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DRAFT February 3, 2010

**AQUATIC MOSQUITO CONTROL
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STATE WASTE DISCHARGE GENERAL PERMIT**

State of Washington
Department of Ecology
Olympia, Washington 98504-7600

In compliance with the provisions of
the State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington as amended
And
The Federal Water Pollution Control Act as amended
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Until the expiration date or until Ecology modifies or revokes this permit, Permittees granted coverage under this permit are authorized to discharge to waters of the state in accordance with the special and general conditions that follow.

Kelly Susewind, Manager
Water Quality Program
Department of Ecology

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SUMMARY OF PERMIT SUBMITTALS

Refer to the Special and General Conditions of this permit for submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S1.D	Transfer coverage from DOH	Once	Tentative: By July XX, 2010
S2	Application for New Coverage (NOI and SEPA Checklist)	Once	A least 60 days prior to the start of discharge
S3.B	Develop or Update Integrated Pest Management Plan	Once	One year from permit effective date
S4.D	Request to use Larvicides in Appendix B areas	As Necessary	
S5.B	Request to use Adulticides in Appendix B areas	As Necessary	
S8.A	Annual Reporting	Annually	By December 31 of each treatment year
S8.C	Permit Violation Reporting	As Necessary	
G5	Permit Actions	As Necessary	
G6	Reporting Planned Changes	As Necessary	
G13	Transfer of Permit Coverage	As Necessary	
G18	Duty to Reapply	Once per permit cycle	Enter date within 180 days of permit effective date

The text of this permit contains words in *italics*. Words in italics are the first usage of a word in this permit and are defined in the Glossary, Appendix A.

SPECIAL PERMIT CONDITIONS

S1. PERMIT COVERAGE

This permit revokes and replaces the Aquatic Mosquito Control General Permit issued on March 7, 2007 and covers the use of *larvicides* and *adulticides* to control mosquitoes in the State of Washington.

A. Activities Covered Under This Permit

All *entities* that control mosquitoes must obtain coverage under this permit when the activity causes a discharge of *pesticide* or their *residues* to *waters of the state*. Entities must obtain permit coverage when conducting activities under a Federal *Experimental Use Permit*.

B. Activities That May Not Need Coverage Under This Permit

Mosquito control entities need not obtain coverage under this permit for pesticide applications made to the following types of waterbodies:

1. Man-made detention or retention ponds designed specifically for wastewater or stormwater treatment that do not have an outlet to surface waters of the state, or ponds that are not likely to discharge during, or for two weeks after, treatment.
2. Any *constructed water body* five acres or less in surface area with no discharge to other surface waters of the state during, or for two weeks after, treatment.
3. *Upland farm ponds* with no discharge to other surface waters of the state.
4. Standing irrigation water that will not discharge to waters of the state during application or for two weeks following application.
5. Any water body less than one acre in size that is subject to research covered under a state experimental use permit.

C. Geographic Area Covered

This general permit covers mosquito control activities anywhere in the State of Washington where the Department of Ecology has authority.

D. Washington State Department of Health Blanket Permit Coverage

1. New coverages under Washington State Department of Health (DOH) *blanket coverage* will no longer occur on or after the effective date of this permit.
2. **Blanket coverage under DOH expires on DATE, 60 days after the effective date of this permit.**

3. Mosquito control entities have until **DATE** (60 days after effective date of the permit) to complete a transfer of permit coverage from DOH.
4. To transfer permit coverage from DOH use the transfer form provided in Appendix C. Both DOH and the *New Permittee* must fill out and sign the transfer form.
5. Submit the completed transfer form to:

Department of Ecology
Water Quality Program
Attn: Aquatic Pesticide Permit Manager
PO Box 47600
Olympia, WA 98504-7600

S2. APPLICATION FOR COVERAGE

New Applicants that propose to begin activities that will result in a discharge to waters of the state on or after the effective date of this general permit must:

- A. Notify Ecology by submitting a *completed application* for coverage **at least 60 days prior** to the planned activity that will result in the discharge to waters of the state.
- B. Complete a Notice of Intent (NOI) for the proposed activity electronically. The new applicant must access Ecology's online data management system SecureAccess Washington (<http://secureaccess.wa.gov>), fill out the NOI online, then print and sign the document.
- C. Complete and sign a SEPA checklist for the proposed activity.
- D. Mail the complete application to:

Department of Ecology
Water Quality Program
Attn: Aquatic Pesticide Permit Manager
PO Box 47600
Olympia, WA 98504-7600

- E. Publish public notice only after Ecology has received the complete application for coverage.
- F. Use the Public Notice Template provided as Appendix D of this permit. Applicants may add information to the template but must include the required information as stated on the template.
- G. Publish two times, one week apart, public notice in a local newspaper of general circulation (or regional newspaper if a local newspaper is not available) that an application for permit coverage has been made pursuant to WAC 173-226-130(5).

- H. Submit an original copy of the portion of the newspaper publication containing the public notice and newspaper date to Ecology for each week the public notice is published, or submit a signed, notarized affidavit of publication indicating what is included in the public notice and the dates the public notice was published.

At the end of the required 30-day public comment period, Ecology will consider comments about the applicability of this permit to the proposed discharge activity before deciding to issue permit coverage. If the applicant does not receive notification of the coverage decision from Ecology, coverage under this permit will automatically commence on the 61st day following Ecology's acceptance of a completed application.

S3. DISCHARGE LIMITS

A. Compliance with Standards

1. The application of adulticides must not cause or contribute to violations of the Water Quality Standards for Surface Water of the State of Washington (chapter 173-201A WAC).
2. For the purposes of this permit, Permittees must use *all known, available, and reasonable methods of pollution control, prevention and treatment (AKART)* when applying adulticides. The requirements of this permit, compliance with the *Washington Pesticide Control Act* and the requirements of the FIFRA label constitute AKART. Permittees must use the minimum amount of pesticide to obtain the mosquito control objectives.

B. Temporary Exceedance of Water Quality Standards for Larvicides

Exceedance of water quality standards for up to 5 years are allowed under this permit provided that the Permittee complies with WAC 173-201A-410.

C. Pesticide Application Requirements

The Permittee must comply with the requirements in this permit and *Federal Insecticide, Fungicide, Rodenticide Act (FIFRA)* label requirements. Permit requirements do not reduce the requirements on the FIFRA label.

1. The Permittee must:
 - a. Ensure that a licensed pesticide applicator with the appropriate Washington State Department of Agriculture (WSDA) license and certification be on site and have direct management responsibilities for the use of pesticides during application.
 - b. Ensure that all applicators under supervision of the licensed applicator have current training in the use of the equipment necessary to apply pesticides correctly.
 - c. Use *Ultra Low Volume (ULV)* spray apparatus to apply adulticides.

- d. Only apply adulticides when wind speeds are above 1 mile per hour and below 10 miles per hour.
- e. Appropriately trained personnel must properly calibrate the ULV equipment for the pesticide formulation used.
- f. Follow its Integrated Pest Management Plan.

S4. LARVICIDE USE

A. Authorized Discharges

The Permittee may apply larvicides under this permit only for the control of mosquitoes.

B. Larvicides Authorized for Use Under This Permit

1. The Permittee may apply larvicides with the following *active ingredients* without additional permit restrictions outside of Appendix B areas:
 - a. *Bacillus sphaericus* (H-5a5b)
 - b. *Bacillus thuringiensis israelensis* (Bti)
 - c. Methoprene
 - d. Monomolecular surface films (MSF)
2. The Permittee must follow the additional permit restrictions below when applying larvicides with the following active ingredients:
 - a. Malathion and Paraffinic white mineral oil

Permittees may only use malathion and paraffinic white mineral oil in the case of a human health threat and must obtain Ecology approval prior to use. The Permittee may not use paraffinic white mineral oil in waters of the state unless other pesticides are ineffective at a specific treatment site and the water body is non-fish-bearing. Consult WDFW to determine if the water body is fish bearing. Contact information for WDFW Regional Wildlife Biologists may be accessed at <http://wdfw.wa.gov/about/contact/>.

b. Temephos

The Permittee may not apply temephos in lakes, streams, in the littoral zone of water bodies, or on sites listed in Appendix B of this permit. The permit allows the use of temephos only:

- i. In response to the development of *pesticide resistance* within a specific mosquito population or a human health threat with the approval of Ecology.
- ii. To minimize the development of resistance the Permittee must rotate the use of temephos with one or more of the other approved larvicides with a different mode of action.

C. Experimental Use of Larvicides

The Permittee may apply other larvicides not listed in this permit on a limited basis in the context of a research and development effort under the jurisdictions of EPA and WSDA through the issuance of a Federal Experimental Use Permit (40 CFR 172). Permittees must not apply larvicides covered under an experimental use permit to areas identified in Appendix B.

D. Additional Restrictions on the Use of Larvicides

1. Appendix B of this permit details specific geographical areas that are important to state and federally listed species. Listed species are those that are state or federally designated sensitive, threatened, candidate, and endangered species in the State of Washington. Ecology may update Appendix B based on new information.
2. Prior to use of methoprene, monomolecular surface films, malathion, or paraffinic white mineral oil in Appendix B areas, WDFW and Ecology must approve the use.
3. The Permittee must not apply larvicides unless it meets one or more of the following conditions.
 - a. Surveillance of a potential application site indicates that at least one larvae/pupae is present in at least one of three *dips*. In the event that the Permittee finds larvae, and the area is treated, the Permittee may continue pre-emptive larvicide treatments without dipping for the remainder of the treatment season.
 - b. The Permittee has developed and obtained Ecology approval of a large site sampling protocol prior to treatment.
 - c. The application site is in or adjacent to a county in which mosquito, bird, animal, or human mosquito-borne disease cases are confirmed within the current treatment season.
 - d. The treatment site is a catch basin, storm drain, utility or transportation vault,

- e. State or local authorities declare a public health emergency related to mosquito-borne disease.

S5. ADULTICIDE USE FOR NUISANCE AND VECTOR CONTROL

A. Nuisance Mosquito Control

Adulticides and their *residues* used for *nuisance mosquito control* must not be discharged to waters of the state.

B. Vector Mosquito Control

1. The Permittee is authorized to discharge *incidental* amounts of adulticides and their residues to surface waters of the state during *vector mosquito control*. The Permittee must limit incidental deposition to the extent possible by not applying adulticides *directly* to a surface water of the state. Adulticides may not be used in Appendix B areas unless WDFW and Ecology approve the use.
2. The vector mosquito control period, April 1 to October 31 of the same year, is the only time incidental discharge is authorized. The Permittee may request an extension of this period in writing from Ecology if natural population control (die-off) after October 31 is not expected.

3. Mosquito Control Districts

A Permittee that is an organized mosquito control district (chapter 17.28 RCW) may use adulticides to control vector mosquitoes provided it: conducts mosquito surveillance, mosquito disease testing, monitors other disease indicators (such as dead birds, equine disease cases, or human health cases) and follows available DOH vector control guidance (e.g. the West Nile Outbreak Response Plan where the trigger for adulticiding is Alert Level 3).

4. Areas without a Mosquito Control District

A Permittee that is not part of an organized mosquito control district (chapter 17.28 RCW) may use adulticides to control vector mosquitoes provided DOH makes the determination that adulticiding for vector mosquito control is necessary to protect public health due to an overriding public health concern.

C. Adulticides authorized for use under this permit

1. This permit allows the application of adulticide products that are EPA registered and FIFRA labeled for wide-area mosquito control.

2. The following active ingredients are allowed for use:

- a. Permethrin
- b. Resmethrin
- c. Sumithrin (δ -phenothrin)
- d. Natural Pyrethrins
- e. Piperonyl Butoxide (PBO) as a *synergist*
- f. Malathion
- g. Naled

The Permittee may only use Malathion and Naled in case of documented *pyrethroid* resistance development in a specific vector mosquito population.

D. Experimental Use of Adulticides

The Permittee may apply other adulticides not listed in this permit on a limited basis in the context of a research and development effort under the jurisdictions of EPA and WSDA through the issuance of a Federal Experimental Use Permit (40 CFR 172). Permittees must not apply adulticides covered under an experimental use permit to areas identified in Appendix B.

S6. PUBLIC NOTIFICATION OF PESTICIDE USE

A. Public Notice

1. The Permittee must publish a public notice at least ten days prior to the first pesticide application of the season. This notice must include:
 - a. The pesticide(s) planned for use and the active ingredient(s).
 - b. The approximate date ranges of treatments.
 - c. The approximate treatment location(s).
 - d. The online location where the public may find pesticide application updates (if available online).
 - e. Where the public can find accurate information about the pesticides planned for use.
 - f. The water use restrictions or precautions.

- g. The application area posting procedures.
 - h. The name and telephone number of the Permittee and the Ecology Aquatic Pesticides Permit Manager.
2. The Permittee's notification to the public regarding mosquito control activities must continue throughout the treatment season if pesticide applications occur. After the initial newspaper notice, the Permittee may notify the public using a method other than notices in the newspaper, such as website posting or mailings.
 3. For expected applications of pesticides that have a *water-use restriction* (currently only applies to malathion, temephos and paraffinic white mineral oil), the Permittee must publish a public notice in a local newspaper of general circulation (or nearest regional paper if a local newspaper does not exist).

B. Posting Requirements

1. The Permittee must post notices at all reasonable points of ingress and egress to the treatment areas when applying larvicides with water use restrictions to water bodies that are used for water supply, fish and shellfish harvesting, or water contact activities.
2. The Permittee must make maps available to the public of the adulticide application areas. Online maps or available hard copies meet this requirement. Permittees must keep the maps for the entire treatment season.

S7. MONITORING REQUIREMENTS

- A. The Permittee must monitor the amounts of pesticides used and report pesticide application quantities as required in section S8.

B. Dip Sampling

1. When Permittees conduct larva treatments requiring dip samples (sections S4.D), the Permittee must record the:
 - a. Date and place dipping occurred;
 - b. The contractor firm or individual who collected the sample or performed the measurement;
 - c. The larvae count of the dip sample.
2. The Permittee need not submit this information as part of the annual report but must make the information available to Ecology upon request.

S8. REPORTING REQUIREMENTS

The Permittee must submit pesticide application information in accordance with the following conditions.

A. Annual Report

1. By December 31 of each year, the Permittees must submit its annual report electronically through Ecology's online data management system (SecureAccess Washington at <https://secureaccess.wa.gov>). A signed and dated copy of the annual report must be mailed to:

Department of Ecology
Water Quality Program
Attn: Aquatic Pesticide Permit Manager
PO Box 47600
Olympia, WA 98504-7600

2. The annual report includes:
 - a. Permit Number,
 - b. Permittee Name,
 - c. Name of the location treated. The location is the area that the Permittee has permit coverage for (e.g. Acme Golf Club, City storm drain system, Acme County, Acme mosquito control district),
 - d. Active Ingredient (e.g. Bti, permethrin, etc.),
 - e. Total amount of active ingredient applied this season. The Permittee may total the amount of active ingredient applied at a location, and
 - f. Measurement units (pounds or gallons).

B. Records Retention

The Permittee must retain records of all monitoring information for a minimum of five (5) years. Such information must include copies of all reports and records required by this permit, and records of all data used to complete the application for this permit.

The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of *pollutants* by the Permittee or when requested by Ecology.

The records, reports, other information and documents required by this permit must be made available to Ecology upon request.

C. Reporting Permit Violations

The Permittee must take the following actions when it violates or is unable to comply with any permit condition:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.
2. The Permittee must report any noncompliance that may endanger health or the environment by telephone to Ecology at the regional spills hotline and the aquatic pesticides permit manager, within 24 hours from the time the Permittee becomes aware of the noncompliance.
 - a. **Southwest Regional Office: 1-360-407-6300**
(Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties)
 - b. **Northwest Regional Office: 1-425-649-7000**
(Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom counties)
 - c. **Central Regional Office: 1-509-575-2490**
(Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima counties)
 - d. **Eastern Regional Office: 1-509-329-3400**
(Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties)
 - e. **Aquatic Pesticide Permit Manager: 1-360-407-6283**
3. The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under 1 or 2 above. The written submission must contain:
 - a. A description of the noncompliance and its cause.
 - b. The period of noncompliance, including exact dates and times.
 - c. The estimated time noncompliance is expected to continue if it has not been corrected.
 - d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - e. Updates that will be included in the Permittee's Integrated Pest Management Plan to address the issue and prevent future noncompliance.

4. Ecology may waive the written report required in part 3, above, on a case-by-case basis upon written request if it has received a timely oral report.
5. The Permittee must submit noncompliance reports to:

Department of Ecology
Water Quality Program
Attn: Aquatic Pesticide Permit Manager
PO Box 47600
Olympia, WA 98504-7600

S9. APPENDICES

The attached appendices are incorporated by reference into this permit and are subject to enforcement.

1. APPENDIX A: Glossary
2. APPENDIX B: Endangered, Candidate, Threatened, and Sensitive Species List Areas
3. APPENDIX C: Transfer of Permit Coverage Form
4. APPENDIX D: Permit Coverage Public Notice Template

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this general permit shall be consistent with the terms and conditions of this general permit. The discharge of any pollutant more frequently than, or at a concentration in excess of that authorized by this general permit shall constitute a violation of the terms and conditions of this general permit.

G2. PROPER OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

G3. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records shall be kept under the terms and conditions of this permit;
- B. To have access to and copy at reasonable times any records that shall be kept under the terms of this permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in this permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

G4. PERMIT COVERAGE REVOKED

Pursuant with chapter 43.21B RCW and chapter 173-226 WAC, the Director may require any discharger authorized by this permit to apply for and obtain coverage under an individual permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are not limited to, the following:

- A. Violation of any term or condition of this permit;

- B. Obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts;
- C. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;
- D. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations;
- E. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and chapter 173-224 WAC;
- F. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable; or Permittees who have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

G5. GENERAL PERMIT MODIFICATION AND REVOCATION

This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of chapter 173-226 WAC. Grounds for modification or revocation and reissuance include, but are not limited to, the following:

- A. When a change which occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this permit;
- B. When effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or chapter 90.48 RCW, for the category of dischargers covered under this permit;
- C. When a water quality management plan containing requirements applicable to the category of dischargers covered under this permit is approved; or
- D. When information is obtained which indicates that cumulative effects on the environment from dischargers covered under this permit are unacceptable.

G6. REPORTING A CAUSE FOR MODIFICATION

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for modification or revocation under Condition G5 above, or 40 CFR 122.62 shall report such plans, or such information, to Ecology so that a decision can be made on whether action to modify coverage or revoke coverage under this permit will be required. Ecology may then require submission of a new application for coverage under this, or another general permit, or an application for an individual permit. Submission of a new application does not relieve the Permittee of the duty to comply with all the terms and conditions of the existing permit until the new application for coverage has been approved and corresponding permit has been issued.

G7. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G8. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this general permit by reference.

G9. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G10. ADDITIONAL MONITORING

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative orders or permit modification.

G11. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit coverage or take enforcement, collection, or other actions, if the permit fees established under chapter 173-224 WAC are not paid.

G12. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER A GENERAL PERMIT

Any discharger authorized by this permit may request to be excluded from coverage under this general permit by applying for an individual permit. The discharger shall submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. These reasons must fully document how an individual permit will apply to the applicant in a way that the general permit cannot. Ecology may make specific requests for information to support the request. The Director shall either issue an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of this general permit to that Permittee is automatically terminated on the effective date of the individual permit.

G13. TRANSFER OF PERMIT COVERAGE

This permit coverage may be automatically transferred to a new Permittee if:

- A. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
- B. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
- C. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke permit coverage.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation. Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.

G15. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to Ecology shall be signed and certified.

- A. In the case of a municipal, State or other public facility, all permit applications shall be signed by a principal executive officer or ranking elected official. In the case of a corporation, partnership, or sole proprietorship, all permit applications shall be signed by either a principal executive officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by Ecology shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to Ecology.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized

representative may thus be either a named individual or any individual occupying a named position.)

- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering 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.

G16. APPEALS

The terms and conditions of the mosquito control general permit are subject to appeal. There are two different appeal categories.

- A. The permit terms and conditions as they apply to the appropriate class of dischargers are subject to appeal within thirty (30) days of issuance of the mosquito control general permit in accordance with chapter 43.21(B) RCW and chapter 173-226 WAC; and
- B. The applicability of the permit terms and conditions to an individual discharger are subject to appeal in accordance with chapter 43.21(B) RCW within thirty (30) days of the effective date of coverage of that discharger.

An appeal of the coverage of the mosquito control general permit to an individual discharger is limited to the applicability or non-applicability of the mosquito control general permit to that same discharger. Appeal of this permit coverage of an individual discharger will not affect any other individual dischargers. If the terms and conditions of the mosquito control general permit are found to be inapplicable to any discharger(s), the matter shall be remanded to Ecology for consideration of issuance of an individual permit or permits.

G17. SEVERABILITY

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

G18. DUTY TO REAPPLY

The Permittee shall reapply for coverage under this permit, at least, one hundred and eighty (180) days prior to the specified expiration date of this permit. An expired permit and coverage under the permit continues in force and effect until Ecology issues a new permit (coverage) or until Ecology cancels it. Only those facilities which have reapplied for coverage under this permit are covered under the continued permit.

APPENDIX A: GLOSSARY

All definitions listed below are for use in the context of this permit only.

Active Ingredient: The ingredient in a pesticide product formulation that provides the insecticidal effects. There may be more than one in a product formulation and may be combined with other additives to increase the insecticidal effects.

Adjacent: Something or somewhere near but not necessarily right next to something else.

Adulticide: A pesticide product designed to target adult mosquitoes and applied using ultra-low volume techniques.

Alert Level: Levels assigned by Washington Department of Health to the relative threat of a disease outbreak based on infection rates, time of year, mosquito surveillance and other factors in the West Nile Virus Outbreak Response Plan.

All Known and Reasonable Technologies (AKART): All known, available, and reasonable methods of pollution control and prevention as described in 90.48.010, 90.48.520, 90.52.040, and 90.54.020 RCW and 173-201A-020, 173-204-120, 173-204-400, 173-216-020, 173-216-050, 173-216-110, 173-220-130 WAC .

Best Management Practices (BMP): Practices, procedures, techniques, equipment, physical controls or any actions that minimize discharges to waters of the state in addition to permit requirements; may be synonymous with AKART. The Ecology publication “Best Management Practices for Mosquito Control” are BMPs.

Blanket Coverage: Permit coverage extended to mosquito control entities by Washington Department of Health through their NPDES permit coverage to control mosquitoes in Washington State.

Complete Application: A completed and signed Notice of Intent and SEPA checklist for the proposed activity.

Constructed water body: A human-made water body in an area that is not part of a previously existing watercourse, such as ponds, streams, wetlands, etc.

Dip/Dipping: The act of scooping up a small amount of water and examining it for the presence/absence of mosquito larvae.

Discharge: The addition of any pollutant to a water of the state.

Entity(s): Who is in control of pesticide applications, would apply for permit coverage and includes, but is not limited to Mosquito Control Districts, Commercial Pest Applicators, Cities, Counties, Public Utility Districts, Public Health Districts, Municipalities, State and Local agencies, and any other commercial, private, public, or government entity providing mosquito control.

Experimental Use Permit: Federal and state permits that allow the use of unregistered pesticides in the context of research and development for registration of the pesticide under FIFRA Section 3, or in the context of research and development for registration of a new use of a currently registered pesticide under FIFRA Section 3. See 40 CFR 172, 15.58.405 RCW, and WAC 16-228-1460.

FIFRA: Federal Insecticide, Fungicide, and Rodenticide Act

Incidental: The minimum amount of adulticide deposition possible to surface waters of the state during properly conducted pesticide applications (in accordance with this permit and the FIFRA label) for controlling vector mosquitoes.

Integrated Pest Management Plan (IPMP): An ecologically based strategy for pest control that incorporates monitoring, biological, physical, and chemical controls in order to manage pests with the least possible hazard to people, then environment and property. IPMP considers all available control actions, including no action. Pesticide use is only one control action.

Larvicide: A pesticide product designed to target mosquitoes in larva and pupa life stages and applied directly to water.

Mosquito Control District (MCD): A district organized under the authority of chapter 17.28 RCW for the control of mosquitoes in Washington State.

Mosquito Control Entity: See ‘Entity.’

Natural Pyrethrins: Chemicals isolated from the chrysanthemum flower that have insecticidal properties.

New Applicant: An entity or mosquito control entity that proposes to begin discharge of pesticides to control mosquitoes and that does not yet have permit coverage but is beginning the permitting process by submitting a complete application to Ecology.

New Permittee: Permittees who begin mosquito control activities that discharge pesticides after the effective date of this permit. This does not include Permittees who were covered under Washington State Department of Health’s blanket NPDES permit coverage unless they fail to transfer permit coverage (section S1.D) within 60 days of the effective date of this permit.

Nuisance Mosquito Control: The use of IPM, larvicides, and adulticides to control mosquitoes that are an annoyance to humans and animals but are not known in Washington State to carry disease that may be transmitted to humans.

Open Accessible Areas: Areas that are easily accessible by the public (e.g. wetlands, ponds, lakes, etc.)

Permittee: Entities that apply for and gain coverage under this permit and have control of or cause the discharge permitted under coverage of this permit.

Pesticide: A chemical formulation that has insecticidal properties and is used to control mosquitoes.

Pesticide Applicator(s): An individual with the appropriate Washington State Department of Agriculture (WSDA) license(s) to apply pesticides (larvicides and/or adulticides) .

Pesticide Resistance: The build-up of a tolerance to a pesticide by the target insect through survival of individuals who are not impacted by enough pesticide to cause mortality or through genetic variance have natural tolerance. When an insect is pesticide resistant to a specific formula, that formula will have reduced efficacy or sometimes no effect at all.

Planned Treatments: A schedule of treatment dates developed by the mosquito control entity at the beginning of the treatment season.

Pollutant(s): Means any substance discharged that would alter the chemical, physical, thermal, biological, or radiological integrity of the waters of the state of would be likely to create a nuisance or renders such waters harmful, detrimental or injurious to the public health, safety, or welfare, or to any legitimate beneficial use, or to any animal life, either terrestrial or aquatic. Pollutants include, but are not limited to, the following: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, pH, temperature, TSS, turbidity, color, BOD5, TDS, toxicity, odor, and industrial, municipal, and agricultural waste.

Product Formulation(s): The active, inert, and other ingredients specific to a brand name pesticide (e.g. Altosid, Permanone, or Trumpet EC).

Pyrethroid: A synthetic chemical insecticide formulated to mimic the action of the natural pyrethrins.

Qualified toxicologist: A person with a PhD in toxicology or in a health or ecological science with an emphasis in toxicology, or a person with a Master's degree in toxicology or a related science with an emphasis in toxicology, who is working in the field of toxicology.

Range: A specific series of dates that anticipates the months of planned treatment. This is a planned range-it can be exceeded if public health concerns arise.

Representative sampling: In a large treatment area, the sites selected within that area that provide statistical significance (as determined by a statistician).

Residue: Any excess pesticide applied during an application and any excess pesticide, all chemicals, and their degradedants left behind after a pesticide has completed its purpose.

Secure Access Washington (SAW): The web based application where persons may apply for permit coverage and Permittee's may update information and submit annual reports. SAW is located at <https://secureaccess.wa.gov>.

Synergist: An additive or other active ingredient that increases the effectiveness of the main active ingredient in a pesticide formulation.

Surveillance: The act of setting traps to monitor for the presence of mosquitoes and to trap wild mosquitoes for mosquito-borne disease testing.

Ultra Low Volume (ULV): A type of pesticide application that uses very small amounts of pesticide per acre (approximately 1 fluid ounce per acre depending on FIFRA label requirements). This type of application creates an invisible fog with particles approximately 30 microns in size that drifts to impact adult mosquitoes.

Upland farm pond: Private farm ponds created from upland sites that did not incorporate natural water bodies (WAC 173-201A-260(3)(f)).

Vector Mosquito Control: The use of IPM, larvicides and adulticides to control mosquitoes that are known carriers, in Washington State, of disease that may be transmitted to humans. The current list of endemic diseases in Washington includes West Nile virus, Western Equine Encephalitis, and St. Louis Encephalitis.

Washington Pesticide Control Act: Chapter 15.58 Revised Code Washington (RCW)

Water Supply, Conveyance, Drainage, or Other Restricted Access Systems: Restricted access areas that are accessible only through manholes or other means. Not readily accessible to the public (e.g. water, electrical or transportation vaults, storm drains, catch basins, etc.)

Waters of The State: All surface and ground waters in Washington State as defined by chapter 90.48.020 RCW 173-201A-020 WAC and 173-226-030 WAC including any future amendments of state law. Also includes drainages to waters of the state.

Water-use Restriction: This refers to any product labeled for restricted water use immediately after treatment (currently applies only to malathion, temephos, and paraffinic white mineral oil).

In the absence of other definitions set forth herein, the definition as set forth in 40 CFR Part 403.3 or in chapter 90.48 RCW shall be used for circumstances concerning discharges.

APPENDIX B: STATE LISTED SPECIES RESTRICTED USE AREAS

Criteria Used for the Restrictions

The criteria WDFW used for denoting species as vulnerable were:

- 1) State species of concern (e.g. listed as state endangered, threatened, sensitive, or candidate).
- 2) Current range and distribution of the species was highly localized.
- 3) The species inhabited freshwater wetlands during most of the mosquito control treatment period.

Six species initially met those criteria: northern leopard frog (*Rana pipiens*), Oregon spotted frog (*Rana pretiosa*), western toad (*Bufo boreas*), western pond turtle (*Clemmys marmorata*), American white pelican (*Pelecanus erythrorhynchos*), and one butterfly, the Yuma skipper (*Ochlodes yuma*).

WDFW identified areas occupied by the two extant populations of northern leopard frog; two extant western Washington populations of Oregon spotted frog; western toad breeding ponds (for western Washington only); the three remaining western pond turtle populations; the single American white pelican breeding colony; and the one known Washington Yuma skipper population.

Based on the review of published literature, expert advice, and the vulnerability of these rare and endangered animals and their freshwater invertebrate food resources WDFW requested that if mosquito control is deemed necessary in the areas WDFW described in April 2003, that it be restricted to the use of Bacillus products.

Aerial Applications

An exception to the WDFW request regarding the use of certain larvicides was made for the single American white pelican breeding colony. The colony resides on islands and along the shores of the Columbia River, south of the confluence of the Snake River, in Walla and Benton counties. While bio-chemicals such as methoprene were not of concern for the pelican breeding colony, the method of aerial application was believed to be unacceptably disturbing for their successful breeding. It was agreed that aerial applications would not be made on the pelican breeding areas, whereas less obtrusive methods of mosquito control were acceptable near these sites.

Discussions among several WDFW biologists found that aerial applications of larvicides disturbed work being done in a few wildlife refuge areas around the state. It was therefore agreed that operators making aerial applications over wildlife refuges should notify the appropriate regional WDFW office of their scheduled aerial applications at least 24 hours prior to spraying. The notification can be made by phone or fax.

Area of Impact

Only a few populations of northern leopard frog, Oregon spotted frog, western toad, western pond turtle, and Yuma skipper remain in Washington. The total area occupied by these species in

ivers, lakes, ponds, and wetlands is tiny, comprising of portions of 117 sections (<0.18% of Washington State). The areas identified for northern leopard frog (36 Sections) and western pond turtle (13 Sections) are owned or managed by WDFW. A prudent, risk-adverse approach is warranted with vulnerable threatened and endangered species.

The following areas are restricted to the use of *Bacillus thuringiensis israelensis* (Bti) and *Bacillus sphaericus* (H-5a5b):

1. Grant County, north of Moses Lake, within the Crab Creek watershed: T21N R27E Sections 1, 12, and 13; T21N R28E Sections 7, 17, 18, 19, 28, 29, 30, 31, 32, and 33.
2. Grant County, south and west of Moses Lake and south of Interstate-90, the northern portion of the Potholes: T19N R27E Sections 33, 34, 35, and 36; T19N R28E Sections 31 and 32, 29, 30; T18N R27E Sections 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, and 16, 17; T18N R28E Sections 5, 6, 7, 8, 17, and 18.
3. Grant County, area within and near the Sun Lakes – Dry Falls State Park wetlands: T24N R27E and 28E.
4. Kitsap County: lakes, ponds, and wetlands located in T22N R1W Sections 1, 2, 10, 11, and 12.
5. Klickitat County, west of the Klickitat River, all waters in T3N R12E Sections 28, 29, 32, and 33.
6. Mason County, on the Kitsap Peninsula: lakes, ponds, and wetlands located in T23NR2W Sections 11, 12, 13, 14, 15, 22, and 23.
7. Pierce and Kitsap counties, Carney Lake, located in T22N R1W.
8. Pierce, Thurston, and Lewis counties, within the Nisqually River watershed: Alder Lake (or Alder Lake Reservoir), located in townships: T15N R4E and 5E.
9. Pierce County, south of Tacoma, Chambers Creek and associated waters in T20NR2E Sections 26 and 27.
10. Skamania County, east of Carson, all waters in T3N R8E Sections 23, 24, 25, 26, and 36; T3NR9E Sections 30 and 31.
11. Thurston County, west of Yelm: lakes, ponds, and wetlands located in T17N R1E Sections 8, 9, 16, and 21.
12. Thurston County, south of Olympia and east of Interstate-5, within the Black River watershed, the Beaver Creek drainage, located in T16N R2W Sections 9, 10, 11, and 12; T16N R1W Section 7.
13. Thurston County, south of Olympia and west of Interstate-5, within the Black River watershed: Black River proper from south of Black Lake to the Chehalis River confluence,

and the following tributaries, Stony Creek, Dempsey Creek, Salmon Creek, and Blooms Ditch. Legal description as follows for these sensitive areas: T17N R3W Sections 10, 11, 12, 13, 14, 15, 23, 24, 25, 35, and 36; T17N R2W Sections 7, 18, 19, and 30; T16N R3W Sections 2, 11, 14, 19, 20, 21, 22, 23, 30, and 31; T16N R4W Sections 25, 26, 27, 31, 32, 33, 34, 35, and 36.



APPENDIX C: TRANSFER OF PERMIT COVERAGE

Mosquito Control General Permit

DO NOT ALTER THIS FORM

Both the current Permittee and the new Permittee(s) must sign this form. Provide the date that the new applicator assumes responsibility for the facility. Attach additional sheets if necessary.

I. Original Permittee

Permittee's Name:	
Permit Number:	
Agency/Company:	
Mailing Address:	
City: Olympia	State: WA Zip:
Phone Number:	Fax Number:
Email address:	
Signature:	

II. New Permittee

Name:	
Title:	
Agency/Company:	
Mailing Address:	
City:	State: Zip:
Phone Number:	Fax Number:
Email address:	
New Permittee will assume responsibility and liability for coverage on:	
	Month / Day / Year
Signature:	

III. New On-Site Contact Person (if different than above)

Contact Name:	
Title:	
Company Name:	
Mailing Address:	
City:	State: Zip:
Phone:	Cell Phone:
Email Address(optional):	

APPENDIX D: PUBLIC NOTICE TEMPLATE FOR NEW COVERAGES

The public notice must be published at least *once* each week for *two* consecutive weeks, in a *single* newspaper of general circulation in the county or counties where the mosquito control activities will take place. The **bold** language is required by WAC 173-226-130 and must be included as part of the public notice in its entirety. Information may be added to this template, but no information may be removed or changed.

PUBLIC NOTICE TEMPLATE

(Insert Applicant Name) **is seeking coverage under the NPDES Waste Discharge General Permit for mosquito control.** (Insert Applicant Name) **is located at** (Insert applicant business address and phone number).

The proposed coverage applies to the geographical area describe below (Describe the boundaries of mosquito control operations):

Areas within the described boundaries may be treated to control mosquitoes. The chemicals planned for use are (list all active ingredients anticipated for use):

Any person desiring to present their views to the Department of Ecology regarding this application may do so in writing within 30 days of the last date of publication of this notice. Comments must be submitted to the Department of Ecology. Any person interested in the Department's action on the application may notify the Department of their interest within 30 days of the last date of publication of this notice.

Submit comments to:

**Department of Ecology
Water Quality Program
Attn: Aquatic Pesticide Permit Manager
P.O. Box 47600
Olympia, WA 98504-7696**