

PERMIT NO: WAG – 992000

Issuance Date: March 7, 2007  
Effective Date: April 7, 2007  
Expiration Date: April 7, 2010

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

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

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

Until this permit expires, is modified or revoked, Permittees that have properly obtained coverage by this permit are authorized to discharge to waters of the state in accordance with the special and general conditions that follow.



David C. Peeler, Manager  
Water Quality Program  
Department of Ecology



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## SUMMARY OF PERMIT REPORT SUBMITTALS

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

Permit Section	Submittal	Frequency	First Submittal Date
S8	Annual Monitoring Report	Annually	February 1, 2008
S8	Annual Treatment Reports	Annually	February 1, 2008
S9	Noncompliance Notification	As necessary	
G4	Permit Application for Substantive Changes to the Discharge	As necessary	
G8	Notice of Permit Transfer	As necessary	
G14	Notice of Change in Authorization	As necessary	
G17	Application for Permit Renewal	1/permit cycle	September 7, 2009

## SPECIAL PERMIT CONDITIONS

### S1. PERMIT COVERAGE

This permit revokes and replaces the Aquatic Mosquito Control General Permit (WAG-992000). This permit does not cover the control of adult mosquitoes using adulticides.

#### A. Activities Covered Under This Permit

All applicants of pesticide for control of pre-adult life stages of mosquitoes shall obtain coverage under this permit when the activity involves the direct discharge of pesticides into surface waters of the state of Washington. Mosquito districts and other pesticide applicators shall obtain coverage under this general permit to control pre-adult life stages of mosquitoes when applications are planned for any of the following:

1. Into water bodies that are contiguous with rivers or streams.
2. Into navigable waters of the state.
3. In other situations as determined by the Department of Ecology (Ecology).

#### B. Activities Excluded From Coverage Under This Permit

Applicators of pesticides need not obtain coverage under this permit for applications made to the following types of waterbodies:

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

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\* Words in bold typeface are defined in Appendix A – Definitions and Acronyms

### **C. Geographic Area Covered**

This general permit covers aquatic mosquito control activities anywhere in the state of Washington.

### **S2. PERMIT APPLICATION REQUIREMENTS**

- A.** Existing Permittees, existing mosquito control districts, and applicators with current mosquito control programs requesting coverage shall notify Ecology by submitting a completed application for coverage no later than 180 days prior to the expiration of the current permit.
- B.** New Permittees, mosquito control districts, and applicators that propose to begin activities that will result in a discharge or potential discharge to waters of the state on or after the effective date of this general permit shall:
  - 1. Notify Ecology by submitting a completed notice of intent [NOI] form at least 60 days prior to the planned activity that will result in the discharge to waters of the state.
  - 2. Publish two times, each one week apart, in a local newspaper of general circulation a notice that an application for coverage has been made pursuant to Section 173-226-130(5) WAC.
    - a. This notice shall specify that a thirty-day comment period exists prior to the issuance of permit coverage.
    - b. At the end of the thirty-day comment period, Ecology will review all comments received prior to making a determination on whether to grant permit coverage.
    - c. Ecology intends to notify new applicants by mail of their status concerning coverage under this permit. If the applicant does not receive notification of the coverage decision from Ecology, coverage under this permit will commence on the 61<sup>st</sup> day following Ecology's acceptance of a completed application form.

### **S3. COMPLIANCE WITH STANDARDS**

#### **A. Temporary Modification of the Water Quality Standards**

- 1. WAC 173-201A-410 allows short-term modification of the criteria and classifications established by this regulation so long as certain conditions are met. Such activities must be conditioned, timed and restricted in a manner that will minimize water quality degradation to existing and characteristic uses.

2. This permit allows the application of products to control mosquito larvae only so long as the applicant meets all the terms and conditions of this permit, and the transitory water quality impact is limited to the vicinity of the product application and limited to the minimum time necessary to accomplish the desired aquatic mosquito control objectives.
3. The application of products authorized by this permit shall not cause long-term harm to the environment.
4. The Permittee shall ensure that the short-term water quality modification is limited to hours, days, or weeks for a specific pesticide application authorized under this permit. In the event that multiple treatments occur over the life of the permit, the total time of the short-term modification for all treatments shall not exceed one year.

#### **S4. RESTRICTIONS ON THE APPLICATION OF PRODUCTS**

##### **A. Authorized Discharges**

1. The Permittee shall ensure that all discharges and activities authorized by this permit are consistent with the terms and conditions of this permit.
2. The Permittee shall apply pesticide under this permit only for the control of pre-adult mosquitoes.
3. Beginning on the effective date of this permit, the permittee is authorized to discharge the aquatic pesticides that are listed in this permit into surface waters of the state, subject to compliance with the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) and the Washington Pesticide Control Act, and in consideration of integrated pest management options.
4. Ecology may order temporary suspension of permit conditions, with agreement of a state or local health officer, to protect public health.

##### **B. Products Authorized for Use Under This Permit**

1. This permit allows application of the following listed pesticides that are labeled for use on aquatic sites and any other registered pesticides after they are approved through Ecology's approval process (see Section S11) if the Permittee applies the pesticide in compliance with all the terms and conditions of this permit:
  - a. *Bacillus sphaericus* (H-5a5b)

- b. *Bacillus thuringiensis israelensis* (Bti)
  - c. Methoprene
  - d. Monomolecular surface films
  - e. Paraffinic white mineral oil. Paraffinic white mineral oil shall not be used in waters of the state unless:
    - i. The Department of Health declares the mosquito problem a public health risk; or
    - ii. The other control agents would be or are known to be ineffective at a specific treatment site and the water body is non-fish-bearing (consult Washington State Department of Fish and Wildlife).
2. The Permittee shall not apply temephos in lakes, streams, in the littoral zone of water bodies, or on state-listed species sites listed in Appendix B of this permit. The permit allows the use of temephos only:
- a. In highly polluted water (*i.e.*, tire piles), or
  - b. In waters with high organic content (*i.e.*, manure holding ponds and pastures) with no surface water runoff, or
  - c. In response to the development of pesticide resistance or ineffectiveness within a population of mosquitoes, as a result of consultation between Ecology and the Department of Agriculture (WSDA).
    - i. If a permittee applies temephos to areas draining to surface waters, then the permittee shall monitor for persistence and residues.
    - ii. The Permittee shall rotate the use of temephos with one or more of the approved alternatives with a different mode of action to minimize the development of resistance.
  - d. In response to the development of a human health emergency as determined by the Washington State Department of Health (DOH) and after consultation between Ecology and DOH.
3. The Permittee may only apply malathion after consultation between Ecology and DOH and in response to the development of a human health emergency as determined by DOH.

### **C. Experimental Use Permits**

1. The Permittee may apply other pesticides on a limited basis in the context of a research and development effort under the jurisdictions of the Environmental Protection Agency (EPA) and WSDA through the issuance of a Federal Experimental Use Permit.
2. Persons shall seek and obtain coverage under this general permit for any mosquito control projects conducted under a Federal Experimental Use Permit.
3. For projects of one acre or less in size, the applicant shall obtain coverage under a State Experimental Use Permit and coverage under this general permit is not required.

### **D. Restrictions on the Use of Certain Pesticides Under this Permit**

1. This permit restricts the use of methoprene, monomolecular surface film, Paraffinic white mineral oil, malathion, and temephos in the areas identified by the Washington Department of Fish and Wildlife (WDFW) in Appendix B of this permit.
2. The Permittee shall not apply methoprene, monomolecular surface film, Paraffinic white mineral oil, malathion, and temephos in the areas identified in Appendix B unless local and state health authorities discover and acknowledge a public health threat and issue an emergency health declaration.
3. If an emergency health declaration is issued, the following things must occur:
  - a. Permittees shall consult with WDFW (Regional Wildlife Program Manager) during annual pre-control season planning.
  - b. Permittees shall consult with WDFW during the control season when anticipating restricted pesticide use in these areas to affirm/update areas and define any areas of highest sensitivity.
  - c. Permittees shall use Best Management Practices to minimize potential impacts and unnecessary applications of restricted use pesticides into water in restricted areas. (e.g. control to the extent possible with Bti and Bs before using restricted products, apply drift control methods, minimize application rates, use backpack application techniques when feasible, etc.)

## S5. PUBLIC NOTIFICATION PROCEDURES

### A. Public Notice

1. For expected applications of pesticides that have a **water-use restriction** (currently applies only to malathion, temephos, and Paraffinic white mineral oil), the Permittee shall publish a public notice in a local newspaper of general circulation (or nearest regional paper if a local newspaper does not exist).
2. The Permittee shall publish the public notice at least ten days prior to the first pesticide application of the season. This notice shall include:
  - a. The pesticide(s) to be used and its active ingredient(s).
  - b. The approximate **date range** of treatment.
  - c. The approximate location(s) to be treated.
  - d. The water use restrictions or precautions.
  - e. The posting procedure.
  - f. The names and telephone numbers of the applicator and the appropriate Ecology regional office.
3. The Permittee's notification to the public regarding mosquito control activities shall continue throughout the treatment season if pesticide applications occur. After the initial newspaper notice, notification may include a method other than notices in the newspaper, such as website posting or mailings.

### B. Posting Requirements

1. The Permittee shall post notices at all reasonable points of ingress and egress to the treatment areas when applying insecticides with **water use restrictions** to water bodies that are used for water supply, fish and shellfish harvesting, or water contact activities.
2. The Permittee need not post notices at sites that are not directly accessible to the public (i.e., catch basins, storm drains, utility and transportation vaults, etc.).

## S6. MONITORING REQUIREMENTS

- A. The Permittee shall meet the permit monitoring requirements by submitting complete larvicide application quantities as required in S8.B.

- B. If the Permittee chooses to monitor for efficacy or concentration, the Permittee shall follow sampling procedures outlined in S7.

## **S7. SAMPLING AND ANALYTICAL PROCEDURES**

- A. EPA publishes laboratory analytical methods used by industries and municipalities to analyze the chemical and biological components of wastewater, drinking water, sediment, and other environmental samples that are required by EPA regulations under the authority of the Clean Water Act and the Safe Drinking Water Act. Most of these methods are published by EPA as regulations at 40 CFR Part 136 or in the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA). The Permittee shall use an EPA method when conducting monitoring in compliance with this permit.
- B. With the exception of **dipping**, the Permittee shall ensure that all applicable monitoring data be prepared by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, Accreditation of Environmental Laboratories. Larvicide efficacy testing, larvae count research and analyses, and other related research are not considered monitoring for the purposes of this permit.

## **S8. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall submit pesticide application information in accordance with the following conditions. The falsification of information submitted to Ecology shall constitute a violation of the terms and conditions of the permit.

### **A. Annual Report**

1. The Permittee shall submit reports summarizing pesticide applications by February 1<sup>st</sup> of each year.
2. These reports shall include:
  - a. The name of the location treated (i.e., Sammamish Golf Club, City of Tacoma storm drain system, etc.).
  - b. The chemical name, and
  - c. The amount applied.
3. The Permittee shall sum the amount of each product applied at each site, identified location or system.

4. The Permittee shall submit this report electronically through Ecology's online data management system.

## **B. Dip Records**

1. For those treatments requiring dip samples to be taken, the Permittee shall record the:
  - a. Date and place dipping occurred;
  - b. The individual or contracted firm that performed the sampling or measurement; and
  - c. The larvae counts of the dip sample.
2. The Permittee need not submit this information as part of the annual report, but shall make the information available upon request by Ecology.

## **S9. BEST MANAGEMENT PRACTICES/INTEGRATED PEST MANAGEMENT**

### **A. Planning Options**

1. The Permittee shall implement either: Ecology's Best Management Practices (BMP) document (Ecology publication #03-10-023), or an Integrated Pest Management Plan (IPMP) that has been approved by Ecology (See compliance schedule in S10). The IPMP may include a decision tree outlining control options based on site and infestation conditions.
2. In the IPMP, the Permittee shall specify pesticides that are effective in controlling the mosquito population and have the least adverse impacts to non-target species, except:
  - a. In response to documented development of resistance,
  - b. In cases of effectiveness, or
  - c. In a declared public health emergency.
3. The IPMP shall evaluate the approved list of pesticide-based control identified in S4.B.1, 2, and 3.
4. If developing an individual IPM plan, the Permittee shall consult with appropriate local, state, and federal agencies as necessary.

## **B. Open Accessible Areas**

1. The Permittee shall not apply pesticide to **open accessible areas** unless the Permittee meets one of the following conditions:
  - a. Surveillance of a potential application site indicates that at least one larvae/pupae is present in one of three dips;
  - b. The Permittee has developed and obtained Ecology approval of a sampling protocol for large sites prior to treatment; or
  - c. The application site is located either in or **adjacent** to a county in which mosquito, bird, animal, or human mosquito-borne disease cases are confirmed within the current treatment season.
2. In the event that larvae are found in an open accessible areas and the area is treated, the Permittee may continue larvicide treatments preemptively without dipping for the remainder of the treatment season.

## **C. Water Supply, Conveyance, Drainage, or other Restricted Access Systems**

The Permittee shall not apply pesticides to regional **water supply, conveyance, drainage, or other restricted access systems**, unless one of the following occurs:

1. The Permittee has conducted **representative sampling** in the area and the sampling results indicate the presence of mosquito larvae;
2. The Permittee has developed and obtained Ecology approval of a sampling protocol for large sites prior to treatment or;
3. The application site is located either in or adjacent to a county in which mosquito, bird, animal, or human mosquito-borne disease cases are confirmed within the current treatment season or;
4. The treatment site is a catch basin, storm drain, utility or transportation vault, or
5. A public health emergency is declared by local and state health authorities.

## **D. Spill Cleanup Requirements**

The Permittee shall immediately report all pesticide spills to state and local authorities, and immediately cease treatment at the spill location until the spill is contained and cleanup has occurred.

## **S10. COMPLIANCE SCHEDULE**

- A.** The Permittee shall submit a copy of their developed IPMP (if this option is chosen) no later than February 1, 2008.
- B.** The Permittee shall implement the IPMP for all aquatic pest control activities.
- C.** If Ecology comments on the IPMP, the Permittee shall resubmit the IPMP with changes within six months of the receipt of comments.
- D.** If Ecology requires the Permittee to resubmit the IPMP, and the planned treatment season has started, the Permittee may conduct treatments during the review period.

## **S11. CONDITIONAL APPROVAL FOR THE USE OF PRODUCTS NOT SPECIFIED IN THE CURRENT PERMIT**

### **A. Product Approval**

This permit allows the use of products not specifically listed in S4.B if the Permittee ensures that all of the following procedures are met prior to use:

1. Pesticides shall be approved for the specific use by EPA and/or WSDA.
2. Pesticides not specifically allowed for use under this permit shall undergo a risk assessment process prior to approval from Ecology. This risk assessment is an evaluation of the product, independent of the risk assessment performed by EPA during the registration process, and is intended to be more specific to Washington State concerns. The risk assessment shall:
  - a. Be prepared by a **qualified toxicologist**.
  - b. Include, at a minimum:
    - i. Qualifications of the toxicologist(s) who prepared the risk assessment;
    - ii. Verification that the product will meet the specified general conditions and prohibitions of this permit;
    - iii. Information about human health effects from the product developed after the issuance of EPA's most recent risk assessment on the active ingredient;
    - iv. A summary and assessment of the peer-reviewed literature concerning the product since the issuance of EPA's most recent risk assessment;

- v. All available environmental and ecological information about the product and its environmental fate and effects;
- vi. Mitigation measures for the use of the product; and
- c. The Permittee shall submit the risk assessment and obtain Ecology's approval prior to use of the product.

## **B. Public Notification Procedures**

After Ecology's approval of a risk assessment, Ecology will conduct public notification in the state register and make the notification available for posting on Ecology's website. The notice shall provide:

1. The chemical name and the brand name(s),
2. The expected uses of the product,
3. A summary of the expected environmental and human health effects,
4. Information about how to obtain copies of the risk assessment, and
5. Information about how to comment on the proposed use of the chemical within the 30-day comment period.
6. Comments submitted during this process should be submitted to:

Aquatic Pesticide Specialist  
Department of Ecology, Water Quality Program  
P.O. Box 47600  
Olympia, WA 98504-7600

## **C. Approval of a New Product**

1. Based on any additional valid scientific information provided during the public comment period, Ecology may either grant, condition, or deny approval for the use of the new product.
2. Following approval, Ecology will modify this permit to condition the product's use.

## **S12. APPENDICES**

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

## **GENERAL CONDITIONS**

### **G1. DISCHARGE VIOLATIONS**

The Permittee shall be responsible for continuous compliance with the terms and conditions of this general permit. The Permittee shall be responsible for compliance with any order, directive, or penalty issued by Ecology.

### **G2. PROPER OPERATION AND MAINTENANCE**

The Permittee shall at all times properly operate and maintain any facilities or systems of control to achieve compliance with the terms and conditions of the general permit. Where design criteria have been established, the Permittee shall not allow flows or waste loadings to exceed approved design criteria or approved revisions thereto. The permittee shall properly operate and maintain all application equipment to achieve compliance with the terms and conditions of the permit. The permittee shall not allow concentrations of the product(s) to exceed label or permit conditions.

### **G3. RIGHT OF ENTRY**

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

- A. To enter upon the permittee or sponsor's premises to which an effluent source (discharge) occurs or in which any records are required to be kept under the terms and conditions of this general permit;
- B. To have access to and to copy at reasonable costs, any records required to be kept under terms and conditions of the permit;
- C. To inspect any postings, monitoring equipment, or method of monitoring required in this general permit; and/or
- D. To sample any discharge of pollutants. If the sampling of influent or internal hatchery waters is necessary, the Permittee will be provided the opportunity to collect the required sample.

#### **G4. NOTIFICATION OF CHANGE IN COVERED ACTIVITIES**

The Permittee shall submit a Change in Activities form to Ecology when a project activity changes significantly from what is currently listed on the permittees' application.

#### **G5. REVOCATION OF COVERAGE**

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

- A. Violation of any term or condition of this general permit.
- B. Obtaining coverage under this general permit by misrepresentation or failure to disclose fully all relevant facts.
- C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- D. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- E. A determination that the permitted activity endangers human health or the environment, or significantly contributes to water quality standards violations.
- F. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC.
- G. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable.

Permittees who have their coverage revoked for cause according to WAC 173-226-240, as listed immediately above, may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within 90 days from the time of revocation and is submitted along with a complete individual permit application form.

## **G6. GENERAL PERMIT MODIFICATION OR REVOCATION**

General permits may be modified, or revoked and reissued, in accordance with the provisions of Chapter 43.21B RCW and Chapter 173-226 WAC. Grounds for modification or revocation and reissuance include, but are not limited to, the following:

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

## **G7. REPORTING A CAUSE FOR REVOCATION OF COVERAGE**

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for revocation under condition G6 or 40 CFR 122.62 shall report such information to Ecology so that a decision can be made on whether action to revoke coverage under this general permit will be required. Ecology may then require submission of a new Application for Coverage under this or another general permit or an application for an individual permit. Submission of a new application does not relieve the Permittee of the duty to comply with all the terms and conditions of the existing general permit until the new application for coverage has been approved.

**G8. TRANSFER OF PERMIT COVERAGE**

Coverage under this general permit is automatically transferred to a new Permittee if:

- A. A written signed agreement between the old and new Permittee containing a specific date for transfer of permit responsibility and coverage is submitted to Ecology; and
- B. Ecology does not notify the old and new Permittee of its intent to revoke coverage under the general permit in which case the transfer is effective on the date specified in the written agreement between the old and new Permittee.

**G9. TOXIC POLLUTANTS**

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

**G10. OTHER REQUIREMENTS OF TITLE 40 CODE OF FEDERAL REGULATIONS**

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

**G11. COMPLIANCE WITH OTHER LAWS AND STATUTES**

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

**G12. ADDITIONAL MONITORING REQUIREMENTS**

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

### **G13. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or pollution control of wastewaters shall not be re-suspended or reintroduced to the final effluent stream for discharge to state waters. Such removed substances shall be lawfully disposed in an appropriate manner and shall comply with Chapter 173-303 WAC and Chapter 173-304 WAC.

### **G14. SIGNATORY REQUIREMENTS**

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

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, the proprietor of a sole proprietorship or ranking elected official. For government entities, permit applications shall be signed by a manager or director, or their designee.
- B. All reports required by this permit and other information requested by Ecology shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to Ecology.
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of a regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
  - 3. For aquatic pesticide applications, the reports may be signed by either the sponsor or the applicator(s).
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2. above shall be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

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

#### **G15. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER A GENERAL PERMIT**

Any discharger authorized by this general permit may request to be excluded from coverage under this general permit by applying for an individual permit. The discharger shall submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. The Director shall either issue an individual permit or deny the request with a statement explaining the reason for the denial.

#### **G16. APPEALS**

- A. The terms and conditions of this general permit, as they apply to the appropriate class of dischargers, are subject to appeal by any person within 30 days of issuance of this general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.
- B. The terms and conditions of this general permit, as they apply to an individual discharger, are appealable in accordance with Chapter 43.21B RCW within 30 days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that individual discharger.
- C. The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under this general permit. If the terms and conditions of this general permit are found to be inapplicable to any individual discharger(s), the matter shall be remanded to Ecology for consideration of issuance of an individual permit or permits.

**G17. DUTY TO REAPPLY**

Any Permittee receiving coverage for the length of this permit shall reapply for coverage under this general permit at least one hundred and eighty (180) days prior to the specified expiration date of this general permit. An expired general permit continues in force and effect until a new general permit is issued or until Ecology cancels it. Only those facilities that reapply for coverage are covered under the continued permit.

**G18. TERMINATION OF INDIVIDUAL PERMITS**

Any previously issued individual permit shall remain in effect until terminated in writing by Ecology, except that extension of an expired individual permit (pursuant to WAC 173-220-180(5)) shall terminate upon coverage under this general permit.

**G19. TERMINATION OF COVERAGE UPON ISSUANCE OF AN INDIVIDUAL PERMIT**

When an individual permit is issued to a discharger otherwise subject to this general permit, the coverage under this general permit for that Permittee is terminated on the effective date of the individual permit.

**G20. ENFORCEMENT**

Any violation of the terms and conditions of this general permit, the state Water Pollution Control Act, and the federal Clean Water Act, will be subject to the enforcement sanctions, direct and indirect, as provided for in WAC 173-226-250.

**G21. SEVERABILITY**

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

**G22. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by Ecology.

## APPENDIX A - DEFINITIONS AND ACRONYMS

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

**Adjacent:** *Something or someplace near, but not necessarily right next to something else.*

**Applicant:** *The licensed pesticide applicator or any entity choosing to apply for permit coverage.*

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

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

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

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

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

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

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

**Water supply, conveyance, drainage, or other restricted access systems:** *Restricted access areas that are accessible only through manholes or other means. Not readily accessible to the public (e.g. water, electrical or transportation vaults, storm drains, catch basins, etc.)*

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

## **APPENDIX B – STATE LISTED SPECIES RESTRICTED USE AREAS**

### Criteria Used for the Restrictions

The criteria WDFW used for denoting species as vulnerable were:

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

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

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

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

### Aerial Applications

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

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

### Area of Impact

Only a few populations of northern leopard frog, Oregon spotted frog, western toad, western pond turtle, and Yuma skipper remain in Washington. The total area occupied by these species in rivers, lakes, ponds, and wetlands is tiny, comprising of portions of 117 sections (<0.18% of Washington State). The areas identified for northern leopard frog (36 Sections) and western pond turtle (13 Sections) are owned

or managed by WDFW. The Permittee shall take a prudent, risk-adverse with vulnerable threatened and endangered species.

The following areas are restricted to the use of *Bacillus thuringiensis israelensis* (Bti) and *Bacillus sphaericus* (H-5a5b) an emergency health declaration is issued:

- 1) Grant County, north of Moses Lake, within the Crab Creek watershed: T21N R27E Sections 1, 12, and 13; T21N R28E Sections 7, 17, 18, 19, 28, 29, 30, 31, 32, and 33.
- 2) Grant County, south and west of Moses Lake and south of Interstate-90, the northern portion of the Potholes: T19N R27E Sections 33, 34, 35, and 36; T19N R28E Sections 31 and 32, **29, 30**; T18N R27E Sections 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, and 16, **17**; T18N R28E Sections 5, 6, **7, 8**, 17, and 18.
- 3) Grant County, area within and near the Sun Lakes – Dry Falls State Park wetlands: T24N R27E and 28E.
- 4) Kitsap County: lakes, ponds, and wetlands located in T22N R1W Sections 1, 2, 10, 11, and 12.
- 5) Klickitat County, west of the Klickitat River, all waters in T3N R12E Sections 28, 29, 32, and 33.
- 6) Mason County, on the Kitsap Peninsula: lakes, ponds, and wetlands located in T23N R2W Sections 11, 12, 13, 14, 15, 22, and 23.
- 7) Pierce and Kitsap counties, Carney Lake, located in T22N R1W.
- 8) Pierce, Thurston, and Lewis counties, within the Nisqually River watershed: Alder Lake (or Alder Lake Reservoir), located in townships: T15N R4E and 5E.
- 9) Pierce County, south of Tacoma, Chambers Creek and associated waters in T20N R2E Sections 26 and 27.
- 10) Skamania County, east of Carson, all waters in T3N R8E Sections 23, 24, 25, 26, and 36; T3N R9E Sections 30 and 31.
- 11) Thurston County, west of Yelm: lakes, ponds, and wetlands located in T17N R1E Sections 8, 9, 16, and 21.
- 12) Thurston County, south of Olympia and east of Interstate-5, within the Black River watershed, the Beaver Creek drainage, located in T16N R2W Sections 9, 10, 11, and

12; T16N R1W Section 7.

- 13) Thurston County, south of Olympia and west of Interstate-5, within the Black River watershed: Black River proper from south of Black Lake to the Chehalis River confluence, and the following tributaries, Stony Creek, Dempsey Creek, Salmon Creek, and Blooms Ditch. Legal description as follows for these sensitive areas: T17N R3W Sections 10, 11, 12, 13, 14, 15, 23, 24, 25, 35, and 36; T17N R2W Sections 7, 18, 19, and 30; T16N R3W Sections 2, 11, 14, 19, 20, 21, 22, 23, 30, and 31; T16N R4W Sections 25, 26, 27, 31, 32, 33, 34, 35, and 36.