm. Code and s. 29.604, Wis. Stats.

### **2.2. Discharge of Non-pesticide Pest Control Products or Additives**

Non-pesticide products or additives, such as oils, bacteria, enzymes, pheromones, polymers, surfactants, etc., used in conjunction with a flying insect control activity shall be managed so any biological, excess chemical, or residual chemical pollutant discharge would meet Wisconsin water quality standards as specified in part 2.1. The Department may require the permittee to submit information on the aquatic toxicity, human health impact, and persistence of any pesticide or non-pesticide product or additive used to control a flying insect pest when there would be a pollutant discharge to waters of the state.

### **2.3. Discharge to an Outstanding or Exceptional Resource Water to Control an Invasive Flying Insect Species**

When efforts to control an invasive species listed in ch. 40 Wis. Adm. Code results in a pollutant discharge to an outstanding resource water or an exceptional resource water (when there is no public health problem), the flying insect control activity shall be managed so: (a) any biological pollutant discharge quickly degrades or is neutralized to a level that does not exceed the background concentration of the pollutant in the receiving water as specified in s. NR 207.03, Wis. Adm. Code, (b) any excess chemical pollutant discharge outside of the treatment area does not exceed the background concentration of the pollutant in the receiving water as specified in s. NR 207.03, and (c) any chemical pollutant residual remaining after completion of the treatment period does not exceed the background concentration of the pollutant in the receiving water as specified in s. NR 207.03. Wisconsin surface waters classified as outstanding and exceptional quality are listed in s. NR 102.10, Wis. Adm. Code.

### **2.4. Pesticide Application Requirements**

The permittee shall not exceed the pesticide label maximum application rate established by the Federal Insecticide, Fungicide & Rodenticide Act (FIFRA) and any use restrictions established by the Wis. Dept. of Agriculture, Trade and Consumer Protection (DATCP), and shall:

**2.4.1** Ensure the applicator using or directing the use of a pesticide is licensed and certified as required by Wis. DATCP for the pesticide product being used;

**2.4.2** Maintain pesticide application equipment in proper operating condition by adhering to general industry practices and standards, and by maintaining (calibrating, cleaning, repairing, etc.) such equipment as needed to ensure effective pesticide application and aquatic plant control;

**2.4.3** Ensure that the equipment's rate of pesticide application is calibrated to deliver the desired quantity of pesticide for effective control of the target pest; and

**2.4.4** Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit.

## **2.5. Identify the Characteristics of the Pest Problem**

A pest control operation covered under this permit shall, prior to initiation of a pest treatment project:

**2.5.1** Identify target mosquito or other flying insect pest species to develop species-specific pest identification and management strategies based on developmental and behavioral considerations for each species;

**2.5.2** Identify known breeding sites suitable for source reduction, habitat management, and larval control programs;

**2.5.3** Analyze existing surveillance data to help identify new or unidentified sources of mosquito or flying insect pest problems as well as sites that have recurring pest problems; and

**2.5.4** Establish action threshold densities for larval and adult mosquito or flying insect pest populations for implementing pest management strategies.

## **2.6. Evaluate Flying Insect Pest Management Options**

A pest control operation covered under this permit shall prior to initiation of a pest treatment project:

**2.6.1** Select and implement, for each pest management area, efficient and effective means of pest management that includes identification of the characteristics of the pest problem and evaluation of methods to minimize the pollutant discharge resulting from application of chemical pesticides, biological pesticides and other pest control additives (such as those designed to enhance pesticide effectiveness or otherwise manage a target pest) for control of any flying insect pest life stage;

**2.6.2** Considering impacts to human health, impacts to non-target organisms, pesticide efficacy, pesticide persistence, development of pesticide resistance, feasibility, and cost effectiveness, evaluate the following management options: (a) no action, (b) prevention, (c) mechanical or physical control methods, (d) cultural methods, (e) biological control agents, (f) biological pesticides, and (g) chemical pesticides.

## **2.7. Minimize the Pollutant Discharge**

When pesticide use is necessary to manage a flying insect pest and there is a discharge of a biological or chemical pollutant to waters of the State, the permittee shall minimize the discharge of pollutants related to control of the target pest by taking the following steps:

**2.7.1** Conduct larval and/or adult surveillance prior to the pest control project to assess pest density and susceptibility to treatment within the pest management area;

**2.7.2** Apply pesticides only when an action threshold density has been met;

**2.7.3** Assess environmental conditions (such as water temperature, precipitation, wind speed, etc.) in the treatment area prior to each pesticide application to identify whether existing environmental conditions are suitable for pest control activities;

**2.7.4** In situations or locations where practicable and feasible for efficacious control, use bio-larvicides as a preferred pesticide for mosquito or flying insect pest control; and

**2.7.5** In situations or locations where larvicide use is not practicable or feasible for efficacious control and non-chemical flying insect control methods are not expected to be effective, adulticides may be used for control of disease carrying and transmitting (vector) mosquitoes or other flying insect pests.

## **2.8. Discharge of Other Pesticide Active Ingredients**

**2.8.1** The permittee may discharge a pesticide active ingredient not listed in this permit on a limited basis in the context of data development and/or research to support pesticide registration under the jurisdictions of EPA or the Wis. DATCP through the issuance of an *Experimental Use Permit* (Federal or State). A permittee discharging a pesticide for such purposes is not required to create an Integrated Pest Management decision summary document under part 5.3 of this permit, but must follow the other requirements of this permit. A permittee that is exempt from needing an *Experimental Use Permit* as per 40 CFR 172 and s. ATCP 29.71 may discharge a pesticide active ingredient not listed in this permit but is required to follow all of the other requirements of this WPDES general permit;

**2.8.2** A permittee may discharge a pesticide active ingredient not listed in this permit or an active ingredient in a pesticide not labeled for use in a location appropriate to flying insect pest management on a limited basis in the context of a *Special Local Need (SLN) (Section 24c)* registration granted by the Wis. Department of Agriculture, Trade and Consumer Protection under s. ATCP 29.72 or a *Section 18 emergency exemption* granted by EPA under 40 CFR 166. Discharges related to such authorized pesticide uses are subject to all other requirements of this WPDES general permit.

**2.8.3** A permittee may discharge a pollutant or pesticide active ingredient not listed in this permit if use of the aquatic organism control product is approved under a permit issued by the Department under the authority of Ch. NR 107 or NR 109, Wisconsin Administrative Code. Discharges related to such permitted aquatic organism control products are subject to the other requirements of this WPDES general permit.

## **3. ADDITIONAL REQUIREMENTS FOR DISCHARGES FROM LARVICIDE TREATMENT**

Flying insect pest larval control activities that have a point source pollutant discharge to waters of the state shall meet the following additional requirements.

### **3.1. Excess Discharge Monitoring for Certain Pesticide Applications**

A permittee that has a point source pollutant discharge of excess Malathion, Methoprene, Monomolecular surface film (MSF), Paraffinic White Mineral Oil, or Spinosad to a fish-bearing receiving water outside of the treatment area during the year shall analyze at least one grab sample for that year to determine the representative pesticide concentration in the fish-bearing water receiving the excess pesticide discharge. The Department may waive this requirement in writing based on a demonstration that representative monitoring will be completed by a group of permittees or that such receiving water testing is not possible due to sample collection, analysis method, public health emergency, or legal issues that prevent collection of valid sample results. The results of any annual pollutant monitoring shall be submitted to the Department by February 15<sup>th</sup> of the year following the

pollutant discharge as specified in Part 5.5 of this permit.

### **3.2. Additional Restrictions for Larvicide Use**

The permittee may discharge larvicides provided one or more of the following conditions are met:

**3.2.1** The mosquito treatment site does not contain a viable fish population capable of consuming the flying insect larva;

**3.2.2** Pretreatment surveillance of a potential larvicide application site indicates that at least one larva/pupae of the target species is present in at least one of three dips. In the event that the permittee finds larvae/pupae of the target species and the area is treated, the permittee may continue pre-emptive larvicide treatment of that area without dipping for the remainder of the treatment season;

**3.2.3** Methoprene may be used as a pre-emergent dry-land treatment without dipping on intermittently flooded areas that have a documented historical record of hatches of the target species following flooding;

**3.2.4** The application site for Malathion, Monomolecular surface films (MSF), Paraffinic white mineral oil, or Spinosad is in or adjacent to a county in which bird, animal, or human mosquito-borne disease cases have been confirmed during the current or previous treatment season;

**3.2.5** State or local health authorities declare a public health threat or emergency related to mosquito-borne disease based on surveillance data or health threat emergence data or the Department has issued a ch. NR 107 permit for the larvicide use.

### **3.3. Flying Insect Larvicide *Active Ingredients***

The following pesticide active ingredient substances may have an excess or residual chemical pollutant discharge and/or a biological pollutant discharge under this WPDES permit when the pesticide product containing the active ingredient is registered with EPA, is registered with the Wisconsin Dept. of Agriculture, Trade and Consumer Protection for use in Wisconsin, and is used consistent with the label in a location appropriate to larval management of flying insect pests. Part 2.8 of this permit also authorizes the discharge of additional substances. A permittee may request authorization to discharge an additional pesticide active ingredient substance by requesting this permit be modified to include the active ingredient, or a permittee may apply for a site specific WPDES individual permit to authorize the discharge of the pesticide active ingredient.

1. *Bacillus sphaericus* (Bs or H-5a5b)
2. *Bacillus thuringiensis israelensis* (Bti)
3. Malathion
4. Methoprene
5. POE isooctadecanol [monomolecular surface film (MSF)]
6. Paraffinic white mineral oil
7. Spinosad

### **3.4. Malathion and Mineral Oil Restriction**

A permittee may only discharge malathion or paraffinic white mineral oil as larvicides if other pesticides are ineffective at a specific treatment site and the water body receiving the pollutant discharge is not classified as fish-bearing. To determine if the water body is fish bearing, consult with the Department local Fisheries Biologist. Contact information for Department Regional Fisheries Staff can

be found by searching for “WDNR Fisheries Biologist staff” or accessed at:  
<http://dnr.wi.gov/fish/people/fisheriesbiologists.html>.

## **4. ADDITIONAL REQUIREMENTS FOR DISCHARGES FROM ADULTICIDE TREATMENT**

Flying insect pest adult control activities that have a point source pollutant discharge to waters of the state shall meet the following additional requirements.

### **4.1. Excess Discharge Monitoring for Certain Pesticide Applications**

A permittee that has a point source pollutant discharge of excess Etofenprox, Malathion, Naled, Prallethrin, Resmethrin, or Sumithrin (d-phenothrin) to a fish-bearing receiving water outside of the treatment area during the year shall analyze at least one grab sample for that year to determine the representative pesticide concentration in the fish-bearing water receiving the excess pesticide discharge. The Department may waive this requirement in writing based on a demonstration that representative monitoring will be completed by a group of permittees or such receiving water testing is not possible due to sample collection, analysis method, public health emergency, or legal issues that prevent collection of valid sample results. The results of any annual pesticide monitoring event shall be submitted to the Department by February 15<sup>th</sup> of the year following the pollutant discharge as specified in Part 5.5 of this permit.

### **4.2. Flying Insect Adulticide *Active Ingredients***

The following pesticide active ingredient substances may have an excess or residual chemical pollutant discharge and/or a biological pollutant discharge under this WPDES permit when the pesticide product containing the active ingredient is registered with EPA, is registered with the Wisconsin Dept. of Agriculture, Trade and Consumer Protection for use in Wisconsin, and is used consistent with the label in a location appropriate to adult flying insect pest management. Part 2.8 of this permit also authorizes the discharge of additional pest control substances. A permittee may request authorization to discharge an additional pesticide active ingredient substance by requesting this permit be modified to include the active ingredient, or a permittee may apply for a site specific WPDES individual permit to authorize the discharge of the pesticide active ingredient.

1. Etofenprox
2. Malathion
3. Naled
4. Pyrethrins
5. Permethrin
6. Piperonyl Butoxide (PBO)
7. Prallethrin
8. Resmethrin [Note: voluntary cancellation in progress]
9. Sumithrin (d-phenothrin)

### **4.3. Ultra Low Volume Spray for Adulticides**

The permittee shall utilize *Ultra Low Volume* (ULV) application equipment to apply adulticides if available to minimize any excess pollutant discharge to waters of the state. Other FIFRA label-approved application techniques may be used following written approval by the Department when use of ULV equipment is not available.



#### **4.4. Excess Pesticide Discharge Restriction for Surface Waters**

The permittee shall control adulticide application methods, such as *Ultra Low Volume* (ULV) techniques, to minimize the incidental discharge of adulticides to waters of the state. Many FIFRA labels for flying insect adulticides specify that only incidental amounts of an adulticide (such as minimal deposition of ULV droplets) may be discharged to waters of the state. The permittee shall utilize weather data (wind speed, wind direction, humidity, etc.) to control the adulticide application to minimize the incidental deposition of excess adulticide to waters of the state.

#### **4.5. Malathion and Naled Restriction**

The use of malathion and naled as an adulticide shall be done in accordance with Integrated Pest Management principles for control of mosquito pesticide resistance. The incidental discharge of malathion and naled is only allowed to non-fish bearing waters (certain wetlands and variance waters of the state listed in ch. NR 104, Wis. Adm. Code). These pesticides may only be discharged to non-fish bearing waters when written approval is received from the Department confirming that these pesticides may be discharged in response to the development of pesticide resistance within a specific larval mosquito population.

### **5. DOCUMENTATION AND REPORTING**

#### **5.1. Visual Monitoring**

During or soon after flying insect pest control activities, all permittee shall visually observe areas where there would be an excess pollutant discharge to waters of the state to check for adverse incidents, such as death or distress of non-target organisms, disruption of wildlife habitat, risk to recreational activities, risk to human health, etc. This visual check shall be performed when it is safe and feasible. When a large area is treated via broadcast application, the permittee may limit the visual check to a representative sample of waters of the state that have received a pollutant discharge. Visual check records shall be retained at the permittee's office for review by Department staff or any member of the public as specified in part 6.9 of this permit.

#### **5.2. Exemption for a Private Pond, Wetland or Diffuse Surface Water**

When the flying insect pest treatment area is confined to a private pond (as defined in NR 107.11(3)(a), Wis. Adm. Code), a diffuse surface water or private wetland area located entirely within the property boundaries of the permittee, there is no public access during the treatment period, and the permittee can control the overflow to prevent discharge of a point source pollutant beyond the private property boundary, the permittee is exempt from parts 5.3, 5.4 and 5.5 of this permit.

#### **5.3. Integrated Pest Management (IPM) Decision Summary**

The requirements of part 5.3 of this permit are effective January 1, 2013 and apply to a permittee that exceeds an annual total flying insect pest treatment dimension of 20 acres (of waters of the state) or 20 linear miles of shoreline. When this cumulative annual flying insect pest treatment area is exceeded, the permittee is required to document a brief summary of the Integrated Pest Management (IPM) decisions for each treatment project with a pollutant discharge (except as provided below for a declared public health emergency) conducted from that date through the rest of the calendar year. A copy of the project specific IPM decision summary document shall be available at the site during treatment activities and at the permittee's office for review by Department staff or any member of the public. Part 6.9 of this permit specifies the retention time for the IPM decision summary documents. If the permittee's office is not staffed during normal business hours, the permittee shall provide a copy of the IPM decision

summary for review no later than 5 days after any request to review the plan. The IPM decision summary shall be updated when there are significant changes to the treatment area, target species, or pest control products used. If it is not possible to develop an IPM decision summary document prior to a pesticide application related to a government declared public health emergency, the permittee shall develop the IPM decision summary within 30 days after the declared public health emergency.

The primary objective of the integrated pest management decision summary is to document the decision process of where, when, and how pest control is implemented within a permittee's pest control area, to minimize the discharge of excess or residual chemical pollutants and biological pollutants to waters of the state, and to describe the actions taken to ensure discharges from pest control activities do not cause or contribute to a violation of Wisconsin water quality standards as specified in part 2.1, 2.2 & 2.3 of this permit. The IPM decision summary document shall include details on the following, at a minimum:

**5.3.1** Permittee contact information, such as identification of the individual responsible for on-site operations, emergency reporting of permit noncompliance, and reporting of adverse incidents, such as spills or impacts to non-target aquatic life (see part 6.2 & 6.5);

**5.3.2** A map or tracking system that documents the flying insect pest treatment area, general characteristics of the target pest breeding sites, endangered species habitat within the permittee's treatment area, and any no-spray zones for sensitive areas such as organic farms, beehives, etc;

**5.3.3** Identification of the pest characterization efforts undertaken as specified in part 2.5 of this permit and the pest action threshold densities established for the pest control project;

**5.3.4** Documentation of the decisions regarding the flying insect pest management options listed in part 2.6 of this permit;

**5.3.5** Documentation of the pollutant discharge minimization activities undertaken as specified in part 2.7 of this permit, including the plans for flying insect pest surveillance and the evaluation of suitable bio-larvicide use as the preferred pesticide for flying insect pest control when action threshold densities are met or exceeded;

**5.3.6** Conclusions regarding the effectiveness of the proposed treatment on the target species, considering nearby breeding areas for the target species outside of the treatment area and the species movement range;

**5.3.7** Description of the actions taken to ensure pollutant discharges from pest control activities do not cause or contribute to a violation of Wisconsin water quality standards as specified in part 2.1, 2.2 & 2.3 of this permit;

**5.3.8** Summary of any sampling and analysis activities the permittee will undertake to evaluate the effectiveness of the pest control treatments, and to meet the excess or residual pollutant monitoring requirements contained parts 3.1 & 4.1 of this permit, and;

**5.3.9** Description of the record keeping and reporting activities needed to meet the requirements of part 5.1 and 5.5 of this permit.

#### **5.4. Certification of Integrated Pest Management Implementation**

For pest management point source discharges after January 1, 2014, a permittee that exceeds an annual total flying insect pest treatment dimension of 20 acres (of waters of the state) or 20 linear miles of shoreline shall certify to the Department that an environmental management system has been implemented that will meet the requirements of Part 5.3 of this permit. The certification shall contain the following statement and be signed in accordance with the Authorized Signature standard requirement in part 6.7 of this permit:

"I certify under penalty of law that the Integrated Pest Management decision summary documents required by WPDES General Permit No. WI-0064581-1 have been completed and are retained at the permittee's office or other location approved by the Department. The IPM site-specific decision summary documents were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate information contained in the summary documents. Based on my inquiry of the person, or persons, directly responsible for gathering the information or who manage the activity, the information contained in the IPM decision summary documents are, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for providing false information, including the possibility of fine and imprisonment. In addition, I certify under penalty of law that, based upon inquiry of persons directly under my supervision, to the best of my knowledge and belief, the IPM decision summary documents adhere to the applicable requirement of WPDES General Permit No. WI-0064581-1.

This certification may be submitted following the treatment calendar year with the annual reporting information (see part 5.5 below). When this certification has been submitted to the Department for any calendar year, re-certification is not required for subsequent years of discharge under this permit. A copy of this certification, showing the date submitted to the Department, shall be retained at the permittee's business office.

#### **5.5. Annual Monitoring Report**

The requirements of part 5.5 of this permit are effective for the 2013 calendar year (first report due February 15<sup>th</sup>, 2014) and subsequent years. Except as specified in part 5.2 of this permit, the permittee shall submit an annual report containing the following information for flying insect pest control activities that had a pollutant discharge to waters of the state during the calendar year: permittee name, treatment area size & location (GPS Lat/Long preferred), duration of the treatment period, target species name, control product names & amounts applied, applicator names, any adverse conditions noted, corrective actions taken, and any pollutant testing results. The annual reporting information shall be submitted to the DNR Water Quality Program no later than February 15th of the next year. Either the Department's ch. NR 107 treatment record may be used to submit the reporting information, or an alternate report format may be submitted that clearly shows the reporting information for the previous calendar year. The annual monitoring report shall be signed in accordance with the Authorized Signature standard requirement in part 6.7 of this permit.

The annual reporting information may be submitted to the office that issued a ch. NR 107 or 109 permit for the flying insect pest control project or it may be submitted to the Headquarters office of the Department of Natural Resources Region in which the flying insect pest control activities were primarily located. The permittee shall report a zero pollutant discharge for a year when there have been no pollutant discharges under this permit during that year related to flying insect pest control activities.

## 6. STANDARD REQUIREMENTS

**6.1. NR 205, Wisconsin Administrative Code:** The conditions in ss. NR 205.07(1) and NR 205.07(3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these requirements, except for s. NR 205.07(1)(n), which does not apply to facilities covered under general permits. Selected s. NR 205.07 requirements are listed below for convenience.

**6.2. Spill Reporting for Pesticides and other Hazardous Substances:**

The permittee shall immediately notify the Department of an accidental release or spill of any pesticide or other hazardous substance to the environment as specified in ch. NR 706 and s. NR 205.07(3)b, Wis. Adm. Code. The Department shall be notified via the 24-hour toll free spills hotline (1-800-943-0003).

**6.3. Duty to Halt or Reduce Activity:** As required in ch. NR 205.07(3)(e), the permittee shall curtail wastewater discharges or modify pesticide treatment activities to the extent necessary to maintain compliance with this permit.

**6.4. Duty to Mitigate:** As required in ch. NR 205.07(1)(k), the permittee shall take all reasonable steps to minimize or prevent the likelihood of any adverse impacts to public health, the waters of the state, or the environment resulting from noncompliance with this permit.

**6.5. Permit Noncompliance Reporting:** As specified in s. NR 205.07(1)(s), Department notification is required within 24 hours of becoming aware of an adverse incident or permit noncompliance that may endanger human health or the environment. A written submission shall be made to the Department within 5 days of the time the permittee becomes aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance including the exact date and times, and any corrective actions taken to mitigate the noncompliance. If the noncompliance has not been corrected, specify the anticipated time the noncompliance is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

**6.6. Inspection and Entry:** The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to access the permittee's pollutant discharge location, to access the Integrated Pest Management decision summary documents and treatment records, and to inspect and monitor the pollutant discharge as described in s. NR 205.07(1)(d).

**6.7. Authorized Signature:** Reports, records, and monitoring results required by this permit shall be signed by the permittee's authorized representative ~~or, in his or her absence,~~ as specified in s. NR 205.07(1)(g).

**6.8. Recording of Results:** For each effluent measurement or sample taken, the permittee shall record the following information as required in s. NR 205.07(1)(e):

- The date, exact place, method and time of sampling or measurements,
- The individual who performed the sampling or measurements,
- The date of the analysis and the individual who performed the analysis,
- The analytical techniques or methods used, and the results of the analysis.

## **6.9. Retention and Submittal of Reports, Records, and Monitoring**

**Results:** The permittee shall retain records of all monitoring required by this permit and report monitoring results as set forth in s. NR 205.07(1)(f) and (r). Reports (including Integrated Pest Management decision summary documents, pest surveillance data and visual inspection reports), records, and monitoring results required by this permit shall be retained by the permittee for the duration of this permit or three years after this information is generated, whichever is longer.

**6.10. Continuation of an Expired General Permit:** As provided in s. NR 205.08(9), the terms and conditions of this general permit shall continue to apply until this general permit is reissued or revoked or until an individual permit is issued for the discharge to which the general permit applied. The status of expired general permits and forms for requesting continued permit coverage can be found by searching for “WPDES general permits” or accessed at <http://dnr.wi.gov/org/water/wm/ww/gpindex/gpinfo.htm>.

**6.11. Enforcement:** Any violation of this permit is enforceable under ss. 283.89 and 283.91, Wisconsin Statutes.

**6.12. Severability:** The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid the remainder of this permit shall not be affected thereby.

**6.13. Work near Surface Waters and Wetlands:** Any work performed in wetland areas or within areas subject to local floodplain and shoreland regulations must conform to all applicable county or local ordinances. All applicable state permits and/or contracts required by chs. 30, 31 and 87, Wis. Stats. and sections 281.15, 281.17(10), 281.36 and 281.37, Wis. Stats. (or Wis. Administrative Code adopted under these laws), and applicable federal permits must be obtained as necessary.

**6.14. Water Quality Sampling and Testing Procedures:** Sampling and laboratory testing procedures shall be performed as specified in s. NR 205.07(1)(p) and as set forth below. Sampling and analysis of effluent samples shall be performed as specified in chapters NR 218 and NR 219, Wis. Adm. Code, respectively and shall be performed by a laboratory certified or registered in accordance with the requirements of ch. NR 149, except that immunoassay test results from certified labs will be accepted for pesticide analysis of receiving water samples.

**6.15. Conventions for the Reporting and Use of Low Level Results:** The permittee shall use the following conventions when reporting effluent monitoring results: (a) non-detected pollutant results shall be reported as < (less than) the value of the analytical method's limit of detection; (b) pollutant concentrations equal to or greater than the limit of detection, but less than the limit of quantitation, shall be reported and the limit of quantitation shall be specified; and (c) a zero value may be substituted for any non-detected pollutant result for the purposes of calculating an average or a mass discharge.