

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE OF FINAL GENERAL PERMIT FOR PESTICIDE APPLICATIONS
Public Notice No: 2021-10-ING870000-F
DATE OF NOTICE: October 28, 2021

IDEM's Office of Water Quality has issued the renewal of its NPDES Pesticide General Permit Number ING870000 for a new five-year term. The purpose of this NPDES general permit is to establish requirements for point source discharges statewide from the application of pesticides to waters of the state. These requirements are consistent with the U.S. Environmental Protection Agency (EPA) pesticide general permit requirements published under 40 CFR 122. The NPDES general permit pertains to pesticide applications on waters of the state of Indiana and land areas adjacent to waters of the state.

The draft renewal of the NPDES general permit was placed on public notice from September 14, 2021 until October 14, 2021. IDEM did not receive any comments regarding the draft general permit as noticed, therefore no changes were made to the content of the general permit following the comment period. As required by the NPDES rules, a public notice regarding the final issuance of this permit is being published in the Indianapolis Star on Friday, October 29, 2021. This notice is also being posted on IDEM's web site for public notices <https://www.in.gov/idem/public-notices/>. Attached to this notice you will find several documents, including the final NPDES general permit, the NPDES fact sheet, U.S. EPA's nonobjection letters, and the Notice of Intent form, all of which are compiled into a single adobe pdf document.

The final general NPDES permit is also available for review at the IDEM Central Office, Indiana Government Center North, Room 1255, 100 N. Senate Avenue, Indianapolis, Indiana from 9:00 a.m. to 4:00 p.m., M - F, excluding state holidays (copies 10¢ per page). The documents are also available via email or telephone request by contacting the permit manager: Catherine Hess, Office of Water Quality, Permits Branch, IGCN Room 1255, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251, at 317/232-8704 or via email at owqwwper@idem.IN.gov.

For information concerning your rights and responsibilities, please see: <https://www.in.gov/idem/resources/citizens-guide-to-idem/>. Please tell others whom you think would be interested in this matter.

Notice of Right to Administrative Review: If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA) and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below. A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room N103
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the permit; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1. Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above. If you have procedural or scheduling questions regarding your Petition for Administrative Review, please refer to OEA's website at <http://www.in.gov/oea>.



National Pollutant Discharge Elimination System

Permit ING870000

GENERAL PERMIT FOR
PESTICIDE APPLICATIONS

Indiana Department of Environmental Management

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq., the "Act"), Title 13 of the Indiana Code, Articles 5 and 15 of Title 327 of the Indiana Administrative Code, and regulations adopted by the Environmental Rules Board, the Indiana Department of Environmental Management (IDEM) is issuing this general permit to all persons who apply pesticides on or near surface waters of the State of Indiana.

This permit is issued on: **October 28, 2021**

This permit is effective on: **October 31, 2021**

This permit expires on: **October 30, 2026**

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 123.25, the conditions of the permit remain fully effective and enforceable after the expiration date of the permit if the permittee has submitted a timely Notice of Intent form (NOI) for a new term of coverage and IDEM has not, through no fault of the person, issued a new permit on or before the expiration date of this permit.

A handwritten signature in black ink, appearing to read "Paul Higginbotham", is written over a horizontal line.

Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
**PESTICIDE GENERAL PERMIT FOR POINT SOURCE DISCHARGES TO
WATERS OF THE STATE FROM THE APPLICATION OF PESTICIDES**
Permit Number ING870000 (2021-2026)

1.0 GENERAL

This document is a general permit that covers pesticide discharges to surface waters of the state resulting from the activities described below and described in a person's NOI if one was submitted.

1.1 Permittees

If a person (as defined by IC 13-11-2-158) applies pesticides in a use pattern described in Column 1 of Table 1 (See Section 2.1 below), that person's pesticide discharges are automatically covered under this general permit as long as the person complies with all requirements of this permit. A person must comply with all conditions of this permit to maintain coverage for pesticide discharges under this permit.

1.2 Permit locations

This permit is effective for pesticide discharges throughout the state of Indiana.

1.3 Effective dates

Authorization to discharge under this general permit begins on October 31, 2021. Authorization to discharge under this general permit ends on the earlier of the following:

- (1) Midnight on October 30, 2026 unless the commissioner issues a new pesticide general permit to take effect on or after that date, in which case a person may continue to discharge under the new (successor) general permit as long as the person meets the requirements of the new (successor) general permit.
- (2) A person who has obtained coverage under this general permit requests to be excluded from the general permit, and applies for and is granted an individual permit, in which case coverage under the general permit terminates at the time the individual permit takes effect.
- (3) A person who is covered under this general permit determines that such coverage is no longer required and submits a notice of termination under section 5.15 of this document, in which case authorization to discharge under this general permit terminates at midnight of the day that a complete notice of termination is processed and posted on the IDEM's website
- (4) The commissioner revokes a person's coverage under the general permit for cause, in which case authorization to discharge under this general permit terminates on the date of the commissioner's written notice.

1.4 Definitions

The definitions in the following apply throughout this document:

- IC 13-11-2
- IC 15-16-4
- IC 15-16-5
- 327 IAC 2-1-9

- 327 IAC 2-1.5-2
- 327 IAC 2-6.1-4
- 327 IAC 5-1.5
- 355 IAC 4-0.5
- 357 IAC 1
- 7 U.S.C. 136
- 33 U.S.C.1321
- 40 CFR 122
- 40 CFR 130.2
- 40 CFR 152.3
- 40 CFR 166.3
- 40 CFR 174.3
- The U.S. Environmental Protection Agency “NPDES Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States from the Application of Pesticides (Final)” issued in October 2016.

2.0 EFFLUENT LIMITATIONS

2.1 What discharges are covered under this general permit?

Pesticide discharges from the following applications of pesticides are covered under this general permit:

- The application of pesticides directly to water in order to control pests. Examples of such applications include applications to control mosquito larvae, aquatic weeds, or other pests that are present in water.
- The application of pesticides to control pests that are present over water, including near the water, where a portion of the pesticides will unavoidably be deposited to the water in order to target the pests effectively. Examples of such applications include when insecticides are aerially applied to a forest canopy where water may be present below the canopy, or when pesticides are applied over or near water for control of adult mosquitoes or other pests.

Table 1 describes the specific pesticide uses that are covered under this general permit. If a person applies pesticides in a use pattern listed in Table 1, then regardless of the size of the annual treatment area, the discharge of pesticides to waters of the state resulting from such activities is authorized under this general permit as long as the person complies with the terms and conditions of this general permit.

Table 1. Pesticide Uses Covered Under this General Permit

Pesticide Use	Annual Treatment Area Thresholds for Determining NOI Submittal Requirements
Control of public health or nuisance pests and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health or nuisance pests in this use category include but not limited to mosquitoes and black flies.	6400 acres (cumulative for aduaticide for the calendar year)
Control of invasive or other nuisance weeds and algae in water and at water's edge, including irrigation ditches and irrigation canals including but not limited to: (1) Treating weeds in a right-of-way or easement where to target the pests effectively a portion of the pesticide unavoidably will be applied over and deposited to water; and (2) Control of aquatic vegetation through chemical or biological means in waters of the state under a permit issued by the Department of Natural Resources under IC 14-22-9-10 and 312 IAC 9-10-3.	80 acres in water 20 linear miles of ditch or other linear feature or at water's edge
Control of invasive or other nuisance animals in water and at the water's edge. Aquatic nuisance animals in this use category include, but are not limited to fish, lampreys, and mollusks.	80 acres in water 20 linear miles of ditch or other linear feature or at water's edge
Aerial or ground application of a pesticide over a forest canopy to control the population of a pest species, for example, an insect or pathogen, where to target the pests effectively a portion of the pesticide unavoidably will be applied over and deposited to water.	6400 acres (cumulative for the calendar year)
Application of pesticides to outstanding state resource waters designated in 327 IAC 2-1.3-3(d) to restore or maintain water quality or to protect public health or the environment where those discharges either do not degrade water quality or only degrade water quality on a short-term or temporary basis.	No annual treatment area threshold. Applies to any pesticide application, regardless of the amount of area treated

Table 2 lists pesticide uses that are not covered under this general permit.

Table 2. Pesticide Uses that ARE NOT Covered Under this General Permit

Agricultural pesticide application to the land or to terrestrial crops.
Agricultural stormwater runoff.
Pesticide application or discharge that violates IC 15-16-4, IC 15-16-5, the rules of the Indiana State Chemist at 355 IAC 4 or 355 IAC 5, the rules of the Indiana Pesticide Review Board at 357 IAC 1, or the pesticide product label.
Pesticide application that results in the discharge of any pesticide: (1) to waters that have been designated as: (A) impaired for that pesticide or its degradates; (B) outstanding state resource waters in 327 IAC 2-1.3-3(d) except as provided in Table 1; (2) that violates a water quality standard established in 327 IAC 2; or (3) within a pesticide setback established by the Indiana State Chemist or the Indiana Pesticide Review Board or described in the product label.
Discharges that are currently covered by another NPDES permit.
Discharges included in a permit that within the last five (5) years has been or is in the process of being denied, terminated, or revoked by IDEM.

2.2 Technology-based effluent limitations

When applying pesticides to or over waters of the state, a person must comply with all of the following:

- IC 15-16-4 for pesticide registration.
- IC 15-16-5 for pesticide use and application.
- 355 IAC 4 for pesticide use and application.
- 355 IAC 5 for storage and secondary containment of pesticides.
- 357 IAC 1 for use of pesticides.
- The pesticide product label required by Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. §136a).

2.3 Water quality based effluent limitations

The discharge must be controlled as necessary to meet applicable numeric and narrative state water quality standards in 327 IAC 2-1 and 327 IAC 2-1.5. When applying pesticides to or over waters of the state, a person must comply with all of the following:

- 312 IAC 9-10-3 for pesticide applications under a permit issued by the Indiana Department of Natural Resources.
- 327 IAC 5-2-8 for standard conditions for NPDES permits.
- 327 IAC 5-2-22 for signatures.
- 327 IAC 2 for water quality standards.

3.0 MONITORING AND REPORTING REQUIREMENTS

3.1 General

When applying pesticides to or over waters of the state, a person must comply with all of the following:

- 327 IAC 2-6.1 for reporting of spills.
- 40 CFR 110.6 and 40 CFR 117.21 for reporting of spills to the National Response Center.
- IC 13-14-2-2 and 327 IAC 5-1-3(c) for inspection and entry.
- Section 311(b)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(5)).

3.2 Spills, Leaks, or Other Unpermitted Discharge Notification

A person covered by this general permit must report all leaks, spills, or other releases of pesticides to:

- IDEM as required by 327 IAC 2-6.1 at **(888) 233-7745**, and
- for spills of a reportable quantity, the National Response Center (NRC) at **(800) 424-8802**, as soon as the person has knowledge of the release.

3.3 Adverse Incident Notification

3.3.1 Adverse Incidents to be Reported to IDEM

All persons covered by this general permit must monitor for, identify, and report adverse incidents. If a person covered by this general permit observes or are otherwise made aware of an adverse incident that may have resulted from a discharge from the pesticide application, the person must notify IDEM by telephone at **(888) 233-7745**:

- immediately for incidents which pose a significant danger to human health or the environment,
- as soon as possible but within two (2) hours of discovery for any adverse incidents resulting in death or acute injury or illness to animals or humans (see 327 IAC 2-6.1), and
- within 24 hours of the person becoming aware of the adverse incident for any other adverse incidents not listed above.

Such adverse incident reports to IDEM under Section 3.3.1 must include the following information:

- The caller's name and telephone number;
- Operator name and mailing address;
- If covered under a NOI, the NPDES tracking number;
- The name and telephone number of a contact person, if different than the person providing the 24-hour notice;
- How and when the person became aware of the adverse incident;
- Description of the location of the adverse incident;
- Description of the adverse incident identified and the EPA pesticide registration number for each product the person applied in the area of the adverse incident; and
- Description of any steps the person has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects.

3.3.2 Written Reports of Adverse Incidents to IDEM

Within five (5) days of reporting an adverse incident under Section 3.3.1, the person covered by this general permit must provide a written report of the adverse incident to IDEM which includes the following information:

- Information required to be provided above;
- Date and time the person notified IDEM of the adverse incident, who the person spoke with, and any instructions the person received from IDEM;
- Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc);
- A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms;
- Magnitude and scope of the affected area (e.g. aquatic square area or total stream distance affected);
- Pesticide application rate, intended use site (e.g., banks, above, or direct to water), method of application, and name of pesticide product, description of pesticide ingredients, and EPA registration number;
- Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied);
- If laboratory tests were performed, indicate what test(s) were performed, and when, and provide a summary of the test results within 5 days after they become available;
- If applicable, explain why the person believes the adverse incident could not have been caused by exposure to the pesticide;
- Actions to be taken to prevent recurrence of adverse incidents; and
- Signed and dated in accordance with 327 IAC 5-2-22.
- The person must report adverse incidents even for those instances when the pesticide labeling states that adverse effects may occur.

Written reports shall be submitted to IDEM via email by sending to WWReports@idem.IN.gov.

3.3.3 Adverse Incident Reporting For Federally-listed Threatened or Endangered Species

If a person becomes aware of an adverse incident to a federally-listed threatened or endangered species or its federally-designated critical habitat, that may have resulted from a discharge from the pesticide application, the person must immediately notify the National Marine Fisheries Service Northeast Regional Office (NMFS) at **(978) 281-9300** in the case of an anadromous or marine species, or the U.S. Fish and Wildlife Service (FWS) Indianapolis Law Enforcement Office at **(317) 346-7014** in the case of a terrestrial or freshwater species. This notification must be made by telephone immediately upon becoming aware of the adverse incident and must include the following information:

- The caller's name and telephone number;
- Operator name and mailing address;
- The name of the affected species;
- How and when the person became aware of the adverse incident;
- Description of the location of the adverse incident;
- Description of the adverse incident, including the EPA pesticide registration number for each product the person applied in the area of the adverse incident; and

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

3.3.4 Adverse Incident Reporting For State-listed Rare, Threatened or Endangered Species

If a person becomes aware of an adverse incident to a state-listed rare, threatened or endangered species or its critical habitat that may have resulted from a discharge from the pesticide application, the person must immediately notify the Indiana Department of Natural Resources at **(317) 232-4200**. This notification must be made by telephone immediately upon becoming aware of the adverse incident and must include the information required in Section 3.3.3 above.

4.0 SPECIAL PERMIT CONDITIONS

4.1 Threatened and endangered species

When applying pesticides to or over waters of the state, the person must comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and IC 14-22-34 for non-game endangered and threatened species.

4.2 Declared pest emergencies

If the person is applying pesticides in response to a declared pest emergency situation under 40 CFR 166, the person is authorized to discharge immediately for activities conducted in response to that declared pest emergency situation. The person must comply with 40 CFR 166 for use of pesticides in emergency conditions.

5.0 STANDARD PERMIT CONDITIONS

5.1 Notice of intent (NOI)

If the person is listed in Table 3 and not listed in Table 4, the person must submit a NOI to IDEM by the date in the table. The person must submit the NOI on forms provided by the commissioner or electronically in the format specified by the commissioner. Additionally, any person required to submit a NOI must comply with Section 5.2 of this permit.

Table 3. Who Must Submit a NOI

Entity	Submittal dates
A unit of federal or state government with pest control responsibility and that exceeds an annual treatment area threshold in Table 1.	At least 10 days prior to commencement of pesticide application(s).
A person that employs or contracts with other persons to apply pesticides in a use pattern listed in Table 1 for pesticide applications that: (1) exceed an annual treatment area threshold in Table 1; and (2) are not covered under another person's general permit coverage; and which is not a small business as defined in IC 5-28-2-6.	At least 10 days prior to commencement of pesticide application(s).

A person who applies pesticides to outstanding state resource waters designated in 327 IAC 2-1.3-3(d)	At least ten (10) days before applying pesticides to outstanding state resource waters.
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Table 4. Who is Not Required to Submit a NOI

A person who is certified or licensed to apply pesticides by the Office of the Indiana State Chemist (OISC) or a person who has received a GN number issued by the OISC in any of the following categories: 2 – Forest Pest Management; 3B – Turf Management; 5 – Aquatic Pest Management; 6 – Industrial Weed Management; 7A - Industrial, Institutional, Structural, and Health-Related Pest Management; 8 – Mosquito Management; and 11 – Aerial Application. (A “GN number” is the OISC identifier number that is assigned to a “government or not-for-hire pesticide application operating location”.)
A person who applies pesticides under a permit issued by the Indiana Department of Natural Resources under IC 14-22-9-10 and 312 IAC 9-10-3.
A person engaged in pesticide research and development activities.

The person must update the NOI to include outstanding state resource waters no later than 10 days before application and additional treatment areas as they occur that were not included in the previous NOI.

5.2 Pesticide Discharge Management Plan

Any person who is required to submit a NOI, as set forth in Section 5.1 of this general permit, must also develop a Pesticide Discharge Management Plan by the date that the NOI is due. The Pesticide Discharge Management Plan must be in the form specified by the Office of the Indiana State Chemist. The Plan is not required to be submitted to IDEM or OISC for approval prior to its implementation. A copy of the PDMP shall be maintained by the person and shall be made available for agency (IDEM or OISC) review upon request.

5.3 Compliance with applicable federal and state laws and rules.

When applying pesticides to or over waters of the state, the person must comply with all of the following:

- IC 15-16-4 for pesticide registration.
- IC 15-16-5 for pesticide use and application.
- 355 IAC 4 for pesticide use and application.
- 355 IAC 5 for storage and secondary containment of pesticides.
- 357 IAC 1 for use of pesticides.
- The pesticide product label required by Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. §136a).
- 312 IAC 9-10-3 for pesticide applications under a permit issued by the Indiana Department of Natural Resources.
- 327 IAC 5-2-8 for standard conditions for NPDES permits.
- 327 IAC 5-2-22 for signatures.

- 327 IAC 2 for water quality standards.
- 327 IAC 2-6.1 for reporting of spills.
- 40 CFR 110.6 and 40 CFR 117.21 for reporting of spills to the National Response Center.
- IC 13-14-2-2 and 327 IAC 5-1-3(c) for inspection and entry.
- Section 311(b)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(5)).
- The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).
- IC 14-22-34 for non-game endangered and threatened species.
- 40 CFR 166 for use of pesticides in emergency conditions.

5.4 Need to Halt or Reduce Activity Not a Defense

Pursuant to 40 CFR 122.41(c), it shall not be a defense for a person in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

5.5 Duty to Mitigate

Pursuant to 40 CFR 122.41(d), a person covered by this general permit must take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5.6 Property Rights

Pursuant to 40 CFR 122.41(g), this permit does not convey any property rights of any sort, or any exclusive privileges.

5.7 Duty to Provide Information

Pursuant to 40 CFR 122.41(h), a person covered by this general permit must furnish to the department or an authorized representative, within a reasonable time, any information which the department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. A person covered by this general permit must also furnish to the department or an authorized representative upon request, copies of records required to be kept by this permit.

5.8 Transfers

General permit coverage under this permit is not transferable to any person.

5.9 Inspections

As provided in 327 IAC 5-1-3(c), the commissioner or the commissioner's designated representative may inspect any facility, establishment, or pesticide management area covered under this general permit at any time.

5.10 Violations

Any permit noncompliance constitutes a violation of IC 13-30 and the Clean Water Act and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or for denial of a permit renewal.

5.11 Penalties

Indiana criminal penalties are described in IC 13-30-10. Indiana civil penalties are described in IC 13-30-4. Federal criminal, civil and administrative penalties are described in section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319). Any person violating any provision of this document shall be subject to enforcement and penalties as set forth under 327 IAC 5-2-20.

5.12 Revocation

The commissioner may revoke a person's coverage under this general permit during its term for cause including but not limited to violation of applicable laws, regulations or administrative documents. To revoke a person's coverage under this general permit, the commissioner will provide written notice that the person's general permit coverage will be revoked. Upon receipt of written notice of revocation from the commissioner, the person must submit an application for an individual permit no later than ninety (90) days after receiving the notice of revocation. Filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

5.13 Obtaining an individual NPDES permit

The commissioner may require a person covered by this general permit to apply for and obtain an individual NPDES permit when any of the following occur:

- The discharge currently is, or potentially may be, a significant contributor of pollution.
- The person is not, or previously has not been, in compliance with the conditions of this NPDES general permit.
- A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.
- Effluent limitation guidelines are promulgated for point sources covered by the general permit.
- The water is identified as impaired by that pesticide or its degradates pursuant to section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).
- The commissioner has notified the person that coverage under the general permit coverage is being revoked.

If a person has general permit coverage and does not apply for an individual permit within ninety (90) days after receiving notification from the commissioner to submit such an application to the department, then that person's existing general permit coverage is terminated. Any interested person may petition the commissioner to take action under this section.

5.14 Changes to the terms and conditions of this general permit

If IDEM determines that it is necessary to change the terms and conditions of this general permit, the permit will be reopened, and the modification will be noticed for public comment. Any changes will be posted on the IDEM website for 30 days. IDEM will explain the process for making public comments on the changes in the posting. Following the public comment period, any comments submitted will be evaluated. The final changes to the terms and conditions, with any modifications resulting from the public comments, will be incorporated into the general permit and clearly marked.

5.15 Requesting termination of coverage

A permittee may request termination of coverage under this general permit when discharges of pesticides to surface waters of the State have ceased. In order to do so, the permittee shall complete and submit a Notice of Termination (NOT) to IDEM.

6.0 CONTACT INFORMATION

Indiana Department of Environmental Management (Catherine Hess)

Office of Water Quality – Permits Branch
100 North Senate Avenue, IGCN Room 1255
Indianapolis, IN 46204-2251
(317) 232-8704 or (800) 451-6027 (toll free within Indiana)
chess@idem.IN.gov

Office of Indiana State Chemist & Seed Commissioner (Dave Scott)

175 South University Street
West Lafayette, IN 47907-2063
(765) 494-1492
scottde@purdue.edu

Indiana Department of Natural Resources (Amanda Wuestefeld)

Division of Fish and Wildlife
402 West Washington Street, Room W273
Indianapolis, IN 46204
(317) 234-8442
awuestefeld@dnr.IN.gov

Indiana Department of Natural Resources (Megan Abraham)

Division of Entomology and Plant Pathology
402 West Washington Street, Room W290
Indianapolis, IN 46204
(317) 232-4189
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NPDES PERMIT FACT SHEET
**PESTICIDE GENERAL PERMIT FOR POINT SOURCE DISCHARGES TO
WATERS OF THE STATE FROM THE APPLICATION OF PESTICIDES**
Renewal of General Permit Number ING870000 (2021-2026)
August 27, 2021, Updated October 15, 2021

GENERAL FACILITY INFORMATION

IDEM proposes to renew its NPDES general permit (ING870000) that covers discharges to surface waters of the state of Indiana resulting from the application of pesticides as described below. The existing permit was issued and became effective on October 31, 2016 with an expiration date of October 30, 2021.

Description of activities covered under this permit

Pesticide discharges from the following applications of pesticides are covered under this general permit:

- (1) The application of pesticides directly to water in order to control pests. Examples of such applications include applications to control mosquito larvae, aquatic weeds, or other pests that are present in water.
- (2) The application of pesticides to control pests that are present over water, including near the water, where a portion of the pesticides will unavoidably be deposited to the water in order to target the pests effectively. Examples of such applications include when insecticides are aerially applied to a forest canopy where water may be present below the canopy, or when pesticides are applied over or near water for control of adult mosquitoes or other pests.

Specific pesticide uses that are covered under this general permit include:

- (1) Control of public health or nuisance pests and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health or nuisance pests in this use category include but not limited to mosquitoes and black flies.
- (2) Control of invasive or other nuisance weeds and algae in water and at water's edge, including irrigation ditches and irrigation canals including but not limited to:
 - Treating weeds in a right-of-way or easement where to target the pests effectively a portion of the pesticide unavoidably will be applied over and deposited to water; and
 - Control of aquatic vegetation through chemical or biological means in waters of the state under a permit issued by the Department of Natural Resources under [IC 14-22-9-10](#) and [312 IAC 9-10-3](#).
- (3) Control of invasive or other nuisance animals in water and at the water's edge. Aquatic nuisance animals in this use category include, but are not limited to fish, lampreys, and mollusks.
- (4) Aerial or ground application of a pesticide over a forest canopy to control the population of a pest species, for example, an insect or pathogen, where to target the pests effectively a portion of the pesticide unavoidably will be applied over and deposited to water.

- (5) Application of pesticides to outstanding state resource waters designated in 327 IAC 2-1.3-3(d) to restore or maintain water quality or to protect public health or the environment where those discharges either do not degrade water quality or only degrade water quality on a short-term or temporary basis.

Description of activities that are not covered under this permit

Pesticide uses that are not covered under this general permit include:

- (1) Agricultural pesticide applications to the land or to terrestrial crops.
- (2) Agricultural stormwater runoff.
- (3) Pesticide applications or discharges that violate [IC 15-16-4](#), [IC 15-16-5](#), the rules of the Office of the Indiana State Chemist (OISC) at [355 IAC 4](#) or [355 IAC 5](#), the rules of the Indiana Pesticide Review Board (IPRB) at [357 IAC 1](#), or the pesticide product label.
- (4) Pesticide applications that result in the discharge of any pesticide to waters that have been designated as impaired for that pesticide or its degradates or as outstanding state resource waters designated in 327 IAC 2-1.3-3(d) except as otherwise provided, that violates a water quality standard established in [327 IAC 2](#), or within a pesticide setback established by the OISC or the IPRB or described in the product label.
- (5) Discharges that are currently covered by another NPDES permit.
- (6) Discharges included in a permit that within the last five (5) years has been or is in the process of being denied, terminated, or revoked by the department.

Detailed description of the discharge location

Pesticide discharge locations exist throughout Indiana and include the following:

- (1) Aquatic weed and vegetation control. Indiana has numerous water bodies and waterways that frequently require pesticide use to control nuisance or invasive vegetation to maintain water and habitat quality, navigation, resource use, etc. These areas exist throughout Indiana.
- (2) Aquatic invasive species. Indiana Department of Natural Resources, the U.S. Fish & Wildlife Service and others control a variety of aquatic invasive species. The range and extent of these activities are documented in the "[Indiana Aquatic Invasive Species \(AIS\) Management Plan 2020](#)."
- (3) Mosquito control activities. Mosquito control is carried out at locations throughout Indiana.
- (4) *Lymantria dispar dispar* (aka Gypsy moth) and other nuisance insect management in forests. *Lymantria dispar dispar* management occurs in northern Indiana and can occur throughout Indiana under [Indiana's Strategic Plan for Gypsy Moth Management](#).
- (5) Blue-green algae. Treatment of surface drinking water supplies for blue-green algae blooms by utilities or reservoir managers.

Type and quantity of wastes or pollutants discharged

Pollutants covered under this permit are pesticides used for control of nuisance pests in or over the water in quantities authorized by the OISC. Pesticides applied include those approved by and registered with the OISC under IC 15-16-4-61 for control of aquatic and terrestrial pests. A person covered by this general permit may only utilize

pesticides which are currently registered with the OISC for aquatic use in Indiana, and during the course of this permit the list of registered pesticides may change. The quantities of these pesticides used for aquatic application has not been specifically analyzed. In addition, it is not known how much of each pesticide becomes waste after it is applied. Using current monitoring and data measurement techniques, it is not possible to meaningfully quantify the amount discharged as a pollutant at this time.

SUMMARY RATIONALE OF PERMIT CONDITIONS

Division of authority under Indiana law

Under current Indiana law, the Indiana Department of Environmental Management (IDEM) is responsible for implementation of the Clean Water Act, and the OISC is charged with regulation of pesticide use. [[IC 13-13-5-1\(1\)](#), [IC 15-16-4](#)] As a result of this divided jurisdiction, the permit contains those conditions that are relevant to the Clean Water Act (CWA), and does not intrude on the statutory jurisdiction of the OISC.

Indiana pesticide rules equivalent to federal standards

The OISC has determined that Indiana law and the rules of the Indiana Pesticide Review Board and the OISC are equivalent to and as protective as the standards of the Environmental Protection Agency's final (2016) pesticide general permit (EPA PGP) pertaining to application of pesticides, and the draft (2021) renewal of the U.S. EPA pesticide general permit.

Definitions

The definitions in the following apply throughout this document:

- IC 13-11-2
- IC 15-16-4
- IC 15-16-5
- 327 IAC 2-1-9
- 327 IAC 2-1.5-2
- 327 IAC 2-6.1-4
- 327 IAC 5-1.5
- 355 IAC 4-0.5
- 357 IAC 1
- 7 U.S.C. 136
- 33 U.S.C.1321
- 40 CFR 122
- 40 CFR 130.2
- 40 CFR 152.3
- 40 CFR 166.3
- 40 CFR 174.3
- The U.S. Environmental Protection Agency "NPDES Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States from the Application of Pesticides (Final)" issued in October 2016.

The term "Person" has the meaning set forth in IC 13-11-2-158:

(a) "Person", for purposes of:

- (1) IC 13-21;
- (2) air pollution control laws;
- (3) water pollution control laws; and
- (4) environmental management laws, except as provided in subsections (c), (d), (e), and (h);

means an individual, a partnership, a co-partnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a municipal corporation, a city, a school city, a town, a school town, a school district, a school corporation, a county, any consolidated unit of government, political subdivision, state agency, a contractor, or any other legal entity.

Antidegradation Review

The discharges that are to be covered by this permit are of a temporary nature. In accordance with Indiana's Antidegradation Standards and Implementation Procedures at 327 IAC 2-1.3-4, a new or increased discharge of non-bioaccumulative chemicals of concern which only occurs for a short term, temporary period lasting less than 12 months or 365 consecutive calendar days does not constitute a significant lowering of water and is not subject to further antidegradation review.

Notices of intent

This permit will require the largest pesticide applicators to submit a notice of intent, unless they have been issued a GN number by the OISC. A "GN number" is the OISC identifier number that is assigned to a "government or not-for-hire pesticide application operating location". These operators would potentially include the following if they exceed a use pattern threshold or have a discharge to an outstanding state resource water:

- (1) The Indiana Department of Natural Resources (IDNR) which conducts aquatic pesticide applications with its employees, contracts for pesticide application by registered applicators, and permits application of aquatic pesticides to Indiana water bodies and waterways under Indiana law. IDNR also contracts for and supervises aerial pesticide application to control *Lymantria dispar dispar* and other invasive species.
- (2) The Indiana Department of Transportation that uses its employees and contractors to apply pesticides to ditches and ditch banks to maintain public right-of-ways.
- (3) The U.S. Forest Service when it performs or contracts for pesticide application to control pests in national forests.
- (4) Utilities, railroads and other entities that apply pesticides to right-of-ways to control invasive or nuisance vegetation if they (A) exceed a use pattern threshold and (B) are not a small business as defined in Indiana law ([IC 5-28-2-6](#)).

Under 40 CFR 122.28(b)(2)(v), the Commissioner has determined that submission of a notice of intent under this permit by pesticide applicators other than the pesticide applicators described above is unnecessary but is not prohibited. Most pesticide applications that would exceed a threshold in the permit are (1) conducted by the state of Indiana or a federal agency using its employees or contractors or by large companies such as utilities and railroads, (2) are permitted by the state, or (3) are carried out by persons registered or certified by the OISC. All of these pesticide applications are a matter of public record. All pesticide application in the State of Indiana is regulated by the OISC. As a result of this determination, submission of a notice of intent by every pesticide applicator will not be required under this general permit. Notice of intents are only required of those persons who meet the criteria of Tables 1, 2 & 3 and who are not exempted by Table 4.

Pesticide Discharge Management Plans

This permit will require only those persons who are required to submit a Notice of Intent to also develop a Pesticide Discharge Management Plan (PDMP). The form of the plan will be specified by the OISC since the PDMP consists of standards and procedures applicable to the planning and control of pesticide application and the OISC is the agency tasked by Indiana law with controlling the application of pesticides in Indiana. The Plan is not required to be submitted to IDEM or OISC for approval prior to its implementation. A copy of the PDMP shall be maintained by the person and shall be made available for agency (IDEM or OISC) review upon request.

Declared Pest Emergencies

Persons applying pesticides in response to a declared pest emergency situation under 40 CFR 166 will be authorized to discharge immediately for activities conducted in response to that declared pest emergency situation.

DETAILED RATIONALE OF PERMIT CONDITIONS

Permit conditions

Permittees will be required to comply with the following to maintain coverage under this permit. The permit contains all provisions of the EPA PGP relating to CWA implementation, including notification of spills, leaks and other unpermitted discharges and adverse incident notification, termination, revocation, requirement to obtain an individual NPDES permit, and provisions for changes to the terms and conditions of the general permit.

Technology-based effluent limitations

Permit conditions to comply with technology-based effluent limitations:

- (1) [IC 15-16-4](#) covers pesticide approvals, registration of pesticides, handling, storage and disposal of pesticides.
- (2) [IC 15-16-5](#) covers pesticide use and application, licensing, certification and registration of pesticide applicators, enforcement and violations.

- (3) [355 IAC 4](#) covers pesticide applicator certification and registration, supervision of applicators, site awareness and on-site supervision, liability coverage, record-keeping.
- (4) [355 IAC 5](#) covers storage and secondary containment of pesticides.
- (5) [357 IAC 1](#) covers violations and enforcement, use of pesticides in wellhead protection areas and near community public water supply system wells, community-wide mosquito abatement, pesticide drift, open burning of pesticide containers, use of pesticide service containers, use of pesticides at golf courses.
- (6) The pesticide product label required by Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. §136a).

Water quality-based effluent limitations

Permit conditions to comply with applicable numeric and narrative state water quality standards and water quality-based effluent limitations:

- (1) [IC 14-22-9-10](#) and [312 IAC 9-10-3](#) cover aquatic pesticide applications under a permit issued by the Indiana Department of Natural Resources for control of aquatic vegetation.
- (2) [327 IAC 5-2-8](#) covers general standards and requirements for NPDES permits.
- (3) [327 IAC 2](#) covers numeric and narrative water quality standards in Indiana.

Monitoring and reporting requirements

This permit requires permittees to report spills under existing Indiana rules at [327 IAC 2-6.1](#). This permit also requires permittees to reports spills in accordance with section 311 of the Clean Water Act (33 U.S.C. 1321). Since the spill reporting provisions are matters of longstanding law and rule, they are not further restated in this permit. This permit also requires permittees to monitor for, identify and report adverse incidents. The language for this requirement was drawn from the proposed EPA PGP. Permit conditions to comply with state and federal reporting requirements are:

- (1) [327 IAC 2-6.1](#) for reporting of spills.
- (2) 40 CFR 110.6 and 40 CFR 117.21 for reporting of spills to the National Response Center.
- (3) [IC 13-14-2-2](#) and [327 IAC 5-1-3\(c\)](#) for inspection and entry.
- (4) Section 311(b)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(5)).

Record-keeping

In accordance with 327 IAC 5-2-8 and 40 CFR 122.41(j) the permittee shall maintain records of its pesticide application activities. Record-keeping requirements are also found at [IC 15-16-5-59](#) and [355 IAC 4-4](#). The Office of the Indiana State Chemist (OISC) requires record-keeping for applicators of Restricted Use Products. Records are required for applications to schools, golf courses, and any termiticide applications.

1. Public health, nuisance & flying insect pests, life cycle – water

OISC coordinates with the largest organized mosquito control programs in the state. They track and record their own pesticide use information (for both restricted use and general use pesticides), summarize it, and then include it as part of their annual report that they prepare for purposes other than NPDES permit compliance. They routinely supply OISC with copies of their annual report as an FYI. Smaller mosquito control programs keep pesticide use records for their own liability purposes. Keeping track of annual pesticide use for a smaller program is obviously much easier than it would be for a large program. Their pesticide use choices are usually more limited and the water bodies (and watersheds) near which they operate are much easier to identify.

2. Invasive or nuisance weeds, algae in water, water's edge

IDNR permits require record keeping of all pesticide products applied to water to control aquatic weeds.

Under FIFRA U.S. EPA performs a risk assessment when making a registration decision about the approved use of a pesticide. They also factor in whether a pesticide can be used without unreasonable adverse effects when determining whether certain uses should be classified as Restricted Use Pesticides. Unreasonable adverse effects to water are definitely one of the criteria used in determining RUP classification. For example, if a product like atrazine is a threat to water, then it gets classified as an RUP. As a result of EPA's diligence during the pesticide registration and re-registration processes, a requirement to keep application records is created with the RUP classification. In spite of this automatic record keeping requirement for pesticides that may be problematic when used around water, most aquatic pesticide applications are made by certified and licensed individuals who keep records for all pesticide applications. OISC has not conducted a pesticide use/misuse investigation for aquatic applications within the last 15 years for which the applicator has not been able to provide application records. They keep the records for personal liability purposes.

3. Invasive or nuisance animals in water, waters' edge DNR & FWS control of invasive animals

IDNR-FWS has procedures in place to ensure that all of their applications for nuisance/invasive animals are performed by certified and licensed IDNR staff or certified and licensed contractors. The IDNR will do a risk assessment before determining if a pesticide will be applied. Many of the pesticides they use are Restricted Use Pesticides, so records are mandated. Even for the general use pesticides the risk assessment will then dictate the pesticide choice, rates, locations, and timing. As a result, IDNR-FWS keeps a record of everything that they apply or that is applied by their contractor.

4. Forest canopy

According to the IDNR State Entomologist and IDNR State Forester, currently the only type of forest canopy pesticide application work being done in Indiana is *Lymantria dispar dispar* management but there could be pesticide application work needed for other forest pests such as Forest Tent Caterpillar. These applications are made by air. Regardless of the pest, the work is contracted by IDNR to certified and licensed applicators (businesses). IDNR dictates in those contracts the specific pesticide to be used, the application rate, the application timing and the application location. IDNR also keeps as part of their application records the actual geo-located applicator flight patterns including spray nozzle on and off records. These records are a matter of public record.

Special requirements

This permit requires compliance with the Endangered Species Act and Indiana law concerning non-game endangered and threatened species at:

- (1) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).
- (2) [IC 14-22-34](#) for non-game endangered and threatened species.

This permit also makes special provisions for use of pesticides in declared pest emergency conditions under 40 CFR 166.

Requirements for document signatures are found in [327 IAC 5-2-22](#).

ADMINISTRATIVE REQUIREMENTS

Procedures for reaching a final decision on the general permit

This permit is based on the 2016 Indiana PGP and the draft 2021 EPA PGP. U.S. EPA is not proposing any significant changes to its 2016 PGP for its renewal of the federal PGP. As a delegated state, Indiana is required to develop a permit that is not less stringent than permits issued under the federal NPDES program. Conversely, IDEM is strongly discouraged from developing permit conditions that are substantively more stringent than the federal program. Therefore, Indiana is not proposing any changes to its PGP, other than updating references and regulatory citations that have changed since 2016.

Public comment period beginning and ending dates

As provided in 40 CFR 124.10, this general permit renewal was noticed for public comment on September 14, 2021. After the end of the 30-day comment period, the permit will be issued as a final administrative general permit, with any modifications requested by U.S. EPA Region 5 or resulting from public comments received during the public comment period. (Please refer to the Post Public Notice Addendum on page 9 of this fact sheet.)

Procedures for requesting a hearing

In addition to the requirements of 40 CFR 124.12, procedures for requesting a hearing are found in [327 IAC 5-3](#).

Other procedures for public participation

IDEM complies with the public participation requirements of 40 CFR 122 and 40 CFR 124. Other procedures for public participation are found in [327 IAC 5-3](#).

CONTACT FOR MORE INFORMATION

Please direct official comments and questions about this fact sheet or the general permit to Catherine Hess at 317-232-8704 or via email at owqwwper@idem.IN.gov. General questions may also be sent via email to chess@idem.IN.gov.

POST PUBLIC NOTICE ADDENDUM – October 15, 2021

The draft permit was placed on public notice on September 14, 2021 for a 30-day comment period which ended on October 14, 2021. Notice regarding the draft permit was provided by publication of a newspaper legal ad in the Indianapolis Star, by posting the notice (including the draft permit) on IDEM's website, and by sending (via email) a copy of the draft permit packet (i.e. the public notice, the draft permit, and the fact sheet) to various stakeholders including all of the county health departments in Indiana. No comments were received during the official public comment period. We received the U.S. EPA Region 5 non-objection letter regarding the draft permit on October 7, 2021. As a result, IDEM has determined that no changes to the draft permit are necessary.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF: WP-16J

October 25, 2021

Jerry Dittmer, Chief
Permits Section
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Ave
Indianapolis, Indiana 46204-2251

Re: Review of Proposed NPDES General Permit for Pesticide Applications, Monroe, Michigan (ING870000)

Dear Mr. Dittmer:

The U.S. Environmental Protection Agency has reviewed the public notice draft National Pollutant Discharge Elimination System general permit, fact sheet, and supporting documents for Pesticide Applications. The proposed permit was received on October 15, 2021. The draft permit was reviewed in accordance with the branch Standard Operating Procedures. Based on our review to date, EPA would not object to issuance of that permit. However, our position could change if any of the following occurs:

- a. Prior to the actual date of issuance of a proposed permit, an effluent guideline or standard is promulgated which is applicable to the permit and which would require revision or modification of a limitation or condition set forth in the draft permit;
- b. A variance is granted and the permit is modified to incorporate the results of that variance;
- c. There are additional revisions to be incorporated into the permit which have not been agreed to by EPA; or
- d. EPA learns of new information, including as the result of public comments, that causes EPA to reconsider its position.

Subject to the above conditions, the permit may be issued in accordance with the Memorandum of Agreement and pursuant to the Clean Water Act.

When the final permit is prepared, please forward one copy and any significant comments received during any public notice period to this office at r5NPDES@epa.gov. Please include the permittee name and permit number in the subject line and cc: quinn.wilonda@epa.gov. If you

have any technical questions related to EPA's review, please contact Wilonda Quinn of my staff. She can be reached at 312-886-0956 or quinn.wilonda@epa.gov.

Thank you for your cooperation during the review process and your thoughtful consideration of our comments.

Sincerely,



ANDREA SCHALLER
2021.10.25 13:41:07
-05'00'

Andrea L. Schaller
Chief Section 1, Permits Branch
Water Division

cc: Catherine Hess, IDEM, chess@idem.in.gov
Paul Higginbotham, IDEM, phigginb@idem.in.gov
Catherine Burget, IDEM, cburget@idem.in.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF: WP-16J

October 7, 2021

Jerry Dittmer, Chief
Permits Section
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Ave
Indianapolis, Indiana 46204-2251

Re: Review of NPDES Permit, General Permit for Pesticide Applications (ING870000)

Dear Mr. Dittmer:

The U.S. Environmental Protection Agency has reviewed the public notice draft National Pollutant Discharge Elimination System general permit, fact sheet, and supporting documents for Pesticide Applications. The draft permit was received on August 27, 2021 and the public notice draft permit was received on September 13, 2020. The draft permit was reviewed in accordance with the branch Standard Operating Procedures. Based on our review to date, EPA would not object to issuance of that permit. However, our position could change if any of the following occurs:

- a. Prior to the actual date of issuance of a proposed permit, an effluent guideline or standard is promulgated which is applicable to the permit and which would require revision or modification of a limitation or condition set forth in the draft permit;
- b. A variance is granted and the permit is modified to incorporate the results of that variance;
- c. There are additional revisions to be incorporated into the permit which have not been agreed to by EPA; or
- d. EPA learns of new information, including as the result of public comments, that causes EPA to reconsider its position.

Subject to the above conditions, the permit may be issued in accordance with the Memorandum of Agreement and pursuant to the Clean Water Act.

When the proposed permit is prepared, please forward one copy and any significant comments received during any public notice period to this office at r5NPDES@epa.gov. Please include the permittee name and permit number in the subject line and cc: quinn.wilonda@epa.gov. If you

have any technical questions related to EPA's review, please contact Wilonda Quinn of my staff. She can be reached at 312-886-0956 or quinn.wilonda@epa.gov.

Thank you for your cooperation during the review process and your thoughtful consideration of our comments.

Sincerely,

ANDREA SCHALLER

2021.10.07

10:54:43 -05'00'



for

Stephen M. Jann
Chief, Permits Branch
Water Division

cc: Catherine Hess, IDEM, chess@idem.in.gov
Paul Higginbotham, IDEM, phigginb@idem.in.gov
Catherine Burget, IDEM, cburget@idem.in.gov



NPDES PESTICIDE GENERAL PERMIT: NOTICE OF INTENT

State Form xxxxx (TBD)
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

- INSTRUCTIONS:**
1. If you are a pesticide applicator who holds a valid license from the Office of the Indiana State Chemist for the pesticide(s) which you are applying, you are not required to complete this form.
 2. Fill in all requested information using the check boxes and text fields provided. Attach additional sheets if necessary.
 3. For all addresses, include street, city, state and Zip Code®.
 4. Complete pages 2 and 3 for each establishment for which coverage under this pesticide general permit is desired for your operation. Use as many sheets as necessary.
 5. Complete and submit page 4 to terminate coverage. Do not submit page 4 with this page.
 6. Mail the completed form to IDEM Office of Water Quality, Permits Administration Section, IGCN Room 1255, 100 N. Senate Ave., Indianapolis, IN 46204-2251 at least ten (10) days in advance of the planned pesticide application activity. Alternatively you may submit the completed form via email to OWQ@idem.in.gov. Questions may be directed to the IDEM OWQ Permit Administration Section at (317) 232-8704.
 7. Payment of a \$50 fee is required for a new NOI submittal in accordance with IC 13-18-20-12. Checks shall be made payable to "IDEM" and shall be mailed with the NOI as described above. Payment of the fee can also be remitted online at <https://www.in.gov/idem/resources/e-services/online-payment-options/>.

NPDES Permit Tracking Number

NPDES Permit Tracking Number
(assigned by IDEM):

Date permit coverage
begins:

I. Notice of Intent status

Mark whether this is the first time requesting coverage under this General Permit or if this is a change of information for a discharge already covered under this General Permit. If this is a change of information, please supply the NPDES permit number for the discharge. Mark only one item:

- New operator
 Change of information for NPDES Permit Tracking Number:

II. Operator Information:

Operator
name:

IRS Employer
Identification
Number (EIN):

Telephone:

Mailing
address:

E-mail address:

Contact name:

List all establishments covered
under this notice of intent:

- I have attached my Pesticide Discharge Management Plan. I am not required to submit a Pesticide Discharge Management Plan.

Pesticide use patterns for this
operator (check all that apply):

- Mosquitoes and other flying insect pests (A) Forest canopy pest control (D)
 Aquatic weeds and algae control (B) Ditch bank or conveyance weed control (E)
 Aquatic nuisance animal control (C) Control of aquatic weeds and vegetation under IDNR permit (F)
 Aquatic weed and algae control in retention ponds that are privately owned or owned by homeowners' associations (G)

III. Establishment information

Complete and attach pages 2 and 3 for each establishment covered under this notice of intent.

IV. Certification

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

I swear or affirm, under penalty of perjury as specified by IC 35-44.1-2-1 and other penalties specified by IC 13-30-10 and IC 13-15-7-1(3), that the statements and representations in this **NOI** are true, accurate, and complete. I agree to comply with the terms and conditions of this general permit and all forms and information I have submitted with this Notice of Intent.

Signature:

Printed name:

Title:

Date:

E-mail Address:

NPDES PESTICIDE GENERAL PERMIT: NOTICE OF INTENT PAGE TWO: ESTABLISHMENT INFORMATION

III. Establishment information:

Establishment name:

6-digit NAICS code for primary industrial activity of this establishment:

Mailing address:

Telephone:

E-mail address:

Same as operator

Contact name:

Is this a federal facility? Yes No

Is this a unit of federal, state or local government? Yes No

Location of NPDES records for this establishment:

- Same as operator address
 Same as establishment address
 Other address ↻

Pesticide use patterns

Pesticide use patterns for this establishment (check all that apply): A B C D E F G

Receiving water(s)

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

Use pattern: A B C D E F

Location: Map of location of pesticide application for this use is attached.

Location of pesticide application for this use:

Receiving waters (check one): Coverage requested for all waters within location identified above.

Coverage requested for all waters within location identified above except:

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

Receiving water(s)

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

Use pattern: A B C D E F

Location: Map of location of pesticide application for this use is attached.

Location of pesticide application for this use:

Receiving waters (check one): Coverage requested for all waters within location identified above.

Coverage requested for all waters within location identified above except:

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

Receiving water(s)

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

Use pattern: A B C D E F

Location: Map of location of pesticide application for this use is attached.

Location of pesticide application for this use:

Receiving waters (check one): Coverage requested for all waters within location identified above.

Coverage requested for all waters within location identified above except:

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

Endangered species and critical habitat

Federally- or state-listed threatened or endangered species (species) and/or federally- or state-designated critical habitat (habitat)(check one):

Pesticide application activities for which permit coverage is being requested will not overlap with the distribution map locations of any species or habitat.

Pesticide application activities for which permit coverage is being requested will overlap with the distribution map locations of any species or habitat but you have consulted with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) under section 7 of the Endangered Species Act (ESA) or already have a permit issued to you under section 10 of the ESA by the FWS or the NMFS for all these activities for which you are requesting coverage under this permit.

Pesticide application activities for which permit coverage is being requested will overlap with the distribution map locations of any species or habitat.

NPDES PESTICIDE GENERAL PERMIT: NOTICE OF INTENT PAGE THREE: NOTIFICATION LIST

IDENTIFICATION OF POTENTIALLY AFFECTED PERSONS

Pursuant to IC 4-21.5 and IC 13-15-3-1 each applicant for general permit coverage is required to provide a listing of all persons who are potentially affected by the discharge(s) to be covered under the general permit. **PLEASE NOTE THAT MAILING LABELS ARE ALSO REQUIRED WITH THIS SUBMITTAL.**

Please list here any and all persons whom you have reason to believe have a substantial or proprietary interest in this matter or could otherwise be considered to be potentially affected under the law. Failure to notify any person who is later determined to be potentially affected could result in voiding our decision on procedural grounds. To ensure conformance with the Administrative Orders and Procedures Act (AOPA) and to avoid reversal of a decision, please list all such parties. Attach additional names and addresses on a separate sheet of paper, as needed. **NOTE: Email addresses for potentially affected persons are NOT required; but the information is very helpful.**

Name:	Name:
Street address (<i>number and street</i>):	Street address (<i>number and street</i>):
City/State/ZIP code:	City/State/ZIP code:
Email Address	Email address
Name:	Name:
Street address (<i>number and street</i>):	Street address (<i>number and street</i>):
City/State/ZIP code:	City/State/ZIP code:
Email Address	Email address
Name:	Name:
Street address (<i>number and street</i>):	Street address (<i>number and street</i>):
City/State/ZIP code:	City/State/ZIP code:
Email Address	Email address
Name:	Name:
Street address (<i>number and street</i>):	Street address (<i>number and street</i>):
City/State/ZIP code:	City/State/ZIP code:
Email Address	Email address
Name:	Name:
Street address (<i>number and street</i>):	Street address (<i>number and street</i>):
City/State/ZIP code:	City/State/ZIP code:
Email Address	Email address
Name:	Name:
Street address (<i>number and street</i>):	Street address (<i>number and street</i>):
City/State/ZIP code:	City/State/ZIP code:
Email Address	Email address
Name:	Name:
Street address (<i>number and street</i>):	Street address (<i>number and street</i>):
City/State/ZIP code:	City/State/ZIP code:
Email Address	Email address



NPDES PESTICIDE GENERAL PERMIT: (PAGE 4) NOTICE OF TERMINATION

State Form xxxxx

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

- INSTRUCTIONS:**
1. Use this page of the general permit form to notify IDEM that you intend to terminate your coverage under this general permit. Do not submit this page with page 1 or page 2.
 2. Fill in all requested information using the check boxes and text fields provided.
 2. Attach additional sheets if necessary.
 3. For all addresses, include street address, city, state and Zip Code®.
 4. Mail the completed form to IDEM Office of Water Quality, 100 N. Senate Ave., Indianapolis, IN 46204-2251, or fax to 317-232-8637 or submit it via email to OWQ@idem.in.gov

NPDES Permit Tracking Number

Date when coverage under this permit began:

Operator Identification:

Operator name:

Contact person:

Mailing address:

Telephone:

Electronic mail:

Applicability

This form provides notice of termination of coverage under the General NPDES Permit for Discharges of Aquatic Pesticides to Waters of the State and terminates coverage for all discharges covered by the general permit as described in the notice of intent.

Basis for termination (*check only one*):

- A new operator has taken over responsibility for pest treatment.
- I have ceased aquatic pesticide application for which I obtained permit coverage or there is not or no longer will be a pesticide discharge.
- Permit coverage has been obtained under an individual general permit for all pesticide discharges requiring NPDES permit coverage either because IDEM required you to obtain such coverage or you petitioned IDEM requesting coverage under an alternative permit.

Certification

I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. Additionally, I understand that the submittal of this Notice of Termination does not release a pesticide applicator from liability for any violations of the Clean Water Act.

Signature:

Printed name:

Date:

Title:

E-mail:

Effective date

The effective date of termination of coverage under the General Permit is: