ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, ACTING DIRECTOR

217/782-0610

November 1, 2016

Department of Energy/Fermilab
Attn: Rick Hersemann
PO Box 2000, MS 118
Batavia, Illinois 60510

RE: Department of Energy/Fermilab
NPDES Permit No. ILG870484
Notice of Coverage under the Pesticide Application Point Source Discharges General Permit

Permittee:

The Illinois Environmental Protection Agency has reviewed your NOI and determined that the pesticide application discharges described therein are appropriately covered by a General NPDES Permit issued by the Agency. A copy of the General Permit is enclosed.

The General Permit includes discharge limitations, monitoring, and reporting requirements. Failure to meet any portion of the permit could result in civil and/or criminal penalties. The Agency is ready and willing to assist you in interpreting any of the conditions of the permit as they relate specifically to your discharge.

The permit is applied to your discharge effective on the date of this letter or as identified by the conditions of the Permit. You have the right to appeal the Agency's decision to cover your discharge by the General Permit to the Illinois Pollution Control Board within a 35 day period following the date of this letter.

This letter shows your NPDES Permit number, please reference this number in all future correspondence. Should you have any questions concerning the Permit, please contact Jane Churchill at 217/782-0610.

Sincerely,

Alan Keller

Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control
SAK:JSC:N:ILG870484.docx

Enclosure: General Permit

cc: Compliance Assurance Section
Records Unit
Des Plaines Region

**NPDES Permit No. ILG87**

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
www.epa.illinois.gov

# NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

## General NPDES Permit
## For
## Pesticide Application Point Source Discharges

**Expiration Date:** October 31, 2021

**Issue Date:** October 14, 2016

**Effective Date:** November 1, 2016

In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board and Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter 1), and the Clean Water Act, and the regulations thereunder the following discharges are authorized by this permit in accordance with the conditions and attachments herein.

This permit is available to operators who discharge to waters of the State from the application of biological pesticides or chemical pesticides that leave a residue, when the pesticide application is for one of the following pesticide use patterns:

1. Mosquito and Other Insect Pest Control
2. Weed and Algae Pest Control
3. Animal Pest Control
4. Forested Areas Pest Control
5. Other Pest Control Activities

Discharges may be authorized to any surface water of the State excluding waters identified as impaired by that pesticide or its degradates. This permit does not authorize discharges, to any waters of the State which are designated as a outstanding resource water by the Agency in accordance with 35 Ill. Adm. Code 302.105(b).

To receive authorization to discharge under this general permit, an operator must submit the proper application form to the Illinois Environmental Protection Agency. Authorization, if granted, will be by letter and include a copy of this permit.

Alan Keller

Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control

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## 1.0 Coverage under this Permit

This permit covers any operator that meets the eligibility requirements identified in Part 1.1 and if so required, submits a Notice of Intent (NOI) in accordance with Part 1.2.

For the purpose of this permit, all operators are defined in Appendix A to be:

a. The person(s) with control over the hiring of a contract applicator, or making the decision to perform pesticide applications, including the ability to modify those decisions, that results in a discharge to waters of the State, and/or

b. The person(s) who performs the application of pesticides or who has day-to-day control of the pesticide application, that results in a discharge to waters of the State.

If the operator under part "a" of the definition is different than the operator actually performing the application of pesticides, only one of the two is required to obtain coverage under this permit.

This permit is not applicable for general use or restricted use pesticides that under Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), are not registered for application to or use in waters of the State.

Pursuant to section 12(f) of the Illinois Environmental Protection Act, no permit shall be required for any discharge for which a permit is not required under the Federal Water Pollution Control Act.

## 1.1 Eligibility

### 1.1.1 Activities Covered

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

1. **Mosquito and Other Insect Pest Control** – to control public health/nuisance and other 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 insect pests in this use category include but are not limited to mosquitoes and black flies.

2. **Weed and Algae Pest Control** – to control weeds, algae, and pathogens that are pests in water and at water's edge, include but are not limited to ditches and/or canals.

3. **Animal Pest Control** – to control animal pests in water and at water's edge. Animal pests in this use category include, but are not limited to fish, lampreys, insects, mollusks, and pathogens.

4. **Forested Areas Pest Control** – application of a pesticide to a forested area to control the population of a pest species, (e.g., insect or pathogen) where, to target the pests effectively, a portion of the pesticide unavoidably will be applied over and deposited to water.

5. **Other Pest Control Activities** – any application of pesticides not identified above, which leave a residue, to waters of the State or at the water's edge.

A portion of every application of a pesticide over a water of the State will fall directly into the water of the State thereby requiring coverage under an NPDES permit. Any person who wishes to contest this determination must submit scientific data to prove that no quantity of the pesticide falls into a water of the State. A permit may not be necessary if IEPA receives scientific information which convinces the Agency that no portion of a chemical pesticide applied over a water of the State will fall into the water of the State.

A portion of every application of a pesticide into a water of the State will leave a residue in the water of the State thereby requiring coverage under an NPDES permit. Any person who wishes to dispute this determination must submit scientific data to prove that no quantity of the pesticide will remain as a residue in a water of the State. This information should include data to show what level of the pesticide can be detected in water, and at what level in

water the pesticide provides a pesticidal benefit. Such data should address the properties of the chemical pesticide under different water conditions (e.g., different pH, organic content, temperature, depth, etc.) that might affect the pesticide's properties. A permit may not be necessary if IEPA receives scientific information that convinces the Agency that a chemical pesticide applied into a water of the State will not remain as a residue in the water of the State.

### 1.1.2 Limitations on Coverage

#### 1.1.2.1 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 State if the water is identified as impaired by a substance which either is an active ingredient in that pesticide or is a degradate of such an active ingredient. For purposes of this permit, impaired waters are those that have been identified by the State pursuant to Section 303(d) of the Clean Water Act (CWA) as not meeting applicable State water quality standards or not meeting the intended use of the water body. Impaired waters for the purposes of this permit may include both waters with USEPA-approved or USEPA-established Total Maximum Daily Loads (TMDLs) and waters for which USEPA has not yet approved or established a TMDL. A list of the 303(d) waters is available on the Internet at www.epa.illinois.gov/topics/forms/water-permits/pesticide/303d-list/index. If a discharge from a pesticide application would not be eligible under this permit because the water is listed as impaired for that specific pesticide, but there is evidence that shows the water is no longer impaired, operators may submit this information to IEPA and request that coverage be allowed under this permit.

#### 1.1.2.2 Discharges to Waters Designated as Outstanding Resource Waters for Antidegradation Purposes

Operators are not eligible for coverage under this permit for discharges from a pesticide application to waters designated by the State as Outstanding Resource Waters for anti-degradation purposes under 35 Ill. Adm. Code 302.105(b).

#### 1.1.2.3 Discharges Currently or Previously Covered by another Permit

Pesticide discharges are not eligible for coverage under this permit if any of the following circumstances apply:

a. The discharge is covered by another NPDES permit, or

b. The discharge was included in a permit that in the past 5 years has been or is in the process of being denied, terminated, or revoked by IEPA (this does not apply to the routine reissuance of permits every 5 years).

## 1.2 Authorization to Discharge under This Permit

### 1.2.1 How to Obtain Authorization

To obtain authorization under this permit, an operator must:

a. Meet the eligibility requirements identified in Part 1.1, and

b. Submit a complete and accurate Notice of Intent (NOI) consistent with the requirements of Parts 1.2.2 and 1.2.3.

### 1.2.2 Operators Required to Submit a Notice of Intent

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

a. Person(s), group, or entity with control over the hiring of a contract applicator, or making the decision to perform pesticide application, that will result in a discharge to waters of the State; or

b. Person(s), group, or entity performing the application of pesticides, that will result in a discharge to waters of the State.

Operators must submit an NOI to IEPA electronically. Operators should refer to www.epa.illinois.gov/topics/forms/water-permits/pesticide/index for instruction on submitting the NOI. IEPA will post on the Internet, at www.epa.illinois.gov/topics/forms/water-permits/pesticide/notices/index, all NOIs received. Late NOIs will be accepted, but authorization to discharge will not be retroactive. NOI submissions must be in accordance with the deadlines in Part 1.2.3.

Coverage will be available for the duration of the permit for operators who file an NOI, including the operator's employees, contractors, subcontractors, and other agents, for all activities identified on the NOI unless coverage is terminated pursuant to Parts 1.2.5 or 1.3. If a submitted NOI is not timely, accurate, or complete, then any employee, contractor, subcontractor or other entity that discharges without the required NOI is not covered by this permit.

The NOI form is available on the Internet at www.epa.illinois.gov/Assets/iepa/forms/water-quality/wastewater/pesticide/noi.pdf.

### 1.2.3 Discharge Authorization Date

Unless modified, exempted, or stayed by legislative action or court order, discharges to waters of the State as a result of pesticide applications must be authorized under an NPDES permit. Operators that are eligible for coverage under Part 1.1 are authorized to discharge under this permit consistent with the NOI submission and the Table 1 below.

**Table 1. Original NOI Submittal Deadlines and Discharge Authorization Date**

| Category | NOI Submittal Deadline | Discharge Authorization Date |
|---|---|---|
| Operators are required to submit an NOI prior to commencement of discharge. | At least 14 days prior to commencement of discharge. | No earlier than 14 days after IEPA posts on the Internet the receipt of the complete and accurate NOI. |
| Operators commencing discharge in response to a declared pest emergency situation as defined in Appendix A. | No later than 30 days after commencement of discharge.[1] | Immediately, for activities conducted in response to declared pest emergency situation. |

To remain authorized, all operators must submit NOI changes, as necessary, consistent with Table 2 below.

**Table 2. NOI Change of Information Submittal Deadlines and Discharge Authorization Date**

| Category | NOI Submittal Deadline | Discharge Authorization Date |
|---|---|---|
| Operators requiring permit coverage for a new use pattern or for a treatment area not within the pest management area, previously identified on a NOI submitted to IEPA. | At least 14 days prior to commencement of discharge in that newly identified treatment area. | No earlier than 14 days after IEPA posts on the Internet the receipt of the complete and accurate NOI. |
| Operators requiring permit coverage for a new use pattern or for a treatment area in response to a declared pest emergency situation not within the pest management area, previously identified on a NOI submitted to IEPA. | No later than 30 days after commencement of discharge.[1] | Immediately, for activities conducted in response to declared pest emergency situation. |

[1] In the event that a discharge occurs prior to submitting an NOI, the operator must comply with all other requirements of this permit immediately.

Based on a review of the NOI or other information, IEPA may determine that additional technology-based and/or water quality-based effluent limitations are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3.

Unless notified by the Agency to submit additional information, operators who submit an NOI in accordance with the requirements of this permit are authorized to discharge under the terms and conditions of this permit 30 days after the date the NOI is received by the Agency.

### 1.2.4 Continuation of this Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and 35 Ill. Adm. Code, Subtitle C, Chapter I and remain in force and effect. If a permittee was authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of the following:

a. A permittee is authorized for coverage under a reissued permit or a replacement of this permit, following the timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and in compliance with the requirements of the NOI;

b. The permittee submits a Notice of Termination (NOT) and that notice is processed consistent with Part 1.2.5.1;

c. An individual NPDES permit for a discharge resulting from application of a pesticide that would otherwise be covered under this permit is issued or denied;

d. IEPA issues a formal permit decision not to reissue this general permit, at which time IEPA will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or

e. IEPA has informed the permittee that the discharge is no longer covered under this permit.

### 1.2.5 Terminating Coverage

#### 1.2.5.1 Submitting a Notice of Termination

To terminate permit coverage, a permittee must submit a complete and accurate Notice of Termination. Permittees must submit the Notice of Termination electronically. The authorization to discharge under this permit is terminated the day that a complete Notice of Termination is processed. If a permittee submits a Notice of Termination without meeting one or more of the conditions identified in Part 1.2.5.2, the Notice of Termination is not valid. Permittees are responsible for complying with the terms of this permit until authorization is terminated. If required to submit annual reports pursuant to Part 7, the permittee must file an annual report for the portion of the year up through the date of termination. The annual report shall be submitted with the completed Notice of Termination.

Permittees may not terminate coverage under this permit and reapply in order to remain below the annual treatment area thresholds.

The NOT form is available on the Internet at www.epa.state.il.us/water/permits/pesticide/forms/not.pdf.

#### 1.2.5.2 When to Submit a Notice of Termination

A permittee must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

a. The permittee has ceased all discharges from the application of pesticides for which permit coverage was obtained and the permittee does not expect to discharge during the remainder of the permit term for any of the use patterns as identified in Part 1.1.1; or

b. The permittee has obtained coverage under an individual NPDES permit or an alternative NPDES general permit for all discharges required to be covered by an NPDES permit, unless the permittee obtained coverage consistent with Part 1.3, in which case coverage under this permit will terminate automatically.

### 1.2.6 Transfer of Permit Coverage

If a new operator takes over responsibility of pest control activities covered under an existing NOI, the new operator must submit the following:

a. A new NOI for the new operator; and

b. A letter from the existing permittee referencing the existing NPDES permit number, date of coverage, and requesting transfer of the permit.

## 1.3 Alternative Permits

### 1.3.1 Requiring Coverage under an Alternative Permit

In accordance with 40 CFR 122.64, 40 CFR 124.5, and 35 Ill. Adm. Code, Subtitle C, Chapter I, IEPA may require operators to apply for and/or obtain authorization to discharge under either an individual NPDES permit or an alternative NPDES general permit.

If IEPA requires an operator to apply for an individual NPDES permit, IEPA will notify the operator in writing that a permit application is required. This notification will include a brief statement of the reasons for the decision and will provide application information. In addition, for permittees whose discharges are authorized under this permit, any notice will set a deadline to file the permit application and will include a statement that on the effective date of the individual NPDES permit, coverage under this general permit will terminate. IEPA may grant additional time to submit the application if the operator submits a request setting forth reasonable grounds for additional time. If covered under this permit and the permittee fails to submit an individual NPDES permit application as required by IEPA, the applicability of this permit to such permittee is terminated at the end of the day specified by IEPA as the deadline for application submittal. IEPA may take enforcement action for any unpermitted discharge or violation of any permit requirement.

### 1.3.2 Operator Requesting Coverage under an Alternative Permit

If an operator does not want to be covered by this general permit, but needs permit coverage, the operator can apply for an individual NPDES permit. In such a case, the operator must submit an individual permit application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to IEPA. The request may be granted by issuance of an individual NPDES permit or authorization of coverage under an alternative NPDES general permit.

When an individual NPDES permit is issued, or the operator is authorized under an alternative NPDES general permit to discharge a pollutant to waters of the State as a result of a pesticide application, authorization to discharge under this permit is terminated on the effective date of the individual NPDES permit or the date of authorization of coverage under the alternative NPDES general permit.

## 1.4 Severability

Invalidation of a portion of this permit does not render the whole permit invalid. IEPA's intent is that the permit will remain in effect to the extent possible; if any part of this permit is invalidated, the remaining parts of the permit will remain in effect unless IEPA issues a written statement stating otherwise.

## 1.5 Other Federal and State Laws

Permittees must comply with all other applicable federal and state laws and regulations that pertain to application of pesticides. For example, this permit does not relieve the permittee of the responsibility of complying with the requirements or provisions of the Federal Insecticide, Fungicide, and Rodenticide Act and its implementing regulations to use registered pesticides consistent with the product's labeling. In fact, applications in violation of certain FIFRA requirements could also be a violation of this permit and therefore a violation of the CWA (e.g. exceeding label application rates). Additionally, other laws and regulations might apply to certain activities that are also covered under this permit (e.g., United States Coast Guard regulations).

## 1.6 Endangered Species Compliance

The location of the treatment areas must be submitted to the Illinois Department of Natural Resources (IDNR) EcoCAT website to determine if protected natural resources are in the vicinity, www.dnr.illinois.gov/ecopublic/. Consultation with the Department is required under the Illinois Endangered Species Protection Act, 520 ILCS

10/11(b) and the Illinois Natural Areas Preservation Act, 525 ILCS 30/17, for all permittees covered by this permit unless exempted below.

The following applications are exempt from consultation unless there will be an adverse impact to a listed species or its essential habitat or to a Natural Area:

1. Per consultation regulations (17 Ill. Adm. Code, Part 1075) – annual, routine cultivation of existing agricultural lands; and maintenance of existing lawns, yards and ornamental plantings.

2. Per a Memorandum of Understanding between IEPA and IDNR – microbial larvicide applied to catch basins and storm sewers.

### 1.7 Reopener Clause

If there is evidence indicating potential or realized adverse impacts on water quality due to any pesticide discharge covered by this permit, the permittee may be required to obtain an individual permit or an alternative general permit in accordance with Section 1.3.1 of this permit or the permit may be modified to include different limitations and/or requirements.

Permit modification or revocation will be conducted according to provisions of 35 Ill. Adm. Code, Subtitle C, Chapter I and the provisions of 40 CFR 122.62, 122.63, 122.64, and 124.5 and any other applicable public participations procedures.

The Agency will reopen and modify this permit under the following circumstances:

a. The USEPA amends its regulations concerning public participation;

b. A court of competent jurisdiction binding in the State of Illinois or the 7th Circuit issues an order necessitating a modification of public participation for general permits; or

c. To incorporate federally required modifications to the substantive requirements of this permit.

## 2.0 Technology-Based Effluent Limitations

This part includes technology-based effluent limitations applicable to all permittees for any discharge authorized under this permit, with compliance required upon beginning such discharge. If the permittee is not the applicator, the technology-based effluent limitations are also applicable to the contract applicator.

If a permittee's discharge of pollutants results from the application of pesticides that is being used solely for the purpose of "pesticide research and development," as defined in Appendix A, the permittee must use such pesticide consistent with any applicable research plan and experimental use permit.

As stated in Part 1.5, this permit required all permittees to comply with other applicable federal or state laws and regulations that pertain to application of pesticides by the permittee.

### 2.1 Level 1: Technology- Based Effluent Limitations

All permittees must meet Level 1 of the technology-based effluent limitations in Part 2.1 to minimize the discharge of pesticides to waters of the State from the application of pesticides, through the use of Pest Management Measures, as defined in Appendix A. If the permittee is not the applicator, the Level 1 technology-based effluent limitations are also applicable to the contract applicator.

**2.1.1** Use only the amount of pesticide and frequency of pesticide application necessary to control the target pest, using equipment and application procedures appropriate for this task.

**2.1.2** Maintain pesticide application equipment in proper operating condition, including the requirement to calibrate, clean, and repair such equipment and prevent leaks, spills, or other unintended discharges.

**2.1.3** Assess weather conditions (e.g. temperature, precipitation and wind speed) in the treatment area to ensure application is consistent with all applicable federal and state requirements.

## 2.2 Level 2: Technology-Based Effluent Limitations

Level 2 of the technology-based effluent limitations applies to permittees which exceed one or more of the annual (i.e. calendar year) treatment area threshold(s) listed in Table 3 below, as defined in Appendix A. If the permittee is not the applicator, the Level 2 technology-based effluent limitations are also applicable to the contract applicator.

**Table 3. Annual Treatment Area Threshold**

| Section | Pesticide Use | Annual Threshold |
|---|---|---|
| 2.2.1 | Mosquito and Other Insect Pest Control | |
| | - Adult Mosquitoes and Other Insect Pests | 6,400 acres of treatment area |
| | - Mosquito and Other Insect Aquatic Larviciding | 80 acres of treatment area (i.e. surface area) |
| 2.2.2 | Weed and Algae Pest Control | |
| | - In Water | 80 acres of treatment area (i.e. surface area) |
| | - At Water's Edge | 20 linear miles of treatment area |
| 2.2.3 | Animal Pest Control | |
| | - In Water | 80 acres of treatment area (i.e. surface area) |
| | - At Water's Edge | 20 linear miles of treatment area |
| 2.2.4 | Forested Areas Pest Control | 6,400 acres of treatment area |
| 2.2.5 | Other Pest Control Activities | |
| | - Ground or Aerial | 6,400 acres of treatment area |
| | - In Water | 80 acres of treatment area (i.e. surface area) |
| | - At Water's Edge | 20 linear miles of treatment area |

For calculating the annual treatment area, count each treatment area only once, regardless of the number of pesticide application activities when applying with the same pesticide product. For example, applying pesticides 3 times a year to the same 3,000 acre site using the same pesticide product, the annual treatment area should be counted as 3,000 acres. If a different pesticide product is applied to the same treatment area, these activities would be counted as separate treatment areas for each different pesticide product. For example, applying pesticides 3 times a year to the same 3,000 acre site using a different pesticide product each time the annual treatment area should be counted as 9,000 acres.

For linear features (e.g., a canal or ditch) use the length of the linear feature whether treating in or adjacent to the feature. For example, when treating the bank on one side of a 10 mile long ditch, banks on both sides of the ditch, and/or water in the ditch, the total treatment area is 10 miles.

### 2.2.1 Mosquito and Other Insect Pest Control

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

#### a. Identify the Problem

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

1. Establish densities for larval and adult mosquitoes or other insect pest populations or identify environmental condition(s), either current or based on historical data, to serve as action threshold(s) for implementing Pest Management Measures;

2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;

3. Identify known breeding sites for source reduction, larval control program, and habitat management;

4. Analyze existing surveillance data to identify new or unidentified sources of mosquito or other insect pest problems as well as sites that have recurring pest problems; and

5. In the event there is no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions of Part 2.2.1.a.

**b. Pest Management Options**

Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the State, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, the permittee must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from application of pesticides to control mosquitoes or other insect pests. In developing the Pest Management Measures for each pest management area, the permittee must evaluate the following management options, including a combination of these management options, considering impacts to water quality, impacts to non-target organisms, feasibility, and cost effectiveness:

1. No action
2. Prevention
3. Mechanical or physical methods
4. Cultural methods
5. Biological control agents
6. Pesticides

**c. Pesticide Use**

If a pesticide is selected to manage mosquitoes or other insect pests and application of the pesticide will result in a discharge to waters of the State, the permittee must:

1. Conduct larval and/or adult surveillance in an area that is representative of the pest problem or evaluate existing larval surveillance data, environmental conditions, or data from adjacent areas prior to each pesticide application to assess the pest management area and to determine when action threshold(s) is met;

2. Reduce the impact on the environment and on non-target organisms by applying the pesticide only when the action threshold(s) has been met;

3. In situations or locations where practicable and feasible for effective control, use larvicides as a preferred pesticide for mosquito or other insect pest control when the larval action threshold(s) has been met; and

4. In situations or locations where larvicide use is not practicable or feasible for efficacious control, use adulticides for mosquito or other insect pest control when the adult action threshold(s) has been met.

**2.2.2 Weed and Algae Pest Control**

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

**a. Identify the Problem**

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

1. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);

2. Identify target pest(s);

3. Identify possible factors causing or contributing to pest problem (e.g., nutrients, invasive species, etc);

4. Establish any pest-specific and site-specific action threshold(s), as defined in Appendix A , for implementing Part 2.2.2.b; and

5. In the event there is no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions of Part 2.2.2.a.

**b. Pest Management Options**

Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the State, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, the permittee must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the permittee must evaluate the following management options, including a combination of these management options, considering impacts to water quality, impacts to non-target organisms, feasibility, and cost effectiveness:

1. No action
2. Prevention
3. Mechanical or physical methods
4. Cultural methods
5. Biological control agents
6. Pesticides

**c. Pesticide Use**

If a pesticide is selected to manage pests and application of the pesticide will result in a discharge to waters of the State, the permittee must:

1. Conduct surveillance in an area that is representative of the pest problem prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met; and

2. Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action threshold(s) has been met.

**2.2.3 Animal Pest Control**

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

**a. Identify the Problem**

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

1. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);

2. Identify target pest(s);

3. Identify possible factors causing or contributing to the problem (e.g., nutrients, invasive species);

4. Establish any pest-specific and site-specific action threshold(s), as defined in Appendix A, for implementing Part 2.2.3.b; and

5. In the event there is no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions of Part 2.2.3.a.

**b. Pest Management Options**

Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the State, and at least once each year thereafter prior to the first pesticide application during that calendar year, the permittee must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the permittee must evaluate the following management options, including a combination of these management options, considering impacts to water quality, impacts to non-target organisms, feasibility, and cost effectiveness:

1. No action
2. Prevention
3. Mechanical or physical methods
4. Biological control agents
5. Pesticides

**c. Pesticide Use**

If a pesticide is selected to manage pests and application of the pesticide will result in a discharge to waters of the State, the permittee must:

1. Conduct surveillance in an area that is representative of pest problem prior to each application to assess the pest management area and to determine when the action threshold(s) is met:; and

2. Reduce the impact on the environment and non-target organisms by evaluating site restrictions, application timing, and application method in addition to applying the pesticide only when the action threshold(s) has been met.

**2.2.4 Forested Area Pest Control**

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

**a. Identify the Problem**

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

1. Establish any pest-specific and site-specific action threshold(s), as defined in Appendix A, for implementing Part 2.2.4.b;

2. Identify target pest(s) to develop a Pest Management Measures based on developmental and behavioral considerations for each pest;

3. Identify current distribution of the target pest and assess potential distribution in the absence of Pest Management Measures; and

4. In the event there is no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions of Part 2.2.4.a.

**b. Pest Management Options**

Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the State, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, the permittee must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the permittee must evaluate the following management options, including a

combination of these management options, considering impacts to water quality, impacts to non-target organisms, feasibility, and cost effectiveness:

1. No action
2. Prevention
3. Mechanical/physical methods
4. Cultural methods
5. Biological control agents
6. Pesticides

**c. Pesticide Use**

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

1. Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the pest action threshold(s) is met;

2. Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when the action threshold(s) have been met; and

3. Evaluate using pesticides against the most susceptible developmental stage.

**2.2.5 Other Pest Control Activities**

This part applies to discharges from the application of pesticides not identified in Parts 2.2.1, 2.2.2, 2.2.3, or 2.2.4.

**a. Identify the Problem**

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

1. Establish any pest-specific and site-specific action threshold(s), as defined in Appendix A, for implementing Part 2.2.5.b;

2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;

3. Identify current distribution of the target pest and assess potential distribution in the absence of Pest Management Measures; and

4. In the event there is no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions of Part 2.2.5.a.

**b. Pest Management Options**

Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the State, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, the permittee must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the permittee must evaluate the following management options, including a combination of these management options, considering impacts to water quality, impacts to non-target organisms, feasibility, and cost effectiveness:

1. No action
2. Prevention
3. Mechanical/physical methods

4. Cultural methods
5. Biological control agents
6. Pesticides

**c. Pesticide Use**

If a pesticide is selected to manage other activities not covered under the other four use patterns and application of the pesticide will result in a discharge to waters of the State, the permittee must:

1. Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the pest action threshold(s) is met;

2. Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when the action threshold(s) have been met; and

3. Evaluate using pesticides against the most susceptible developmental stage.

## 3.0 Water Quality-Based Effluent Limitations

All permittees must control discharges as necessary to meet applicable numeric and narrative State water quality standards, for any discharge authorized under this permit, with compliance required upon the beginning of such discharge. Discharges covered by this permit, alone or in combination with other sources, shall not cause a violation of any applicable water quality standards outlined in 35 Ill. Adm. Code 302, in light of the provisions of 35 Ill. Adm. Code 302.210(g).

If at any time a permittee becomes aware (e.g., through self-monitoring or by notification from the State), or IEPA determines, that the discharge causes or contributes to an excursion of applicable water quality standards, the permittee must take corrective action as required in Part 6, up to and including the ceasing of the discharge, if necessary.

## 4.0 Monitoring

### 4.1 Visual Monitoring Requirements

During any pesticide application or post-application surveillance of any pesticide application with discharges authorized under this permit, all permittees must, when considerations for safety and feasibility allow and while observing reentry periods for pesticides application, visually assess the area to and around where pesticides are applied for possible and observable adverse incidents, as defined in Appendix A, caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

If the permittee is not the applicator, this section is also applicable to the contract applicator.

## 5.0 Pesticide Discharge Management Plan

Permittees which exceed one or more of the annual treatment area thresholds listed in Table 3 must prepare and submit a Pesticide Discharge Management Plan (PDMP). This section does not apply to the following:

1. Any application made in response to a declared pest emergency situation, as defined in Appendix A.

2. Permittees who meet the definition of a small entity, as defined in Appendix A.

3. Permittees conducting pesticide application activities pursuant to the Vector Control Act (410 ILCS 95) which are funded by, conducted in accordance with, or under the supervision of the Illinois Department of Public Health or an associated municipal, county or regional department of public health or public health district.

The PDMP and all supporting documents must be submitted with the NOI. The PDMP must be submitted electronically in Adobe Acrobat format to epa.ILG87pestPDMP@illinois.gov.

The plan must be kept up-to-date thereafter for the duration of coverage under this general permit, even if the discharges subsequently fall below the applicable treatment area thresholds listed in Table 3.

The PDMP does not contain effluent limitations as the effluent limitations are specified in Parts 2 and 3 of the permit. The PDMP documents how the permittee will implement the effluent limitations in Parts 2 and 3 of the permit, including the evaluation and selection of Pest Management Measures to meet those effluent limitations in order to minimize discharges. In the PDMP, the permittee may incorporate by reference any procedures or plans in other documents that meet the requirements of this permit. If the permittee relies upon other documents to comply with the effluent limitations in this permit, such as a pre-existing pest management plan, the permittee must attach to the PDMP a copy of any portions of any documents that are used to document the implementation of the effluent limitations.

## 5.1 Contents of the Pesticide Discharge Management Plan

The PDMP must include the following elements:

a. Pesticide Discharge Management Plan Team
b. Problem Identification
c. Pest Management Options Evaluation
d. Response Procedures
   1. Spill Response Procedures
   2. Adverse Incident Response Procedures
e. Signature Requirements

### 5.1.1 PDMP Team

Permittees must identify all persons (by name and contact information) that compose the team as well as each person's individual responsibilities, including:

a. Person(s) responsible for managing pests in relation to the pest management area;

b. Person(s) responsible for developing and revising the PDMP; and

c. Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements.

### 5.1.2 Problem Identification

Permittees must document the following:

a. Pest problem description. Document a description of the pest problem at the pest management area, including identification of the target pest(s), source(s) of the pest problem, and source of data used to identify the problem in Parts 2.2.1, 2.2.2, 2.2.3, 2.2.4, and 2.2.5.

b. Action Threshold(s). Describe the action threshold(s) for the pest management area, including the data used in developing the action threshold(s) and method(s) to determine when the action threshold(s) has been met.

c. General location map. In the plan, include a general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and location of the waters of the State.

d. Water quality standards. Document any water(s) identified as impaired by a substance which either is an active ingredient or a degradate of such an active ingredient.

### 5.1.3 Pest Management Options Evaluation

Permittees must document the evaluation of the pest management options, including combination of the pest management options, to control the target pest(s). Pest management options include the following: No action, prevention, mechanical/physical methods, cultural methods, biological control agent, and pesticides. In the

evaluation, permittees must consider the impact to water quality, impact to non-target organisms, feasibility, cost effectiveness, and any relevant previous Pest Management Measures.

### 5.1.4 Response Procedures

Permittees must document the following procedures in the PDMP:

a. Spill Response Procedures – At a minimum, the permittees must have:

1. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases to waters of the State. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the PDMP team.

2. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.

b. Adverse Incident Response Procedures – At a minimum, the permittees must have:

1. Procedures for responding to any adverse incident resulting from pesticide applications.

2. Procedures for notification of the adverse incident, both internal to the permittee agency/organization and external. Contact information for State permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.

### 5.1.5 Signature Requirements

Permittees must sign, date and certify the PDMP in accordance with Appendix B.

## 5.2 Pesticide Discharge Management Plan Modifications

Permittees must modify the PDMP whenever necessary to address any of the conditions for corrective action in Part 6.1 or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to the PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, no later than 90 days after any change in pesticide application activities. The revised PDMP must be signed and dated in accordance with Appendix B. Permittees must submit the modified PDMP electronically to epa.ILG87pestPDMP@illinois.gov.

## 5.3 Pesticide Discharge Management Plan Availability

Permittees must retain 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 must be readily available and copies of any of these documents provided, upon request, to IEPA or to any local agency governing discharges or pesticide applications within their respective jurisdictions; and to representatives of any federal or state agencies. IEPA may provide copies of the PDMP or other information related to this permit that is in its possession to members of the public. Any Confidential Business Information (CBI), as defined in 40 CFR Part 2, may be withheld from the public provided that a claim of confidentiality is properly asserted and documented in accordance with 40 CFR Part 2; however, CBI must be submitted to IEPA, if requested, and may not be withheld from those staff within IEPA, or any other state or federal agency cleared for CBI review.

# 6.0 Corrective Action

All permittees must comply with the provisions of Part 6 for any discharges authorized under this permit, with compliance required upon the beginning of such discharge. If the permittee is not the applicator, this section is also applicable to the contract applicator.

## 6.1 Situations Requiring Revision of Pest Management Measures

Permittees must review and, as necessary, revise the evaluation and selection of Pest Management Measures consistent with Parts 2.1 and 2.2 for the following situations:

a. An unauthorized release or discharge associated with the application of pesticides (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs.

b. Permittee becomes aware, or IEPA concludes, that Pest Management Measures are not adequate/sufficient for the discharge to meet applicable State water quality standards;

c. Any monitoring activities indicate failure to meet applicable technology-based effluent limitations in Part 2.

d. An inspection or evaluation of activities by IEPA reveals that modifications to the Pest Management Measures are necessary to meet the effluent limitations in this permit.

e. Any permittee observes or is otherwise made aware of an adverse incident, as defined in Appendix A.

## 6.2 Corrective Action Deadlines

If a permittee determines that changes to the Pest Management Measures are necessary to eliminate any situation identified in Part 6.1, such changes must be made before or, if not practicable, as soon as possible after the next pesticide application that results in a discharge.

## 6.3 Effect of Corrective Action

The occurrence of a situation identified in Part 6.1 may constitute a violation of the permit. Correcting any situation identified in Part 6.1 does not absolve permittees of liability for any original violation. However, failure to comply with Part 6.2 constitutes an additional permit violation. IEPA will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

IEPA may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) requiring corrective action or schedules and requirements more stringent than specified in this permit. Those requirements and schedules will supersede those of Parts 6.1 and 6.2 if such requirements conflict.

## 6.4 Adverse Incident Documentation and Reporting

### 6.4.1 Twenty-Four Hour Adverse Incident Notification

#### 6.4.1.1 Adverse Incident Notification Required

If a permittee observes or is otherwise made aware of an adverse incident, as defined in Appendix A, which may have resulted from a discharge from a pesticide application, made by the permittee or a contract applicator, the permittee must immediately notify the Illinois Emergency Management Agency (IEMA) and USEPA, Region 5, Pesticide Program. This notification must be made by telephone within 24 hours of the permittee becoming aware of the adverse incident and must include at least the following information:

a. The caller's name and telephone number;

b. Permittees name and mailing address;

c. NPDES permit number;

d. The name and telephone number of a contact person, if different than the person providing the 24-hour notice;

e. How and when the permittee became aware of the adverse incident;

f. Description of the location of the adverse incident;

g. Description of the adverse incident identified and the pesticide product, including USEPA pesticide registration number, for each product applied in the area of the adverse incident; and

h. Description of any steps the permittee has taken or will take to correct, repair, remedy, clean-up, or otherwise address any adverse effects.

If a permittee is unable to notify IEMA within 24 hours, the permittee must do so as soon as possible and also provide an appropriate rationale why the permittee was unable to provide such notification within 24 hours.

The adverse incident notification and reporting requirements are in addition to what the registrant is required to submit under FIFRA section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

#### 6.4.1.2 Adverse Incident Notification Not Required

Reporting of adverse incidents is not required under this permit in the following situations:

a. A permittee is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application;

b. A permittee has been notified by IEMA and retains such notification, that the reporting requirement has been waived for this incident or category of incidents;

c. A permittee 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.

### 6.4.2 Fifteen Day Adverse Incident Written Report

Within fifteen (15) business days of a reportable adverse incident pursuant to Part 6.4.1, permittees must provide a written report of the adverse incident to the IEPA Compliance Assurance Section. Permittees must submit the 15-day adverse incident report electronically to epa.ILG87pest5day@illinois.gov. The adverse incident report must include at least the following information:

a. Information required to be provided in Part 6.4.1;

b. Date and time the permittee contacted IEMA notifying the Agency of the adverse incident, who the permittee spoke with at IEMA, and any instructions received from IEMA;

c. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc);

d. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms;

e. Magnitude and scope of the affected area (e.g. estimate aquatic surface area or total stream distance affected);

f. Pesticide application rate; intended use site (e.g., on the bank, above waters, or directly to water), method of application; and name of pesticide product and USEPA pesticide registration number;

g. Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied);

h. If laboratory tests were performed, an indication of what test(s) were performed, and when; additionally, a summary of the test results within 5 days after they become available if not available at the time of submission of the 15-day adverse incident report;

i. Description of actions to be taken to prevent recurrence of adverse incidents; and

j. Signature, date, and certification in accordance with Appendix B.

The Adverse Incident Report form is available on the Internet at www.epa.state.il.us/water/permits/pesticide/forms/adverse-incident.pdf.

### 6.4.3 Adverse Incident to Federally Threatened or Endangered Species or Critical Habitat

Notwithstanding any of the other adverse incident notification requirements of this section, if a permittee or contract applicator becomes aware of an adverse incident affecting a federally listed threatened or endangered species or its federally designated critical habitat which may have resulted from a discharge from the permittee's pesticide application, the permittee must immediately notify the United States Fish and Wildlife Service (FWS). This information must be made by telephone, to the contacts listed on USFWS's website at www.fws.gov/offices, immediately upon the permittee becoming aware of the adverse incident, and must include at least the following information:

a. The caller's name and telephone number;

b. Permittee name and mailing address;

c. The name of the affected species;

d. How and when the permittee became aware of the adverse incident;

e. Description of the location of the adverse incident;

f. Description of the adverse incident and the pesticide product, including the USEPA pesticide registration number, for each product applied in the area of the adverse incident, and;

g. Description of any steps the permittee has taken or will take to alleviate the adverse impact to the species.

Additional information on federally listed threatened or endangered species and federally designated critical habitat is available from FWS (www.fws.gov) for terrestrial or freshwater species.

## 6.5 Reportable Spills and Leaks

### 6.5.1 Spill, Leak, or Other Unpermitted Discharge Notification

Where a leak, spill, or other release into waters of the State containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs in any 24-hour period, the permittee or contract applicator must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302. The permittee must also notify IEMA at (800) 782-7860. Both of these Agencies shall be notified immediately and as soon as the permittee has knowledge of the release. Contact information must be in locations that are readily accessible and available in the area where the spill, leak, or other unpermitted discharge may occur.

Local requirements may necessitate also reporting spills or leaks to local emergency response, public health, or drinking water supply agencies.

### 6.5.2 Fifteen-Day Spill, Leak, or Other Unpermitted Discharge Documentation

If a permittee becomes aware of a spill, leak, or other unpermitted discharge which initiates the notification requirements in Part 6.5.1 and results in an adverse incident, then the permittee must report the incident per the requirements in Parts 6.4.1 and 6.4.2. If the spill, leak, or other unpermitted discharges initiates the notification requirements in Part 6.5.1, but does not result in an adverse incident, then permittee must document and retain the following information within 15 business days of becoming aware of the situation:

a. Information required to be provided in Part 6.5.1

b. Summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed; and

c. Any measures to prevent recurrence of such a spill or leak or other discharge, including notice of whether PDMP modifications are required as a result of the spill or leak.

### 6.6 Other Corrective Action Documentation

For situations identified in Part 6.1, other than for adverse incidents (addressed in Part 6.4), or reportable spills or leaks (addressed in Part 6.5), permittees must document the situation requiring corrective action and the planned corrective action within fifteen (15) business days of becoming aware of that situation and retain a copy of this documentation. This documentation must include the following information:

a. Identification of the condition requiring the need for corrective action review, including any ambient water quality monitoring that assisted in determining that discharges did not meet water quality standards;

b. Brief description of the situation;

c. Date the problem was identified.

d. Brief description of how the problem was identified, how the permittee learned of the situation, and date the permittee learned of the situation;

e. Summary of corrective action taken or to be taken, including date initiated and date completed or expected to be completed; and

f. Any measures to prevent reoccurrence of such an incident, including notice of whether PDMP modifications are required as a result of the incident.

## 7.0 Recordkeeping and Annual Reporting

The recordkeeping and annual reporting requirements vary depending on whether a permittee meets the definition of a small entity, as defined in Appendix A, and/or exceeds one or more of the annual treatment area thresholds listed in Table 3.

Permittees must keep written records as required in this permit for all discharges covered under this permit. These records must be accurate and complete to demonstrate the permittees compliance with the conditions of this permit. Permittees may rely on records and documents developed for other obligations, such as requirements under FIFRA, and state or local pesticide programs, provided all requirements of this permit are satisfied.

IEPA recommends that all permittees covered under this permit keep records of acres or linear miles treated for all applicable use patterns covered under this general permit. The records shall be kept up-to-date to help the permittee determine if the annual treatment area thresholds, as identified in Part 2.2, are met during any calendar year.

### 7.1 Level 1: Recordkeeping

Level 1 recordkeeping applied to all permittees which must keep the following records:

a. A copy of the NOI submitted to IEPA, any correspondence exchanged between the permittee and IEPA specific to coverage under this permit, and a copy of the IEPA acknowledgment letter assigning the permit number;

b. A copy of this permit;

c. A copy of any Adverse Incident Reports (Part 6.4.2);

d. Rationale for any determination that reporting of an identified adverse incident is not required consistent with allowances identified in Part 6.4.1.2;

e. A copy of any corrective action documentation (Part 6.6);

f. A copy of any spill, leak, or other unpermitted discharge documentation (Part 6.5.2); and

g. Endangered Species Compliance Documentation

Permittees conducting pesticide application activities pursuant to the Vector Control Act (410 ILCS 95) which are funded by, conducted in accordance with, or under the supervision of the Illinois Department of Public Health or an associated municipal, county or regional department of public health or public health district are only required to perform Level 1 recordkeeping.

## 7.2 Level 2: Recordkeeping

Level 2 recordkeeping applies to permittees which exceed one or more of the annual treatment area thresholds listed in Table 3 and meet the definition of a small entity, as defined in Appendix A, must retain the following records at the address provided on the NOI. If the permittee is not the applicator, some of the records listed below shall be kept by the contract applicator.

a. Documentation of equipment calibration; and

b. Information on each treatment area to which pesticides are discharged, including:

1. Description of treatment area, by name and/or location including the size (acres or linear feet) of treatment area, as well as the closest named waters of the State to which pesticide(s) discharged are tributary;

2. Pesticide use pattern(s) (i.e., mosquito or other insect pest control, etc.)

3. Target pest(s) and explanation of need for pest control;

4. Description of pest management measures(s) implemented prior to the first pesticide application;

5. If different from the permittee, company name and contact information for contract applicator;

6. Name of each pesticide product used including the USEPA pesticide registration number;

7. Quantity of each pesticide product applied to each treatment area;

8. Pesticide application start and end date(s);

9. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not; why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides; and

10. Name of any waters of the State in the treatment area currently listed as impaired for pesticides on the 303(d) list. This should include the name of the pesticide for which it is impaired.

An evaluation worksheet for documenting this information for each treatment area is available on the Internet at www.epa.state.il.us/water/permits/pesticide/forms/discharge-evaluation.pdf.

## 7.3. Level 3: Recordkeeping

Level 3 recordkeeping applies to permittees which exceed one or more of the annual treatment area thresholds listed in Table 3 and do not meet the definition of a small entity, as defined in Appendix A, must retain the following records at the address provided on the NOI. If the permittee is not the applicator, some of the records listed below shall be kept by the contract applicator.

a. A copy of the PDMP, including any modifications made to the PDMP during the term of this permit;

b. A copy of the annual reports submitted to IEPA;

c. Documentation of equipment calibration; and

d. Information on each treatment area to which pesticides are discharged, including:

1. Description of treatment area, by name and/or location including the size (acres or linear feet) of treatment area, as well as the closest named waters of the State to which pesticide(s) discharged are tributary;

2. Pesticide use pattern(s) (i.e., mosquito or other insect pest control, etc.)

3. Target pest(s) and explanation of need for pest control;

4. Action threshold(s);

5. Method and/or data used to determine that action threshold(s) has been met;

6. Description of pest management measures(s) implemented prior to the first pesticide application;

7. If different from the permittee, company name and contact information for contract applicator;

8. Name of each pesticide product used including the USEPA pesticide registration number;

9. Quantity of each pesticide product applied to each treatment area;

10. Pesticide application start and end date(s);

11. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not; why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides; and

12. Name of any waters of the State in the treatment area currently listed as impaired for pesticides on the 303(d) list. This should include the name of the pesticide for which it is impaired.

### 7.4 Additional Recordkeeping Requirements for All Permittees

All required records must be documented as soon as possible but no later than 15 business days following completion each pesticide application. Permittees must retain any records required under this permit for at least 3 years from the date that coverage under this permit expires or is terminated. Permittees must make available to IEPA, including an authorized representative of IEPA, all records kept under this permit upon request and provide copies of such records, upon request.

### 7.5 Annual Reporting

Permittees which exceed one or more of the annual treatment area thresholds listed in Table 3 and do not meet the definition of a small entity, as defined in Appendix A, must submit an annual report to IEPA. Once the permittee meets the obligation to submit an annual report, the permittee must submit an annual report each calendar year thereafter for the duration of coverage under this general permit, whether or not the permittee has discharges from the application of pesticides in any subsequent calendar year. Permittees must submit the annual report electronically to epa.ILG87pestAnnRep@illinois.gov. The annual report must be submitted to IEPA no later than February 15th of the following year for all pesticide activities covered under this permit occurring during the previous calendar year.

Permittees conducting pesticide application activities pursuant to the Vector Control Act (410 ILCS 95) which are funded by, conducted in accordance with, or under the supervision of the Illinois Department of Public Health or an associated municipal, county or regional department of public health or public health district are not required to submit an annual report.

The annual report must include information for the calendar year, with the first annual report required to include activities for the portion of the calendar year after the effective date of the NOI. If the effective date is after December 1, the permittee is not required to submit an annual report for that first partial year but must submit annual reports thereafter, with the first annual report submitted also including information from the first partial year.

When permittees terminate permit coverage, as specified in Part 1.2.5, an annual report must be submitted for the portion of the year up through the date of termination. The annual report is due no later than 45-days after the termination date, or February 15th of the following year, whichever is earlier.

The annual report must contain the following information:

a. Permittee's name and contact information;

b. NPDES permit number;

c. Contact person name, title, e-mail address (if any), and phone number; and

d. For each treatment area, report the following information:

   1. Description of treatment area, by name and/or location including the size (acres or linear feet) of treatment area, as well as the closest named waters of the State to which pesticide(s) discharge are tributary;

   2. Pesticide use pattern(s) (i.e., mosquito and other insects, etc.) and target pest(s);

   3. Company name(s) and contact information for the pesticide applicator(s), if different from the permittee;

   4. Total amount of each pesticide product applied for the reporting year by the USEPA pesticide registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);

   5. Whether this pest control activity was addressed in the PDMP prior to pesticide application;

   6. If applicable, an annual report of any adverse incidents as a result of these treatment(s), for incidents, as described in Part 6.4.1; and

   7. If applicable, description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

The Annual Report form is available on the Internet at www.epa.state.il.us/water/permits/pesticide/forms/annual-report.pdf.

## 8.0 Contact Information and Mailing Addresses

Permittees must submit the following documents to the email addresses listed below.

a. PDMP to epa.ILG87pestPDMP@illinois.gov

b. Annual Reports to epa.ILG87pestAnnRep@illinois.gov

c. Within 15 business days of becoming aware of an adverse incident, permittees must send all incident reports under Part 6.4 to epa.ILG87pest5day@illinois.gov

All other written correspondence concerning discharges covered under this permit and directed to the IEPA, including individual NPDES permit applications, must be sent to the IEPA Headquarters address listed below.

Note: If IEPA notifies dischargers (either directly, by public notice, or by making information available on the Internet) of other reporting options that become available at a later date (e.g., electronic submission), permittees may take advantage of those options, in accordance with the instructions provided by IEPA, to satisfy the reporting requirements of this permit.

## 8.1 IEPA Headquarters Address

Illinois Environmental Protection Agency
Division of Water Pollution Control, Mail Code #15
Attention: Permit Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
www.epa.illinois.gov/topics/forms/water-permits/pesticide/index

## 8.2 USEPA, Region 5 Address

United States Environmental Protection Agency
Region 5
Attention: Pesticide Program
77 W. Jackson Blvd.
Chicago, IL 60604

## Appendix A
## Definitions, Abbreviations, and Acronyms

### A.1. DEFINITIONS

**Action Threshold** – the point at which pest populations or environmental conditions cannot be tolerated necessitating that pest control action be taken based on economic, human health, aesthetic, or other effects. An action threshold may be based on current and/or past environmental factors that are or have been demonstrated to be conducive to pest emergence and/or growth, as well as past and/or current pest presence. Action thresholds are those conditions that indicate both the need for control actions and the proper timing of such actions.

**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 pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for the production of such a pesticidal substance. [40 CFR 174.3]

**Adverse Incident** – means an unusual or unexpected incident that a permittee or contract applicator has observed upon inspection or of which the permittee otherwise become aware, in which:

1. There is evidence that a person or non-target organism has likely been exposed to a pesticide residue, and

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

The phrase toxic or adverse effects includes effects that occur within waters of the State on non-target plants, fish or wildlife that are unusual or unexpected (e.g., effects are to organisms not otherwise described on the pesticide product label or otherwise not expected to be present) as a result of exposure to a pesticide residue, and may include:

- Distressed or dead juvenile and small fishes
- Washed up or floating fish
- Fish swimming abnormally or erratically
- Fish lying lethargically at water surface or in shallow water
- Fish that are listless or nonresponsive to disturbance
- Stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants
- Other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.)

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

**Annual Treatment Area Threshold** – an area (in acres) or in linear distance (in miles) in a calendar year to which a permittee is authorizing and/or performing pesticide applications in that area for activities covered under this permit.

**Applicator** – any person(s) who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities) that results in a discharge to waters of the State.

**Biological Control Agents** – these agents are organisms that can be introduced to operator sites, such as herbivores, predators, parasites, and hyperparasites. [Source: USFWS IPM Guidance, 2004]

**Biological Pesticides (also called biopesticides)** – include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or dessicant, that (1) is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (2) is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaebacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses. [40 CFR 158.2100(b)] Biochemical pesticide mean a pesticide that (1) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and (3) has a non-toxic mode of action to the target

pest(s). [40 CFR 158.2000(a)(1)] Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 CFR 174.3]

**Chemical Pesticides** – all pesticides not otherwise classified as biological pesticides.

**Contract Applicator** – any person(s) who make contractual pesticide applications for which they or their employer receives compensation (e.g., pest control companies).

**Cultural Methods** – manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest.

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

1. Significant risk to human health;
2. Significant economic loss; or
3. Significant risk to:
   i. Endangered species,
   ii. Threatened species,
   iii. Beneficial organisms, or
   iv. The environment.

**Director** – means the Director of the Illinois Environmental Protection Agency or an authorized representative.

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

**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. [Excerpted from 40 CFR 122.2]

**USEPA Approved or Established Total Maximum Daily Loads (TMDLs)** – "USEPA Approved TMDLs" are those that are developed by the State and approved by USEPA. "USEPA Established TMDLs" are those that are issued by USEPA.

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

**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 the State pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State 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.

**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]

**Mechanical/Physical Methods** – mechanical tools or physical alterations of the environment, for pest prevention or removal.

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

**Non-target Organisms** – includes the plant and animal hosts of the target species, the natural enemies of the target species living in the community, and other plants and animals, including vertebrates, living in or near the community that are not the target of the pesticide.

**Operator** – for the purpose of this permit, means any person(s) associated with the application of a pesticide that results in a discharge to waters of the State that meets either or both of the following two criteria:

a. The person(s) with control over the hiring of a contract applicator, or making the decision to perform pesticide applications, including the ability to modify those decisions, that results in a discharge to waters of the State, or

b. The person(s) who performs the application of pesticides or who has day-to-day control of the pesticide application, that results in a discharge to waters of the State.

**Outstanding Resource Water** – is a surface water body or water body segment that is of exceptional ecological or recreational significance and must be designated by the Illinois Pollution Control Board pursuant to 35 Ill. Adm. Code 102.Subpart H.

**Permittee** – an operator that has obtained coverage under this general permit.

**Person** – any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

**Pest** – consistent with 40 CFR 152.5, any organism under circumstances that make it deleterious to man or the environment, if it is:

a. Any vertebrate animal other than man;

b. Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;

c. Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or

d. Any fungus, bacterium, virus, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs (as defined in FFDCA sec. 201(g)(1)) and cosmetics (as defined in FFDCA sec. 201(i)).

**Pest Management Area** – the area of land, including any water, for which the permittee has responsibility for and is authorized to conduct pest management activities as covered by this permit (e.g., for a permittee who is a mosquito control district, the pest management area is the total area of the district).

**Pest Management Measure** – any practice used to meet the effluent limitations that comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, relevant legal requirements and other provisions that a prudent permittee would implement to reduce and/or eliminate pesticide discharges to waters of the State.

**Pesticide** – means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer, except that the term "pesticide" shall not include any article that is a "new animal drug" within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act (21 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. 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). For purposes of the preceding sentence, the term "critical device" includes any device that introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term "semi-critical device" includes any device that contacts intact mucous membranes but

which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body. [FIFRA Section 2(u)]

The term "pesticide" applies to insecticides, herbicides, fungicides, rodenticides, and various other substances used to control pests. The definition encompasses all uses of pesticides authorized under FIFRA including uses authorized under sections 3 (registration), 5 (experimental use permits), 18 (emergency exemptions), 24(c) (special local needs registrations), and 25(b) (exemptions from FIFRA).

Note: Drugs used to control diseases of humans or animals (such as livestock and pets) are not considered pesticides; such drugs are regulated by the Food and Drug Administration. Fertilizers, nutrients, and other substances used to promote plant survival and health are not considered plant growth regulators and thus are not pesticides. Biological control agents, except for certain microorganisms, are exempted from regulation under FIFRA. (Biological control agents include beneficial predators such as birds or ladybugs that eat insect pests, parasitic wasps, fish, etc).

This permit uses the term "pesticide" when referring to the "pesticide, as applied." When referring to the chemical in the pesticide product with pesticidal qualities, the permit uses the term "active ingredient."

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

**Pesticide Research and Development** – activities undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development).

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

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

**Pollutant** – dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. [Excerpted from 35 Ill. Adm. Code 301.340] For purposes of this definition, a "biological pesticide" is considered a "biological material," and any "pesticide residue" resulting from use of a "chemical pesticide" is considered a "chemical waste." [Excerpted from 40 CFR 122.2]

**Small Entity** – any (1) public entity that serves a population of 10,000 or less, (2) a person(s) applying pesticides on private property where they or any member of their immediate family reside or property that they own or lease, or (3) a private enterprise that does not exceed the Small Business Administration size standard as identified at 13 CFR 121.201.

**Target Pest** – the organism(s) toward which pest management measures are being directed.

**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 of the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. [See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7]

**Treatment Area** – the entire area, whether over land or water, where a pesticide application is intended to provide pesticidal benefits within the pest management area. 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 includes the entire width and length of the canal over which the pesticide is intended to control weeds. Similarly, the treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits.

**Waters** – all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state.

**Water Quality Impaired** – see 'Impaired Water'.

**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 antidegradation policy and implementation procedures. See 35 Ill. Adm. Code 302.

**Wetlands** - means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [40 CFR 122.2]

## A.2. ABBREVIATIONS AND ACRONYMS

| | |
|---|---|
| CFR | Code of Federal Regulations |
| CWA | Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*) |
| FFDCA | Federal Food, Drug, and Cosmetic Act |
| FIFRA | Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136 *et seq* |
| FWS | United States Fish and Wildlife Service |
| IDNR | Illinois Department of Natural Resources |
| IEPA | Illinois Environmental Protection Agency |
| IEMA | Illinois Emergency Management Agency |
| IPM | Integrated Pest Management |
| NOI | Notice of Intent |
| NOT | Notice of Termination |
| NPDES | National Pollutant Discharge Elimination System |
| NRC | National Response Center |
| ORW | Outstanding Resource Water |
| PDMP | Pesticide Discharge Management Plan |
| TMDL | Total Maximum Daily Load |
| U.S.C. | United States Code |
| USEPA | United States Environmental Protection Agency |
| WQS | Water Quality Standard |

## Appendix B
## Standard Permit Conditions – Attachment H

### Definitions

**Act** means the Illinois Environmental Protection Act, 415 ILCS 5 as Amended.

**Agency** means the Illinois Environmental Protection Agency.

**Board** means the Illinois Pollution Control Board.

**Clean Water Act** (formerly referred to as the Federal Water Pollution Control Act) means Pub. L 92-500, as amended. 33 U.S.C. 1251 et seq.

**NPDES** (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

**USEPA** means the United States Environmental Protection Agency.

**Daily Discharge** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

**Maximum Daily Discharge Limitation** (daily maximum) means the highest allowable daily discharge.

**Average Monthly Discharge Limitation** (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**Average Weekly Discharge Limitation** (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

**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 State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Aliquot** means a sample of specified volume used to make up a total composite sample.

**Grab Sample** means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

**24-Hour Composite Sample** means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

**8-Hour Composite Sample** means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

**Flow Proportional Composite Sample** means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

(1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.

(2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.

(3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

(6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.

(8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency upon request, copies of records required to be kept by this permit.

(9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:
- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) **Monitoring and records.**
- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
- (c) Records of monitoring information shall include:
  - (1) The date, exact place, and time of sampling or measurements;
  - (2) The individual(s) who performed the sampling or measurements;
  - (3) The date(s) analyses were performed;
  - (4) The individual(s) who performed the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of such analyses.
- (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

(11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
- (a) **Application.** All permit applications shall be signed as follows:
  - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation:
  - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - (1) The authorization is made in writing by a person described in paragraph (a); and
  - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
  - (3) The written authorization is submitted to the Agency.
- (c) **Changes of Authorization.** If an authorization under (b) 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 (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

  I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(12) **Reporting requirements.**
- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
  Notice is required when:
  - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
  - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
  - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal

sites not reported during the permit application process or not reported pursuant to an approved land application plan.

(b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.

(d) **Compliance schedules.** 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.

(e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).

(2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.

(f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit.

(2) Any upset which exceeds any effluent limitation in the permit.

(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.

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

(g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).

(h) **Other information.** Where the permittee 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 Agency, it shall promptly submit such facts or information.

(13) **Bypass.**

(a) Definitions.

(1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).

(c) Notice.

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).

(d) Prohibition of bypass.

(1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The permittee submitted notices as required under paragraph (13)(c).

(2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).

(14) **Upset.**

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant

evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated; and

(3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).

(4) The permittee complied with any remedial measures required under paragraph (4).

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

(15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:

(a) Transfers by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

(b) Automatic transfers. As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:

(1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;

(2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and

(3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.

(16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:

(a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 ug/l);

(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.

(3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or

(4) The level established by the Agency in this permit.

(b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.

(17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:

(a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and

(b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

(c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:

(a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;

(b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and

(c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.

(19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.

(20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.

(21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.

(22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed $25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or both.
Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).

(23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

(24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.

(26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.

(27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.

(28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

(Rev. 7-9-2010 bah)