



WPDES PERMIT

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of Chapter 283, Wis. Stats., any facility discharging

A POLLUTANT DUE TO ACTIVITIES TO CONTROL A FOREST CANOPY PEST

located in the State of Wisconsin and meeting the applicability criteria listed in this General Permit, is permitted to discharge these wastewaters directly to surface waters of the state and/or indirectly to groundwaters of the state in accordance with the effluent limitations, monitoring requirements and other conditions set forth in this permit.

State of Wisconsin Department of Natural Resources
For the Secretary

By Sharon Gayan
for Sharon Gayan
Director, Bureau of Water Quality

3/30/18
Date Permit Signed/Issued

PERMIT TERM: EFFECTIVE DATE – April 1, 2018

EXPIRATION DATE – March 31, 2023

TABLE OF CONTENTS

| | |
|---|-----------|
| 1 APPLICABILITY CRITERIA | 1 |
| 1.1 ACTIVITIES COVERED | 1 |
| 1.1.1 <i>Control of Invasive Forest Canopy Pests</i> | 1 |
| 1.1.2 <i>Control of Wisconsin Native Forest Canopy Pests</i> | 1 |
| 1.1.3 <i>Control Activities for Other Similar Pests that Damage Forest Vegetation</i> | 1 |
| 1.2 ACTIVITIES NOT COVERED | 1 |
| 1.2.1 <i>Discharge to an Outstanding Resource Water for Control of a Wis. Native Species</i> | 1 |
| 1.2.2 <i>Discharge to an Exceptional Resource Water for Control of a Wis. Native Species</i> | 1 |
| 1.2.3 <i>Discharge to Wetlands</i> | 2 |
| 1.2.4 <i>Discharge within Tribal Lands</i> | 2 |
| 1.2.5 <i>Discharge to 303(d) listed Impaired Resource Waters</i> | 2 |
| 1.2.6 <i>Discharge of Hazardous Substances</i> | 2 |
| 1.2.7 <i>Discharge that Affects Endangered and Threatened Species</i> | 2 |
| 1.2.8 <i>Discharge that Exceeds Surface Water Quality Standards</i> | 2 |
| 1.2.9 <i>Discharges Covered by another Permit</i> | 2 |
| 2 REQUIREMENTS FOR ALL DISCHARGES | 2 |
| 2.1 REQUEST FOR COVERAGE | 2 |
| 2.2 DEPARTMENT COVERAGE DETERMINATION | 3 |
| 2.3 DELEGATION OF SIGNATURE AUTHORITY | 3 |
| 2.4 PERMIT COVERAGE TRANSFERS | 3 |
| 2.5 PERMIT COVERAGE TERMINATIONS | 3 |
| 2.9 DISCHARGE OF NON-PESTICIDE PEST CONTROL PRODUCTS OR ADDITIVES | 4 |
| 2.10 WATER TREATMENT ADDITIVES | 4 |
| 2.11 COMPLIANCE WITH WISCONSIN WATER QUALITY STANDARDS | 4 |
| 2.12 DISCHARGE OF OTHER PESTICIDE ACTIVE INGREDIENTS | 5 |
| 2.13 DISCHARGE TO AN OUTSTANDING OR EXCEPTIONAL RESOURCE WATER DUE TO CONTROL AN INVASIVE SPECIES | 5 |
| 2.14 PESTICIDE APPLICATION CONTROL | 5 |
| 2.15 IDENTIFY THE CHARACTERISTICS OF THE PEST PROBLEM | 6 |
| 2.16 EVALUATE FOREST CANOPY PEST MANAGEMENT OPTIONS | 6 |
| 2.17 MINIMIZE THE POLLUTANT DISCHARGE | 6 |
| 3 ADDITIONAL REQUIREMENTS FOR ACTIVITIES TO CONTROL FOREST CANOPY PESTS | 7 |
| 3.1 FOREST CANOPY PEST CONTROL <i>ACTIVE INGREDIENTS</i> | 7 |
| 3.2 FOREST CANOPY PEST ACTION THRESHOLD | 7 |
| 3.3 PESTICIDE DISCHARGE IMPACT ON KARNER BLUE BUTTERFLY | 8 |
| 4 DOCUMENTATION AND REPORTING | 8 |
| 4.1 VISUAL MONITORING | 8 |
| 4.2 EXEMPTION FOR PRIVATE POND OR WETLAND | 8 |
| 4.3 INTEGRATED PEST MANAGEMENT (IPM) DECISION SUMMARY | 8 |
| 4.4 CERTIFICATION OF INTEGRATED PEST MANAGEMENT IMPLEMENTATION | 9 |
| 4.5 ANNUAL REPORT | 10 |
| 5 STANDARD REQUIREMENTS | 10 |
| 5.1 SAMPLING AND TESTING PROCEDURES | 10 |
| 5.2 RECORDING OF RESULTS | 10 |
| 5.3 REPORTING OF MONITORING RESULTS | 11 |
| 5.4 RECORDS RETENTION | 11 |

WPDES Permit No. WI-0064572-2
FOREST CANOPY PESTICIDE POLLUTION

| | |
|---|----|
| 5.5 INSPECTION AND ENTRY | 11 |
| 5.6 AUTHORIZED SIGNATURE | 11 |
| 5.7 OTHER INFORMATION | 11 |
| 5.8 MORE FREQUENT MONITORING | 11 |
| 5.9 CONTINUATION OF AN EXPIRED GENERAL PERMIT | 11 |
| 5.10 NONCOMPLIANCE REPORTING | 12 |
| 5.11 SPILL REPORTING | 12 |
| 5.12 PLANNED CHANGES | 12 |
| 5.13 DUTY TO MITIGATE | 12 |
| 5.14 DUTY TO HALT OR REDUCE ACTIVITY | 12 |
| 5.15 SURFACE WATER USES AND CRITERIA | 13 |
| 5.16 WORK NEAR SURFACE WATERS AND WETLANDS | 13 |
| 5.17 NUISANCE CONDITIONS | 13 |
| 5.18 ENFORCEMENT | 13 |
| 5.19 SEVERABILITY | 13 |

1 Applicability Criteria

1.1 Activities Covered

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

The following activities are eligible for coverage under this permit:

1.1.1 Control of Invasive Forest Canopy Pests

Permit is applicable to the point source discharge of a pollutant directly to waters of the state due to control of invasive species listed in ch. NR 40, Wis. Adm. Code, such as gypsy moth or emerald ash borer;

1.1.2 Control of Wisconsin Native Forest Canopy Pests

This permit is applicable to a point source discharge of a pollutant directly to waters of the state due to control of native Wisconsin forest canopy pests that defoliate or damage forest plants, such as forest tent caterpillars, jack pine budworm, and sawflies;

1.1.3 Control Activities for Other Similar Pests that Damage Forest Vegetation

This permit is applicable to a point source discharge of a pollutant directly to waters of the state due to control of other similar pests that damage forest vegetation as approved by the Department.

1.2 Activities Not Covered

This permit does not apply to discharges that meet any of the following conditions:

1.2.1 Discharge to an Outstanding Resource Water for Control of a Wis. Native Species

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

1.2.2 Discharge to an Exceptional Resource Water for Control of a Wis. Native Species

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

1.2.3 Discharge to Wetlands

This permit is not applicable to a forest canopy pest control activity that would have a pollutant discharge the Department has determined will not meet the wetland protection requirements of ch. NR 103, Wis. Adm. Code.

1.2.4 Discharge within Tribal Lands

This permit is not applicable to a forest canopy pest control activity that discharges within Tribal Lands because the state delegation agreement with U.S. EPA does not include this authority. The U.S. EPA regulates discharges within Tribal Lands (land owned by or held in trust for the tribes and land within recognized reservation boundaries).

1.2.5 Discharge to 303(d) listed Impaired Resource Waters

This permit is not applicable to a forest canopy control activity that would have a biological or chemical pollutant discharge to waters of the state identified as impaired by a substance which either is an active ingredient in that pesticide or is a degradate of such an active ingredient. Impaired waters are those that have been identified by Wisconsin pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards. Impaired waters include both waters with State and Federally approved Total Maximum Daily Loads (TMDLs) and impaired waters for which the State and EPA have not yet approved a TMDL.

At the issuance date of this permit, there are no Wisconsin waters identified as being impaired by a pesticide.

Note: The section 303(d) list of Wisconsin impaired water bodies may be obtained by contacting the Department or by searching for the section 303(d) list on the Department's Internet site. The Department updates the section 303(d) list approximately every two years. The updated list is effective upon approval by EPA.

1.2.6 Discharge of Hazardous Substances

Discharges of hazardous substances that are required to be reported under ch. NR 706, Wis. Adm. Code.

1.2.7 Discharge that Affects Endangered and Threatened Species

Discharges that affect endangered or threatened species, unless the Department determines that the discharges comply with the endangered and threatened species protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.

1.2.8 Discharge that Exceeds Surface Water Quality Standards

Discharges containing substances that will exceed the surface water quality standards and effluent limitations determined according to chs. NR 102, NR 104, NR 105, NR 106, NR 207, and NR 217 Wis. Adm. Code, or other applicable surface water quality standards. Discharges containing substances that will exceed the groundwater quality standards in ch. NR 140, Wis. Adm. Code.

1.2.9 Discharges Covered by another Permit

This permit is not applicable to discharges authorized under a different WPDES permit.

2 Requirements for All Discharges

For any activity to control forest canopy pests under this permit, only the party responsible for the discharge is required to have coverage under this permit. The individual with permit coverage may be the owner, contracted pesticide applicator or other responsible entity and is responsible for meeting the following requirements.

2.1 Request for Coverage

All individuals proposing to discharge to waters of the state and the activity's discharge meets the eligibility requirements of this permit, the responsible individual shall submit a request for coverage document under this

general permit (GP) as specified in s. NR 205.08(3), Wis. Adm. Code. If the proposed discharge does not meet the eligibility criteria under this permit, the individual shall apply for an individual permit. The request for coverage document must be mailed to the department regional office that regulates the proposed discharge location. The request for coverage documents can be found at the department website:

<http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>.

Note: The department is in the process of developing and requiring electronic submissions of requests for coverage to discharge under this GP. The department will notify permittees when the electronic process becomes available.

2.2 Department Coverage Determination

All individuals that request coverage under this permit shall have a letter of determination authorizing pollutant discharges under this WPDES General Permit. Until the Department issues a letter of determination that grants coverage for the pollutant discharge, the discharge is not authorized under this permit and may not be initiated.

2.3 Delegation of Signature Authority

In accordance with s. NR 205.07(1)(g), Wis. Adm. Code, the permittee must provide a delegation of signature authority (DSA) request (Form 3400-220, Delegation of Signature Authority) for a duly authorized representative to submit specific documents on the behalf of a responsible executive, officer, manager, partner, or proprietor of a permitted discharge. An executive, officer, manager, partner, or proprietor can only delegate signature authority to duly authorized representative if that person has responsibility for the regulated by this GP. The DSA request shall specify the name of the individual and their employment position. The DSA request must be submitted to the department along with the submittal of any required documents. If there are any changes to this request, a new DSA form shall be submitted to the department.

2.4 Permit Coverage Transfers

A permittee who will no longer control the permitted discharge may request that permit coverage be transferred to the person who will control the discharge as specified in s. NR 203.136(1)(p), Wis. Adm. Code. The transfer request (Form 3400-222, Transfer of Coverage) shall be completed including the 'Certification & Signature' section by both the permittee and the new owner or operator and sent via mail to the department. The department will then send a letter to the previous owner stating that their coverage is terminated under this GP. The transfer request shall contain the following information:

- The name and address of the permittee.
- The Facility Identification Number.
- The names of the persons involved in the transfer, their signatures, and date of signatures.
- A description of any significant changes in the operation.
- A statement of acknowledgement by the transferee that it will be the permittee of record and is responsible for compliance with the permit.

2.5 Permit Coverage Terminations

If a permittee no longer requires coverage under this GP because they are eliminating their discharge, the permittee shall notify the department and request that their coverage be terminated under this GP in accordance with ss. NR 203.136(3)(d) and NR 205.07(1)(L), Wis. Adm. Code. All coverage termination requests (Form 3400-221, Notice of Termination) must be completed by the permittee including the 'Certification & Signature' section and sent via mail to the department. The department will then send a letter to the permittee stating that their coverage is terminated under this GP.

2.6 Continuation of an Expired General Permit

As provided in s. NR 205.08(9), Wis. Adm. Code, the terms and conditions of this GP shall continue to apply until this GP is revoked and reissued or until an individual permit is issued for the discharge to which the GP applied. The status of expired GPs and forms for requesting continued permit coverage can be accessed at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>.

2.7 Modification or Revocation and Reissuance of a General Permit

If any condition of this GP is found to be invalid for cause under s. NR 203.136, Wis. Adm. Code, the department may modify or revoke and reissue this GP. If this GP is modified, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing GP shall remain in effect for the duration of the existing GP. If this GP is revoked and reissued, the entire GP is reopened just as if the permit had expired and was being reissued for a new term. During any revocation and reissuance proceeding, the permittee shall comply with all conditions of the existing GP until a new final GP is reissued.

2.8 Seeking Coverage under an Individual Permit

Discharges that are not covered under this GP or that are unable to comply with the terms and conditions in this GP, must seek coverage under an individual WPDES permit in accordance with s. NR 205.08(5), Wis. Adm. Code, prior to discharging. The necessary steps to request coverage under an individual permit can be found at the department website: <http://dnr.wi.gov/topic/wastewater/PermitApplications.html>.

2.9 Discharge of Non-pesticide Pest Control Products or Additives

Non-pesticide products or additives, such as oils, bacteria, enzymes, polymers, surfactants, etc., used in conjunction with a forest canopy pest control project shall be managed so that any biological, excess chemical, or residual chemical pollutant discharge would meet Wisconsin water quality standards as specified in part 2.11. The Department may require the permittee to submit information on the aquatic toxicity, human health impact, and persistence of any non-pesticide product or additive used to control a forest canopy pest when there would be pollutant discharge to waters of the state.

2.10 Water Treatment Additives

Consistent with Section 1.2 of this permit, the permittee shall not discharge any biocide additives or a water treatment additive pollutant at a rate that requires a water quality-based effluent limitation pursuant to chs. NR 102, NR 104, NR 105, NR 106, NR 207 or NR 217, Wis. Adm. Code, for surface water discharges, and ch. NR 140, Wis. Adm. Code, for groundwater discharges. Registered aquatic pesticides are not considered additives under this general permit.

An additive review is necessary for substances that may enter surface water without receiving wastewater treatment or substances that are used in a treatment process but are not expected to be removed by wastewater treatment and may contribute to effluent toxicity. In event that the permittee wishes to commence use of a water treatment additive, or increase the usage of any additives greater than indicated in the request for coverage, the permittee shall submit a request and receive written approval from the department prior to initiating such changes. The permittee shall maintain records of the monthly water treatment additive use including the additive name, manufacturer, and daily maximum amount used.

For each water treatment additive used, the permittee shall submit a copy of the [Additive Review Worksheet](#). For more information on the additive review process, see the guidance document titled [Water Quality Review Procedures for Additives](#).

2.11 Compliance with Wisconsin Water Quality Standards

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

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

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

2.11.3 Harm to endangered and threatened species as specified in ch. NR 27, Wis. Adm. Code and s. 29.604, Wis. Stats.

2.12 Discharge of Other Pesticide Active Ingredients

2.12.1 The permittee may discharge a pesticide active ingredient not listed in this permit on a limited basis in the context of data development and/or research to support pesticide registration under the jurisdictions of EPA or the Wis. DATCP through the issuance of an *Experimental Use Permit* (Federal or State). A permittee discharging a pesticide for such purposes is not required to create an Integrated Pest Management decision summary document under part 4.3 of this permit, but must follow the other requirements of this permit. A permittee that is exempt from needing an *Experimental Use Permit* as per 40 CFR 172 and s. ATCP 29.71 may discharge a pesticide active ingredient not listed in this permit but is required to follow all the other requirements of this WPDES general permit.

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

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

2.13 Discharge to an Outstanding or Exceptional Resource Water Due to Control an Invasive Species

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

2.14 Pesticide Application Control

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

- 2.14.1** Ensure the applicator using or directing the use of a pesticide is licensed and certified as required by Wis. DATCP for the pesticide product being used;
- 2.14.2** Maintain pesticide application equipment in proper operating condition by adhering to general industry practices and standards, and by maintaining (calibrating, cleaning, repairing, etc.) such equipment as needed to ensure effective pesticide application and pest control;
- 2.14.3** Ensure that the equipment's rate of pesticide application is calibrated to deliver the desired quantity of pesticide for effective control of the target pest; and
- 2.14.4** Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit.

2.15 Identify the Characteristics of the Pest Problem

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

- 2.15.1** Identify target forest canopy insect pest species to develop species-specific pest identification and management strategies based on developmental and behavioral considerations for each species;
- 2.15.2** Identify pest life cycle characteristics suitable for habitat management, such as forest species rotation, to reduce the sources of pest reproduction or survival;
- 2.15.3** Estimate current distribution of the target pest within the treatment area and estimate potential distribution in the absence of control measures; and
- 2.15.4** Establish action thresholds for target pest populations for implementation of pest management strategies.

2.16 Evaluate Forest Canopy Pest Management Options

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

- 2.16.1** Select and implement, for each pest management area, efficient and effective means of pest management that includes identification of the characteristics of the pest problem and evaluation of methods to minimize the pollutant discharge resulting from application of chemical pesticides, biological pesticides and other pest control additives or treatments (such as those used to enhance pesticide effectiveness or otherwise manage a target pest) for control of any forest canopy pest life stage;
- 2.16.2** Considering impacts to water quality, human health, impacts to non-target organisms, pesticide efficacy, pesticide persistence, development of pesticide resistance, feasibility, and cost effectiveness, evaluate the following management options: (a) no action, (b) prevention, (c) mechanical or physical control methods, (d) cultural methods, (e) biological control agents, (f) biological pesticides, and (g) chemical pesticides.

2.17 Minimize the Pollutant Discharge

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

- 2.17.1** Conduct surveillance prior to the pesticide treatment project to assess pest density within the pest management area;
- 2.17.2** Apply pesticides only when an action threshold density has been met or exceeded;
- 2.17.3** Assess environmental conditions (such as temperature, precipitation, wind speed, etc.) in the treatment area prior to each pesticide application to identify whether existing environmental conditions are suitable for pest control activities;
- 2.17.4** In situations or locations where practicable and feasible for efficacious control, utilize pest management controls against the most susceptible development stage of the pest; and
- 2.17.5** Minimize the discharge of pesticide pollutants from the control of forest canopy pests through the use of integrated pest management principles.

3 Additional Requirements for Activities to Control Forest Canopy Pests

Control activities for a forest canopy pest that have a point source pollutant discharge to waters of the state shall meet the following additional requirements.

3.1 Forest Canopy Pest Control *Active Ingredients*

The following pesticide active ingredient substances may have an excess or residual chemical pollutant discharge and/or a biological pollutant discharge under this WPDES permit when the pesticide product containing the active ingredient is registered with EPA, is registered with the Wisconsin Dept. of Agriculture, Trade and Consumer Protection for use in Wisconsin, and is used consistent with the label in a location appropriate to forest canopy pest management. Part 2.12 of this permit also authorizes the discharge of additional substances. A permittee may request authorization to discharge an additional pesticide active ingredient substance by requesting this general permit be modified to include the active ingredient, or the permittee may apply for a site specific WPDES individual permit to authorize the discharge of the pesticide active ingredient.

1. *Bacillus thuringiensis var. kurstaki* (Btk)
2. Disparlure
3. Gypsy moth nucleopolyhedrosis virus (NPV)

3.2 Forest Canopy Pest Action Threshold

The following forest canopy pest action thresholds are recommended for pollutant discharges under this permit: (1) a pest population density expected to result in a nuisance or public health concern within the treatment area, (2) the detection of an invasive pest species in an area outlying from or at the advancing edge of the invasive species current distribution range, (3) a pest population density that is likely to result in significant mortality to a keystone forest species essential to maintenance of a unique or special environment, or (4) a Wisconsin native or non-native forest canopy pest population density that is likely to result in 50% defoliation of the deciduous or evergreen tree species fed-on by the target pest in the area proposed for treatment. The target pest population density and potential impact shall be determined by pre-treatment surveillance, statistically valid predictive surveys, or consultation with DNR Forestry staff.

3.3 Pesticide Discharge Impact on Karner Blue Butterfly

As specified in part 1.2.7 of this permit, s. 29.604, Wis. Stats. and ch. NR 27, Wis. Adm. Code, a permittee with a pollutant discharge to waters of the state shall insure that forest canopy pest control activities are designed to prevent harm to endangered and threatened resources. Treatments to control caterpillars shall be consistent with any endangered species Habitat Conservation Plan, such as the plan for the Karner blue butterfly, that may allow take of a species in non-critical populations if permanent alteration of the habitat does not occur.

4 Documentation and Reporting

4.1 Visual Monitoring

During or soon after forest canopy control activities, the permittee shall visually observe areas where there would be an excess pollutant discharge to waters of the state to check for adverse incidents, such as death or distress of non-target organisms, disruption of wildlife habitat, risk to recreational activities, risk to human health, etc. This visual check shall be performed when it is safe and feasible. When a large area is treated via broadcast aerial spray, the permittee may limit the visual check to a representative sample of waters of the state that have received a pollutant discharge. Visual check records shall be retained at the permittee's office for review by Department staff or any member of the public as specified in part 5.5 of this permit.

4.2 Exemption for Private Pond or Wetland

When a forest canopy treatment pollutant discharge to waters of the state is confined to a private pond (as defined in s. NR 107.11(3)(a), Wis. Adm. Code) or private wetland area located entirely within the property boundaries of the permittee, there is no public access during the treatment period, and the permittee can control the overflow to prevent discharge of a point source pollutant beyond the private pond or private wetland area, the permittee is exempt from parts 4.3, 4.4 and 4.5 of this permit.

4.3 Integrated Pest Management (IPM) Decision Summary

When the cumulative annual treatment area exceeds 20 acres of waters of the state or 20 linear miles of shoreline, the permittee is required to document a brief summary of the Integrated Pest Management (IPM) decisions for each treatment project with a pollutant discharge conducted from that date through the rest of the calendar year. A copy of the project specific IPM decision summary document shall be available at the mobilization site during treatment activities and at the permittee's office for review by Department staff or any member of the public. Part 5.5 of this permit specifies the retention time for the IPM decision summary documents. If the permittee's office is not staffed during normal business hours, the permittee shall provide a copy of the IPM decision summary for review no later than 5 days after any request to review the plan. The IPM decision summary shall be updated when there are significant changes to the treatment area, target species, or pest control products used. If it is not possible to develop an IPM decision summary document prior to a pesticide application related to a government declared invasive species emergency, the permittee shall develop the IPM decision summary within 30 days after the invasive species emergency is declared.

The primary objective of the integrated pest management decision summary is to document the evaluation process of where, when, and how forest canopy pest control is implemented within a permittee's treatment area, to minimize the discharge of excess or residual chemical pollutants and biological pollutants to waters of the state, and to describe the actions taken to ensure discharges from forest canopy pest control activities do not cause or contribute to a violation of Wisconsin water quality standards as specified in parts 2.9, 2.11 and 2.13 of this permit. The IPM decision summary document shall include details on the following, at a minimum:

- 4.3.1** Permittee contact information, such as identification of the individual responsible for on-site operations, emergency reporting of permit noncompliance, and reporting of adverse incidents such as spills or impacts to non-target aquatic life (see parts 5.10 & 5.11);
- 4.3.2** A map or tracking system that documents the pest treatment area, target pest general distribution within the treatment area, threatened and endangered species habitat within the permittee's treatment area, and any no-spray or no-fly zones;
- 4.3.3** Identification of the pest characterization efforts undertaken as specified in part 2.15 of this permit and the pest action threshold densities established for the pest control project;
- 4.3.4** Documentation of the decisions regarding forest canopy pest management options listed in part 2.16 of this permit;
- 4.3.5** Documentation of the pollutant discharge minimization activities undertaken as specified in part 2.17 of this permit, including the plans for target forest canopy pest surveillance and evaluation of suitable environmental conditions for forest canopy pest control when action thresholds are met;
- 4.3.6** Conclusions regarding the effectiveness of the proposed treatment on the target species, considering occurrence of the target species outside of the treatment area and the species movement range;
- 4.3.7** Description of the actions taken to ensure discharges from pest control activities do not cause or contribute to a violation of Wisconsin water quality standards as specified in parts 2.9, 2.11 and 2.13 of this permit;
- 4.3.8** Summary of any sampling and analysis activities the permittee will undertake to evaluate the effectiveness of the pest control treatments, to evaluate any adverse impacts noted during visual monitoring, and;
- 4.3.9** Description of the record keeping and reporting activities needed to meet the requirements of part 4.1 and 4.5 of this permit.

4.4 Certification of Integrated Pest Management Implementation

A permittee that exceeds the annual forest canopy pest treatment dimension of 20 acres of waters of the state or 20 linear miles of shoreline shall certify to the Department that the requirements of Part 4.3 of this permit have been implemented. The certification shall contain the following statement and be signed in accordance with the Authorized Signature standard requirement of this permit:

"I certify under penalty of law that the Integrated Pest Management (IPM) decision summary documents required by WPDES General Permit No. WI-0064572-2 have been completed and are retained on site at the permittee's office or any other location approved by the Department. The IPM site-specific decision summary documents were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate information contained in the summary documents. Based on my inquiry of the person, or persons, directly responsible for gathering the information or who manage the activity, the information contained in the IPM decision summary documents are, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for providing false information, including the possibility of fine and imprisonment. In addition, I certify under penalty of law that, based upon inquiry of persons directly under my supervision, to the best of my knowledge and belief, the IPM decision summary documents adhere to the applicable requirement of WPDES General Permit No. WI-0064572-2."

This certification may be submitted with the annual reporting information (see part 4.5 of this permit). When this certification has been submitted to the Department for one calendar year, re-certification is not required for

subsequent years of discharge under this permit. A copy of this certification, showing the date submitted to the Department, shall be retained at the permittee's business office.

4.5 Annual Report

The permittee shall annually report the following information for a forest canopy treatment activities that had a pollutant discharge to waters of the state during the calendar year: permittee name, treatment area size & location (GPS Lat/Long preferred), duration of the treatment period, target species name, control product name & amounts used, applicator names, any adverse conditions noted/corrective actions taken, and any pollutant testing results.

The annual reporting information shall be submitted to the DNR Water Quality Program, Water Permits Central Intake, PO Box 7185, Madison, WI 53707-7185, no later than February 15th of the next year. Monitoring reports shall be signed in accordance with the Authorized Signature standard requirement in part 5.7 of this permit. The permittee shall report a zero pollutant discharge for a year when there have been no pollutant discharges under this permit related to forest canopy pest control activities.

Note: The Department is in the process of requiring monitoring results to be reported on an electronic Discharge Monitoring Report (eDMR). The eDMR will be certified electronically by a principal executive officer, a ranking elected official or other duly authorized representative with a 'eReport Certify' page that certifies that the electronic report form is true, accurate and complete. The Department will contact the permittee when the electronic process becomes available.

5 Standard Requirements

NR 205, Wisconsin Administrative Code (Conditions for Industrial Discharges): The conditions in ss. NR 205.07(1) and NR 205.07(3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these requirements, except for s. NR 205.07(1)(n), Wis. Adm. Code, which does not apply to facilities covered under general permits. Some these requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in the Standard Requirements can be found in the ss. NR 205.07(1) and NR 205.07(3), Wis. Adm. Code.

5.1 Sampling and Testing Procedures

Sampling and laboratory testing procedures shall be performed in accordance with chs. NR 218 and NR 219, Wis. Adm. Code and shall be performed by a laboratory certified or registered in accordance with the requirements of ch. NR 149, Wis. Adm. Code. Groundwater sample collection and analysis shall be performed in accordance with ch. NR 140, Wis. Adm. Code. The analytical methodologies used shall enable the laboratory to quantitate all substances for which monitoring is required at levels below the effluent limitation. If the required level cannot be met by any of the methods available in ch. NR 219, Wis. Adm. Code, then the method with the lowest limit of detection shall be selected. Additional test procedures may be specified in this permit.

5.2 Recording of Results

The permittee shall maintain records which provide the following information for each effluent measurement or sample taken:

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

5.3 Reporting of Monitoring Results

The permittee shall use the following conventions when reporting effluent monitoring results:

- Pollutant concentrations less than the limit of detection shall be reported as < (less than) the value of the limit of detection. For example, if a substance is not detected at a detection limit of 0.1 mg/L, report the pollutant concentration as < 0.1 mg/L.
- Pollutant concentrations equal to or greater than the limit of detection, but less than the limit of quantitation, shall be reported and the limit of quantitation shall be specified.
- For the purposes of reporting a calculated result, average or a mass discharge value, the permittee may substitute a 0 (zero) for any pollutant concentration that is less than the limit of detection. However, if the effluent limitation is less than the limit of detection, the department may substitute a value other than zero for results less than the limit of detection, after considering the number of monitoring results that are greater than the limit of detection and if warranted when applying appropriate statistical techniques.

5.4 Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least 3 years from the date of the sample, measurement, report or application.

5.5 Inspection and Entry

The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to enter the permittee's premises, have access to records, and inspect and monitor the discharge as described in s. NR 205.07(1)(d), Wis. Adm. Code.

5.6 Authorized Signature

In accordance with s. NR 205.07(1)(g), Wis. Adm. Code, all reports and other information requested by the department shall be signed by a responsible executive, manager, partner or proprietor as specified in s. 283.37(3), Wis. Stats., or a duly authorized representative of the officer, manager partner or proprietor that has been delegated signature authority. Delegation of signature authority must comply with NR 205.07(1)(g)2, Wis. Adm. Code.

5.7 Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or correct information to the Department.

5.8 More Frequent Monitoring

As specified in s. NR 205.07(1)(r), Wis. Adm. Code if the permittee monitors any parameter more frequently than required by the permit, using test procedures specified in chs. NR 204 or 219, Wis. Adm. Code or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report.

5.9 Continuation of an Expired General Permit

As provided in s. NR 205.08(9), Wis. Adm. Code, the terms and conditions of this general permit shall continue to apply until this general permit is reissued or revoked or until an individual permit is issued for the discharge to which the general permit applied. The status of expired general permits and forms for requesting continued permit coverage can be accessed at <http://dnr.wi.gov/topic/wastewater/generalpermits.html>.

5.10 Noncompliance Reporting

The permittee shall report the following types of noncompliance by a telephone call to the Department's regional office within 24 hours after becoming aware of the noncompliance:

- any noncompliance which may endanger health or the environment;
- any violation of an effluent limitation resulting from a bypass;
- any violation of an effluent limitation resulting from an upset; and
- any violation of a maximum discharge limitation for any of the pollutants listed by the Department in the permit, either for effluent or sludge.

A written report describing the noncompliance shall also be submitted to the Department as directed within 5 days of the permittee becoming aware of the noncompliance. On a case-by-case basis, the Department may waive the requirement for submittal of a written report within 5 days and instruct the permittee to submit the written report with the next regularly scheduled monitoring report. In either case, the written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.

A scheduled bypass approved by the Department as specified in s. NR 205.07(1)(u)2, Wis. Adm. Code, shall not be subject to the reporting required under this section.

NOTE: Section 292.11(2)(a), Wisconsin Statutes, requires any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the Department of Natural Resources **immediately** of any discharge not authorized by the permit. **The discharge of a hazardous substance that is not authorized by this permit or that violates this permit may be a hazardous substance spill. To report a hazardous substance spill, call DNR's 24-hour HOTLINE at 1-800-943-0003.**

5.11 Spill Reporting

The permittee shall notify the Department in accordance with ch. NR 706 (formerly NR 158), Wis. Adm. Code, in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state at a rate or concentration greater than the effluent limitations established in this permit, or the spill or accidental release of the material is unregulated in this permit, unless the spill or release of pollutants has been reported to the Department in accordance with s. NR 205.07 (1)(s), Wis. Adm. Code.

5.12 Planned Changes

In accordance with ss. 283.31(4)(b) and 283.59, Wis. Stats., the permittee shall report to the Department any expansion of a control activity, increase or modifications which will result in new, different or increased discharges of pollutants. The report shall either be a new permit application, or if the new discharge will not violate the effluent limitations of this permit, a written notice of the new, different or increased discharge. The notice shall contain a description of the new activities, an estimate of the new, different or increased discharge of pollutants and a description of the effect of the new or increased discharge. Following receipt of this report, the Department may modify this permit to specify and limit any pollutants not previously regulated in the permit.

5.13 Duty to Mitigate

As required in s. NR 205.07(1)(k), Wis. Adm. Code, the permittee shall take all reasonable steps to minimize or prevent the likelihood of any adverse impacts to public health, the waters of the state, or the environment resulting from noncompliance with this permit.

5.14 Duty to Halt or Reduce Activity

Upon failure or impairment of an Integrated Pest Management plan, the permittee shall, to the extent necessary to maintain compliance with its permit, curtail production or pesticide discharges or both until the

Integrated Pest Management plan is restored or an alternative method of treatment is provided.

5.15 Surface Water Uses and Criteria

In accordance with s. NR 102.04, Wis. Adm. Code, surface water uses and criteria are established to govern water management decisions. Practices attributable to municipal, industrial, commercial, domestic, agricultural, land development or other activities shall be controlled so that all surface waters including the mixing zone meet the following conditions at all times and under all flow and water level conditions:

- a) Substances that will cause objectionable deposits on the shore or in the bed of a body of water, shall not be present in such amounts as to interfere with public rights in waters of the state.
- b) Floating or submerged debris, oil, scum or other material shall not be present in such amounts as to interfere with public rights in waters of the state.
- c) Materials producing color, odor, taste or unsightliness shall not be present in such amounts as to interfere with public rights in waters of the state.
- d) Substances in concentrations or in combinations which are toxic or harmful to humans shall not be present in amounts found to be of public health significance, nor shall substances be present in amounts which are acutely harmful to animal, plant or aquatic life.

5.16 Work near Surface Waters and Wetlands

Any work performed in wetland areas or within areas subject to local floodplain and shoreline regulations must conform to all applicable county or local ordinances. All applicable state permits and/or contracts required by chs. 30, 31 and 87, Wis. Stats. (or Wisconsin Administrative Code adopted under these laws), and applicable federal permits must be obtained as necessary.

5.17 Nuisance Conditions

Nothing in this permit authorizes the directing of any discharge in such a way that will create nuisance conditions on adjacent or nearby properties. The permittee should be aware of any local municipal or county nuisance ordinances.

5.18 Enforcement

Any violation of this permit is enforceable under ss. 283.89 and 283.91, Wis. Stats.

5.19 Severability

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