

## Summary Page

**Permit Name** General NPDES Permit for Discharges From Pesticide Application

**NPDES Permit No.** GAG820000

This is a reissuance of the General NPDES Permit for Discharges from Pesticide Application. The general permit covers discharges from pesticide application when the pesticide application is associated with the following use patterns: mosquito and other nuisance insect pest control, weed and algae control, nuisance animal control, and forest canopy or other area-wide pest control.

The draft permit was placed on public notice from **XXXX** to **XXXX**.

**PLEASE NOTE:** The virtual public hearing has been rescheduled from June 3, 2026 to June 25, 2026 at 7:00 p.m. to discuss the proposed changes to the permit.

### **Please Note The Following Changes to the Proposed NPDES Permit From The Existing Permit**

#### Part I.B. – Limitations of Coverage

- Combined Part I.B.1 (Limitations of Coverage) and Part I.H (Discharge(s) to Impaired Waters) of the previous permit into Part I.B.1 (Limitations of Coverage) of the proposed permit and modified the boilerplate condition to correct duplicative language and contradictory statements regarding the eligibility of discharges to a water body for which there is an approved TMDL. The revised language does not provide authorization under this general permit to discharge pollutants of concern into impaired waters, even if the discharge would be consistent with an approved TMDL.
- Revised the condition for discharges to impaired waters to prohibit coverage of point source discharges to waters identified as impaired for *a substance which is an active ingredient in that pesticide* [emphasis added].

#### Part I.D. – Annual Treatment Area Thresholds

- Revised the annual treatment area thresholds table to include references to the correct footnotes.
- Revised the conditions to clarify that threshold calculations for mosquitos and other insect pests, forest canopy pest control, and other area-wide pest control should count each pesticide application as a separate activity/area.
- Revised the conditions to clarify that threshold calculations for weed, algae, and aquatic nuisance animal control, should count each pesticide application activity as a single activity/area.

### **Summary Page**

#### Part II.C. – Site Monitoring

- Added a condition stating that visual monitoring is not required for applications made from an aircraft.

#### Part V.B. – Adverse Incident Documentation and Reporting

- Modified the conditions of the 30-day adverse incident written report to remove a requirement for the operator to provide an explanation why they believe the adverse incident could not have been caused by exposure to the pesticide. This explanation is only required when attempting to justify that reporting of the adverse incident is not required.
- Modified the conditions of the 30-day adverse incident written report to require the operator to provide a description of the actions taken to prevent recurrence of adverse incidents.

### **Standard Conditions & Boilerplate Modifications**

The permit boilerplate includes modified or added language consistent with other NPDES permits.

### **Final Permit Determinations and Public Comments**

- Final issued permit did not change from the draft permit placed on public notice.
- Public comments were received during public notice period.
- Public hearing was held.
- Final permit includes changes from the draft permit placed on public notice. See attached permit revisions and/or permit fact sheet revisions document(s)

Persons who are interested in  
General NPDES Permit No. GAG820000

May 6, 2026

RE: Draft General Permit for Discharges From  
Pesticide Application  
General NPDES Permit GAG820000

To Whom it May Concern:

The Georgia Environmental Protection Division (EPD) is considering the reissuance of the NPDES General Permit for Discharges from Pesticide Application (GAG820000). The proposed General Permit will authorize, subject to specific pollutant limitations and special conditions, discharges from pesticide application when the pesticide application is associated with the following use patterns: mosquito and other nuisance insect pest control, weed and algae control, nuisance animal control, and forest canopy or other area-wide pest control. The proposed NPDES General Permit area is statewide.

Before the permit can be reissued, EPD must complete the public notice participation requirements. The draft permit will be placed on the upcoming EPD public notice. Once posted, the public notice may be viewed on EPD's website at: <https://epd.georgia.gov/watershed-protection-branch-public-announcements>. Upon completion of the public notice period, EPD will make a determination on the reissuance of the general permit.

Enclosed is a copy of the public notice and hearing announcements, draft permit, and additional documents. If you have comments or questions concerning this draft permit, please contact Ian McDowell at 470.604.9483 or [ian.mcdowell@dnr.ga.gov](mailto:ian.mcdowell@dnr.ga.gov).

Sincerely,

*Ian McDowell*

Ian McDowell, Manager  
Industrial Permitting Unit

Enclosure(s): Public Notice Documents, Draft Permit, Permit Fact Sheet with Appendices



## PUBLIC NOTICE

### **General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges From Pesticide Application**

The Georgia Environmental Protection Division (EPD) is considering the reissuance of the NPDES General Permit for Discharges From Pesticide Application. The proposed General Permit will authorize, subject to specific pollutant limitations and special conditions, discharges from pesticide application when the pesticide application is associated with the following use patterns: mosquito and other nuisance insect pest control, weed and algae control, nuisance animal control, and forest canopy or other area-wide pest control. The proposed NPDES General Permit area is statewide.

EPD will host a public hearing on **June 25, 2026 at 7:00 p.m.** The purpose of the public hearing is to receive comments on the draft NPDES General Permit Reissuance for Discharges From Pesticide Application. The hearing will be held virtually via Zoom software. Zoom is a free web conferencing platform that also allows participation by phone.

To log into the public hearing on your computer, please click this link or copy and paste it into your browser to join the meeting: <https://gaepd.zoom.us/j/99043384503>

To ensure that you are ready to participate when the meeting begins, we recommend that you download Zoom in advance.

**Zoom can be found here: <https://zoom.us/>**  
**To dial in by phone, please call this number: 1-470-381-2552**  
**The meeting ID is: 990 4338 4503**

Please note that if you choose to participate by phone, your number may be visible to other meeting attendees.

The public hearing is a formal process to receive comments on the draft permit. Participants who wish to comment for the record are requested to sign in upon arrival. Hearing participants will not be subject to questions from the audience, but may be requested by the Hearing Officer for clarification of technical points or to develop a better understanding of statements. Questions asked by participants making statements will be answered by EPD in writing at a later date. Lengthy statements or statements of considerable technical or economic nature should be submitted in writing for the official record. During the hearing, oral statements shall be limited to three (3) minutes to allow everyone an opportunity to be heard. Comments should be confined to water quality issues as they relate to the draft permit.

Written comments are also welcomed. To ensure their consideration, written comments should be received by close of business on **June 26, 2026**. Please address written comments to the address listed below, or via e-mail at [EPD.comments@dnr.ga.gov](mailto:EPD.comments@dnr.ga.gov). If you choose to e-mail your comments, please be sure to include the words “General NPDES Permit Reissuance for Discharges From Pesticide Application” in the subject line to ensure that your comments will be forwarded to the correct staff.

A draft permit, fact sheet, or notices of intent for coverage are also available by writing the Environmental Protection Division. A copying charge of 10 cents per page will be assessed. Other information is available for review at 2 MLK, Jr. Dr., Suite 1470A East, Atlanta, GA 30334, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

For additional information contact: Ian McDowell, Industrial Permitting Unit, phone (470) 604-9483 or e-mail [ian.mcdowell@dnr.ga.gov](mailto:ian.mcdowell@dnr.ga.gov).



# GEORGIA

DEPARTMENT OF NATURAL RESOURCES

## ENVIRONMENTAL PROTECTION DIVISION

### AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT FOR DISCHARGES FORM PESTICIDE APPLICATION

In accordance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p. 416, as amended), hereinafter called the State Act; the Federal Water Pollution Control Act, as amended (33 U.S. C. 1251 et seq.), hereinafter called the Federal Act; and the Rules and Regulations promulgated pursuant to each of these Acts, this general permit authorizes discharges resulting from the application of biological and chemical aquatic pesticides which leave a residue (including but not limited to herbicides, rodenticides, insecticides, fungicides, plant growth regulators, and defoliants) into, over or near waters of the State of Georgia.

This permit is conditioned upon the permittee complying with all applicable limitations, monitoring requirements and other conditions set forth in this permit.

This general permit shall become effective on **XXXX XX, XXXX**.

This permit and the authorization to discharge shall expire at midnight, **XXXX XX, XXXX**.



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Jeffrey W. Cown, Director  
Environmental Protection Division

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## **PART I. COVERAGE UNDER THIS GENERAL PERMIT**

### **A. Eligibility for Coverage**

1. This general National Pollutant Discharge Elimination System (NPDES) permit covers any operator that meets the eligibility requirements identified below and, if so required, submits a Notice of Intent (NOI) in accordance with Part I.C of this permit.

An operator, as defined in Part VI of this permit, includes the person responsible for pesticide management activities resulting in the discharge of pesticides to waters of the State. The operator generally includes the entity in control of the financing of and making the decision (including the ability to modify those decisions) for the application of pesticides that result in a discharge to a water of the State.

If you apply pesticides to waters of the State in the following manner(s), you are considered an operator for the purposes of this general permit. An operator includes, but is not limited to, the following pesticide applicators:

- a. Public entities with pest control responsibilities;
- b. Research and Development (R&D) pesticide applicators;
- c. Applicators that apply pesticides in response to an emergency situation; and
- d. For-Hire Pesticide Contractors

If you, as part of your business or your company, apply any type of pesticide into waters of the State (i.e. point source discharges), or if you perform applications as part of a maintenance contract, for the purpose of this general permit you are considered a for-hire contractor. In the event that an operator utilizes the services of a for-hire pesticide contractor, it is only necessary for one of the two parties to obtain coverage under this general permit. The decision of who must obtain coverage under this general permit is the responsibility of the two parties involved.

2. This permit is available to operators who discharge to waters of the State from the application of biological pesticides and chemical pesticides which leave a residue (hereinafter collectively called “pesticides”) when the pesticide application is for the following use patterns:
  - a. Mosquito and Other Nuisance Insect Pest Control – to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include but are not limited to mosquitoes and black flies;
  - b. Weed and Algae Control – to control invasive or other nuisance weeds and algae in water and at water’s edge, including irrigation ditches, irrigation canals and along roadsides and utility right of way where to target the identified species effectively, a portion of the pesticide will unavoidably be deposited over or into waters of the State;
  - c. Nuisance Animal Control – to control invasive or other nuisance animals in water and at water’s edge. Aquatic nuisance animals in this use category include, but are not limited to, fish, lampreys, and mollusks; and

- d. Forest Canopy or Other Area-Wide Pest Control – aerial or ground application of a pesticide over or into a forest canopy or other vegetation 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.
3. The general permit does not apply to the application of pesticides to areas which do not require a NPDES permit, including:
    - a. Any introduction of pollutants from non-point source agricultural and silvicultural activities including stormwater runoff from orchards, cultivated crops, pastures, and forest lands; and
    - b. Return flows from irrigated agriculture.

## **B. Limitations of Coverage**

### **1. Discharge(s) to Impaired Waters**

Point source discharges from a pesticide application to waters of the State are not eligible for coverage under this permit if the water is identified as impaired for a substance which is either an active ingredient in that pesticide or is a degradate of such an active ingredient. For the purposes of this permit, impaired waters are those that do not meet applicable water quality standards and are identified by an EPA-approved or EPA/EPD established TMDL and/or the State of Georgia's 303(d) list. A list of these waters is available on EPD's website (<https://epd.georgia.gov/>).

A facility otherwise eligible for coverage, or currently covered, under this general permit must determine whether its discharge(s) contributes directly or indirectly to the impairment of a water body that is included in an EPA/EPD approved or EPA/EPD established TMDL. If the facility has discharges meeting this criterion, it must obtain an individual permit.

2. Point source discharges to waters of the State classified as Tier 3 (i.e. Outstanding National Resource Waters) are not eligible for coverage under this permit, except for applications made to restore or maintain water quality or to protect public health or the environment that either do not degrade water quality or only degrade water quality on a short-term or temporary basis. Included in these applications, EPD will need additional information regarding the name of the Tier 3 water body and a discussion of the environmental problem and demonstration that the pesticide discharge is necessary to protect water quality, the environment, and/or public health.
3. Point source discharges from pesticide application to waters of the State that are currently or previously covered by another permit are not eligible for coverage under this permit if any of the following circumstances apply:
  - a. The discharges are covered by another NPDES permit; or
  - b. The discharges were included in a permit that within the last five years has been or is in the process of being denied, terminated, or revoked by the EPD.

4. Municipal Separate Storm Sewer System (MS4) Stormwater NPDES permits cover non-point source discharges, therefore permit holders for MS4 Stormwater NPDES permits are eligible for coverage under this general permit for point source discharge of pesticides to waters of the State.

### C. Coverage Under the Permit

To obtain coverage under this permit an operator must meet the eligibility requirements identified in Part I.A. of this permit. Some operators will not be required to submit a NOI. The submission of an NOI is an acknowledgement that the conditions of this general permit apply to the proposed discharge, and the applicant agrees to comply with the applicable conditions of the permit.

1. Operators that are not required to submit an NOI:

If the operator meets the eligibility requirements to be covered under this general permit in Part I.A. of this permit and does not exceed a pesticide application annual (i.e. calendar year) treatment area threshold in Part I.D.1. for one or more pest management areas, or applies pesticides for the sole purpose of R&D or in response to a declared emergency situation, the operator is not required to submit an NOI and is automatically covered under this general permit.

2. Operators that must submit an NOI:

If an operator meets the eligibility requirement to be covered under this general permit in Part I.A. of this permit, exceeds a pesticide application annual (i.e. calendar year) treatment area threshold in Part I.D.1. for one or more pest management areas, and does not apply pesticides for the sole purpose of R&D or in response to a declared emergency situation, then a complete and accurate NOI must be submitted in accordance with the Rules, Chapter 391-3-6-.15(5), for discharges to waters of the State resulting from the application of pesticides. The NOI and supporting documents must be signed by the owner or other authorized person in accordance with Part IV.D.1. of this permit and submitted to EPD within thirty days of exceeding the applicable threshold.

The NOI shall be on forms as may be prescribed and furnished by EPD. The NOI requires for, at a minimum, the following information to be submitted:

- a. Name of facility/operator;
- b. Any and all information related to the facility contact person;
- c. Location and mailing address of your facility;
- d. Map and/or description of location of pesticide application for each pesticide use pattern;
- e. Brief description of the area to be treated;
- f. Receiving waters receiving coverage for each pesticide user pattern;
- g. Any and all information related to federally-listed threatened or endangered species and/or federally-designed critical habitat; and
- h. Other information provided on the NOI application as prescribed by EPD.

**D. Annual Treatment Area Thresholds**

1. The following table provides annual thresholds for designated use patterns:

Pesticide Use Pattern	Annual Treatment Area <sup>(1)</sup> Threshold
Mosquitoes and Other Nuisance Insect Pests	6,400 acres of treatment area <sup>(2)</sup>
Aquatic Weed and Algae Control:	
- In Waters of the State	100 acres of treatment area <sup>(3,5)</sup>
- At Water's Edge	100 linear miles of treatment area at water's edge <sup>(4,5)</sup>
Aquatic Nuisance Animal Control:	
- In Waters of the State	100 acres of treatment area <sup>(3,5)</sup>
- At Water's Edge	100 linear miles of treatment area at water's edge <sup>(4,5)</sup>
Forest Canopy Pest Control Area-Wide Pest Control	6,400 acres of treatment area <sup>(2)</sup>

- (1) Treatment area is defined as the area of land including any waters or linear distance along water's edge to which pesticides are being applied. Multiple treatment areas may be located within a single "pest management area."
- (2) For the threshold calculation for mosquitos and other insect pests, forest canopy pest control, and other area-wide pest control, count each pesticide application activity as a separate activity or area. For example, treating a 3,000 acre site three times a year is equal to 9,000 acres of treatment area.
- (3) Calculations should include the area of the applications made to waters of the State.
- (4) Calculations should include the linear extent of the application made at water's edge to waters of the State.
- (5) For the threshold calculation for weed, algae and aquatic nuisance animal control in water and at water's edge, count each pesticide application activity as a single activity or area. Treating both sides of a ten-mile stream is equal to twenty miles of water treatment area. The number of pesticide applications to the same treatment area is not a cumulative total. For example, treating both sides of a ten-mile stream, five times per year is equal to twenty miles of treatment area. Therefore, if you treat both sides of a ten-mile stream, five times per year and you also treat both sides of a twenty-mile river, five times per year, the total treatment area is 60 miles of treatment area. Also, if you treat different sections of a ten-mile stream bank at different intervals throughout the year, it is still considered 10-miles of treatment area.

2. The following table summarizes the conditions and requirements of this permit:

Thresholds	Permit Requirements
	Part I.C.1. – Obtaining Authorization to Discharge: the submittal of an NOI is not required for coverage under this permit.
	Part I.E.1. – Discharge Authorization Date: coverage under this permit is automatically authorized as described in this Part.
<u>Types of Discharges:</u>	Part I.G.2.a. – Terminating of Coverage: coverage is automatically terminated under this permit when the operator no longer has a discharge from the application of pesticides or the dischargers are covered under another NPDES permit.
• Below Annual Treatment Area Threshold	Part I.H. – Continuation of this Permit: authorization for coverage continues as described in this Part.
• Emergency Applications	Part II.A. – Technology-Based Effluent Limitations: minimize discharges resulting in the application of pesticides to waters of the State to the extent achievable.
• R&D Applications	Part II.C. – Site Monitoring: conduct visual monitoring assessments as specified in the permit.
	Part II.D. – Water Quality-Based Effluent Limitations: the discharge must be controlled as necessary to meet applicable numeric and narrative State water quality standards.
	Part IV.A.1. – Record Keeping: keep a copy of any adverse incident report, rationale for determining that reporting of an incident is not required and a copy of any corrective action documentation.
	Part V. - Corrective Action and Adverse Incident Documentation: all operators must comply with the requirements described in this Part.
	Part I.C.2. – Obtaining Authorization to Discharge: submittal of a NOI is required.
	Part I.E.2. – Authorization to Discharge: coverage under this permit is authorized as described in this Part.
	Part I.G.2.b. – Terminating Coverage: submittal of a NOT is required to terminate coverage.
	Part I.H. – Continuation of this Permit: authorization for coverage continues as described in this Part.
	Part II.A. – Technology-Based Effluent Limitations: minimize discharges resulting in the application of pesticides to waters of the State to the extent achievable.
<u>Types of Discharges:</u>	Part II.B. – Pest Management Practices (PMP): implement PMP by identifying the problem, developing a pest management strategy, and developing a pesticide use plan.
• Exceed Annual Treatment Area Threshold	Part II.C. – Site Monitoring: conduct visual monitoring assessments as specified in the permit.
	Part II.D. – Water Quality-Based Effluent Limitations: the discharge must be controlled as necessary to meet applicable numeric and narrative State water quality standards.
	Part III – Pesticide Discharge Management Plan: prepare a plan that contains schedules and procedures of control measures used to comply with the conditions of this permit.
	Part IV.A. – Record Keeping and Reporting: additional record keeping and biennial reporting is required.
	Part V. - Corrective Action and Adverse Incident Documentation: all operators must comply with the requirements described in this Part.

**E. Discharge Authorization Date**

Discharge to waters of the State as a result of the application of a pesticide(s) must be covered under an NPDES permit.

1. Operators described in Part I.C.1. of this permit, that are not required to submit an NOI, are automatically covered under this general permit unless otherwise notified by EPD.
2. Operators described in Part I.C.2. of this permit, that are required to submit an NOI are automatically covered under this general permit unless otherwise notified by EPD. However, the following conditions must be met to maintain coverage after exceeding an annual treatment area threshold. If the operator fails to submit an NOI within thirty days of exceeding the threshold, then coverage is automatically terminated.
  - a. The operator's complete NOI has been received by EPD.
  - b. Within ten (10) days of EPD's receipt of the NOI, the operator has not received a written response from EPD stating that the operator is not covered by this general permit, then the operator will remain covered under this permit.

EPD may deny coverage based on an incomplete or incorrect NOI submittal, past noncompliance by the applicant at similar facilities, or other factors.

**F. Transfer of Ownership or Control**

This permit may not be transferred. If the operating entity changes, a new NOI must be submitted at least 30 days in advance of when the new owner will take over operation. The owner to whom the permit was originally issued should submit a NOT prior to the new owner.

**G. Termination of Coverage**

1. Denial of Notice of Intent (NOI)

EPD may deny coverage under this permit based on an incomplete or incorrect NOI submittal. The Director may at any time revoke coverage under this permit in accordance with the State Rules, Section 391-3-6-.15(11).

2. Submitting a Notice of Termination (NOT)

- a. Operators that are not required to submit an NOI and those operators that are covered under this general permit as a result of a declared pest emergency situation, are terminated from permit coverage when they no longer have a discharge from the application of pesticides or their discharges are covered under another NPDES permit.

- b. Operators that are required to submit an NOI to obtain coverage under this permit must submit a complete and accurate NOT in order to terminate permit coverage. Operators are required to submit an NOT signed by the owner or other authorized person in accordance with Part IV.D.1. of this permit. Authorization to discharge under this permit terminates at midnight of the day that a complete NOT is received by EPD. If a NOT is submitted without meeting one of the conditions identified in Part I.G.3., then the NOT is not valid. The operator is responsible for complying with the terms of this permit until authorization is terminated.

3. When to Submit a Notice of Termination

An operator who meets an annual treatment area threshold and is required to submit an NOI, must submit a NOT within 30 days after one or more of the following conditions have been met:

- a. A new operator has taken over responsibility of the pest control activities covered under an existing NOI; or
- b. All discharges have ceased from the application of pesticides for which permit coverage was obtained and the operator does not expect to discharge during the remainder of the permit term for any of the use patterns as identified in Part I.D.

**H. Expiration of Permit and Renewal of Coverage**

This permit will expire five (5) years from the effective date. If this permit is not reissued or replaced prior to the expiration date, the permit will be administratively continued and remain in force and effect.

1. Operators covered under this general permit that are not required to submit an NOI will automatically remain covered by the permit until the earliest of:
  - a. Reissuance or replacement of this permit;
  - b. A formal permit decision by EPD not to reissue this general permit, at which time EPD will identify a reasonable time period for covered dischargers to seek coverage under an alternative permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
  - c. EPD has informed the permittee that coverage under this general permit has been terminated.
2. Operators covered under this general permit that are required to submit an NOI will remain covered by this permit if an NOI has been submitted within 180-days of the expiration of this permit and continuing until the earliest of:
  - a. Reissuance or replacement of this permit;

- b. A formal permit decision by EPD not to reissue this general permit, at which time EPD will identify a reasonable time period for covered dischargers to seek coverage under an alternative permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
- c. EPD has informed the permittee that coverage under this general permit has been terminated.

## **PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

### **A. Technology-Based Effluent Limitations**

To meet the effluent limitations in Part II of this permit, all operators (including those not required to submit an NOI) must implement site-specific control measures to minimize the discharge of pollutants resulting from application of pesticides to waters of the State to the extent achievable using best management practices that are technologically available and economically practicable and achievable.

1. To minimize discharges resulting from applications of pesticides, all operators shall:
  - a. Use the lowest effective amount of pesticide product per application and optimum frequency of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pest resistance;
  - b. Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit; and
  - c. Maintain pesticide application equipment in proper operating condition by adhering to any manufacturer's conditions and industry practices, and by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. The operator must ensure that the equipment's rate of pesticide application is calibrated to deliver the precise quantity of pesticide needed to achieve greatest efficacy against the target pest.

### **B. Pest Management Practices (PMPs)**

The requirements of this Part only apply to operators that exceed the annual threshold in the table of Part I.D.1.

#### **1. 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 during which an operator will have a discharge to waters of the State, the operator shall comply with the following for each treatment area and pesticide use pattern:

- a. Identify the target (i.e. pests, weed, algae, etc.);
- b. Establish densities and/or establish biological or weather conditions to serve as action threshold(s) for implementing pest strategies;

The action threshold(s) is the point at which pest populations or environmental conditions can no longer be tolerated, necessitating that pest control action be taken based on economic, human health, aesthetic, or other effects. Sighting a single pest does not always

mean control is needed. Action thresholds help determine both the need for control actions and the proper timing of such actions.

- c. Establish procedures to determine target pest densities; and/or establish procedures to determine when conditions are conducive to meeting action thresholds; and
- d. For Weed, Algae Control and Nuisance Animal Control:
  - i. Identify areas with weed or algae problems and characterize the extent of the problems;
  - ii. Identify possible factors contributing to the weed or algae problem (i.e. nutrients, invasive species, etc.); and
  - iii. Identify areas with problems related to the target and characterize the extent of the problem, for example, water use goals not attained for wildlife habitat, fisheries, vegetation, and recreation.
- e. For Mosquitoes and Other Nuisance Insect Pest Control:
  - i. Identify known breeding site(s) for source reduction, larval control, and habitat management area;
  - ii. Identify target pest(s) to develop pest management strategies based on developmental and behavioral considerations for each target; and
  - iii. Analyze, to the extent possible, existing surveillance data to identify new or unidentified sources of mosquitoes or other nuisance insect problems as well as sites that have recurring problems.
- f. For Forest Canopy and Area-Wide Pest Control:
  - i. Identify current distribution of the target pest(s) and assess potential distribution in the absence of control measures; and
  - ii. Develop a site-specific control strategy based on developmental and behavioral considerations for each target pest.

2. Develop a Pest Management Strategy

This part applies to discharges from the application of pesticides for all use patterns that exceed an annual threshold in Part I.D.1.

The operator shall evaluate, select, and implement one or more of the following management strategies that successfully minimize discharges of pesticides, while considering effectiveness and efficiency, impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness:

- a. No action;
- b. Prevention;
- c. Mechanical or physical methods;
- d. Cultural methods;
- e. Biological control agents; and
- f. Pesticide application.

3. Development of a Pesticide Use Plan

If a pesticide is selected that will result in a discharge of pollutants to waters of the State, the operator shall:

- a. Apply pesticides only when the action threshold(s) have been met or disease is present;
- b. Reduce the impact on the environment and on non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when action thresholds have been met; and
- c. For Canopy Pest, Area-Wide, Mosquito and Other Nuisance Insect Pests: assess environmental conditions (e.g. temperature, precipitation, and wind speed) in the treatment area prior to each pesticide application to identify whether existing environmental conditions support development of pest populations and are suitable for treatment activities;
- d. For Mosquito and Other Nuisance Insect Pest Control:
  - i. In situations or locations where practicable and feasible for effective control, use larvicides as a preferred pesticide when larval action thresholds have been met; and
  - ii. In situations or locations where larvicide use is not practicable or feasible for effective control, use adulticides when adult action thresholds have been met.
- e. For Forest Canopy and Area-Wide Pest Controls: Use pesticides against the most susceptible development state.

**C. Site Monitoring**

This Part applies to all operators covered under this general permit.

1. Visual Evaluation Requirements

All operators covered under this permit must conduct visual monitoring assessments in the area of and around where pesticides are applied for possible and observable adverse incidents caused by application of pesticides, including but not limited, to the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational, or municipal water use. Visual assessments of the application site must be performed:

- a. During any post-application surveillance or efficacy check, if surveillance or an efficacy check is conducted; and
- b. During any pesticide application, when considerations for safety and feasibility allow.

Due to infeasibility for the inspector to note adverse effects, visual monitoring is not required under the following circumstances:

- c. Applications performed in darkness;
- d. Applications made from an aircraft;
- e. Applications made from a moving road vehicle when the applicator is the driver;
- f. Applications made from a moving watercraft when the applicator is the driver; and
- g. Applications made from a moving off-road wheeled or tracked vehicle when the applicator is the driver.

#### **D. Water Quality-Based Effluent Limitations**

This Part applies to all operators covered under this general permit.

1. The discharge must be controlled as necessary to meet applicable numeric and narrative State water quality standards in accordance with the State Rules, Section 391-3-6-.03.
2. If at any time the operator becomes aware, or EPD determines, that the discharge causes or contributes to an excursion of applicable water quality standards, corrective action must be taken as required in Part V of this permit. Failure to take corrective action will constitute a violation of the permit.

### **PART III. PESTICIDE DISCHARGE MANAGEMENT PLAN**

#### **A. Pesticide Discharge Management Plan**

If the pesticide application exceeds an annual treatment area threshold as outlined in Part I.D.1. of this permit a Pesticide Discharge Management Plan (PDMP) must be developed, maintained, and implemented. The plan must be maintained on site. The requirements are outlined below:

##### **1. Development of a Pesticide Discharge Management Plan**

This Part applies to any operator that exceeds an annual treatment area threshold in Part I.D.1. of this permit. The plan must be kept up-to-date thereafter for the duration of coverage under this general permit.

The contents of the PDMP must contain the following elements:

- a. Pesticide Discharge Management Team – The operator shall identify PDMP team members by name or title as well as their individual responsibilities, including:
  - i. Person(s) responsible for managing pests in relation to the pest management area;
  - ii. Person(s) responsible for developing and revising the PDMP;
  - iii. Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements; and
  - iv. Person(s) responsible for pesticide applications. If the pesticide applicator is unknown at the time of plan development, indicate whether or not a for-hire applicator will be used and the anticipated time that the applicator will be identified.

Identification of team members must include any written agreement(s) between the permittee and any other for-hire pesticide applicator that specify the division of responsibilities between operators as necessary to comply with the provisions of this permit.

- b. Pest Management Area Description – The operator shall provide the following:
  - i. Description of the pest management area, including the identification of target pest(s), source of the pest problem, and source of the data used to identify the problem. Include in the plan 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 water of the State;
  - ii. Action threshold(s) for the pest management area, including a description of how they were determined; and

- iii. List of pesticide(s) or any degradates for which the water is impaired. Georgia's most current 305(b)/303(d) list of impaired waters can be found on the EPD website (<https://epd.georgia.gov/>).
- c. Control Measure Description
- i. Documentation of the evaluation of control measures for the pest management area; and
  - ii. Documentation of the control measures that will be implemented to comply with the effluent limitations, including a description of the active ingredient(s) of the pesticide(s) evaluated.
- d. Schedules and Procedures

The following procedures pertaining to control measures used to comply with the effluent limitations must be included in the PDMP:

- i. Procedures for determining the lowest effective amount of pesticide product for application and the optimum frequency of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pest resistance;
- ii. Procedures and schedule of maintenance activities for preventing spills and leaks of pesticides associated with the application of pesticides covered under this permit;
- iii. Schedules and procedures for calibrating equipment;
- iv. Procedures and methods for conducting pre-application pest surveillance; and
- v. Procedures and methods for assessing environmental conditions in the treatment area.

The following procedures pertaining to other actions necessary to minimize discharges must be included in the PDMP:

- vi. Procedures for stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the PDMP team;
- vii. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies;
- viii. Procedures for responding to any adverse incident resulting from pesticide applications;

- ix. Procedures for notification of the adverse incident; and
  - x. The process for determining the location of any surveillance in Part II.C., including a schedule for any surveillance performed and the person (or position) responsible, or performing the surveillance, and procedures for documenting any observed impacts to non-target organisms resulting from the pesticide discharge.
- e. Signatory Requirements

The PDMP and any revisions to the plan shall be signed and dated in accordance with Part IV.D. of this permit.

2. Pesticide Discharge Management Plan Modifications

The PDMP must be revised whenever necessary to address any of the triggering conditions for corrective action in Part V of this permit 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, as soon as possible thereafter. The revised PDMP must be signed and dated in accordance with Part IV.D.2. of this permit.

The PDMP must be reviewed at a minimum of once per calendar year and whenever necessary to update the pest problem identified in pest management strategies evaluated for the pest management area.

3. Pesticide Discharge Management Plan Availability

A copy of the current PDMP must be retained, along with all supporting maps and documents, at the address provided in Section II of the NOI, the PDMP and all supporting documents must be readily available upon request.

## **PART IV. MANAGEMENT AND OPERATIONAL REQUIREMENTS**

### **A. Management Requirements**

This part applies to all operators covered under this permit.

All operators covered under this general permit shall keep written records as required in this permit. These records shall be accurate, complete, and sufficient to demonstrate compliance with the conditions of the permit. The operator may rely on records and documentation developed for other obligations, such as requirements under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), Provided all requirements of this permit are satisfied and a copy of the document or portion of, is kept with the written records and made available when requested by EPD.

#### **1. Record Keeping for All Operators**

All operators must keep the following records:

- a. A copy of an Adverse Incident Report as required by Part V.B. of the permit;
- b. The rationale for any determination that reporting of an identified adverse incident is not required; and
- c. A copy of any corrective action documentation.

#### **2. Reporting and Record Keeping for Operators that Exceed an Annual Threshold**

This part applies to any operator that exceeds an annual treatment area threshold in Part I.D.1. of this permit and may require input from any pesticide applicator hired by the operator to perform activities covered under this permit.

Records listed below are required to be kept at the address provided on the NOI. Records of equipment calibration are to be maintained only by the pesticide applicator performing the pest application activity (on behalf of self or client):

- a. A copy of the NOI submitted to EPD, a copy of this permit (an electronic copy is also acceptable) and any correspondence exchanged between the operator and EPD specific to coverage under this permit;
- b. The date on which it was known that an annual treatment area threshold would be exceeded during any calendar year, as identified in Part I.D.1. of this permit;
- c. Surveillance method(s) used, date(s) of the surveillance activities, and findings of surveillance;
- d. Target pest(s);

- e. Pest density or rationale used to determine that action thresholds are met, prior to pesticide application;
- f. Company name and contact information for pesticide applicator;
- g. Pesticide application date(s);
- h. Description of treatment area, including location and size (acres or linear feet) of treatment area (closest estimated size) and identification of any waters, either by name or by location, to which pesticides are discharged;
- i. Name of each pesticide product used;
- j. Quantity of pesticide applied (and specify if quantities are for the pesticide product as packaged or as formulated and applied);
- k. Concentration (%) of active ingredient in formulation;
- l. For pesticide applications directly to waters, the effective concentration of active ingredient required for control;
- m. Any unusual or unexpected effects identified to non-target organisms that occurs as a result of the pesticide application;
- n. Documentation of any equipment calibration; and
- o. A copy of the PDMP, including any modifications made to the PDMP during the term of this permit.

All required records must be documented as soon as possible but no later than 14 days following completion of such activity. Any records required under this permit must be maintained for at least three years from the date that coverage under this permit expires or is terminated. All records kept under this permit must be made available, and copies of such records must be provided to EPD, including its authorized representative of EPD, upon request.

3. Annual Reporting

This part applies to any operator that exceeds an annual treatment area threshold in Part I.D.1. of this permit.

Within 1 month of the close of the calendar year (January 1 through December 31), the operator shall prepare a report that includes:

- a. Name of Operator;
- b. Contact person name, title, email address, and phone number; and

- c. for each pest treatment area, report the following information:
- i. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters or other treatment area, including size (best estimated size), either by name or by location, to which pesticides are discharged;
  - ii. Pesticide use pattern(s) (i.e. mosquito and other flying insects, weed and algae, nuisance animals, or forest canopy or other area-wide pest control) and target pest(s);
  - iii. Company name(s) and contact information for pesticide applicator(s), if different from the NOI submitter;
  - iv. Total amount of each pesticide product applied by the EPA registration number(s) and by application method (e.g. aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);
  - v. Whether this pest control activity was addressed in the PDMP prior to pesticide application;
  - vi. If applicable, a report of any adverse incidents as a result of these treatment(s) as described in Part V.B.; and
  - vii. A description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

A copy of the report must be retained at the address provided on the NOI and must be readily available upon request. The operator may rely on records and documentation developed for other obligations, such as requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), provided all requirements of this permit are satisfied and a copy of the document or portion of, is kept within the written records and made available when requested by EPD. Records shall be available within 48 hours of EPD's request.

**B. Responsibilities**

1. Compliance

The operator must comply with this permit. Any permit noncompliance is a violation of the Federal Act, State Act, and the Rules, and is grounds for:

- a. Enforcement action; and
- b. Denial of coverage under this permit.

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

2. Right of Entry

The operator shall allow the Director of the EPD and its authorized representatives, agents, or employees after they present credentials to:

- a. Enter the operator's premises where a regulated activity or facility is located, or where any records required by this permit are kept;
- b. Review and copy any records required by this permit;
- c. Inspect any facilities, equipment, practices, or operators regulated or required by this permit; and
- d. Sample any substance or parameter at any location.

3. Submittal of Information

The operator shall furnish any information required by the EPD to determine whether cause exists to modify, revoke and reissue, or terminate coverage under this permit or to determine compliance with this permit. The operator shall also furnish EPD with requested copies of records required by this permit. If the operator determines that any relevant facts were not included in the NOI or that incorrect information was submitted in the NOI or in any report to the EPD, the operator shall promptly submit the additional or corrected information.

4. Availability of Reports

Except for data determined to be confidential by the Director of EPD under O.C.G.A. 12-5-26 or by the Regional Administrator of EPA under the Code of Federal Regulations, Title 40, Part 2, all reports prepared to comply with this permit shall be available for public inspection at an EPD office. Effluent data, permit applications, permittee names and addresses, and permits shall not be considered confidential.

5. Civil and Criminal Liability

The permittee is liable for civil or criminal penalties for noncompliance with this permit and must comply with applicable State and Federal laws including promulgated water quality standards. The permit cannot be interpreted to relieve the permittee of this liability even if it has not been modified to incorporate new requirements.

6. Property Rights

The issuance of this permit does not convey any property rights of either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, or any infringement of Federal, State or local laws or regulations.

7. Contested Hearings

Any person aggrieved or adversely affected by any action of the Director of the EPD shall petition the Director for a hearing within 30 days of notice of the action.

8. Severability

The provisions of this permit are severable. If any permit provision or the application of any permit provision to any circumstance is held invalid, the provision does not affect other circumstances or the remainder of this permit.

9. Duty to Mitigate

All reasonable steps must be taken to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

10. Upset Provision

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond reasonable control. An upset does not include noncompliance to the extent cause by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [40 CFR 122.41(n)(1)].

- a. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part IV.B.10.b. 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.
- b. An operator who wishes to establish the affirmative defense of upset must demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - i. An upset occurred and the operator can identify the cause(s) of the upset;

- ii. The permitted activity was at the time being properly operated;
- iii. A 24-hour notice of the upset was submitted; and
- iv. The operator complied with any remedial measures required under Part IV.B.9.

11. Other Federal and State Laws

The operator must comply with all other applicable federal and state laws and regulations that pertain to the application of pesticides. For example, this permit does not negate the requirements under FIFRA and its implementing regulations to use registered pesticides consistent with the product's labeling. Additionally, there are other laws and regulations that may apply to certain activities that are also covered under this permit (i.e. United States Coast Guard regulations).

**C. Penalties**

Both the Federal and State Acts provide that any person who makes any false statement, representation, or certification in any record submitted or required by this permit shall, if convicted, be punished by a fine or by imprisonment or by both. The Acts include procedures for imposing civil penalties for violations or for negligent or intentional failure or refusal to comply with any final or emergency order of the Director of the EPD.

**D. Signatory Requirements**

All reports, certifications, data or information submitted in compliance with this permit or requested by EPD must be signed and certified as follows:

- 1. Any State or NPDES Permit Application form submitted to the EPD shall be signed as follows in accordance with the Federal Regulations, 40 C.F.R. 122.22:
  - a. For a corporation, by a responsible corporate officer. A responsible corporate officer means:
    - i. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or
    - ii. The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

- c. For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.
2. All other reports or requests for information required by the permit issuing authority shall be signed by a person designated in (a) above or a duly authorized representative of such person, if:
  - a. The representative so authorized is responsible for the overall operation of the facility from which the discharge originates, e.g., a plant manager, superintendent or person of equivalent responsibility;
  - b. The authorization is made in writing by the person designated under (a) above; and
  - c. The written authorization is submitted to the Director.
3. Any changes in written authorization submitted to the permitting authority under (b) above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy of a new written authorization which meets the requirements of (b) and (b.1) and (b.2) above.
4. Any person signing any document under (a) or (b) above 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.”

**PART V. CORRECTIVE ACTION AND SPILLS**

**A. Corrective Actions**

1. Situations Requiring Revision of Control Measures

This Part applies to all operators covered under this general permit.

If any of the following situations occur, the operator must review and, as necessary, revise the evaluation and selection of control measures to ensure that the situation is eliminated and will not be repeated in the future:

- a. An unauthorized release or discharge associated with the application of pesticides occur (i.e. spill, leak, or discharge not authorized by this or another NPDES permit);
- b. The operator becomes aware, or EPD concludes, that the control measures are not adequate/sufficient for the discharge to meet applicable water quality standards;
- c. Any monitoring activities indicate that the operator failed to:
  - i. Use the lowest amount of pesticide product for application and optimum frequency of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pest resistance;
  - ii. Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit; or
  - iii. Maintain pesticide application equipment and proper operating condition by adhering to any manufacturer's conditions an industry practices, and by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. The operator must ensure that the equipment's rate of pesticide application is calibrated to deliver the precise minimum quantity of pesticide needed to achieve greatest efficacy against the target pest.
- d. An inspection or evaluation of the activities by an EPD official reveals that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
- e. The operator observes during visual monitoring, or is otherwise made aware of, an adverse incident.

2. Corrective Action Deadlines

This Part applies to all operators covered under this general permit.

If the operator determines that changes to the control measures are necessary to eliminate any situation identified in Part V.A.1. of this permit, such changes must be made before the next pesticide application that results in a discharge, if practicable, or if not, as soon as possible thereafter.

3. Other Correction Action Documentation

For situations identified in Part V.A.1. of this permit, other than for adverse incidents or reporting spills and leaks, the operator must document the situation triggering corrective action and planned corrective action within five (5) 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 triggering 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 and how the operator learned of the situation and date the operator 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.

4. Effects of Corrective Action

This Part applies to all operators covered under this general permit.

The occurrence of a situation identified in Part V.A.1. of this permit may constitute a violation of the permit. Correcting the situation according to Part V.A.1. does not absolve the operator of liability for any original violation. However, failure to comply with Part V.A.1. constitutes an additional permit violation. EPD will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

EPD may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements more stringent than specified in this permit. Those requirements and schedules will supersede those of Part V.A.1. and Part V.A.2. if such requirements conflict.

**B. Adverse Incident Documentation and Reporting**

This Part applies to all operators covered under this general permit.

1. Twenty-Four (24) Hour Adverse Incident Notification

If the operator observes or is otherwise made aware of an adverse incident, including any noncompliance that may endanger health or the environment, that may have resulted from a discharge from the pesticide application, the operator must immediately notify the applicable EPD Incident Reporting Contact at the EPD District Office that services the County of the pesticide application. EPD District Office contact information is located at:

<https://epd.georgia.gov/about-us/epd-district-offices>

This notification must be made by telephone within 24 hours of becoming aware of the adverse incident and must include at least the following information:

- a. The caller's name and telephone number;
- b. The name and mailing address of the operator;
- c. The name and telephone number of a contact person, if different than the person providing the 24-hour notice;
- d. How and when the operator became aware of the adverse incident;
- e. Description of the location of the adverse incident;
- f. Description of the adverse incident identified and the pesticide name for each product applied in the area of the adverse incident; and
- g. Description of any steps taken or steps that will be taken to correct, repair, remedy, cleanup, or otherwise address any adverse effects.

If the operator is unavailable to notify EPD within 24 hours, the operator must do so as soon as possible and also provide a rationale for why the operator 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.

2. Reporting of Adverse Incidents is Not Required Under This Permit in the Following Situations:

- a. The operator is aware of facts that clearly established that the adverse incident was not related to toxic effects or exposure from the pesticide application;
- b. The operator has been notified in writing by EPD that the reporting requirement has been waived for this incident or category of incidents;

- c. The operator received information and notification of an adverse incident, but that information is clearly erroneous; or
- d. An adverse incident occurs to pests that are similar in kind to pests identified as potential targets on the FIFRA label.

3. Thirty (30) Day Adverse Incident Written Report

Within thirty (30) Days of a reportable adverse incident pursuant to this permit, the operator must provide a written report of the adverse incident to the EPD District Office that services the County of the pesticide application. For a list of EPD District Offices, reference Part V.B.1. of this permit.

The adverse incident report must include at least the following information:

- a. Information required to be provided in Part V.B.1.;
- b. Date and time the operator contacted EPD with a notification of the adverse incident and who the operator spoke with at EPD and any instructions received from EPD;
- c. Location of incident, including the names of any waters affected an 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 (i.e. aquatic square area or total stream distance affected);
- f. Pesticide application rates, and tended use site (i.e. banks, above, or direct to water), method of application, name of pesticide product, description of pesticide ingredients, an EPA 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, indicate what test(s) were performed, and when, and provide a summary of the test results within five days after they become available;
- i. Description of actions taken to prevent recurrence of adverse incidents; and
- j. Signature and date in accordance with Part IV.D. of this permit.

4. Adverse Incident to Threatened or Endangered Species or Critical Habitat

Notwithstanding any of the other adverse incident notification requirements of this section, if the operator becomes aware of an adverse incident to a federally-listed threatened or endangered species for its federally-designated critical habitat, that may have resulted from a discharge from the pesticide application, the operator must immediately notify the National Marine Fisheries Service (NMFS) in the case of an anadromous or marine species, or the U.S. Fish and Wildlife Service (FWS), Georgia Ecological Services, and DNR Wildlife Resources Division, Coastal Georgia Sub-Office in the case of a terrestrial or freshwater species. This notification must be made by telephone immediately upon becoming aware of the adverse incident and must include at least the following information:

- a. The caller's name and telephone number;
- b. The name and mailing address of the operator;
- c. The name of the affected species;
- d. How and when the operator became aware of the adverse incident;
- e. Description of the adverse incident, including the EPA pesticide registration number for each product that was applied in the area of the adverse incident; and
- f. Description of any steps taken or steps that will be taken to alleviate the adverse impact to the species.

Additional information on federally listed threatened or endangered species and federally-designated critical habitat are available on the following websites, as amended:

Anadromous or marine species:

<https://www.habitat.noaa.gov/apps/efhmapper/>

Terrestrial or freshwater species:

<https://ecos.fws.gov/ecp0/reports/ad-hoc-species-report>

Additional information on threatened and endangered species in Georgia can be found at:

<https://georgiawildlife.com/conservation/species-of-concern>

**C. Reportable Spills and Leaks**

1. Spill, Leak, or Other Unpermitted Discharge Notification

Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under 40 CFR 302 (Designated, Reportable Quantities, and Notification) occurs in any 24-hour period, the operator must notify the Department of Natural Resources Emergency Operations Center in accordance with O.C.G.A. 12-14-3 as soon as the operator knows the release has occurred. Contact information for these notifications must be in locations that are readily accessible and available in the area where the spill, leak, or other unpermitted discharge may occur. For 24-hour Statewide emergencies call (800) 241-4113.

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

2. Five-Day Spill, Leak, or Other Unpermitted Discharge Documentation

Within five days of becoming aware of a spill, leak, or other unpermitted discharge triggering the notification in Part V.C.1., the operator must document and retain the following information:

- a. Information required to be provided in Part V.C.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.

## PART VI. DEFINITIONS

- A. **“Active Ingredient”** means any substance (or group structurally similar substances if specified by the EPD) 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]
- B. **“Best Management Practices (BMPs)”** means control measures that may be implemented to meet effluent limitations. these include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to minimize the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practice to control spillage or leaks, waste disposal, or drainage from raw material storage. [State Rule 391-3-6-.06(4)(a)(5)].
- C. **“Biological Control Agents”** mean organisms that can be introduced to the treatment area(s), such as herbivores, predators, parasites, and hyper parasites.
- D. **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 desiccant, that (1) is a eukaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (2) is a prokaryotic microorganism, including, but not limited to, Eubacteria and Archaeobacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses. Biochemical pesticide means 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 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). Plant-incorporated protect 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.
- E. **“CFR”** means Code of Federal Regulations.
- F. **“Chemical Pesticides”** means all pesticides not otherwise classified as biological pesticides.
- G. **“Control Measure”** means any BMP or other methods used to meet the effluent limitations. control measures must comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides a relevant legal requirements. Additionally, control measures could include other actions that an operator would implement to reduce and/or eliminate Pesticide discharges to waters of the State to comply with the effluent limitations in Part II have this permit.
- H. **“Cultural Methods”** means the manipulation of the habitat to increased pest mortality by making the habitat less suitable to the pest. Some examples of cultural methods include but are not limited to, properly discarding containers that hold water (i.e. tires, cans, buckets, etc.) in order to reduce the source of mosquitoes, eliminating or minimizing emergent and standing vegetation, the use of precision irrigation practices that will result in less standing water in crop rotation.

- I. “Declared Pest Emergency Situation”** means an event defined by a public declaration by a federal agency, state, or local government 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. The public declaration based on:
1. significant risk to human health
  2. significant economic loss; or
  3. significant risk to:
    - a. endangered species,
    - b. threatened species,
    - c. beneficial organisms, or
    - d. the environment.
- J. “Director”** means the Director of the EPD.
- K. “Discharge of a Pollutant”** means 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.
- L. “EPA” or “US EPA”** means the United States Environmental Protection Agency and any of its authorized personnel.
- M. “EPA Approved or Established Total Maximum Daily Loads (TMDLs)”** means “EPA Approved TMDLs” are those that are developed by a State and approved by EPA. “EPA Established TMDLs” are those that are issued by EPA.
- N. “EPD”** means the Environmental Protection Division of the Department of Natural Resources.
- O. “Facility or Activity”** means any NPDES “point source” (including land or appurtenances thereto) that is subject to regulation under the NPDES program.
- P. “Federal Act”** means the Clean Water Act (CWA).
- Q. “Federal Facility”** means any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned, operated, or leased by, or constructed or manufactured for the purpose of leasing to, the federal government.
- R. “FIFRA”** means the Federal Insecticide, Fungicide, and Rodenticide Act.
- S. “For-Hire Applicator”** means the persons who make contractual pesticide applications for which they or their employer receives compensation (i.e. lawn care firms, pest control companies).

- T.** “**General Permit**” means an NPDES permit issued under 391-3-6-.15 of the Rules and 40 CFR Part 122.28, that authorizes a category of discharges under the Clean Water Act within a geographical area. A general permit is not specifically tailored for an individual discharger.
- U.** “**Impaired Water**” (or Water Quality Impaired Water or Water Quality Limited Segment) means water that is impaired for purposes of this permit if it has been identified by a State or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards. Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.
- V.** “**Inert Ingredient**” means any substance (or group of structurally similar substances if designated by the Director), other than an active ingredient, that is intentionally included in a pesticide product. Inert ingredient also means 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.
- W.** “**Mechanical/Physical Methods**” means mechanical tools or physical alterations of the environment, for pest prevention or removal.
- X.** “**Minimize**” means to reduce and/or eliminate pesticide discharges to waters of the State through the use of “control measures” to the extent technologically available and economically practicable and achievable.
- Y.** “**North American Industry Classification System (NAICS)**” means the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.
- Z.** “**Non-Point Source**” means any source which discharges pollutants into waters of the State other than a point source.
- AA.** “**Non-Target Organisms**” means 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.
- BB.** “**Notice of Intent (NOI)**” means the form used by a potential permittee to notify the EPD that they intend to seek coverage under a general permit.
- CC.** “**Notice of Termination (NOT)**” means the form used by a permittee to notify the EPD that they wish to cease coverage under a general permit”
- DD.** “**Operator**” means the person legally responsible for pesticide management activities resulting in the discharge of pesticides to waters of the State. For-hire commercial applicators are not operators for the purposes of this general permit unless they are delegated legal responsibility for the pest management activities. For the purposes of this permit the operator also refers to the permittee.
- EE.** “**Permittee**” means any person authorized under this general permit.

- FF.** “**Pest**” means any organism under circumstances that make it deleterious to man or the environment, if it is:
1. any vertebrate animal other than man;
  2. any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;
  3. any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or
  4. any fungus, bacterium, virus, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs and cosmetics.
- GG.** “**Pest Management Area**” means the area of land, including any water, or which operator is conducting test management activities covered by this permit.
- HH.** “**Pest Management Practices**” means an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices. PMP users current, comprehensive information on the lifecycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.
- II.** “**Pest Management Strategy**” means an action, or no action, taken to reduce the population of target paths below the action threshold.
- JJ.** “**Pesticide**” means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest(s), (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer.
- The term “pesticide” includes but is not limited to herbicides, rodenticides, insecticides, fungicides, plant growth regulators, defoliants, 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 registration), and 25(b) (exemptions from FIFRA).
- KK.** “**Pesticide Product**” means 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.
- LL.** “**Pesticide Research and Development**” means the activities undertaken on a systematic basis to gain new knowledge (research) and/or application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development). These types of activities are generally categorized under the four-digit code of 5417 under the 2007 North American Industry Classification System (NAICS).
- MM.** “**Pesticide Residue**” means the 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.

- NN.** “**Point Source**” means any discernible, confined, or discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
- OO.** “**Pollutant**” means dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial wastes, municipal waste, and agricultural waste discharged into the waters of the State. 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.
- PP.** “**Reportable Quantity**” means the amount of a hazardous substance which, if released into the environment in such quantity within any 24-hour period, must be reported to EPD in the event of a spill or release. The reportable quantity for mixtures is the amount of the hazardous substance components of a mixture. Reportable quantities are those listed in 40 CFR Part 302 – Designation, Reportable Quantities and Notification.
- QQ.** “**Silvicultural Activities**” (as defined in 40 CFR 122.27) means
1. *Permit requirements* – Silvicultural point sources, as defined in this section, as point sources subject to the NPDES permit program.
  2. *Definitions.* (1) *Silvicultural point source* means any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into water of the United States. The term does not include non-point source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. However, some of these activities (such as stream crossing for roads) may involve point source discharges of dredged or fill material which may require a Federal Act section 404 permit (See 33 CFR Part 209.120 and Part 233). (2) *Rock crushing and gravel washing facilities* means facilities which process crushed and broken stone, gravel, and riprap (See 40 CFR Part 436, Subpart B, including the effluent limitations guidelines). (3) *Log sorting and log storage facilities* means facilities whose discharges result from the holding of unprocessed wood, for example, logs or roundwood with bark or after removal of bark held in self-contained bodies of water (mill ponds or log ponds) or stored on land where water is applied intentionally on the logs (wet decking). (See 40 CFR Part 429, Subpart I, including the effluent limitations guidelines).
- RR.** “**Spill or release**” means the discharge, deposit, injection, dumping, spilling, emitting, releasing, leaking, or placing of any hazardous substance into the air or into or on any land or water of the State, except from an underground storage tank and all plumbing and piping related thereto or accept high-level or low-level radioactive wastes from a federally licensed nuclear facility or as authorized by state or federal law or a permit from EPD. this term shall also mean the discharge of oil into waters of this State which will cause a significant film or Sheen upon or discoloration of the surface of such waters or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of such waters or upon adjoining shorelines.

Accidental discharges of oil made by an individual during maintenance of that individual's personal vehicle or farm machinery shall be exempt.

- SS.** “**Rules**” means the Georgia Rules and regulations for Water Quality Control.
- TT.** “**State Act**” means the Georgia Water Quality Control Act (Official Code of Georgia Annotated; Title 12, Chapter 5, Article 20).
- UU.** “**State Rules**” means the Georgia Rules and regulations for Water Quality Control, Chapter 391-3-6, as amended.
- VV.** “**Target Pest**” means the organism toward which pest control measures are being directed.
- WW.** “**Total Maximum Daily Loads (TMDLs)**” means a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant sources. A TMDL includes waste load allocations for point source discharges, load allocations for nonpoint sources, and/or natural background, and must include a margin of safety and account for seasonal variations. [See Section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7]
- XX.** “**Toxic or Adverse Incident**” means the Affects that occur within waters of the State on non-target plants, fish or wildlife that are unusual or unexpected as a result of exposure to a pesticide residue (i.e. effects are to organisms not otherwise described on the pesticide product label or otherwise not expected to be present), and may include but are not limited to:
1. distressed or dead juvenile and small fishes;
  2. washed up or floating fish;
  3. fish swimming abnormally or erratically;
  4. fish lying lethargically at water surface or in shallow water;
  5. fish that are listless or nonresponsive to disturbance;
  6. stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants;
  7. other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.); and
  8. skin rashes, vomiting, lethargy or breathing distress in humans or domestic animals
- YY.** “**Treatment Area**” means the area of land including any waters, or the linear distance along water’s edge, to which pesticides are being applied. Multiple treatment areas may be located within a single “pest management area”.

The “treatment area” Includes the entire area, whether over land or water, where the pesticide application is intended to provide pesticidal benefits. in some instances, the treatment area will be larger than the area where pesticides are actually applied. For example, the treatment area for a stationary drift treatment into a canal should be calculated by multiplying the width of the canal by the length over which the pesticide is intended to control weeds. The treatment area for a lake or marine area is the water surface area for the application is intended to provide pesticidal benefits.

Treatment area calculations for pesticide applications that occur at water's edge, where the discharge of pesticides directly to waters is unavoidable, are determined by the linear distance over which pesticides are applied. Treating five miles of shoreline or coast would equal a five-mile treatment area.

- ZZ.** “**Use Patterns**” means the term used to describe the type of discharge and expected nature of pesticide applications that are covered under this general permit.
- AAA.** “**Waters of Georgia or Waters of the State**” means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not confined and retained completely upon the property of a single individual, partnership, or corporation.
- BBB.** “**Water Quality Standards**” means 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.
- CCC.** “**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, marches, hogs, and similar areas.
- DDD.** “**You**” is used in this permit to refer to the operator as the context indicates and that party’s activities or responsibilities.



The Georgia Environmental Protection Division proposes to reissue the General NPDES Permit GAG820000, which authorizes the discharges from pesticide application. The draft permit places conditions on the discharge of pollutants into, over, or near waters of the State.

**Technical Contact:** Ian McDowell (*ian.mcdowell@dnr.ga.gov*)  
470-604-9483

**Draft permit:**

- First issuance
- Reissuance with no or minor modifications from previous permit
- Reissuance with substantial modifications from previous permit
- Modification of existing permit
- Requires EPA review

**1. GENERAL PERMIT & ELIGIBILITY FOR COVERAGE INFORMATION**

**1.1 NPDES Permit No.:** GAG820000

**1.2 Eligibility for Coverage**

This permit may cover all new and existing point source discharges from the application of biological and chemical aquatic pesticides which leave a residue (hereinafter collectively called “pesticides”) into, over or near waters of the State of Georgia. For this permit the term “pesticide” also means herbicides, rodenticides, insecticides, fungicides, plant growth regulators, nematicides, and defoliant.

This permit does not apply to the application of pesticides to areas which do not require an NPDES permit, including:

- (i) Any introduction of pollutants from non-point source agricultural and silvicultural activities including storm runoff from orchards, cultivated crops, pastures, and forest lands; and
- (ii) Return flows from irrigated agriculture.

Permittees are not eligible for coverage under this permit if any of the following apply:

- (i) The water is identified as impaired by for a substance which is either an active ingredient in that pesticide or is a degradate of such an active ingredient. Impaired waters are those which have been identified by the State or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards;
- (ii) The water is classified as Tier 3 (i.e. outstanding national resource waters) except for applications made to restore or maintain water quality or to protect public health or the environment that either do not degrade water quality or only degrade water quality on a short-term or temporary basis. Included in these applications, EPD will need additional information regarding the name of the Tier 3 water body and a discussion of the environmental problem and demonstration that the pesticide discharge is necessary to protect water quality, the environment, and/or public health;
- (iii) Discharges currently covered under another NPDES permit; or
- (iv) Discharges from activities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by EPD (this does not apply to the routine reissuance of permits every five years).

### **1.3 Notice of Intent Requirements**

Coverage under this permit will be initiated by submitting a Notice of Intent (NOI) for some operators, while some operators will not be required to submit an NOI. The NOI includes basic information about the operator and the specific waters of the State where discharges will occur. NOI forms can be submitted to Georgia EPD.

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

- (i) If you are in control of the financing for, or the decision to perform pest control activities that will result in a discharge, and those activities will exceed one or more of the pesticide application annual (i.e. calendar year) treatment area thresholds listed in Section 4.1 of the Fact Sheet; or
- (ii) If you apply pesticides that result in a discharge and know that those activities will exceed one or more of the pesticide application annual (i.e. calendar year) treatment area thresholds listed in Section 4.1 of the Fact Sheet. To determine whether an entity's activities will exceed one or more of the annual treatment thresholds, the entity should exclude from its calculation any pesticide application activities conducted under another entity's NOI required under (a) above.

Georgia Rules and Regulations for Water Quality Control, Chapter 391-3-6-.15(3)(b)(2)(i), allows that at the discretion of the Director, certain discharges may be authorized to discharge under a general permit without submitting a NOI or individual application. This is consistent

with 40 CFR 122.28(b)(2)(v and vi) and Title 12 Article 2, O.C.G.A. 12-5-30(f). In reviewing this option, EPD considered the following criteria: the type of discharge, the expected nature of the discharge, the potential for toxic and conventional pollutants in the discharges, the expected volume of the discharge(s), other means of identifying discharges covered by the permit, and the estimated number of discharges to be covered by the permit. Based on these criteria, EPD elected to not require NOIs if the operator meets the eligibility requirements to be covered under this general permit and does not exceed a pesticide application annual treatment area threshold for one or more pest management areas, applies pesticides for the sole purpose of research and development (R&D), or applies pesticides in response to a declared emergency situation.

All discharges authorized by this general permit involve applications made directly to, over, or near waters of the State in order to control pests or in which pesticides will make unavoidable contact with the water. The general permit structure is based on pesticide use patterns. These use patterns were developed to include discharges that are similar in type and nature and therefore represent the type of discharges and expected nature of the discharges covered under this permit.

The Division may deny coverage under this permit based on incomplete or incorrect Notice of Intent submittal. The Director may at any time revoke coverage under this permit in accordance with the State Rules, Section 391-3-6-.19(3)(b)(3).

#### **1.4 Notice of Termination (NOT)**

Operators that are not required to submit a NOI, including those who apply pesticides for the sole purpose of R&D or in response to a declared emergency situation, are terminated from permit coverage when they no longer have a discharge from the application of pesticides or their discharges are covered under another permit.

Any owner or operator authorized under this general permit that is required to submit an NOI, may request that coverage be terminated by submitting a written NOT to EPD to terminate coverage. NOT forms are available on the EPD website at the following address: [www.epd.georgia.gov](http://www.epd.georgia.gov)

#### **1.5 SIC Code and Description**

SIC Code 37-3012 – Pesticide Handlers, Sprayers, and Applicators, Vegetation: Mix or apply pesticides, herbicides, fungicides, or insecticides through sprays, dusts, vapors, soil incorporation, or chemical application on trees, shrubs, lawns, or crops. Usually requires specific training and state or federal certification.

## 1.6 Activities Covered

The permit is available to permittees when the pesticide application is for one of the following pesticide use patterns:

### *Mosquito and Other Nuisance Insect Pest Control*

This use pattern includes the application, by any means, of chemical and biological insecticides and larvicides into or over water to control insects that breed or live in, over, or near waters of the State. Applications of this nature usually involve the use of ultra-low volume sprays or granular larvicides discharged over large swaths of mosquito breeding habitat and often are performed several times per year. Public health/nuisance and other flying insect pests in this use category include but are not limited to mosquitoes and black flies.

### *Aquatic Weed and Algae Control*

This use pattern includes the application, by any means, of contact or systemic herbicides to control vegetation and algae in water and at water's edge, including irrigation ditches and/or irrigation canals. Applications of this nature may be single spot treatments of infestations or staged large scale treatments intended to clear several acres of waterway. Treatments may be singular or occur several times per year.

### *Aquatic Nuisance Animal Control*

This use pattern includes the application, by any means, of chemicals into waters to control a range of animals for purposes such as fisheries management, invasive species eradication, or equipment maintenance. Applications of this nature are usually made over an entire waterbody as the target pests are mobile. Treatments are generally made several years apart.

### *Forest Canopy and Area-Wide Pest Control*

This use pattern includes aerial pest control projects, in and over forest canopies where there are waters of the State below the canopy. Applications of this nature usually occur over large tracts of land and are typically made in response to specific outbreaks. EPD understands that for this use pattern pesticides will be unavoidably discharged into waters in the course of controlling pests that are present near or over waters as a result of the aerial spraying (i.e., a point source discharge from a nozzle) over a forest canopy. These pests are not necessarily aquatic (e.g., airborne non-aquatic insects) but are detrimental to industry, the environment, and public health. Note: EPD recognizes that mosquito adulticides may be applied to forest canopies, in which case the application would be covered under the "Mosquito and Other Nuisance Insect Pest Control" use pattern.

**1.7 Type of Wastewater Discharge**

- |  |  |
|--|--|
| <input type="checkbox"/> Process wastewater  | <input type="checkbox"/> Stormwater          |
| <input type="checkbox"/> Domestic wastewater   | <input type="checkbox"/> Combined (Describe) |
| <input checked="" type="checkbox"/> Other - Residues of Biological and Chemical Aquatic Pesticides |  |

**2. APPLICABLE REGULATIONS**

**2.1 State Regulations**

Chapter 391-3-6 of the Georgia Rules and Regulations for Water Quality Control

**2.2 Federal Regulations**

Source	Activity	Applicable Regulation
Non-POTW	Non-Process Water Discharges	40 CFR 122
		40 CFR 124
		40 CFR 125
		40 CFR 127

**3. EFFLUENT LIMITS AND PERMIT CONDITIONS**

**3.1 Applicable Water Quality-Based Effluent Limitations**

When drafting a National Pollutant Discharge Elimination System (NPDES) permit, a permit writer must consider the impact of the proposed discharge on the quality of the receiving water. Water quality goals for a waterbody are defined by state water quality standards. By analyzing the effect of a discharge on the receiving water, a permit writer could find that technology-based effluent limitations (TBELs) alone will not achieve the applicable water quality standards. In such cases, the Clean Water Act (CWA) and its implementing regulations require development of water quality-based effluent limitations (WQBELs). WQBELs help meet the CWA objective of restoring and maintaining the chemical, physical, and biological integrity of the nation’s waters and the goal of water quality that provides for the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water (*fishable/swimmable*).

WQBELs are designed to protect water quality by ensuring that water quality standards are met in the receiving water and downstream uses are protected. On the basis of the requirements of Title 40 of the *Code of Federal Regulations* (CFR) 125.3(a), additional or more stringent effluent limitations and conditions, such as WQBELs, are imposed when TBELs are not sufficient to protect water quality.

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## FACT SHEET

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Below are the applicable WQBELs for this permit:

- (i) All permittees must control their discharge to meet applicable numeric and narrative State water quality standards in accordance with the State Rules, Section 391-3-6-.03; and
- (ii) If at any time the operator becomes aware, or EPD determines, that the discharge causes or contributes to an excursion of applicable water quality standards, corrective action must be taken.

Compliance with the applicable WQBELs for this permit is assessed by completing visual monitoring assessments when feasible and safe to do so. Visual monitoring is not required during the course for pesticide application when that application is performed in darkness as it would be infeasible for the inspector to note adverse effects under these circumstances. Additionally, the following scenarios often preclude visual monitoring during pesticide application:

- Applications made from an aircraft;
- Applications made from a moving road vehicle when the applicator is the driver;
- Applications made from a moving watercraft when the applicator is the driver; and
- Applications made from a moving off-road wheeled or tracked vehicle when the applicator is the driver.

### **3.2 Applicable Technology Based Effluent Limits (TBELS)**

Technology-based effluent limitations aim to prevent pollution by requiring a minimum level of effluent quality that is attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the United States. TBELs are developed independently of the potential impact of a discharge on the receiving water, which is addressed through water quality standards and water quality-based effluent limitations. The NPDES regulations at Title 40 of the Code of Federal Regulations 125.3(a) require NPDES permit writers to develop technology-based treatment requirements, consistent with CWA section 301(b), that represent the minimum level of control that must be imposed in a permit. The regulation also indicates that permit writers must include in permits additional or more stringent effluent limitations and conditions, including those necessary to protect water quality.

For pollutants not specifically regulated by Federal Effluent Limit Guidelines, the permit writer must identify any needed technology-based effluent limitations and utilizes best professional judgment to establish technology-based limits or determine other appropriate means to control its discharge.

The TBELs for this permit are non-numeric and constitute the levels of control that reduce the area and duration of impacts caused by the discharge of pesticides to waters of the State in a treatment area. In addition, these effluent limitations provide for protection of water quality standards, including protection of beneficial uses of receiving waters inside the treatment area following completion of pest management activities.

**4. OTHER PERMIT REQUIREMENTS AND CONSIDERATIONS**

**4.1 Annual Treatment Area Thresholds**

After determining applicable designated use patterns, the annual treatment area thresholds must be determined using the table below:

Pesticide Use Pattern	Annual Treatment Area <sup>(1)</sup> Threshold
Mosquitoes and Other Nuisance Insect Pests	6,400 acres of treatment area <sup>(2)</sup>
Aquatic Weed and Algae Control:	
- In Waters of the State	100 acres of treatment area <sup>(3,5)</sup>
- At Water's Edge	100 linear miles of treatment area at water's edge <sup>(4,5)</sup>
Aquatic Nuisance Animal Control:	
- In Waters of the State	100 acres of treatment area <sup>(3,5)</sup>
- At Water's Edge	100 linear miles of treatment area at water's edge <sup>(4,5)</sup>
Forest Canopy Pest Control Area-Wide Pest Control	6,400 acres of treatment area <sup>(2)</sup>

- 
- (1) Treatment area is defined as the area of land including any waters or linear distance along water's edge to which pesticides are being applied. Multiple treatment areas may be located within a single "pest management area."
  - (2) For the threshold calculation for mosquitos and other insect pests, forest canopy pest control, and other area-wide pest control, count each pesticide application activity as a separate activity or area. For example, treating a 3,000 acre site three times a year is equal to 9,000 acres of treatment area.
  - (3) Calculations should include the area of the applications made to waters of the State.
  - (4) Calculations should include the linear extent of the application made at water's edge to waters of the State.
  - (5) For the threshold calculation for weed, algae and aquatic nuisance animal control in water and at water's edge, count each pesticide application activity as a single activity or area. Treating both sides of a ten-mile stream is equal to twenty miles of water treatment area. The number of pesticide applications to the same treatment area is not a cumulative total. For example, treating both sides of a ten-mile stream, five times per year is equal to twenty miles of treatment area. Therefore, if you treat both sides of a ten-mile stream, five times per year and you also treat both sides of a twenty-mile river, five times per year, the total treatment area is 60 miles of treatment area. Also, if you treat different sections of a ten-mile stream bank at different intervals throughout the year, it is still considered 10-miles of treatment area.

#### **4.2 Coverage under the Permit**

Coverage under this general permit is determined as follows:

- (i) Operators must meet the eligibility requirements;
- (ii) Operators that meet all the eligibility requirements to be covered under this general permit and that do not meet or exceed an annual treatment area threshold in Section 4.1 above, or applies pesticides for the sole purpose of R&D or in response to a declared emergency situation as defined in Part VI of the permit are automatically covered under this general permit.
- (iii) Operators that meet all the eligibility requirements to be covered under this general permit and that meet or exceed an annual treatment area threshold, and do not apply pesticides for the sole purpose of R&D or in response to a declared emergency situation, must submit a complete and accurate Notice of Intent (NOI) prior to the first pesticide application to be covered under this permit. Coverage under this permit is provided if the applicant does not receive a written response from EPD within 10 days of receipt of the NOI. EPD may deny coverage based on an incomplete or incorrect NOI submittal, past noncompliance by the applicant at similar facilities, or other factors.

#### **4.3 Compliance Schedules**

Effluent limitations are applicable immediately upon the effective date of the permit.

#### **4.4 Anti-Backsliding**

The limits in this permit are in compliance with the 40 C.F.R. 122.44(l), which requires a reissued permit to be as stringent as the previous permit.

### **5. REPORTING**

#### **5.1 Compliance office**

The compliance office will be identified in the Notice of Coverage letter.

#### **5.2 E-Reporting**

The permittee is required to electronically submit documents in accordance with 40 CFR Part 127.

### **6. REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS**

Not applicable.

**7. PERMIT EXPIRATION**

The permit will expire five years from the effective date. Operators that are covered under the permit and that meet or exceed an annual treatment area threshold must submit a new Notice of Intent (NOI) no later than 180 days prior to the expiration date of the permit for continued coverage under the reissued permit. Operators that are covered under the permit and do not meet or exceed an annual treatment area threshold will be automatically covered once the permit is reissued.

**8. PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS**

**8.1 Public Comment Period**

For the purposes of a draft permit, the determinations, including effluent limitations and special conditions, are tentative. Within 30 days of the initiation of the public comment period, persons wishing to comment upon or object to the proposed determinations may submit those in writing to the EPD at 2 Martin Luther King Jr. Drive, Suite 1470A East, Atlanta, Georgia 30334, or via e-mail at [EPDcomments@dnr.ga.gov](mailto:EPDcomments@dnr.ga.gov). All comments received prior to the end of the public comment period are considered in the formulation of final determinations regarding the application.

The outlined public notice process is for the draft General NPDES permit; applications for coverage under this general permit from existing or new facilities do not require a separate public notice process.

The permit, fact sheet, notices of intent, and other information are available for review at the address above between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. For additional information, contact Ian McDowell at 470-604-9483, or [ian.mcdowell@dnr.ga.gov](mailto:ian.mcdowell@dnr.ga.gov).

**8.2 Public Hearing**

Any applicant, affected state or interstate agency, the Regional Administrator of the U.S. Environmental Protection Agency (EPA) or any other interested agency, person or group of persons may request a public hearing with respect to an NPDES permit application if such request is filed within thirty (30) days following the date of the public notice for such application. Such request must indicate the interest of the party filing the request, the reasons why a hearing is requested, and those specific portions of the application or other NPDES form or information to be considered at the public hearing.

The Director shall hold a hearing if he determines that there is sufficient public interest in holding such a hearing. If a public hearing is held, notice of same shall be provided at least thirty (30) days in advance of the hearing date.

In the event that a public hearing is held, both oral and written comments are accepted; however, for the accuracy of the record, written comments are encouraged. The Director or a designee reserves the right to fix reasonable limits on the time allowed for oral statements and such other procedural requirements, as deemed appropriate.

Following a public hearing, the Director, unless it is decided to deny the permit, may make such modifications in the terms and conditions of the proposed permit as may be appropriate and shall issue the permit.

If no public hearing is held, and, after review of the written comments received, the Director determines that a permit should be issued and that the determinations as set forth in the proposed permit are substantially unchanged, the permit is issued and becomes final in the absence of a request for a contested hearing. Notice of issuance or denial will be made available to all interested persons and those persons that submitted written comments to the Director on the proposed permit.

If no public hearing is held, but the Director determines, after a review of the written comments received, that a permit should be issued but that substantial changes in the proposed permit are warranted, public notice of the revised determinations will be given and written comments accepted in the same manner as the initial notice of application was given and written comments accepted pursuant to EPD Rules, Water Quality Control, subparagraph 391-3-6-.06(7)(b). The Director shall provide an opportunity for public hearing on the revised determinations. Such opportunity for public hearing and the issuance or denial of a permit thereafter shall be in accordance with the procedures as are set forth above.

### **8.3 Final Determination**

At the time that any final permit decision is made, the Director shall issue a response to comments. The issued permit and responses to comments can be found at the following address:

<http://epd.georgia.gov/watershed-protection-branch-permit-and-public-comments-clearinghouse-0>

### **8.4 Contested Hearings**

Any person who is aggrieved or adversely affected by the issuance or denial of a permit by the Director of EPD may petition the Director for a hearing if such petition is filed in the office of the Director within thirty (30) days from the date of notice of such permit issuance or denial. Such hearing shall be held in accordance with the EPD Rules, Water Quality Control, subparagraph 391-3-6-.01.

Petitions for a contested hearing must include the following:

1. The name and address of the petitioner;
2. The grounds under which petitioner alleges to be aggrieved or adversely affected by the issuance or denial of a permit;
3. The reason or reasons why petitioner takes issue with the action of the Director;
4. All other matters asserted by petitioner which are relevant to the action in question