

State of Florida
Florida Department of Environmental Protection

**GENERIC PERMIT FOR POLLUTANT DISCHARGES TO SURFACE WATERS OF THE STATE FROM THE
APPLICATION OF PESTICIDES**

This permit is issued under the provisions of Section 403.0885, Florida Statutes, and Chapters 62-620 and 62-621, Florida Administrative Code. Coverage under this permit constitutes authorization to discharge pollutants to surface waters of the state pursuant to the Department's federally-approved National Pollutant Discharge Elimination System Program. Until this permit is terminated, revoked or expires, it authorizes pollutant discharges to surface waters of the state associated with the application of pesticides in accordance with the terms and conditions of this permit.

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Appendix A - Definitions and Acronyms

Workshop Draft

Part I. Coverage under this Permit

This permit covers any operator that meets the eligibility requirements identified in Part I.A. An operator, defined in Appendix A, generally includes any entity which meets any of the following criteria: (1) the entity with control over the financing for, or the decision to perform pesticide applications, including the ability to modify those decisions, that results in a discharge of pollutants to surface waters of the state ; (2) the entity with day-to-day operational control of or who performs activities (e.g., the application of pesticides) that are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit or perform such activities themselves); or (3) the permittee. As such, more than one operator may be responsible for compliance with this permit for any single discharge from the application of pesticides.

A. Eligibility

1. Activities Covered. This permit is available to operators who discharge to surface waters of the state as a result of the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (hereinafter collectively referred to as “pesticides”), when the pesticide application is for any of the following pesticide use patterns:
 - (a) Mosquito and Other Flying Insect Pest Control – to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include mosquitoes, midges and biting flies.
 - (b) Aquatic Weed and Algae Control – to control invasive or other nuisance weeds and algae in or on water and at water's edge, including irrigation ditches and/or irrigation canals.
 - (c) Aquatic Nuisance Animal Control –to control invasive or other nuisance animals in or on water and at water’s edge. Aquatic nuisance animals in this use category include invasive vertebrates, and invertebrates.
 - (d) Forest Canopy or Other Area Wide Pest Control - aerial or ground application of a pesticide over or into a forest canopy or other vegetation to control the population of a pest species (e.g., insect or pathogen) where to target the pests effectively a portion of the pesticide unavoidably will be applied over and deposited to water.
2. Limitations on coverage
 - (a) Discharges to Water Quality Impaired Waters. Discharges from a pesticide application to surface waters of the state are not eligible for coverage under this permit if the water is identified as impaired for that pesticide or its degradates. For purposes of this permit, impaired waters are those that have been identified by the Department pursuant to Chapter 62-303, Florida Administrative Code, (F.A.C.), or by EPA pursuant to Section 303(d) of the CWA as not meeting applicable state surface water quality standards in Chapter 62-302, F.A.C. Impaired waters for the purposes of this permit include both waters with EPA-approved or EPA-established Total Maximum Daily Loads (TMDLs) and waters for which EPA has not yet approved or established a TMDL. A list of these waters is available on the Internet at www.epa.gov/OWOW/tmdl/. If a proposed discharge would not be eligible under this permit because the water is listed as impaired for that specific pesticide, but the permit applicant has evidence that shows the water is no longer impaired, the permit applicant may submit this information to the Department and request that coverage be allowed under this permit.
 - (b) Discharges to Waters Designated as Outstanding National Resource Waters. Discharges from a pesticide application to waters designated as Outstanding National Resource Waters in Rule 62-302.700, F.A.C., and ratified by the Florida legislature are not eligible for coverage under this permit.
 - (c) Discharges Currently or Previously Covered by Another Permit. Coverage under this permit is not allowed if any of the following circumstances apply:
 - (1) The discharges are covered by another NPDES permit, or
 - (2) The discharges were included in a permit that within the last five years has been denied, terminated, or revoked by the Department.

B. Authorization to Discharge under this Permit

1. How to Obtain Authorization. To obtain authorization under this permit, an operator shall:

- (a) Meet the eligibility requirements identified in Part I.A, and
- (b) Operators identified in Part I.B.2, shall submit a complete a Notice of Intent (NOI) and the associated permit fee in accordance with Rule 62-621.300(8)(b), F.A.C. Operators meeting the eligibility provisions outlined in Part I.A and whose discharges are not subject to the requirement to submit an NOI, are automatically authorized to discharge after (April 9, 2011 or the effective date of the rule whichever, is later) in compliance with the requirements of this permit without submission of an NOI.

An NOI provides notice of an operators’ intent for pollutant discharges from its pesticide application activities to be covered under this permit. Coverage is for the operator who filed the NOI, including its employees, contractors, subcontractors, and other agents, for all activities identified on the NOI for the duration of this permit unless coverage is terminated pursuant to Part I.D. If a submitted NOI is not timely, accurate, or complete, then any employee, contractor, subcontractor or other entity that discharges pollutants to surface waters of the state from the application of pesticides without the required NOI is not covered by this permit.

2. Operators Required to Submit an NOI. In pursuant to subsection 62-621.300(8)(b), F.A.C., the following operators are required to submit a Notice of Intent to obtain coverage under this generic permit for pollutant discharges to surface waters of the state resulting from the application of pesticides:

Use Patterns	Operators
Mosquitoes and Other Flying Insect Pests	Mosquito Control Districts organized under the authority of Chapter 388 F.S. and Florida Department of Agriculture and Consumer Services
Aquatic Weed and Algae Control	Florida Fish and Wildlife Conservation Commission, Florida’s Water Management Districts as defined in Section 373.019(21), F.S., Florida Department of Transportation, Florida Department of Environmental Protection Divisions of State Lands and Recreation and Parks, U.S. Army Corp of Engineers, U.S. Forest Service, National Park Service, and U.S. Fish and Wildlife Service
Aquatic Nuisance Animal Control	Florida Fish and Wildlife Conservation Commission, Florida’s Water Management Districts as defined in Section 373.019(21), F.S., Florida Department of Transportation, Florida Department of Environmental Protection Divisions of State Lands and Recreation and Parks, U.S. Army Corp of Engineers, U.S. Forest Service, National Park Service, and U.S. Fish and Wildlife Service
Forest Canopy or Other Area Wide Pest Control	Florida Department of Agriculture and Consumer Services, U.S. Army Corp of Engineers, U.S. Department of Agriculture, U.S. Forest Service, National Park Service, and U.S. Fish and Wildlife Service

3. Discharge Authorization Date and Permit Duration. Beginning (April 9, 2011, or effective date of the rule, whichever is later), pollutant discharges to surface waters of the state as a result of the application of a pesticide shall be covered by an NPDES permit. Operators are authorized to discharge under this permit consistent with Table 2 below.

Category	NOI Submittal Deadline	Discharge Authorization Date
Operators not required to submit an NOI.	Not applicable.	Immediately.
All other operators	At least 30 days prior to commencement of discharge.*	Upon Department issuance of coverage letter.

*Note: Entities required to submit NOIs for the first time shall submit the NOIs no later than 60 days after (April 9, 2011 or the effective date of the rule, whichever is later). Until such date, the entities are covered by this permit pursuant to 40 CFR 122.28(b)(2)(v).

Operators commencing a discharge in response to a declared pest emergency situation (as defined in Appendix A) shall submit and NOI no later than 30 days after commencement of such discharge. Until such date, the entity is covered by this permit pursuant to 40 CFR 122.28(b)(2)(v).

Coverage under this generic permit for operators submitting an NOI is for a duration of 5 years from the issuance of the coverage letter by the Department. If changes are made to this generic permit through the rulemaking procedures in Section 120.54, F.S., operators submitting an NOI with current coverage at the time of the adoption of any changes may continue to operate under that permit coverage until expiration. Those operators will be required to conform to any newly adopted changes upon renewal of coverage. Operators not required to submit NOIs will be required to conform to any new rule requirements when the new rule becomes effective.

C. Renewal of Coverage under this Permit

Operators required to submit NOIs shall submit an application to renew coverage under this permit by submitting *Form 62-621.300(8)(f), Notice of Intent (NOI) to Use the Generic Permit for Discharges of Pollutants to Surface Waters of the State from the Application of Pesticides*, to the Department along with the \$500 application and surveillance fee at least 30 days prior to expiration of the permit. An application filed in accordance with this section shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Terminating Coverage

1. Submitting a Notice of Termination. To terminate permit coverage, a permittee who submitted an NOI as identified in Part I.C.2, shall submit a complete *Notice of Termination* using *DEP Form 62-621.300(8)(c.), F.A.C.* Permittees not required to submit a NOI are not required to submit a Notice of Termination. No fee is required for submission of the Notice of Termination. The Notice of Termination shall be submitted to:
Florida Department of Environmental Protection
Industrial Wastewater Section
2600 Blair Stone Road, MS 3545
Tallahassee, Florida 32399-2400

The permittee shall file an annual report as required in Part V of this permit for the portion of the year up through the date of permit coverage termination. The annual report is due no later than 45 days after submittal of the Notice of Termination.

2. When to Submit a Notice of Termination. A permittee who submitted an NOI as identified in Part I.B.2 shall submit a Notice of Termination within 30 days after any of the following conditions has been met:
 - (a) The application of pesticides covered under this permit has ceased and no additional discharge is expected during the remainder of the permit term for any of the use patterns covered by this permit and as identified in Part I.A.1; or
 - (b) All discharges required to be covered by an NPDES permit have obtained coverage under an individual permit or an alternative generic permit.

E. Other Federal and State Laws. Operators shall comply with all other applicable federal and state laws and regulations that pertain to the application of pesticides. This permit does not negate the requirements under FIFRA and its implementing regulations to use registered pesticides consistent with the product's labeling.

F. Federally-Listed Endangered and Threatened Species and Designated Critical Habitat

[RESERVED]

G. Additional Requirements to Protect Listed Species and Critical Habitat

[RESERVED]

Part II. Effluent Limitations

Permittees shall implement site-specific control measures to minimize or eliminate pollutant discharges resulting from the application of pesticides to surface waters of the state.

A. Technology-Based Effluent Limitations

1. **Minimize Pesticide Discharges to Surface Waters of the State.** All operators, regardless of whether they are required to submit an NOI, shall minimize the discharge of pollutants resulting from the application of pesticides. In doing so, all operators shall use the lowest effective amount of pesticide product per application and optimum dose of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pesticide resistance by the pest¹.

The entity conducting the day to day activities shall perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit. In addition, it shall maintain the pesticide application equipment in proper operating condition by adhering to any manufacturer's recommendations and industry practices, and by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. Also, it shall ensure that the equipment is calibrated (e.g., flow rate, droplet size) to deliver the precise quantity of pesticide needed to achieve greatest efficacy against the target pest.

2. **Integrated Pest Management (IPM) Practices**

This Part applies only to operators that are required to submit an NOI, as required in Part I.B.2.²

Operators that discharge pollutants to surface waters of the state as a result of the application of pesticides used solely for the purpose of "pesticide research and development," as defined in Appendix A, are not required to fully implement the Integrated Pest Management Practices, for such discharge, but still shall implement such requirements to the extent that they do not compromise the research design.

- (a) **Identify the Problem.** Prior to the first pesticide application and at least once each calendar year thereafter during which an operator will have a discharge of pollutants to surface waters of the state, the operator shall comply with the following for each treatment area and pesticide use pattern:
 - (1) Identify target pests;
 - (2) Establish procedures to determine target pest densities;
 - (3) Establish past or present target densities or conditions that serve as action thresholds for implementing pest management strategies;
 - (4) For Aquatic Weed and Algae Control and Aquatic Nuisance Animal Control:
 - (i) Identify possible factors causing or contributing to the target pest problem (e.g., nutrients, invasive species); and
 - (ii) Identify areas with target pest problems and characterize the extent of the problems, including, for example water use goals not attained for wildlife habitat, fisheries, vegetation, and recreation.
 - (5) For Mosquito and Other Flying Pest Control:

¹ Operators discharging pollutants associated with pesticide applications to surface waters of the state in compliance with a permit or contracts from the Florida Department of Agriculture and Consumer Services or the Florida Fish and Wildlife Conservation Commission are in compliance with this permit condition.

² Operators discharging pollutants associated with pesticides to surface waters of the state in compliance with a permit, contract, or program approval from the Florida Department of Agriculture and Consumer Services or the Florida Fish and Wildlife Conservation Commission are in compliance with all conditions related to Integrated Pest Management Practices, Part II.2.

- (i) Identify known breeding sites for source reduction, larval control, and habitat management; and
 - (ii) Analyze existing surveillance data to identify sources and extent of mosquito or other nuisance insect pest problems.
- (6) For Forest Canopy or Other Area Wide Pest Controls:
- (i) Identify current distribution of the target pest and assess potential distribution in the absence of control measures; and
 - (ii) Develop a species-specific pest control strategy for each target pest.

In the event there are no site data for the pest management area in the past calendar year, document why current data are not available and identify what data was used to meet the permit conditions. See Part III, Pesticide Discharge Management Plan, for documentation requirements.

- (b) Pest Management: Prior to the first pesticide application covered under this permit that will result in a discharge of pollutants to surface waters of the state, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, the operator shall evaluate, select and implement one or more of the following management strategies that successfully minimizes discharges of pesticides, while considering effectiveness and efficiency, impact to water quality, impact to non-target organisms, pesticide resistance by the pest, feasibility, and cost effectiveness:
- (1) No action
 - (2) Prevention
 - (3) Mechanical or physical methods, such as tillage, entrapment, protective barriers
 - (4) Cultural methods, such as destruction of food source and habitat for pest, timing of pesticide application
 - (5) Biological control agents such as predators, parasites or diseases of the pest
 - (6) Pesticide application
- (c) Pesticide Use. If a pesticide is selected that will result in a discharge of pollutants to surface waters of the state, the operator shall:
- (1) Conduct surveillance prior to each pesticide application to assess the pest management area and to determine when the action threshold is met that necessitates the need for pest management;
 - (2) Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when the action thresholds have been met;
 - (3) For Mosquito and Other Flying Insect, and Forest Canopy or Other Area Wide Pest Controls: Assess environmental conditions (e.g., temperature, precipitation, wind speed, and presence of inversions) in the treatment area to identify whether existing environmental conditions support development of pest populations and are suitable for control activities;
 - (4) For Mosquito and Other Nuisance Insect Pest Control:
 - (i) In situations or locations where practicable and feasible for efficacious control, use larvicides as a preferred pesticide control when the larval action thresholds have been met; and
 - (ii) In situations or locations where larvicide use is not practicable or feasible for efficacious control, use adulticides when adult action thresholds have been met.

B. Water Quality-Based Effluent Limitations

Pollutant discharges shall be controlled as necessary to meet applicable numeric and narrative water quality standards in Chapter 62-302, F.A.C.

If at any time the permittee becomes aware, or the department determines, that the discharge causes or contributes to an exceedance of applicable water quality standards, the permittee shall take corrective action as required in Part IV.C.

Part III. Pesticide Discharge Management Plan

This Part applies only to operators required to submit an NOI, as required in Part I.B.2. Some sections of the Pesticide Discharge Management Plan (PDMP) will require input from the pesticide applicator.

Permittees shall prepare a PDMP for each pest management area covered under this permit. The PDMP plan shall be kept up-to-date thereafter for the duration of coverage under this permit.

The PDMP documents how to implement the effluent limitations in Part II of this permit, including an evaluation and selection of control measures to meet those effluent limitations and minimize discharges. In the PDMP, an operator may incorporate by reference any procedures or plans in other documents that meet the requirements of this permit, but a copy of the referenced document shall be kept in the PDMP and shall be made available for review when requested by the Department.

A. Contents of Pesticide Discharge Management Plans

1. **PDMP Team.** The permittee shall identify persons (and affiliations if appropriate) with primary responsibility for the following activities:
 - (a) Person(s) responsible for managing pests in the pest management area
 - (b) Person(s) responsible for developing and revising the PDMP;
 - (c) Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements; and
 - (d) Person(s) responsible for overseeing pesticide applications. If the pesticide applicator is unknown at the time of plan development, indicate whether or not a for-hire applicator will be used and when you anticipate that you will identify the applicator.

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

2. **Pest Management Area Description.**
 - (a) **Pest problem description.** Describe the pest problem at the pest management area, including identification of the target pest(s), source of the pest problem, and source of data used to identify the problem in accordance with Part II.A.2.(a).
 - (b) **General location map.** In the plan, include a general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and location of the surface waters of the state; and
 - (c) List of pesticides or any degradates for which the water bodies are impaired.
3. **Control Measure Description.** The operator shall document the evaluation of control measures for the pest management area covered under this permit. The documentation shall include the control measures that will be implemented to comply with the effluent limitations required in this permit. Include in the description the active ingredient(s) evaluated.
4. **Schedules and Procedures.** The operator shall document the following schedules and procedures in the PDMP:

- (a) Pertaining to control measures used to comply with the effluent limitations, the following shall be documented in the PDMP:
- (1) Application rate and frequency procedures for determining the optimum amount of pesticide product per application and the optimum frequency of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pesticide resistance in the pest;
 - (2) Spill prevention procedures and schedule of maintenance activities for preventing spills and leaks of pesticides associated with the application of pesticides covered under this permit.
 - (3) Pesticide application equipment procedures for selecting the optimum method of application and maintaining the pesticide application equipment in proper operating condition, including maintenance schedules, calibrating, cleaning, and repairing the equipment.
 - (4) Pest surveillance procedures and methods for conducting pre-application pest surveillance.
 - (5) Methods for assessing environmental conditions in the treatment area.
- (b) Pertaining to other actions necessary to minimize discharges the following shall be documented in the PDMP:
- (1) Spill Response Procedures:
 - (i) Procedures for stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your PDMP team.
 - (ii) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.
 - (2) Adverse Incident Response Procedures:
 - (i) Procedures for responding to any incident resulting from pesticide applications;
 - (ii) Procedures for notification of the incident, both internal and external to the permittee's agency or organization. Contact information for state/federal agencies with phone number; nearest emergency medical facility, and nearest hazardous chemical responder (including police and fire department) shall be in locations that are readily accessible and available.
 - (iii) Maintain contact information for the National Pesticide Telecommunications Network at 800-858-7358; maintain contact information with the National Spill Response Center at 800-454-8802; and the State Watch Office at 800-320-0519.
 - (3) Pesticide Monitoring Schedules and Procedures – Document procedures for post-application monitoring, including:
 - (i) The process for determining the location of any monitoring;
 - (ii) A schedule for monitoring;
 - (iii) The person (or position) responsible for conducting monitoring; and
 - (iv) Procedures for documenting any observed impacts to non-target organisms resulting from your pesticide application.

5. Signature Requirements. The plan and any revisions to the plan shall be signed and dated by the permittee.

B. Pesticide Discharge Management Plan Modifications

The PDMP shall be modified whenever necessary to address any of the triggering conditions for corrective action or when a change in pest control activities significantly changes the type, method of application or quantity of pollutants discharged.

Changes to the PDMP shall be made before the next pesticide application that results in a discharge of pollutants to surface waters of the state, if practicable, or if not, as soon as possible thereafter. The revised PDMP shall be signed and dated in accordance with Part III.A.5 of this permit.

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

C. Pesticide Discharge Management Plan Availability

A copy of the current PDMP, along with all supporting maps and documents, shall be kept at the address provided in the NOI. The PDMP and all supporting documents shall be readily available, upon request, and copies of any of these documents provided, upon request, to the Department, DACS, and FWC (for aquatic weed control); The Department may provide copies of the PDMP or other information related to this permit that is in its possession to members of the public.

Part IV. Monitoring and Corrective Action

A. Monitoring Requirements

The operator shall monitor the amount of pesticide applied to ensure that the lowest amount is used to effectively control the pest, consistent with reducing the potential for development of pesticide resistance in the pest. Pesticide application activities shall be monitored to ensure regular maintenance activities and to ensure that the application equipment is in proper operating condition to reduce the potential for leaks, spills, or other unintended discharge of pesticides to surface waters of the state. Additionally, pesticide application activities shall be monitored to ensure that the application equipment is in proper operating condition by adhering to any manufacturer's recommendations and industry practices, and by calibrating, cleaning, and repairing equipment on a regular basis.

B. Visual Monitoring Requirements for all Operators

All operators covered under this permit shall conduct spot checks in and around the area where pesticides are applied for adverse incidents possibly or known to be caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use. Visual assessments of the application site shall be performed:

1. During any post-application surveillance or efficacy check that the operator conducts, if surveillance or an efficacy check is conducted.
2. During any pesticide application, when considerations for safety and feasibility allow.

C. Corrective Action

1. Situations Requiring Revision of Control Measures

If any of the following situations occur, the operator shall review and revise control measures to ensure that the situation is eliminated and will not be repeated:

- (a) An unauthorized release or discharge occurs (e.g., spill, leak, upset as defined in Appendix A, or any unauthorized discharge to surface water or not authorized by this or another Department permit);
- (b) The operator becomes aware, or the Department concludes that the control measures are not adequate or sufficient for the discharge to meet applicable water quality standards;
- (c) Any monitoring activities indicate that the operator failed to:
 - (1) Use the lowest amount of pesticide as prescribed by the product label to effectively control the pest, consistent with minimization of the potential for development of pesticide resistance;
 - (2) Perform regular maintenance activities to ensure that the application equipment is in proper operating condition to minimize the potential for leaks, spills, and unintended or accidental release of pesticides to waters of the state; or

(3) Calibrate, clean, and repair equipment on a regular basis to ensure that the application equipment is in proper operating condition.

(d) The Department determines that modifications to the control measures are necessary to meet the effluent limits in this permit; or

(e) The operator observes or is otherwise made aware of a toxic or adverse effect to non-target organisms.

2. Corrective Action Deadlines

If the operator determines or the Department concludes and informs the operator in writing that changes to the control measures are necessary to eliminate any situation identified in Part IV.C.1, such changes shall be made before the next pesticide application that results in a discharge of pollutants to surface waters of the state if practicable, or if not, as soon as possible thereafter.

3. Adverse Incident Notification and Reporting

(a) Twenty-Four (24) Hour Adverse Incident Notification

(1) In accordance with Rule 62-620.610(20), F.A.C., if the operator observes or is otherwise made aware of an adverse incident, as defined in Appendix A, which may have resulted from a discharge of pollutants to surface waters of the state from a pesticide application, the operator shall immediately notify the State Watch Office at 800-320-0519. This notification shall be made by telephone within 24 hours of becoming aware of the adverse incident and shall include at least the following information:

- (i) The caller's name, address and telephone number;
- (ii) Operator name and mailing address and telephone number (if different from the caller);
- (iii) If covered under an NOI, the generic permit number;
- (iv) The name and telephone number of a contact person, if different than the person providing the 24-hour notice;
- (v) Date and time of the adverse incident and status (ongoing or ceased);
- (vi) How and when you became aware of the adverse incident;
- (vii) Description of the location, or address, of the adverse incident including name of water body affected, if any;
- (viii) Description of the adverse incident identified and the EPA pesticide registration number for each product applied in the area of the adverse incident;
- (ix) Description of any steps taken or that will be taken to correct, repair, remedy, cleanup, or otherwise address any adverse effects; and
- (x) Other persons or agencies contacted.

(2) The adverse incident notification and reporting requirements are in addition to the reporting requirements under FIFRA section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

(b) Five (5) Day Adverse Incident Written Report

(1) If the oral report for an adverse incident has been received within 24 hours, the incident has been corrected, and the incident did not adversely impact health or the environment, the Department shall waive the written report.

- (2) Except as provided above, within five (5) days of an adverse incident the operator shall provide a written report of the adverse incident to Department. The adverse incident report shall include the following information:
- (i) Information required to be provided under the 24-hour adverse incident notification;
 - (ii) Date and time the State Watch Office was contacted notifying the State of the adverse incident and any instructions you received from the Office;
 - (iii) Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc);
 - (iv) A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms and if the adverse incident has not been corrected, the anticipated duration it is expected to continue;
 - (v) Magnitude and scope of the affected area (e.g. aquatic acreage or total stream distance affected);
 - (vi) Pesticide application rate, intended use site (e.g., banks, above, or direct to water), method of application, and name of pesticide product and active ingredients, and the EPA pesticide registration number;
 - (vii) Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied);
 - (viii) If laboratory tests were performed, indicate what and when test(s) were performed, and provide a summary of the test results within 5 days after they become available;
 - (ix) If applicable, explain why the adverse incident could not have been caused by exposure to the pesticide;
 - (x) Steps taken or planned to reduce, eliminate and prevent recurrence of adverse incidents;

D. Other Corrective Action Documentation

Oral notification for incidences that are not considered to be adverse, shall be provided to the Department within 24 hours of the operator becoming aware of that situation. The notification shall:

1. Identify the condition(s) triggering the need for corrective action;
2. Briefly describe the circumstances of the situation;
3. Note the date the problem was identified;
4. Note the date corrective action was initiated; and
5. Note the date corrective action was completed or expected to be completed.

Part V. Recordkeeping and Annual Reporting

The permittee shall keep written records as required in this permit. These records shall be accurate and complete and sufficient to demonstrate compliance with the conditions of this permit. The permittee may rely on records and documents developed for other obligations, such as requirements under FIFRA, FDACS and FWC, provided all requirements of this permit are satisfied.

The Department recommends that all operators covered under this permit keep records of treatment area or length treated for all applicable use patterns covered under this generic permit.

A. All operators shall keep the following records:

1. A copy of this permit (an electronic copy is also acceptable);
2. A copy of any written five day adverse incident reports identified in Part IV.C.3.(b);
3. The rationale for any determination that a written report of an identified adverse incident is not required in accordance with Part IV.C.3.(a); and
4. A copy of any corrective action documentation.

B. This part applies only to entities required to submit an NOI under this permit. Records listed below are required to be kept at the address provided on the NOI for at least three years from the date the NOI was filed. Records of equipment maintenance and calibration are to be maintained only by the entity performing the pest application activity (on behalf of self or client).

1. A copy of the NOI submitted to the Department, any correspondence specific to coverage under this permit, and a copy of the Department coverage letter assigning your permit tracking number;
2. Surveillance method(s) used, date(s) of surveillance activities, and findings of surveillance;
3. Target pest(s);
4. Pest density prior to pesticide application;
5. Company name and contact information for pesticide applicator (if applicable);
6. Pesticide application date(s);
7. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters, either by name or by location, to which the operator applied any pesticide(s);
8. Name of each pesticide product used including the EPA pesticide registration number;
9. Quantity of pesticide applied (and specify if quantities are for the pesticide product as packaged or as tank mixed and applied);
10. For pesticide applications directly to waters, the effective concentration of active ingredient required for control;
11. Any unusual or unexpected effects identified in non-target organisms;
12. Documentation of any equipment cleaning, calibration, and repair (to be kept by pesticide application equipment operator); and
13. A copy of the PDMP, including any modifications made to the PDMP during the term of this permit.

C. All required records shall be documented as soon as possible but no later than 14 days following completion of such activity. The permittee shall make available to the Department, including an authorized representative of the Department, all records kept under this permit upon request and provide copies of such records, upon request.

D. ANNUAL REPORTING (Applicable only to entities required to submit an NOI): NOTE: Annual reports submitted to FDACS for pollutant discharges covered under this permit by mosquito control districts organized under Chapter 388 F.S., shall serve as meeting the reporting requirements of this permit and no additional reports need to be submitted to the department. Annual reports submitted to FWC for pollutant discharges covered under this permit by entities required to submit NOIs shall serve as meeting the reporting requirements of this permit and no additional reports need to be submitted to the department.

Entities required to submit an NOI shall submit an annual report to the Department. The annual report shall be submitted each calendar year for the duration of coverage under this generic permit, whether or not there have been discharges from the application of pesticides in any subsequent calendar year. All annual reports shall be submitted to the Department at:

Florida Department of Environmental Protection
Industrial Wastewater Section
2600 Blair Stone Road, MS 3545
Tallahassee, Florida 32399-2400

The annual report shall be submitted no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. Retain a copy for your records.

The annual report shall include information for the calendar year, with the first annual report required to include activities for the portion of the calendar year after the effective date of the NOI. If the effective date is after December 1, an annual report for that first partial year is not required but annual reports are required thereafter, with the first annual report submitted also including information from the first partial year. When you terminate permit coverage an annual report is required for the portion of the year up through the date of the termination. The annual report is due no later than 45 days after the termination date, or February 15 of the following year, whichever is earlier.

E. The annual report shall contain the following information:

1. Permittee's name
2. NPDES generic permit coverage number (i.e. FLGxxxx)
3. Contact person name, if different from the permittee,, title, e-mail address (if any), and phone number
4. For each pest management area, report the following information:
 - (a) Identification of any waters or adjacent treatment area, including size, either by name or by location, to which you discharged any pesticide(s);
 - (b) Pesticide use pattern(s) (i.e., mosquito and other flying insects, aquatic weeds and algae, aquatic nuisance animals, or forest canopy/area wide pest control) and target pest(s);
 - (c) Company name(s) and contact information for pesticide applicator(s), if different from the NOI submitter;
 - (d) Total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);
 - (e) Whether this pest control activity was addressed in your PDMP prior to pesticide application;
 - (f) If applicable, an annual report of any adverse incidents as a result of these treatment(s), for incidents, as described in Part IV.C.3.(a); and
 - (g) A description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

Part VI. Other Conditions

- A.** The discharge authorized by this permit shall not cause a violation of state surface water quality standards.
- B.** The discharge shall not cause or contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter in such amounts as to form nuisances, produce color, odor, taste or turbidity, in accordance with Rule 62-302.500(1)(a), F.A.C.
- C.** When requested by the Department, the permittee shall provide any information required by law which is needed to determine whether there is cause for revoking and reissuing, or terminating coverage under this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to

the Department, such facts or information shall be submitted or corrections reported to the Department within 10 days of discovery.

- D. Coverage under this permit may be suspended, revoked and reissued, or terminated in accordance with Rule 62-620.345, F.A.C., if the Secretary determines that there has been a violation of any of the terms or conditions of the permit, there has been a violation of state water quality standards or the permittee has submitted false, incomplete or inaccurate data or information.

Part VII General Conditions

- A. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance. [62-620.610(1), F.A.C.]
- B. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2), F.A.C.]
- C. As provided in Section 403.087(7), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3), F.A.C.]
- D. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4), F.A.C.]
- E. This permit does not relieve the operator from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the operator to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The operator shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for an operator 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. [62-620.610(5), F.A.C.]
- F. The operator shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the operator to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7), F.A.C.]
- G. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
 - 1. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - 2. Have access to and copy any records that shall be kept under the conditions of this permit;
 - 3. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - 4. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.[62-620.610(9), F.A.C.]
- H. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department

rules, except as such use is proscribed by Section 403.111, F.S., or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10), F.A.C.]

I. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14)]

J. Upset Provisions.

1. An operator who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and that the operator can identify the cause(s) of the upset;

(b) The permitted activity was at the time being properly conducted;

(c) The operator submitted notice of the upset as required in Condition VII.E of this permit; and

(d) The operator complied with any remedial measures required under Condition VII.E of this permit.

2. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the operator.

3. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review. [62-620.610(23), F.A.C.]

Appendix A

Definitions, Abbreviations, and Acronyms

A.1. DEFINITIONS

Action Threshold – The point at which pest populations or environmental conditions can no longer be tolerated necessitating that pest control action be taken based on economic, human health, aesthetic, or other effects. Sighting a single pest does not always mean control is needed. Action thresholds help determine both the need for control actions and the proper timing of such actions.

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

Activity – means any action which results in a discharge of pollutants to surface waters of the state from the application of pesticides or that is reasonably expected to be a source of water pollution.

Adverse Incident – means an incident that the operator has observed upon inspection or of which otherwise becomes aware, in which:

- (1) A person or non-target organism is likely to have been exposed to a pesticide residue, and
- (2) The person or non-target organism suffered a toxic or adverse effect.
- (3) An upset, as defined in this appendix, a spill, leak, or any unauthorized discharge to surface or ground water has occurred

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

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

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

Best Management Practices (BMPs) – are examples of control measures that may be implemented to meet effluent limitations. These include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to minimize the discharge of pollutants to surface waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, waste disposal, or drainage from raw material storage.

Biological Control Agents – These agents are macro-organisms that can be introduced to the operators sites, such as herbivores, predators, parasites, and hyperparasites.

Biological Pesticides (also called biopesticides) - include microbial pesticides, biochemical pesticides and plant-incorporated protectants. Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, that (1) is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (2) is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaeobacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses. Biochemical pesticide mean a pesticide that (1) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; and (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history. Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof.

Chemical Pesticides – all pesticides not otherwise classified as biological pesticides.

Control Measure – refers to any BMP or other method used to meet the effluent limitations. Control measures shall comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, and relevant legal requirements. Additionally, control measures could include other actions that a prudent operator would implement to reduce and/or eliminate pesticide discharges to surface waters of the state to comply with the effluent limitations in Parts 2 and 3 of this permit.

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

Declared Pest Emergency - means a situation that requires the emergency control of pests as declared in an order by the Governor of Florida or by an agency head in an emergency order issued pursuant to Section 120.569(2)(n), F.S

Department – Florida Department of Environmental Protection

Discharge – when used without qualification, means the "discharge of a pollutant."

Discharge of a pollutant – means any addition of any pollutant or combination of pollutants, as defined in 40 CFR 122.2, to waters from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters from surface runoff which is collected or channeled by man, and discharges through pipes, sewers, or other conveyances which do not lead to a treatment works. This term does not include an addition of pollutants by any indirect discharger.

EPA Approved or Established Total Maximum Daily Loads (TMDLs) – “EPA Approved TMDLs” are those that are developed by the State of Florida and approved by EPA. “EPA Established TMDLs” are those that are issued by EPA.

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

FLG Number – the identification number for a DEP generic NPDES permit.

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

Impaired Water (or “Water Quality Impaired Water” or “Water Quality Limited Segment”) – A water is impaired for purposes of this permit if it has been identified by the Department pursuant to Chapter 62-303, F.A.C., or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable state, surface water quality standards. Impaired waters include both waters with approved or established TMDLs, and those listed waters for which a TMDL has not yet been approved or established.

Integrated Pest Management – As defined by the Department of Agriculture and Consumer Services under Chapter 482, F.S., means the selection, integration, and implementation of multiple pest control techniques based on predictable economic, ecological, and sociological consequences, making maximum use of naturally occurring pest controls, such as weather, disease agents, and parasitoids, using various biological, physical, chemical, and habitat modification methods of control, and using artificial controls only as required to keep particular pests from surpassing intolerable population levels predetermined from an accurate assessment of the pest damage potential and the ecological, sociological, and economic cost of other control measures.

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

Minimize - to reduce and/or eliminate pesticide discharges to surface waters of the state through the use of “control measures” to the extent technologically available and economically practicable and achievable.

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

Operator – any entity involved in the application of a pesticide that results in a discharge of pollutants to surface waters of the state that meets any of the following criteria:

1. The entity has control over the financing for, or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions;
2. The entity has day-to-day control of or performs activities that are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit or perform such activities themselves); or
3. The Permittee.

Permittee - any person obtaining coverage under this generic permit, whether required to submit an NOI pursuant to section I.C.2 or not.

Person – the state or any agency or institution thereof, the United States or any agency or institution thereof, or any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity and includes any officer or governing or managing body of the state, the United States, any agency, any municipality, political subdivision, or public or private corporation.

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

- (a) Any vertebrate animal other than man;
- (b) Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;
- (c) Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or
- (d) Any fungus, bacterium, virus, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs (as defined in FFDCA sec. 201(g)(1)) and cosmetics (as defined in FFDCA sec. 201(i)).

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

Pesticide – As defined by the Department of Agriculture and Consumer Services under Chapter 487, F.S., means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the department by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; however, the term “pesticide” does not include any article that:

- (a) Is a “new animal drug” within the meaning of s. 201(w) of the Federal Food, Drug, and Cosmetic Act;
- (b) Has been determined by the Secretary of the United States Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article; or
- (c) Is an animal feed within the meaning of s. 201(x) of the Federal Food, Drug, and Cosmetic Act bearing or containing an article covered in this subsection.

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

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

Pesticide Residue – includes that portion of a pesticide application – that is discharged from a point source to waters of the state and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.

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

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

Surface Waters of the State – “waters” as defined in Section 403.031(13), F.S., excluding underground waters.

Target Pest – the organism toward which pest control measures are being directed.

Total Maximum Daily Loads (TMDLs) – For an impaired water body or water body segment shall mean the sum of the individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background. Prior to determining individual wasteload allocations and load allocations, the maximum amount of a pollutant that a water body or water body segment can assimilate from all sources without exceeding water quality standards shall first be calculated. A TMDL shall include either an implicit or explicit margin of safety and a consideration of seasonal variations. (ref. 62-303.200 F.A.C.).

Treatment Area – The area of land including any waters, or the linear distance along water’s edge, to which pesticides are being applied. Multiple treatment areas may be located within a single “pest management area.”

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

Upset – means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the operator.

(a) An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.

(b) An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of upset provisions of Rule 62-620.610, F.A.C., are met.

Water Quality Impaired – See ‘Impaired Water’.

A.2. ABBREVIATIONS AND ACRONYMS

BAT – Best Available Technology Economically Achievable
BMP – Best Management Practice
CERCLA – Comprehensive Environmental Response, Compensation and Liability Act
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)
EPA – U. S. Environmental Protection Agency
ESA – Endangered Species Act
FDACS – Florida Department of Agriculture and Consumer Services
FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act, 7 USC 136 et seq.
FWC – Florida Fish and Wildlife Conservation Commission
FWS – U. S. Fish and Wildlife Service
IPM – Integrated Pest Management
NMFS – U. S. National Marine Fisheries Service
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
NRC – National Response Center
ONRW – Outstanding National Resource Water
PDMP – Pesticide Discharge Management Plan
THPO – Tribal Historic Preservation Officer
TMDL – Total Maximum Daily Load
WQS – Water Quality Standard

Workshop Draft