

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

BUREAU OF WATER



KANSAS WATER POLLUTION CONTROL

AND

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

**PESTICIDE GENERAL PERMIT (PGP) FOR POINT SOURCE DISCHARGES FROM
THE APPLICATION OF PESTICIDES TO WATERS OF THE UNITED STATES**

GENERAL PERMIT PACKET

2016-11-01	0.0
DATE	REVISION

**Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, Kansas 66612-1367
www.kdheks.gov**

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EXECUTIVE SUMMARY

Purpose Of This NPDES General Permit.

Discharges authorized by this Kansas National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit (PGP) involve pesticide applications made directly to Waters of the United States in order to control pests in or over the water or applications made to control pests near water in which pesticides will make unavoidable contact with the water. Use and application of the pesticides for the targeted pests must be conducted in a manner consistent with the provisions established under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Kansas Pesticide Law, and detailed instructions and/or limitations on the pesticide product label. This permit is not intended to address conventional agricultural pesticide application practices where the pesticide product label prohibits the products use in, over, or near water. Conventional agricultural pesticide application practices, misuse, over application, over-spray, pesticide drift, etc. continue to be regulated under FIFRA and the Kansas Pesticide Law, as appropriate.

What This NPDES General Permit Covers.

This permit is available to operators who discharge (introduce) pesticides to, over, or near Waters of the U.S. from the application of pesticides for one of the following pesticide use patterns:

- **Mosquito and Other Flying or Aquatic 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/nuisances and other flying insect pests in this use category include but are not limited to mosquitoes and black flies.
- **Weed, Algae, Pathogen, or Fish Parasite Control** - to control weeds, algae, pathogens, or fish parasites in water and at the water's edge including but not limited to lakes, rivers, streams, irrigation canals, and drainage systems.
- **Nuisance Animal Control** - to control invasive or other nuisance animals in water and at the water's edge. Nuisance animals in this use category include, but are not limited to fish, lampreys, and mollusks.
- **Forest Canopy Pest Control** - aerial or ground application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where to target pests effectively a portion of the pesticide unavoidably will be applied to the forest canopy and deposited to water.

Who Needs Coverage Under This Permit.

Any entity involved in the application of a pesticide that results in a discharge to, over, or near a Water of the U.S. for one of the pesticide use patterns listed above, that meets any of the following criteria:

- The entity has control over the financing for, or the decision to perform pesticide applications that results in discharges, including the ability to modify those decisions i.e., decision maker.
- The entity has day-to-day control of or performs pesticide application activities that are necessary to ensure compliance with this permit (e.g., they are authorized to direct workers to carry out activities required by the permit or perform such activities themselves) i.e., applicator. For-hire or contract applicators are typically not considered being an "operator" when their sole function is performing the actual application of the pesticide.
- The entity is a for-hire or contract applicator performing the actual application of the pesticide in conformance with the requirements of this permit and whose contract with a decision maker specifically designates them as being responsible for all duties of this permit i.e., designated as being the "operator".

How to Obtain Coverage Under This Permit.

Any decision maker, applicator, or operator [collectively referred to as “operator” throughout the PGP] proposing to discharge (introduce) pesticides to, over, or near a Water of the U.S. from the application of pesticides for one of the four designated pesticide use patterns are subject to the conditions, limitations, and requirements of this general permit. Operators that do not trigger the annual treatment area thresholds, that are not proposing to discharge to an Outstanding National Resource Water (ONRW), that are not proposing to discharge to a water within ¼-mile of a public water supply intake on that water, or does not propose to apply pesticide for a pesticide use pattern other than the four designated in this general permit are automatically covered by the Kansas Pesticide General Permit (PGP) and do not have to submit any paperwork to KDHE for coverage. Operators receiving automatic coverage under the Kansas PGP are subject to the permit limitations, monitoring provisions, and reporting requirements of the Kansas PGP.

Large operators (those that trigger the annual treatment area thresholds), operators proposing to discharge to an ONRW, and operators proposing a pesticide use pattern not listed in the permit are required to complete and submit a Notice of Intent (NOI), a \$60 permit fee, and receive authorization of the NOI prior to initiating a discharge.

What the Permit Costs.

Operators required to submit an NOI must submit a \$60 permit fee with the NOI. Operators required to submit an NOI will be billed \$60 annually to maintain their permit. For operators not required to submit an NOI, there are no permit fees. Failure to pay the annual permit fee will result in the NOI authorization being inactivated, terminating coverage by the Kansas PGP.

Availability of Forms and Information.

Copies of all information, forms, or the Kansas NPDES Pesticide General Permit can be downloaded from the KDHE - Industrial Programs Section website at: www.kdheks.gov/indust/index.htm .

Copies of all information, forms, or the Kansas NPDES Pesticide General Permit can also be obtained by calling or writing to:

Kansas Department of Health and Environment
Bureau of Water - Industrial Program Section
1000 SW Jackson, Suite 420
Topeka, Kansas 66612-1367

(785) 296-5551 [General Permit Information and Submitting NOIs]
(785) 296-0086 Fax

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GENERAL PERMIT

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Table of Contents

Part 1	Coverage Under This Permit
1.1	Eligibility
1.1.1	Activities Covered
1.1.2	Limitations On Coverage
1.1.2.1	Discharges To Water Quality Impaired Waters
1.1.2.2	Discharges To Kansas Waters Designated As Tier 3 for Antidegradation Purposes (Outstanding National Resource Waters)
1.1.2.3	Discharges To Kansas Waters Near Public Water Supply Intakes
1.2	Authorization To Discharge Under This Permit
1.2.1	How To Obtain Authorization
1.2.2	Operators Required To Submit A Notice of Intent (NOI)
1.2.3	Discharge Authorization Date
1.2.4	Continuing Coverage - Annual Permit Fee And Renewal Requirements
1.2.5	Terminating Coverage
1.2.5.1	Submitting A Notice of Termination - Operators Who Submitted An NOI
1.2.5.2	When To Submit A Notice Of Termination
1.2.5.3	Termination Of Coverage - Operators Not Required To Submit And NOI
1.2.6	Transfer Permit Coverage - Operators Required To Submit An NOI
1.3	Alternative Permits Required By KDHE
1.4	Other Federal And State Laws And Regulations Applicable To All Operators
Part 2	Technology-Based Effluent Limitations
2.1	Requirements For All Operators
2.1.1	Pesticide Application Rate For All Operators
2.1.2	Regular Maintenance Activities For All Operators
2.2	Technology-Based Effluent Limitations - For Operators That Submit NOIs
2.2.1	Identify the Problem - For Operators That Submit NOIs
2.2.2	Pest Management - For Operators That Submit NOIs
2.2.3	Pesticide Use - For Operators That Submit NOIs
Part 3	Water Quality-Based Effluent Limitations - For All Operators
Part 4	Monitoring Requirements - For All Operators
4.1	Monitoring Pesticide Application - For All Operators

- 4.2 Visual Monitoring Requirements - For All Operators
 - Part 5 Corrective Action And Reporting - For All Operators
 - 5.1 Situations Requiring Revision Of Control Measures - For All Operators
 - 5.2 Corrective Action Deadlines - For All Operators
 - 5.3 Adverse Incident Documentation And Reporting - For All Operators
 - 5.3.1 Adverse Incident Notification - For All Operators
 - 5.3.2 Thirty (30) Day Adverse Incident Written Report - For All Operators
 - 5.4 Reportable Spills, Leaks, and Unpermitted Discharges - For All Operators
 - 5.4.1 Spill, Leak, or Other Unpermitted Discharge Notification - For All Operators
 - 5.4.2 Thirty (30) Day Spill, Leak, or Other Unpermitted Discharge Documentation - For All Operators
 - Part 6 Recordkeeping And Document Retention
 - 6.1 Required Records - For All Operators
 - 6.2 Required Records - For Operators Submitting NOIs
 - 6.3 Maintenance And Availability of Records - For All Operators
 - Part 7 Standard Permit Conditions - For All Operators
 - Part 8 KDHE Contact Information
- Appendix A - Definitions And Abbreviations & Acronyms
- Appendix B - Standard Permit Conditions
- Appendix C - Notice of Intent Form
- Appendix D - Notice of Termination Form
- Appendix E - Permit Transfer Request Form

General Permit No. G-KPGP-1016-1
Federal Permit No. KSG870001

**Kansas Water Pollution Control General Permit And Authorization For
POINT SOURCE DISCHARGES FROM THE APPLICATION OF PESTICIDES
TO WATERS OF THE UNITED STATES**

Under The National Pollutant Discharge Elimination System

Pursuant to the provisions of Kansas Statutes Annotated 65-164 and 65-165; the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.; the “Clean Water Act”); and the Kansas Surface Water Quality Standards (K.A.R. 28-16-28 et seq.); this National Pollutant Discharge Elimination System (NPDES) general permit provides the requirements and conditions under which operators are authorized for point source discharges from the application of pesticides to, over, or near Waters of the United States, for those pesticide use activities addressed by this permit.

Coverage is automatically provided and Authorized for operators conducting those pesticide use activities addressed by this permit and which do not exceed the annual treatment area threshold for the respective pesticide use activity until this permit expires, is revoked, or the automatic Authorization is terminated. Coverage for operators conducting pesticide use activities addressed by this permit which meet or exceed the respective annual treatment area threshold becomes effective when the Kansas Department of Health and Environment (KDHE) Authorizes the Notice of Intent (NOI) and remains in effect until the permit expires, is revoked, or is terminated. For operators submitting NOIs, a signed and dated copy of the Authorization will be provided, by KDHE, to the operator.

Upon Authorization, the operator may initiate point source discharges from the application of pesticides in accordance with the requirements and conditions of this NPDES general permit.

This NPDES general permit is effective November 1, 2016 through October 31, 2021.

Secretary, Kansas Department of Health and Environment

Date

1.0

Coverage Under This Permit

Operators meeting the eligibility requirements specified in Part 1.1 of this permit and those operators, if so required, that submit a Notice of Intent (NOI) in accordance with Part 1.2 of this permit may be covered under this permit. This permit covers the discharge of pesticides (biological pesticides and chemical pesticides which leave a residue) to, over, or near Waters of the United States from the following pesticide use patterns: (1) Mosquito and Other Flying or Aquatic Insect Pest Control; (2) Weed, Algae, Pathogen, or Fish Parasite Control; (3) Nuisance Animal Control; and (4) Forest Canopy Pest Control within the State of Kansas. Operators conducting activities other than the pesticide use patterns listed in Part 1.1.1 may request coverage under this general permit by submitting a completed NOI and \$60 permit fee for KDHE to review and provide a determination as to whether the proposed activity and pesticide use pattern can be adequately addressed by this general permit.

The discharge of pesticides by operators that do not meet the eligibility provisions described in Part 1.1, which conduct pesticide use activities other than those specified in Part 1.1.1, or are not approved by KDHE for coverage by this general permit will be in violation of the Clean Water Act (CWA), unless the operator has obtained coverage under another Kansas Water Pollution Control and National Pollutant Discharge Elimination System (NPDES) permit. For the purpose of this permit, an operator is any entity involved in the application of a pesticide that results in a discharge to, over, or near a Water of the U.S. that meets any of the following criteria:

- (i) The entity has control over the financing for, or the decision to perform pesticide applications that results in discharges, including the ability to modify those decisions i.e., decision maker.
- (ii) The entity has day-to-day control of or performs pesticide application activities that are necessary to ensure compliance with this permit (e.g., they are authorized to direct workers to carry out activities required by the permit or perform such activities themselves) i.e., applicator. For-hire or contract applicators are typically not considered to be an “operator” when their sole function is performing the actual application of the pesticide.
- (iii) The entity is a for-hire or contract applicator performing the actual application of the pesticide in conformance with the requirements of this permit and whose contract with a decision maker specifically designates them as being responsible for all duties of this permit i.e., designated as being the “operator”.

Contract applicators hired by a decision maker are not considered to be an operator unless the contract between the decision maker and contract applicator stipulates the contract applicator as being wholly responsible for and designated as the operator for the proposed discharge of pesticides. In the case where multiple entities are

responsible for the discharge from a large pesticide application activity, a written explanation describing the responsibilities of each entity in regard to being a decision maker or applicator for the proposed discharge of pesticide shall be provided with the submission of the NOI. Where more than one entity is designated as being a decision maker and identified as the operator for the purpose of this general permit, each entity shall be jointly and severally responsible for any violation that may occur, though KDHE may consider the documentation describing the responsibilities when determining the appropriate enforcement response.

If your discharge of pollutants is from the application of a pesticide that is being used solely for the purpose of “pesticide research and development,” as defined in Appendix A, you are covered under this permit automatically and are not required to submit an NOI.

1.1 Eligibility

1.1.1 Activities Covered. This permit is available to operators who discharge to, over, or near Waters of the U.S. from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (hereinafter collectively “pesticides”), when the pesticide application is for one of the following pesticide use patterns:

Mosquito and Other Flying or Aquatic Insect Pest Control - to control public health/nuisances 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/nuisances and other flying insect pests in this use category include but are not limited to mosquitoes and black flies.

Weed, Algae, Pathogen, or Fish Parasite Control - to control weeds, algae, pathogens, or fish parasites in water and at the water’s edge including but not limited to lakes, rivers, streams, irrigation canals, and drainage systems.

Nuisance Animal Control - to control invasive or other nuisance animals in water and at the water’s edge. Nuisance animals in this use category include, but are not limited to fish, lampreys, and mollusks.

Forest Canopy Pest Control - aerial or ground application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where to target pests effectively a portion of the pesticide unavoidably will be applied to the forest canopy and deposited to water.

1.1.2 Limitations On Coverage

1.1.2.1 Discharges To Water Quality Impaired Waters. You are not eligible for coverage under this permit for any discharges from a pesticide application to Waters of the U.S. if the water is identified as impaired by that pesticide or its degradate(s). Impaired waters are those that have been identified by KDHE pursuant to Section 303d of the CWA as not meeting applicable Kansas Surface Water Quality Standards. Impaired waters for the purpose of this permit include both waters which have a KDHE established and EPA approved Total Maximum Daily Load (TMDL) and waters for which KDHE has yet to establish or EPA has yet to approve a TMDL for the pesticide proposed for use or its degradate(s). A list of impaired waters in Kansas, identified pursuant to Section 303d of the CWA is available on the Internet at KDHE's website at:

<http://kdheks.gov/tmdl/methodology.htm>

1.1.2.2 Discharges To Kansas Waters Designated As Tier 3 for Antidegradation Purposes (Outstanding National Resource Waters). Unless you request and receive specific written approval from the Kansas Department of Health and Environment - Bureau of Water for a proposed discharge to an Outstanding National Resource Water (ONRW), you are not eligible for coverage under this permit for discharges from pesticide application to waters designated by KDHE as an ONRW and listed in the Kansas Surface Water Register. Discharges from the application of pesticides to ONRWs will only be considered to restore or maintain water quality, to protect public health, protect the environment, halt the spread or prevent the introduction of invasive species, or that only degrade water quality on a short-term or temporary basis. Submission of an NOI and written approval from KDHE is required by any operator, whether the annual threshold for the respective pesticide activity is met or exceeded prior to any discharge, including emergency discharges, to a Tier 3 (ONRW) water. Information regarding Kansas waters designated as ONRWs are available on the Internet at KDHE's website at:

http://www.kdheks.gov/befs/resources_publications.html

1.1.2.3 Discharges To Kansas Waters Near Public Water Supply Intakes. You are not eligible for coverage under this permit for discharges from a pesticide application if the point of application is located $\frac{1}{4}$ - mile or less from a public water supply intake on the water receiving the discharge from a pesticide application unless you have submitted a written request to and received written approval from the KDHE - Bureau of Water prior to the proposed discharge.

1.2 Authorization To Discharge Under This Permit

1.2.1 How To Obtain Authorization. To obtain authorization for coverage under this permit, an operator must:

- Meet the eligibility requirements identified in Part 1.1, and
- If you are an operator identified in Part 1.2.2, submit a complete and accurate notice of Intent (NOI) and \$60 permit fee. Operators meeting the eligibility provisions outlined in Part 1.1 and whose discharges are not subject to the requirement to submit an NOI, as identified in Part 1.2.2, and do not require prior written approval from KDHE per Parts 1.1.2.2 and 1.1.2.3, are automatically authorized to discharge in compliance with the requirements of this permit without submission of an NOI.

An NOI provides notice of an operator's intent (makes application) for discharges from their pesticide application activities to be covered under this general permit. Coverage is for the operator who filed the NOI, including their employees, contractors, subcontractors, and other agents, for all activities identified on the NOI for the duration of this permit unless coverage is terminated pursuant to Parts 1.2.5 or 1.3 of this permit, the permit is revoked, or the permit is placed on inactive status. If a submitted NOI is not timely, accurate, complete, accompanied by the \$60 permit fee, or processed receiving a written confirmation of authorization, any employee, contractor, subcontractor or other agent that discharges from pesticide application without the required processed NOI indicating written authorization is not covered by this permit.

1.2.2 Operators Required to Submit a Notice of Intent (NOI). The following operators are required to submit an NOI to obtain coverage under this general permit for discharges to Waters of the U.S. resulting from the application of pesticides:

- If you are a decision maker in control over the financing for, or over the decision to perform pest control activities that will result in a discharge and the activities exceed one or more of the annual (i.e., calendar year) treatment area thresholds listed in Table 1 below for the "treatment area," as defined in Appendix A.
- If you are an applicator of pesticides that result in a discharge and the activities exceed one or more of the pesticide application annual (i.e., calendar year) treatment area thresholds listed in Table 1 below for the "treatment area," as defined in Appendix A.

General Permit No. G-KPGP-1016-1
Federal Permit No. KSG870001

- Operators conducting activities other than the pesticide use patterns listed in Part 1.1.1 that desires KDHE's review and determination as to whether the proposed activity and pesticide use pattern can be adequately addressed and regulated by coverage under this general permit.
- Any operator proposing a discharge to an ONRW from pesticide application.

To determine whether an entity's activities will exceed one or more of the annual treatment area thresholds, the entity should exclude from its calculation any pesticide application activities conducted under another entity's NOI for the designated pest treatment area.

Contract applicators hired by a decision maker are not considered to be an operator unless the contract between the decision maker and contract applicator stipulates the contract applicator as being the responsible designated operator for the proposed discharge of pesticides. In the case where multiple entities (decision makers) are responsible for the discharge from large pesticide application activities, or where a contract applicator is hired by one or more entities (decision makers), a written explanation describing the responsibilities of the entity and any contract applicator(s) for complying with the conditions and provisions of this general permit. All decision makers and contract applicators associated with the proposed discharge of pesticides, whether designated the "operator" for the purpose of this general permit, are jointly and severally responsible for any violation that may occur, though KDHE may consider the documentation describing the responsibilities when determining the appropriate enforcement response.

Table 1. Annual Treatment Area Thresholds	
Pesticide Use Pattern	Annual Threshold
Mosquito and Other Flying or Aquatic Insect Pest Control	6400 acres of treatment area ¹
Weed, Algae, Pathogen, or Fish Parasite Control	
- In Water	80 acres of treatment area ³
- At Water's Edge	20 linear miles of treatment area at water's edge ²
Nuisance Animal Control	
- In Water	80 acres of treatment area ³
- At Water's Edge	20 linear miles of treatment area at water's edge ²
Forest Canopy Pest Control	6400 acres of treatment area ¹

¹ For calculating annual treatment area totals, count each pesticide application activity as a separate activity. For example, applying pesticides twice a year to a ten acre site should be counted as twenty acres of annual treatment area.

² Calculations should include the linear extent of the application made at the water's edge adjacent to: (1) Waters of the U.S. and (2) conveyances with a hydrologic surface connection to Waters of the U.S. at the time of pesticide application. For calculating annual treatment totals, count the linear distance at the water's edge of each treatment area just once regardless of the number of applications in a given year.

³ Calculations should include the area of the applications made to: (1) Waters of the U.S. and (2) conveyances with a hydrologic surface connection to Waters of the U.S. at the time of the pesticide application. For calculating annual treatment area totals, count each pesticide application area just once regardless of the number of applications in a given year.

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 drip treatment into a canal should be calculated by multiplying the width of the canal by the length over which the pesticide is intended to control weeds. The treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits.

General Permit No. G-KPGP-1016-1
Federal Permit No. KSG870001

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 the pesticides are applied.

1.2.3 Discharge Authorization Date. Operators are authorized to discharge under this permit consistent with Table 2 below.

Table 2. Discharge Authorization Date		
Category	NOI Submittal Deadline	Discharge Authorization Date
Operators not required to submit an NOI.	Not applicable.	Immediately.
Operators who will exceed an annual treatment area threshold identified in Part 1.2.2 for that calendar year.	At least 14 days prior to exceeding an annual treatment area threshold.	The operator may initiate/resume a discharge that will exceed an annual treatment area threshold upon receipt of the KDHE authorization of the NOI.
Operators requesting a discharge to Tier 3 (ONRW) waters.	Submit NOI and request for discharge to an ONRW at least 14 days prior to commencement of discharge.	Upon receipt of KDHE authorization of the NOI.
Operators requesting a discharge to waters within ¼-mile of a public water supply intake on that water.	Not applicable. Submit a written request for discharge at least 14 days prior to commencement of discharge.	Upon receipt of KDHE written approval of the request and authorization of the NOI, if an NOI is required.
Operators requesting coverage under this general permit for a pesticide use pattern not listed in Part 1.1.1.	At least 14 days prior to commencement of discharge.	Upon receipt of the KDHE authorization of the NOI allowing coverage under this general permit.
Operators commencing a discharge in response to a declared pest emergency situation as defined in Appendix A.	No later than 30 days after commencement of the discharge, if an annual area treatment threshold, identified in Part 1.1.1 is exceeded or the discharge involves a pesticide use pattern not listed in Part 1.1.1. ¹	Immediately, for activities conducted in response to a declared pest emergency situation. Discharges to ONRWs must receive approval by KDHE prior to initiating the discharge.
Operator intends to discharge in a treatment area or conduct an activity (Part 1.1.1) not identified in their NOI.	At least 14 days prior to commencement of discharge.	Upon receipt of authorization of the revised/updated NOI by KDHE.

¹ In the event that a discharge occurs prior to your submitting an NOI, you must comply with all other requirements, provisions, and conditions of this general permit immediately.

Based upon a review of the NOI, KDHE may need to delay authorization for further review, or may determine that additional technology-based and/or water quality-based permit limitations are necessary, or may deny coverage under this general permit and require the submission of an application for an individual NPDES permit or an alternative general permit, as detailed in Part 1.3. KDHE recommends submitting NOIs at the earliest possible date to help minimize the potential for delays in being able to initiate pesticide application.

1.2.4 Continuing Coverage - Annual Permit Fee and Renewal Requirements. Operators required to submit NOIs and which are authorized for coverage under this general permit shall pay an annual \$60 permit fee as specified in K.A.R. 28-16-56 et seq., as amended. Make the check payable to “KDHE - Water Pollution Control Permit”. An invoice for the annual permit fee will be sent to the designated contact person listed in the NOI until such time as the permittee requests termination of the permit, the permit is transferred to a new operator, the permit is revoked by KDHE, or the permit is terminated or is placed on inactive status by KDHE for non-payment of the annual permit fee. The permittee is responsible for keeping the operator information current to ensure receipt of annual fee billing invoices. Failure to pay annual fees will result in the NOI authorization being placed on inactive status which terminates the NOI authorization.

Continued coverage by this permit is required, by operators required to submit an NOI, until such time as a request for a transfer of ownership or request for termination is authorized by KDHE. Pesticide applications made once an NOI authorization has been terminated, revoked, or placed on inactive status are illegal and in violation of both State and Federal law.

This general permit will expire October 31, 2021. Should KDHE fail to issue a new general permit with an effective date on or before the expiration date of this permit, the conditions of this NPDES general permit continue in force until the effective date of a new NPDES general permit.

Operators eligible for coverage under this general permit that are not required to submit an NOI as well as those operators required to submit an NOI and which received authorization for coverage under this general permit, will continue to be covered (authorized) until the effective date of the new general permit and shall comply with all requirements, conditions, and provisions of this general permit until the effective date of the successor general permit. Upon the effective date of the

successor NPDES general permit, the permittee shall comply with the terms and conditions of the successor general permit or obtain coverage for discharges from the application of pesticides to Waters of the U.S. under alternative provisions of this permit i.e., request an individual NPDES permit. The operator will continue coverage under this NPDES general permit until the individual NPDES permit is issued.

A permittee who is eligible for coverage, was required to submit an NOI, and received authorization of the NOI for this NPDES general permit does not have to submit a new NOI upon expiration of this NPDES general permit and issuance of the successor NPDES general permit unless the information in the current NOI is inaccurate, needs to be updated, a new NOI is requested by KDHE, or discoveries are made which may affect coverage under the successor NPDES general permit.

Permittees who wish to continue discharges from the application of pesticides to Waters of the U.S. regulated by this NPDES general permit after the expirations date of this permit and were required to submit an NOI to receive authorization for coverage, shall continue to pay the annual permit fee to retain permit coverage.

1.2.5 Terminating Coverage

1.2.5.1 Submitting a Notice of Termination - Operators Who Submitted an NOI. To terminate permit coverage, an operator who is required to submit an NOI as identified in Part 1.2.2, must submit a complete and accurate Notice of Termination (NOT). Information required to be included in a Notice of Termination is provided in the NOT Form located in Appendix D. Your authorization to discharge under this permit terminates at midnight of the date of receipt of the NOT by KDHE. If you submit a NOT without meeting one or more of the conditions identified in Part 1.2.5.2, your NOT is not valid. You are responsible for complying with the terms and conditions of this permit until your authorization is terminated.

1.2.5.2 When to Submit a Notice of Termination. The submission of a Notice of Termination is only required for those operators which were required to submit an NOI as identified in Part 1.2.2. An operator required to submit an NOI in conformance with Part 1.2.2 shall submit a NOT within 30 days after one or more of the following conditions have been met:

- a. You have ceased all discharges from the application of pesticides for which you obtained permit coverage and you do not expect to discharge during the remainder of the permit term for any of the use patterns as identified in Part 1.1.1 or approved by KDHE; or

- b. You no longer anticipate that your application of pesticides will exceed any of the thresholds identified in Table 1 in Part 1.2.2, for any of the use patterns identified in Part 1.1.1; or
- c. You have obtained coverage or have been directed by KDHE to obtain coverage under an individual permit or an alternative general permit for all discharges required to be covered by an NPDES permit, unless you obtained coverage consistent with Part 1.3, in which case coverage under this permit will terminate automatically.

1.2.5.3 Termination of Coverage - Operators Not Required to Submit and NOI. Operators covered under this general permit that are not required to submit an NOI are terminated from permit coverage when they no longer have a discharge from the application of pesticides or their discharges are covered under an NPDES individual permit or an alternative NPDES general permit.

1.2.6 Transfer Permit Coverage - Operators Required to Submit an NOI. Operators who submit an NOI, and are authorized coverage under this general permit, may transfer their authorized coverage under this permit to a new operator. Both the current and proposed new operators shall complete, sign, and date the Permit Transfer Request (PTR) Form provided in Appendix E and submit the form to KDHE. The current permit holder remains responsible for complying with the terms of this permit until KDHE approves the requested permit transfer. Both the current and new operators will be notified by KDHE regarding the requested transfer. The transfer to the new operator will become effective when accepted by KDHE. Upon transfer of permit coverage, the new operator shall become subject to all terms and conditions of this general permit and is limited to the specific activities addressed in the authorized NOI. As a condition of the transfer of authorized permit coverage, the current operator shall provide to the new operator copies of the authorized NOI, a copy of the general permit, and copies of all documentation developed, maintained, and required as a part of this permit. The new operator shall maintain a copy of the Permit Transfer Request Form and KDHE's approval of the transfer with the NOI.

1.3 Alternative Permits Required by KDHE. KDHE may require you to apply for and obtain authorization to discharge under either an individual NPDES permit or an alternative NPDES general permit. Situation under which KDHE may require an operator to apply for and obtain an alternative permit include but are not limited to:

- Noncompliance by the operator with any condition or provision of this permit;

- The operator's failure in the NOI or during the process of KDHE reviewing and authorizing coverage under this permit to fully disclose all relevant facts, or the operator's misrepresentation of any relevant information or facts at any time; or
- KDHE makes a determination that activities associated with the authorized coverage under this permit endangers public health or the environment and can only be regulated to acceptable levels by issuance of an alternative permit.

If KDHE requires you to apply for an alternative NPDES permit, you will be notified in writing that an individual permit application or NOI is required. The written notification will include a brief statement of the reasons for this decision and will include the appropriate application or NOI form required. The written notification will also include a deadline for completing and submitting the application or NOI to KDHE and include a statement that on the effective date of the individual permit or the authorization date of the NOI, coverage under this permit will terminate. Failure to submit an individual permit application or NOI by the established deadline without KDHE having granted a deadline extension, results in the authorized coverage under this permit being terminated at the end of the day (midnight) specified by KDHE as the deadline for the application or NOI submittal.

When either an individual NPDES permit is issued to you or you are authorized coverage under an alternative NPDES general permit for the discharge from pesticide application to Waters of the U.S., your authorization to discharge under this permit is terminated on the effective date of the individual permit or the date of authorization for coverage under an alternative general permit.

1.4

Other Federal and State Laws and Regulations Applicable to All Operators. You must comply with all other applicable federal and Kansas laws, statutes, and regulations that pertain to your storage, handling, use, and application of pesticides. This permit does not negate the requirements of any federal and Kansas law, statute, or regulation including but not limited to the requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and its implementing regulations to use registered pesticides consistent with the product's labeling, the Kansas Agricultural Chemical Act (K.S.A. 2-2201 et seq.) and regulations adopted thereby (Article 1; K.A.R. 4-1-2 et seq.), and the Kansas Pesticide Law (K.S.A. 2-2438a et seq.) and regulations adopted thereby (Article 13; K.A.R. 4-13-1 et seq.).

2.0 Technology-Based Effluent Limitations

2.1 Requirements for All Operators. All operators must implement site-specific control measures to minimize the discharge of pollutants resulting from pesticide application activities to Waters of the U.S. The term “minimize” means to reduce and/or eliminate discharges to Waters of the U.S. to the extent achievable using control measures (e.g., best management practices) that are technologically available and economically practicable. To minimize discharges resulting from pesticide application activities to Waters of the U.S., all operators are required to do each of the following:

2.1.1 Pesticide Application Rate for All Operators. To the extent either a “Decision Maker” or “Applicator” is deemed to be the operator, the operator must use only the amount of pesticide and the frequency of pesticide application necessary to control the target pest using equipment and application procedures appropriate for the task and in no case exceed the maximum application rate, established under FIFRA, referenced on the pesticide product label. Where a Decision Maker is the operator, to the extent not determined by the Decision Maker, the Applicator shall use only the amount of pesticide and frequency of application necessary to control the target pest using the equipment and application procedures appropriate for the task.

If at any time the operator becomes aware the application rate of the pesticide employed exceeded the maximum application rate, established under FIFRA and referenced on the pesticide product label, the operator shall immediately contact KDHE by telephone by calling (785) 296-5517 during weekdays from 8:00 AM until 5:00 PM or for holidays and other times use the KDHE 24-Hour Emergency Hotline at (785) 241-3333 and initiate corrective action as required in Part 5 of this permit. The verbal notification shall be followed up within 5 days with the submission of a written incident report. An Incident Report form is available for use at www.kdheks.gov/water/tech.html.

2.1.2 Regular Maintenance Activities for All Operators. Any operator that is a Decision Maker that conducts their own pesticide application or any Applicator designated as the operator for the purpose of this permit, shall employ application and support equipment that is well maintained and in proper operating condition and assess whether conditions to ensure application is consistent with applicable requirements.

Perform regular maintenance activities to minimize the potential for leaks, spills, and unintended releases of pesticide from containers and equipment to Waters of the U.S. Maintain application and support equipment in proper operating condition by

calibrating, cleaning, a repairing such equipment on a regular basis to ensure effective containment, pesticide application, and pest control. Properly calibrate equipment (i.e., nozzle choice, droplet size, etc.) to deliver no more than the amount of pesticide necessary to control the target pest.

2.2 Technology-Based Effluent Limitations - For Operators That Submit NOIs. This Part applies to any operator that is required to submit an NOI, as required in Part 1.2.2. These pest management measures are intended to minimize pesticide discharges to Waters of the U.S. and may be developed by any employee, contractor, subcontractor, contract applicator, or agent of the operator.

2.2.1 Identify the Problem - For Operators That Submit NOIs. Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the U.S., and at least once each calendar year thereafter prior to the first pesticide application for the calendar year, you must do the following for each pest management area, specific to the pesticide use pattern:

For Mosquito and Other Flying or Aquatic Insect Pest Control:

- Identify affected areas and establish population densities, biological or public health indicators, and/or weather conditions for larval and adult mosquito or other flying or aquatic nuisance insects which serve as action threshold(s) for implementing pest management.
- Identify the target pest and develop a target pest specific control strategy based on developmental and behavioral considerations.
- Identify known breeding sites for source reduction, larval/juvenile control program, and habitat management.
- Analyze existing surveillance data to identify new or previously unidentified sources of mosquito or other flying or aquatic nuisance insect production as well as sites that have recurring pest problems.

For Weed, Algae, Pathogen, or Fish Parasite Control:

- Identify areas with weed, algae, pathogen, or fish parasite problems and characterize the extent of the problem and observed impacts to wildlife, habitat, vegetation, recreation, etc.
- Identify the target pest and develop a target pest specific control strategy.
- Identify the possible source of the problem (e.g., nutrients, invasive species, water conditions, climatic conditions, etc.).
- Identify past target pest densities or conditions used and/or establish target pest densities or conditions to serve as action threshold(s) for implementing pest management strategies.

For Nuisance Animal Control:

- Identify areas with nuisance animal problems and characterize the extent of the problem and observed impacts to wildlife, habitat, vegetation, recreation, etc.
- Identify the target pest and develop a target pest specific control strategy.
- Identify the possible factors causing or contributing to the problem (e.g., nutrients, invasive species, habitat modification, water conditions, etc.).
- Identify past target nuisance animal densities used and/or establish target nuisance animal densities to serve as action threshold(s) for implementing pest management strategies.

For Forest Canopy Pest Control:

- Establish target pest densities to serve as action threshold(s) for implementing pest management strategies. Identify past target pest densities used to serve as action threshold(s) for implementing pest management strategies.
- Identify target pest to develop a site-specific control strategy based on developmental and behavioral considerations of the target pest.
- Identify current distribution of the target pest and assess potential distribution in the absence of control measures.

2.2.2

Pest Management - For Operators That Submit NOIs. Prior to the first pesticide application covered under this permit that will result in a discharge to Waters of the U.S., and at least once each calendar year thereafter prior to the first pesticide application for the calendar year, you must select and implement control measures for each pest management area. These control measures must be an efficient and effective means of pest management that minimize discharges resulting from the application of pesticides. The selection of control measures must consider the use of pesticide and non-pesticide methods. In developing these pest management strategies, you must evaluate the following management options, considering impact to water quality, impact to non-target organisms, pest resistance, feasibility, and cost effectiveness.

- No action.
- Prevention.
- Mechanical / physical methods.
- Cultural methods.
- Biological control agents.
- Pesticides.

2.2.3

Pesticide Use - For Operators That Submit NOIs. If a pesticide is selected as a control measure and application of the pesticide will result in a discharge to Waters of the U.S., you shall do the following for each pest management area, specific to the

pesticide use pattern:

For Mosquito and Other Flying or Aquatic Insect Pest Control:

- Conduct larval and/or adult surveillance prior to each pesticide application to assess the pest management area and to determine whether action threshold(s) are met that necessitate the need for pest management.
- Assess environmental conditions (e.g., temperature, precipitation, and wind direction and 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 control activities.
- Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action thresholds have been met, disease is present, or there is a human health threat.
- In situations or locations where practicable and feasible, use larvicides as a preferred pesticide for mosquito or flying insect pest control when larval action thresholds have been met.
- In situations or locations where larvicide use is not practicable or feasible, use adulticides for mosquito and other flying or aquatic pest control when adult action thresholds have been met.

For Weed, Algae, Pathogen, or Fish Parasite Control:

- Conduct surveillance prior to each application to assess the pest management area and to determine when the pest action threshold is met that necessitates the need for pest management.
- Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action threshold has been met or the presence of a pathogen or fish parasite has been identified.

For Nuisance Animal Control:

- Conduct surveillance prior to each application to assess the pest management area and to determine when the action threshold is met that necessitates the need for pest management.
- Reduce the impact on the environment and non-target organisms by evaluating site restrictions, application timing, and application method in addition to applying the pesticide only when the action threshold has been met.

For Forest Canopy Pest Control:

- Conduct surveillance prior to each application to assess the pest management area and to determine when the pest action threshold is met that necessitates the need for pest management.

- Assess environmental conditions (e.g., temperature, precipitation, and wind direction and speed) in the treatment area to identify conditions that support target pest development and are conducive for treatment activities.
- Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when the action thresholds have been met.
- Evaluate using pesticides against the most susceptible developmental stage of the target pest.

3.0 Water Quality-Based Effluent Limitations - For All Operators

Any discharge to a Water of the U.S. resulting from an application of pesticides that causes or contributes to an excursion of any applicable numeric or narrative Kansas Surface Water Quality Standard (K.A.R. 28-16-28b through K.A.R. 28-16-28g) is prohibited and is in violation of this permit.

If at any time the operator becomes aware that your discharge causes or contributes to an excursion of applicable water quality standards, the operator shall immediately contact KDHE by telephone by calling (785) 296-5517 during weekdays from 8:00 AM until 5:00 PM or for holidays and other times use the KDHE 24-Hour Emergency Hotline at (785) 241-3333 and initiate corrective action as required in Part 5 of this permit. In the case of a water quality standard violation, the verbal notification shall be followed up within 5 days with the submission of a written incident report. For reporting a water quality standard violation, an Incident Report form is available for use at www.kdheks.gov/water/tech.html. KDHE may impose additional water-quality based requirements or provisions or require you to obtain coverage under an individual NPDES permit or alternative NPDES general permit if it is determined that the discharge(s) are not controlled as necessary to meet applicable water quality standards.

4.0 Monitoring Requirements - For All Operators

All operators authorized coverage under this permit, whether they are a “Decision Maker, Applicator, For-Hire or Contract Applicator shall perform or ensure their employees, contractor, subcontractor, contract applicator, or other agent performing the pesticide application performs and documents the monitoring requirements addressed below.

4.1 Monitoring Pesticide Application - For All Operators

All operators authorized coverage under this permit, or their designees, must monitor and document the following:

- The date(s) pesticide application conducted.

- The name of the applicator or the company performing the pesticide application.
- The treatment area(s) where pesticide application is conducted.
- The acres or linear miles treated for all applicable pesticide use patterns covered under this permit.
- Environmental conditions at the treatment area prior to pesticide application (e.g., temperature, precipitation, and wind direction and speed).
- The pesticide being applied.
- The amount of pesticide applied to the treatment area(s).
- The maximum application rate noted on the pesticide product label.
- The date the application equipment was last calibrated.

4.2

Visual Monitoring Requirements - For All Operators

All operators authorized coverage under this permit, or their designees, shall conduct spot check visual assessments of the treatment and surrounding area(s) where pesticides are applied when:

- An operator or their designee observes or becomes aware of a possible adverse incident, as defined in Appendix A, (i.e., that a person, domesticated animal, or non-target organism may have been exposed to a pesticide and the person, domesticated animal, or non-target organism suffered a toxic or adverse effect).
- The operator or their designee observes or becomes aware of any recreational water use.
- The operator or their designee observes or becomes aware of any municipal water use.
- Any post-application surveillance or efficacy check is conducted, if a surveillance or efficacy check is conducted.

Visual assessments will consist of spot checks in and around the area(s) where pesticides were applied for possible and observable adverse effects that are unusual or unexpected (e.g., effects are to organisms not otherwise described on the pesticide product label or otherwise not expected to be present as a result of exposure to the pesticide) including, but not limited to:

- Distressed or dead juvenile and small fish.
- Washed up or floating fish.
- Fish swimming abnormally or erratically.
- Fish laying lethargically at water the water surface or in shallow water.
- Fish that are listless or non-responsive to disturbances.
- Stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants.
- Other dead or visibly distressed non-target aquatic organisms (amphibians,

turtles, invertebrates, etc.).

5.0 Corrective Action and Reporting - For All Operators

5.1 Situations Requiring Revision of Control Measures - For All Operators. If any of the following situations occur, you must review and, as necessary, revise the evaluation and selection of your control measures to ensure that the situation is eliminated and will not be repeated in the future:

- An unauthorized release or discharge (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs.
- You become aware, or KDHE concludes, that your control measures are not adequate or sufficient for the discharge to meet applicable surface water quality standards.
- Any monitoring activities indicate or you become aware that you failed to:
 - Use only the amount of pesticide or the frequency of pesticide application necessary to control the target pest using equipment and application procedures appropriate for the task.
 - Apply pesticide at or below the maximum application rate, established under FIFRA, referenced on the pesticide product label.
 - Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit.
 - Maintain pesticide application equipment in proper operating condition by calibrating, cleaning, and repairing such equipment to ensure effective pesticide application and to deliver the precise quantity of pesticide needed to achieve the greatest efficacy against the target pest.
 - An inspection by KDHE of your activities reveals that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit.
 - You observe or become aware of an adverse incident, as defined in Appendix A.

5.2 Corrective Action Deadlines - For All Operators. If it is determined that changes to your control measures are necessary to eliminate any situation identified in Part 5.1, 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.

The occurrence of a situation identified in Part 5.1 may constitute a violation of this permit. Correcting the situation according to Part 5.1 does not absolve you of liability for any original violation. Failure to comply with Part 5.1 constitutes an

additional permit violation.

5.3 Adverse Incident Documentation and Reporting - For All Operators.

5.3.1 Adverse Incident Notification - For All Operators. If you observe or are made aware of an adverse incident, as defined in Appendix A, that may have resulted from a discharge from your pesticide application, you must immediately notify KDHE. During weekdays from 8:00 AM - 5:00 PM call (785) 296-5517. After work hours, weekends, and holidays call KDHE's Emergency 24-hour Hotline telephone number for reporting an adverse incident is (785) 241-3333. This notification must be made by telephone within 24 hours of you becoming aware of the adverse incident and must include the following information:

- The caller's name, telephone number, and email address.
- Operator's name, mailing address, telephone number, and email address.
- Applicator's name, mailing address, telephone number, and email address.
- If an NOI was submitted, the Kansas Permit Number.
- The name, telephone number, and email address of the contact person, if different than the person providing the 24-hour notice of the adverse incident.
- How and when you became aware of the adverse incident.
- Description of the location of the adverse incident.
- Description of the adverse incident identified and the EPA pesticide registration number for each product you applied in the area of the adverse incident.
- Description of any steps you have taken or will take to correct, repair, remedy, cleanup, or otherwise address any adverse effects.

If you are unable to notify KDHE within 24 hours, you must do so as soon as possible and also explain why you were unable to provide such notification within 24 hours.

The adverse incident notification and reporting requirements of this permit are intended to address only this permit and are in addition to any notification and reporting requirements you may be subject to in regard to compliance with the provisions of FIFRA, the Kansas Pesticide Law, and associated regulations.

You must report adverse incidents even for those instances when the pesticide labeling states that adverse effects may occur.

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

- You are aware of facts that clearly establish that the adverse incident was not

related to toxic effects or exposure from the pesticide application.

- You have been notified by telephone or in writing by KDHE that the reporting requirement has been waived for the incident.
- You received information notifying you of an adverse incident but that information is clearly erroneous.
- An adverse incident occurs to pests that are similar in kind to pests identified as potential targets on the FIFRA label.

5.3.2

Thirty (30) Day Adverse Incident Written Report - For All Operators. Within thirty (30) days of a reportable adverse incident pursuant to Part 5.3.1, you must provide a written report of the adverse incident to KDHE at the address listed in Part 7. Your adverse incident report must include at least the following information:

- Information required to be provided in Part 5.3.1.
- Date and time you contacted and notified KDHE of the adverse incident and who you spoke with at KDHE and any instructions you received from KDHE.
- Location of the incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc.).
- A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms.
- Magnitude and scope of the affected area (e.g., water surface area or length of shoreline or stream distance affected).
- Pesticide application rate, intended use site (e.g., banks, above, or direct to water), method of application, and name of pesticide product, description of pesticide ingredients, and EPA registration number.
- Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied).
- If laboratory tests were performed, indicate what test(s) were performed, and when, and provide a summary of the test results within 5 days after they become available or submit them with this report if available at the time of submission of this report.
- If applicable, explain why you believe the adverse incident could not have been caused by exposure to the pesticide.
- Actions to be taken to prevent a recurrence of the adverse incident(s).
- The operator signs, dates, and certifies the report. The following certification shall state:

“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 gathered and evaluated the information contained therein. Based on my inquiry of the person or

persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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 or imprisonment for knowing violations.”

You must report adverse incidents even for those instances when the pesticide labeling states that adverse effects may occur.

5.4 Reportable Spills, Leaks, and Unpermitted Discharges - For All Operators

5.4.1 Spill, Leak, or Other Unpermitted Discharge Notification - For All Operators.

Where a spill, leak, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs in any 24-hour period, you must notify the EPA National Response Center (NRC) immediately at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the release.

In addition to contacting the EPA National Response Center, you shall immediately contact KDHE at (785) 296-5517 during weekdays from 8:00 AM until 5:00 PM or at other times use the KDHE 24-Hour Emergency Hotline at (785) 241-3333.

5.4.2 Thirty (30) Day Spill, Leak, or Other Unpermitted Discharge Documentation - For All Operators. Within 30 days of you becoming aware of a spill, leak, or other unpermitted discharge triggering the notification requirements in Part 5.4.1, you must document the following information and provide a written report of the incident to KDHE at the address listed in Part 7:

- Information required to be provided in Part 5.4.1.
- Summary of corrective action taken or to be taken including date initiated and dated completed or expected to be completed.
- Any measures to prevent a recurrence of such spill, leak, or other unpermitted discharge.

6.0 Recordkeeping and Document Retention

You must keep written records as required in this permit. These records must be accurate and complete and sufficient to demonstrate your compliance with the conditions of this permit. You can rely on records and documents developed for other obligations, such as requirements under FIFRA or the Kansas Pesticide Law, provided all requirements of this permit are satisfied.

6.1 Required Records - For All Operators. All operators are required to keep the following records:

- A copy of this permit or be able to access an electric copy of this permit. A copy of this permit can be obtained by contacting KDHE (see Part 7 for contact information).
- A copy of any Adverse Incident Reports (see Part 5.3).
- Your rationale for any determination that reporting of an identified Adverse Incident is not required consistent with allowances identified in Part 5.3.1.
- A copy of any Incident Reports addressing water quality standards violations or violations of the maximum pesticide application rate, established under FIFRA, and referenced on the pesticide product label.
- A copy of any corrective action documentation (see Part 5.1).
- Pre-application and post application surveillance: surveillance date(s), treatment areas where surveillance conducted, and findings of surveillance.
- Target pest(s).
- Pest density, presence of pathogen, or presence of fish parasites prior to pesticide application.
- Company or agency name and contact information conducting pesticide application.
- Pesticide application date(s).
- Map of the pest management area. Describe and delineate on the pest management area map the treatment area(s), size (acres or linear miles) of treatment area, and the location and identification of any waters to which you discharge any pesticide(s) to or where the application of the pesticide will unavoidably be deposited to water.
- Name of each pesticide product used including the EPA registration number.
- Quantity of the pesticide applied (and specify if quantities are for the pesticide product as packaged or as formulated and applied).
- Concentration (%) of active ingredient in the formulation.
- For pesticide applications directly to waters, the effective concentration of active ingredient required for control.
- Any unusual or unexpected effects identified to non-target organisms.
- Documentation as to when the application equipment was last calibrated.

6.2 Required Records - For Operators Submitting NOIs. In addition to the records listed in Part 6.1, operators submitting NOIs are required to keep the following records:

- A copy of the NOI and any attachments submitted to KDHE.
- Any correspondence exchanged between you and KDHE specific to coverage

under this permit.

- A copy of the authorized NOI granting coverage under this permit.
- Documentation of the pest management measures for each pest management area and specific pesticide use pattern as required in Part 2.2.
- A copy of any Permit Transfer Request and any correspondence between you and KDHE regarding the request.

6.3 Maintenance and Availability of Records - For All Operators. All records must be documented as soon as possible but no later than 14 days following completion of such activity. You must retain any records required under this permit for at least 3 years from the date that your coverage under this permit expires or is terminated. You must make available to any authorized representative of KDHE or the U.S. Environmental Protection Agency, all records kept under this permit upon request and provide copies of such records, upon request.

7.0 Standard Permit Conditions - For All Operators
All operators shall comply with the Standard Permit Conditions in Appendix B.

8.0 KDHE Contact Information

Kansas Department of Health and Environment
Bureau of Water - Industrial Program Section
1000 SW Jackson, Suite 420
Topeka, Kansas 66612-1367

(785) 241-3333 KDHE's 24-hour Emergency Hotline for Reporting an Adverse Incident, Spill, Leak, Unpermitted Discharge, Water Quality Violation, or Other Permit Violation after work hours, weekends, and holidays.]

(785) 296-5517 [Reporting an Adverse Incident, Spill, Leak, Unpermitted Discharge, Surface Water Quality Standard Violation, or Other Permit Violation during weekdays from 8:00 AM - 5:00 PM]

(785) 296-5551 [General Permit Information and Submitting NOIs]

(785) 296-0086 Fax

APPENDIX A Definitions, Abbreviations, and Acronyms

A.1 DEFINITIONS

Action Threshold - The point at which pest populations, pathogens, fish parasites, public health or environmental conditions can no longer be tolerated necessitating that pest control action be taken based on economic, human health, aesthetic, or other effects. Action thresholds help to determine both the need for control actions and the proper timing of such actions.

Active Ingredient - Means any substance (or group of structurally similar substances if specified by EPA) that will prevent, destroy, repel, or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of FIFRA Section 2(a) [40 CFR 152.3]. Active ingredient also means a pesticide substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for the production of such a pesticidal substance [40 CFR 174.3].

Adverse Incident - Means an incident that you have observed upon inspection or of which you otherwise become aware, in which:

- (1) A person or non-target organism may have been exposed to a pesticide or pesticide residue, and
- (2) The person or non-target organism suffered a toxic or adverse effect.

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

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

The phrase, “toxic or adverse effects,” also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals that occur either directly or indirectly from a discharge to Waters of the U.S. that are temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).

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

Applicator - Means an entity or type of “operator” performing or are authorized to direct workers to carry out the actual application of a pesticide in conformance with the requirements of this permit.

Best Management Practices (BMPs) - Are examples of 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 U.S. BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, waste disposal, or drainage from raw material storage [40 CFR 122.2].

Biological Control Agents - These agents are organisms that can be introduced to your sites, such as herbivores, predators, parasites, and hyperparasites [Source: US FWS IPM Guidance, 2004].

Biological Pesticides (also called biopesticides) - Include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, that (1) is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (2) is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaeobacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses [40 CFR 158.2100(b)]. 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) [40 CFR 158.2000(a)(1)]. Plant incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also include any inert ingredient contained in the plant, or produce thereof [40 CFR 147.3].

Chemical Pesticides - All pesticides not otherwise classified as biological pesticides.

Clean Water Act or CWA - Means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 95 - 500, as amended by Public Law 95 - 217, Public Law 95-576, Public Law 96 - 483, and Public law 97 - 117, 33 U.S.C. 1251 et seq.

Contract Applicator - See “For-Hire Applicator”.

General Permit No. G-KPGP-1016-1

Federal Permit No. KSG870001

Control Measures - Refers to any BMP or other method 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, and relevant legal requirements. Additionally, control measures could include other actions that a prudent operator would implement to reduce and/or eliminate pesticide discharges to Waters of the U.S. to comply with the effluent limitations in Parts 2 and 3 of this permit.

Cultural Methods - Manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest.

Decision Maker - Means an entity or type of “operator” that has control over the financing for, or the decision to perform pesticide applications that results in discharges, including the ability to modify those decisions.

Declared Pest Emergency Situation - An event defined by a public declaration by a federal agency, state or local government of a pest problem determined to require control through the application of a pesticide beginning less than ten days after identification of the need for pest control. This public declaration may be based on: [40 CFR 166]

- Significant risk to human health.
- Significant economic loss.
- Significant risk to: endangered species, threatened species, beneficial organisms, or the environment.

Department - Means the Kansas Department of Health and Environment.

Director - Means the Director, Division of Environment, Kansas Department of Health and Environment.

Discharge - When used without qualification, means the “discharge of a pollutant” [40 CFR 122.2].

Discharge of a Pollutant - Any addition of any “pollutant” or combination of pollutants to Waters of the U.S. 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 U.S. from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works [excerpted from 40 CFR 122.2].

Division - Means the Division of Environment within the Kansas Department of Health and Environment.

General Permit No. G-KPGP-1016-1

Federal Permit No. KSG870001

EPA Approved Total Maximum Daily Load (TMDL) - EPA Approved TMDLs are those that are developed by a State and approved by EPA.

Establishment - Generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office).

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

Federal Facility - Any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned or leased by, or constructed or manufactured for the purpose of leasing to, the federal government.

For-Hire Applicator or Contract Applicator - Includes persons who make contractual pesticide applications for which they or their employer receives compensation (e.g., lawn care, pest control companies).

Impaired Water (“Water Quality Impaired Water” or “Water Quality Limited Segment”) - A water is impaired for purposes of this permit if it has been identified by KDHE pursuant to Section 303d 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.

Indian Country - (a) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through reservations; (b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe [18 U.S.C. 1151; 40 CFR 122.2].

Inert Ingredient - Any substance (or group of structurally similar substances if designated by EPA), other than an active ingredient, that is intentionally included in a pesticide product [40 CFR 152.3]. Inert ingredients also means any substance, such as a selectable marker, other than the active ingredient, where the substance is used to confirm or ensure the presence of the active ingredient, and includes the genetic material necessary for the production of the substance, provided that the genetic material is intentionally introduced into a living plant in addition to the active ingredient [40 CFR 174.3].

KDHE – Means Kansas Department of Health and Environment.

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

Minimize - To reduce and/or eliminate pesticide discharges to Waters of the U.S. through the use of “control measures” to the extent technologically available and economically practicable and achievable.

Near - As used in this permit, means the application of pesticide in close proximity to a Water of the U.S. where a portion of the pesticide will unavoidably be deposited to the water to target the pests, provided that the application is consistent with relevant FIFRA requirements.

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

Operator - Any entity involved in the application of a pesticide that results in a discharge to, over, or near Waters of the U.S. that meets any of the criteria below:

- The entity has control over the financing for, or the decision to perform pesticide applications that results in discharges, including the ability to modify those decisions i.e., decision maker.
- The entity has day-to-day control of or performs pesticide application activities that are necessary to ensure compliance with this permit (e.g., they are authorized to direct workers to carry out activities required by the permit or perform such activities themselves) i.e., applicator. For-hire or contract applicators are typically not considered being an “operator” when their sole function is performing the actual application of the pesticide.
- The entity is a for-hire or contract applicator performing the actual application of the pesticide in conformance with the requirements of this permit and whose contract with a decision maker specifically designates them as being responsible for all duties of this permit i.e., designated as being the “operator”.

Outstanding National Resource Water (ONRW) - See Tier 3 Waters

Pathogen - A specific causative agent (as a bacterium or virus) of disease.

Permit - Means an authorization, license, or equivalent control document issued by the Department. A permit shall not include any document that has not yet been subject to final action by the Department, including a draft or proposed permit.

Permittee - For the purpose of this permit, means a person who is authorized by a Kansas Water Pollution Control and NPDES Permit to for discharges from the application of pesticides to, over, or

near Waters of the United States.

Person - An individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

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

- Any vertebrate animal other than man.
- 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.
- Any plant growing where not wanted, including any moss, algae, liverwort, or other plant of any higher order, and any plant part such as a root.
- Any fungus, bacterium, virus, or other microorganism, except for those on or in living man or other animals and those on or in processed food or processed animal feed, beverages, drugs [as defined in FFDCa Section 201(g)(1)] and cosmetics [as defined in FFDCa Section 201(l)].

Pest Management Area - The area of land, including any water, for which you are conducting pest management activities covered or authorized by this permit.

Pest Management Measures – Any practice used to meet the effluent limitations that comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, relevant legal requirements and other provisions that a prudent operator would implement to reduce and/or eliminate pesticide discharges to Waters of the U.S. Use of pest management measures provides an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices. Pest management measures utilize current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.

Pesticide - Means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant and, (3) any nitrogen stabilizer, except that the term “pesticide” shall not include any article that is a “new animal drug” within the meaning of Section 201(w) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 321 (w)], that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulations establishing conditions of use for the article, or that is an animal feed within the meaning of Section 201(x) of such Act [21 U.S.C. 321(x)] bearing or containing a new animal drug. The term “pesticide” does not include liquid chemical sterilant products (including any sterilant or subordinate

General Permit No. G-KPGP-1016-1

Federal Permit No. KSG870001

disinfectant claims on such products) for use on a critical or semi-critical device, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). For purposes of the preceding sentence, the term “critical device” includes any device that is introduced directly into the body, either into or in contact with the bloodstream or normally sterile areas of the body and the term “semi-critical device” includes any device that contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body [FIFRA Section 2(u)].

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

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

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

Pesticide Application To Waters Of The U.S. – Means the application of biological pesticides that leave a residue, from point sources to waters of the United States. In the context of this definition of pesticide applications to Waters of the U.S., this does not include agricultural stormwater discharges and return flows from irrigated agriculture, which are enclosed by law [33 U.S.C. 1342(l)].

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

Pesticide Research and Development - Activities undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development). These types of activities are generally categorized under the four-digit code of 5417 under the 2007 NAICS.

Pesticide Residue - Include that portion of a pesticide application that is discharged from a point source to Waters of the U.S. and no longer provides pesticidal benefits. It also includes any

degradates of the pesticide.

Placed on Inactive Status – Means a permit application submitted for an individual water pollution control permit or a Notice of Intent (NOI) submitted for a general permit that is denied because of a failure to submit the required permit fee, provide complete application or NOI information, or fail to comply with a request for additional documentation or information within one year of the submission of the permit application or NOI. It shall also mean either an issued individual permit or authorized NOI when there is a failure to pay the annual permit fee by the deadline established in the annual permit fee billing invoice or the annual permit fee billing invoice is returned by the U.S. Post Office as being undeliverable because of a failure by the permittee to notify KDHE of a mailing address change.

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

Pollutant - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discarded into water. For the purposes of this definition, a “biological pesticide” is considered a “biological material,” and any “pesticide residue” resulting from use of a “chemical pesticide” is considered a “chemical waste”. [Excerpted from 40 CFR 122.2]

Target Pest - The organism(s) toward which pest control measures are being directed.

Tier 3 Waters - For antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 Waters are identified by States as having high quality waters constituting an Outstanding National Resource Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance. That high water quality shall be maintained and protected. The ONRWs in Kansas include the Quivira Big Salt Marsh in Stafford County, the Quivira Little Salt Marsh in Stafford County, Cheyenne Bottoms in Barton County, the Flint Hills National Wildlife Refuge in Coffey County, Kirwin Lake in Phillips County, Kirwin National Wildlife Refuge in Phillips County, and the Cimarron National Grasslands in Morton and Stevens Counties.

Total Maximum Daily Load (TMDL) - A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant’s sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources and/or natural background, and must

General Permit No. G-KPGP-1016-1

Federal Permit No. KSG870001

include a margin of safety (MOS) and account for seasonal variations [See Section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7].

Treatment Area - The area of land including any waters, or the linear distance along the 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 drip treatment into a canal should be calculated by multiplying the width of the canal by the length over which the pesticide is intended to control weeds. The treatment area for a lake or marine area is the water surface area where the application is intended to provide 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 the pesticides are applied.

Waters of the United States - Waters of the United States or Waters of the U.S. means:

- All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- All interstate waters, including interstate wetlands.
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands", sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - Which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - From which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - Which are used or could be used for industrial purposes by industries in interstate commerce.
- All impoundments of waters otherwise defined as Waters of the United States under this definition.
- Tributaries of waters identified in the above paragraphs of this definition.
- The territorial sea.
- "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in the above paragraphs of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of

General Permit No. G-KPGP-1016-1

Federal Permit No. KSG870001

the CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not Waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purpose of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA [40 CFR 122.2].

Water Quality Impaired - See "Impaired Water".

Water Quality Standards - A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an antidegradation policy and implementation procedures. The Kansas Surface Water Quality Standards are comprised of K.A.R. 28-16-28(b) through K.A.R. 28-16-28(g).

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

"You" and "Your" - As used in this permit are intended to refer to the "operator" as the context indicates and that party's activities or responsibilities.

A.2 ABBREVIATIONS AND ACRONYMS

BMP -	Best Management Practice
CWA -	Clean Water Act (or Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq.)
EPA -	U.S. Environmental Protection Agency
FIFRA -	Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136 et seq.
FWS -	U.S. Fish and Wildlife Service
KDHE -	Kansas Department of Health and Environment
NAICS -	North American Industry Classification System
NOI -	Notice of Intent
NOT -	Notice of Termination
NPDES -	National Pollutant Discharge Elimination System
NRC -	EPA National Response Center
ONRW -	Outstanding National Resource Water
PTR -	Permit Transfer Request
TMDL -	Total Maximum Daily Load
WQS -	Water Quality Standard

General Permit No. G-KPGP-1016-1

Federal Permit No. KSG870001

APPENDIX B STANDARD PERMIT CONDITIONS

Where not previously addressed in this permit, the Standard Permit Conditions in Appendix B generally are consistent with the permit provisions required in 40 CFR 122.41 but have been modified to reflect the nature of discharges covered by this general permit.

Duty To Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Kansas Statutes and Regulations and the Clean water Act and is grounds for enforcement action; for termination of coverage under this general permit; or, for denial of a request for coverage under a new or reissued general permit or individual permit.

Administrative, Civil and Criminal Liability

The permittee shall comply with all requirements of this permit. Nothing in this permit shall be construed to relieve the permittee from administrative, civil, or criminal penalties for noncompliance as provided for in K.S.A. 65-161 et seq., and 33 U.S.C. Section 1319.

Need To Halt Or Reduce Activity Not A Defense

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. You must make all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

Permit Modifications and Terminations

As provided for in K.A.R. 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in K.A.R. 28-16-61 and K.A.R. 28-16-28b through g. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required to be kept by this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Change In Discharge

All discharges authorized herein shall be consistent with the permit requirements. The discharge of any pollutant not authorized by this permit or of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of this permit. Any anticipated increase in the pesticide treatment area or the pesticide use pattern shall be reported to KDHE at least 2 weeks before such change.

Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor infringements of or violation of federal, state, or local laws or regulations.

Right of Entry

The permittee and decision maker shall allow authorized representatives of the KDHE Division of Environment or the U.S. Environmental Protection Agency upon the presentation of credentials, to enter upon any premises where a regulated activity is or was conducted and the premises in which are located any records required by this permit, and at reasonable times, to have access to and copy any records required by this permit, to inspect the treatment area(s), to inspect any facilities or equipment used in the pesticide application, and to collect samples for analysis.

Duty To Provide Information

You must furnish to KDHE, EPA, or any authorized representative of either agency, within a reasonable time, any information requested to determine whether cause exists for modifying, revoking and reissuing this permit, terminating this permit, requiring coverage under an individual permit or an alternative general permit, or to determine compliance with this general permit. You must furnish upon request to KDHE, EPA, or an authorized agent of either agency copies of records required to be kept by this permit.

When the permittee becomes aware that they failed to submit any relevant facts or submitted incorrect information in any report or request for information to KDHE or EPA, the permittee shall promptly submit such facts or information.

Availability Of Records

Except for data determined to be confidential under 33 U.S.C. Section 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report or tampering with any equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 U.S.C. Section 1319 and K.S.A. 65-170(c).

Severability

The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected thereby.

Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject

General Permit No. G-KPGP-1016-1

Federal Permit No. KSG870001

to under 33 U.S.C. Section 1321 or K.S.A. 65-164 et seq.

Signatory Requirements and Changes to Signature Authorization

All NOIs must be signed as follows:

- For a corporation: By a responsible corporate officer. For the purpose of this subsection, 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, provide the manager is authorized to make management decisions which govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for the permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- For a partnership or sole proprietorship: By a general partner or the proprietor, respectively.
- For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit or the agency (e.g., Regional Administrator of EPA).
- Any designee of any of the above.

Changes to Authorization. If an authorization to sign under the above paragraphs is no longer accurate because another entity has purchased of the application activities covered by this permit, see Part 1.2.6 of this permit regarding the requirements for the transfer of this permit. If the only change that is occurring is a change in contact information, a change in the operator's address, or a change as to the individual designated to sign documents, then only a letter to KDHE providing this information is required.

Signature Certification. Any person signing the NOI, reports, or notifications required by this permit must include 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 gathered and evaluated the information contained therein. Based on my

General Permit No. G-KPGP-1016-1

Federal Permit No. KSG870001

inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that here are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

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

Additional Information

EPA has promulgated a final rule requiring regulated entities to report discharge monitoring report (DMR) data electronically by December 21, 2016. Also, K.A.R. 28-16-63 requires permittees to report NPDES data in a form required by KDHE. KDHE has developed electronic reporting tools to assist permittees in complying with the EPA electronic reporting rule and K.A.R. 28-16-63. Unless a waiver has been approved by KDHE, permittees are required to submit reports electronically when these tools are made available to them by KDHE. By December 21, 2020, the permittee must submit electronically compliance data, reports, and permit applications by a KDHE approved electronic reporting tool.

**APPENDIX C
NOTICE OF INTENT (NOI)**

For Point Source Discharges From The Application Of Pesticides
Authorized by a Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form desires to be authorized by an NPDES permit issued for point source discharges from the application of pesticides in the State of Kansas. Becoming a permittee obligates the discharger to Comply with the terms and conditions of the Kansas NPDES Pesticide General Permit. Completion of this NOI does not provide an automatic coverage under the general permit. Coverage is provided and the discharge permitted when the Kansas Department of Health and Environment (KDHE) authorizes the NOI. A signed and dated copy of the authorized NOI will be provided to the operator. Upon authorization of the NOI, a Kansas permit number and a Federal permit number will be assigned. **ONLY COMPLETE NOI FORMS ACCOMPANIED BY THE \$60 ANNUAL PERMIT FEE WILL BE PROCESSED. KDHE WILL NOTIFY PERSONS WHOSE NOI FORMS ARE INCOMPLETE, DEFICIENT, OR DENIED.**

Please Print or Type.

I. OPERATOR INFORMATION

Operator's Name: _____
 Company Name: _____
 Operator's Phone: _____
 Operator's Email: _____
 Operator's Mailing Address: _____

 City: _____ State: _____ Zip Code: _____
 Contact Name: _____
 Contact Phone: _____
 Contact Email: _____

II. PEST MANAGEMENT AREA LOCATION

Nearest City: _____
 County: _____
 Physical Location: _____
 Latitude & Longitude to nearest second: _____
 _____ Latitude Decimal Degrees Longitude Decimal Degrees
 Legal Description: _____, _____, _____ South, _____ Range E; W
 QTR QTR QTR Section Township

For Official Use Only:

Received	Paid	Approved: <input type="checkbox"/> Y; <input type="checkbox"/> N
	Date:	
	Initials:	Reviewer _____
	Check No:	Date _____
_____ Secretary, Kansas Department of Health and Environment Date		
KS Permit No. _____ Federal Permit No. _____		

To receive a hard copy of the entire pesticide general permit packet check yes: Y; N

Please complete this page for each contiguous pest management area for which coverage under the Kansas Pesticide General Permit is desired.

III. Pest Management Area and Pesticide Application Information:

Person / company (Decision Maker) for whom the pesticide application activities are being conducted:

Mailing Address:

Street: _____

City: _____ State: _____ Zip Code _____

Contact Name: _____

Telephone: _____ Email: _____

Location of NPDES Records for this Pest Management Area (check one):

Same as operator address. Same as the Decision Maker address.

Other: Contact: _____

Street: _____

City: _____ State: _____ Zip Code: _____

Pesticide Use Patterns for this pest management area (check all that apply):

- Mosquito and Other Flying Insect Pest Control
- Weed, Algae, Pathogen, or Fish Parasite Control
- Nuisance Animal Control
- Forest Canopy Pest Control
- Other Pesticide Use Pattern

Please describe: _____

For each use pattern checked above, provide the following: (attach additional pages if necessary)

Use Pattern: _____

Location: _____

Provide a map delineating the entire pesticide management area and the pesticide treatment area(s) for the use pattern. Provide a description of the pest treatment area(s), if necessary, to adequately define the extent of the treatment area(s).

Receiving Waters (check one):

- Coverage requested for all waters within the pest treatment area(s) identified above.
- Coverage requested for all waters within location identified above except for:

Coverage requested specifically for the following waters within location identified above: _____

Are any of the waters within the pesticide treatment area(s) listed as an Outstanding National Resource Water (ONRW)? Y; N

Are any of the waters within the pesticide treatment area(s) listed as an impaired water and identified on the Kansas 303d list as being impaired for the proposed pesticide for use or its degradate(s)?

Y; N

Is the pest treatment area located within ¼-mile of a public water supply intake? Y; N

IV. 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.

Signature / Responsible Official: _____

Date: _____

Printed Name: _____

Title: _____

Send the completed form with an original signature and the annual \$60 permit fee to:

Kansas Department of Health and Environment
Bureau of Water - Technical Services Section
1000 SW Jackson St., Suite 420
Topeka, Kansas 66612-1367

For general information please call:
(785) 296-5551

APPENDIX D
NOTICE OF TERMINATION (NOT) FORM
For Point Source Discharges From The Application Of Pesticides
Authorized by a Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System

Operator's Name: _____
Company Name: _____
Operator's Phone: _____
Operator's Email: _____
Operator's Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Contact Name: _____
Contact Phone: _____
Contact Email: _____
Kansas Permit Number: _____

To relinquish authorization to discharge under this permit, the permittee must sign and submit the following certification.

I certify under penalty of law that all discharges authorized by this permit have been terminated. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge from the application of pesticides to Waters of the United States. I also understand that submittal of this notice of this Notice of Termination does not release the permittee from liability for any violations of this NPDES permit, State or Federal law, which occurred during the effective period of this permit. Termination of this permit will be effective when accepted by KDHE.

Person Authorized to Sign This Notice of Termination:

Signature: _____
Print Name: _____
Title: _____
Date: _____
Phone: _____
Email: _____

RETURN THIS NOTICE OF TERMINATION TO:

Kansas Department of Health and Environment
Bureau of Water - Technical Services Section
1000 SW Jackson St., Suite 420
Topeka, Kansas 66612-1367

APPENDIX E
PERMIT TRANSFER REQUEST FORM
For Point Source Discharges From The Application Of Pesticides
Authorized by a Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System

Under Kansas law, a permit can be transferred to a new permittee with the approval of the KDHE Director of the Division of Environment. To accomplish this transfer, both the current and new permittee need to complete, sign, and date the Permit Transfer Request. The transfer to a new permit holder will be effective when accepted by KDHE. The transfer of this permit is also contingent upon the new permittee only conducting pesticide application activities for those pesticide use patterns for the pest management area(s) and in the pest treatment area(s) delineated in the current permittee's NOI. A change of pesticide use pattern, increase in the pest management area, or pest treatment area requires the submission of an NOI by the new permittee and the proposed activities shall not be initiated until KDHE authorizes the new NOI.

Current Permit Holder's Name: _____
Current Company Name: _____
Kansas Permit No.: _____

Current Permit Holder's Statement of Understanding: I understand that upon acceptance of this Permit Transfer Request by KDHE, the current permit holder is no longer authorized to operate under this permit in the State of Kansas. I understand that the current permit holder remains liable for any violations of this permit and State or Federal law, which occurred during the effective period of this permit prior to acceptance of this Permit Transfer Request by KDHE.

Person Authorized to Sign For Current Permit Holder:
Print Name: _____ Date: _____

Signature: _____ Title: _____

New Permit Holder's Statement of Understanding: I understand that upon acceptance of this Permit Transfer Request by KDHE, the new permit holder is authorized to operate under this permit in the State of Kansas. In submitting this Permit Transfer Request, the new permit holder agrees to abide by the terms and conditions of this permit based on the NOI submitted by the current permit holder, and understands that the new permit holder is liable for any violations of this permit, State or Federal law, which occur during the effective period of this permit after acceptance of this Permit Transfer request by KDHE.

New Permit Holder's Name: _____
New Company Name: _____
New Permit Holder's Address: _____

New Permit Holders Email: _____

Signature of New Permit Holder or Person Authorized to Sign for Permit Holder:

Print Name: _____ Date: _____

Signature: _____ Title: _____

Note: As a condition of transferring the permit, Part 1.2.6 of the permit states, "As a condition of the transfer of authorized permit coverage, the current operator shall provide to the new operator copies of the authorized NOI, a copy of the general permit, and copies of all documentation developed, maintained, and required as a part of this permit. The new operator shall maintain a copy of the Permit Transfer Request Form and KDHE's approval of the transfer with the NOI."

RETURN THIS PERMIT TRANSFER REQUEST TO:

Kansas Department of Health and Environment
Bureau of Water - Technical Services Section
1000 SW Jackson St., Suite 420
Topeka, Kansas 66612-1367

Kansas Permit No. _____

Federal Permit No. _____

For Official Use Only:

Comments:	Permit Transfer Approved: <input type="checkbox"/> Y; <input type="checkbox"/> N
	_____ Reviewer
	_____ Date