



***STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES***

**GENERAL PERMIT (GP) TO DISCHARGE UNDER THE WISCONSIN  
POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES)**

In compliance with the provisions of Chapter 283, Wis. Statutes, any Wisconsin operation with a point source discharge of

**A POLLUTANT, SUCH AS AN EXCESS OR RESIDUAL PESTICIDE,  
DUE TO ACTIVITIES  
TO CONTROL NUISANCE OR INVASIVE AQUATIC PLANTS,  
ALGAE AND BACTERIA**

that meets the applicability criteria listed in part 1 of this permit, is authorized to discharge pollutants directly to surface waters of the state and to groundwater of the state (via incidental seepage of pesticide treated water) in accordance with the effluent limitations, monitoring requirements and other conditions set forth in this permit.

State of Wisconsin Department of Natural Resources  
For the Secretary

By *Susan L. Sylvester*  
Susan L. Sylvester, Director  
Bureau of Water Quality  
Division of Water

10-26-11  
Date Permit Signed/Issued

**PERMIT EFFECTIVE DATE - November 1, 2011**

**EXPIRATION DATE - September 30, 2016**

# 1. APPLICABILITY CRITERIA & PERMIT COVERAGE

## 1.1. Activities Covered

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

The following activities are eligible for coverage under this permit:

### 1.1.1. Control of an Aquatic or Wetland Plant Species Invasive to Wisconsin

This permit is applicable to a point source discharge of a pollutant directly to waters of the state due to control of invasive aquatic or wetland plant species listed in ch. NR 40, Wis. Adm. Code;

### 1.1.2. Control of a Nuisance Aquatic or Wetland Plant Native to Wisconsin

This permit is applicable to a point source discharge of a pollutant directly to waters of the state due to control of a nuisance aquatic or wetland plants native to Wisconsin;

### 1.1.3. Control of Invasive or Nuisance Algae

This permit is applicable to a point source discharge of a pollutant directly to waters of the state due to control an invasive algae species listed in ch. NR 40, Wis. Adm. Code or to control nuisance algae native to Wisconsin;

### 1.1.4. Control of Bacteria for a Public Health Concern

This permit is applicable to a point source discharge of a pollutant directly to waters of the state due to control of bacteria for a public health concern, such as beaches and water supply intake areas;

### 1.1.5. Control Activities for Other Similar Aquatic or Wetland Plants

This permit is applicable to a point source discharge of a pollutant directly to waters of the state due to control of other similar aquatic or wetland plants as approved by the Department.

## 1.2. Activities Excluded

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

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

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

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

### **1.2.3. Discharge to Wetlands**

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

### **1.2.4. Discharge from Indian activities within Indian Country**

This permit is not applicable to an aquatic or wetland plant control activity by a tribal entity that would have a pollutant discharge within Indian Country. Note: The US Environmental Protection Agency regulates pollutant discharges by tribal entities within Indian Country.

### **1.2.5. Discharge to 303(d) listed Impaired Resource Waters**

This permit is not applicable to an aquatic or wetland plant control activity that would have a biological or chemical pollutant discharge to waters of the state identified as impaired by that pollutant. Impaired waters are those that have been identified by Wisconsin pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards. Impaired waters include both waters with State and Federally approved Total Maximum Daily Loads (TMDLs) and impaired waters for which the State and EPA have not yet approved a TMDL. At the issuance date of this permit, there are no Wisconsin waters identified as impaired by a pesticide.

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

<http://dnr.wi.gov/org/water/wm/wqs/303d/>.

### **1.2.6. Discharge From Aquatic Animal Production (Aquaculture) Activities**

A WPDES permit is not required for a pollutant discharge from aquatic animal production (aquaculture) activities when the facility is not a significant source of pollution and aquaculture production is below the threshold levels established in 40 Code of Federal Regulations, Part 122.24.

## **1.3. Submittal of a Notice of Intent (NOI)**

To obtain authorization to discharge a pollutant under this permit, the applicator or sponsor of the plant control activity shall submit a notice of intent for this Wisconsin General WPDES Permit or submit a Ch. NR 107 Wis. Adm. Code aquatic organism management permit application (that requests WPDES permit coverage). A link to an electronic NOI for this permit will be included in 2012 on the Wisconsin WPDES general permit internet page.

## **1.4. Department Coverage Determination**

The permittee shall retain the written record of the Department's decision to authorize a pollutant discharge under this general WPDES Permit. The Department's permit coverage authorization shall be in writing and will show the permittee's start date for legal discharge under this permit.

### **1.5. Notice of Termination (NOT) Submittal**

When requesting discontinuation of coverage under this WPDES general permit, the permittee shall inform the Department in writing. The request for termination can be made via letter, electronic document transmittal, or by sending a copy of a Wis. GP Notice of Termination to the Wis. Dept. of Natural Resources, Water Quality Program, P.O. Box 7921, Madison, WI 53707. Coverage under this WPDES general permit will be terminated upon receipt of the termination notice by the Department.

## **2. REQUIREMENTS FOR ALL DISCHARGES**

### **2.1. Compliance with Wisconsin Water Quality Standards**

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

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

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

**2.1.3** Harm to endangered and threatened resources as specified in s. 29.604, Wis. Stats. and ch. NR 27, Wis. Adm. Code.

### **2.2. Discharge of Non-pesticide Plant Control Products or Additives**

Non-pesticide products or additives, such as oils, bacteria, enzymes, polymers, surfactants, etc., used in conjunction with a plant control project shall be managed so any biological, excess chemical, or residual chemical pollutant discharge would meet Wisconsin water quality standards as specified in part 2.1. The Department may require the permittee to submit information on the aquatic toxicity, human health impact, and persistence of any non-pesticide product or additive used to control a plant when there would be pollutant discharge to waters of the state.

### **2.3. Discharge to an Outstanding or Exceptional Resource Water Due to Control of an Invasive Aquatic Plant Species**

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

## **2.4. Pesticide Application Control**

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

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

## **2.5. Identify the Characteristics of the Aquatic Plant Problem**

An aquatic or wetland plant control operation covered under this permit shall, prior to initiation of a pest treatment project:

- 2.5.1** Evaluate the target plant species to develop management strategies based on habitat and reproductive characteristics for the target species;
- 2.5.2** Estimate current distribution of the target plant species within the treatment area and estimate potential distribution in the absence of control measures;
- 2.5.3** Identify life cycle characteristics suitable for management activities designed to reduce reproduction or survival of the target aquatic or wetland plant species;
- 2.5.4** Identify possible factors causing or contributing to the aquatic or wetland plant problem;
- 2.5.5** Establish action threshold densities for the target plant population for implementation of aquatic or wetland plant control strategies.

## **2.6. Evaluate Plant Management Options**

An aquatic or wetland plant control activity covered under this permit shall, prior to initiation of a pest treatment project:

- 2.6.1** Select and implement, for each aquatic or wetland plant management project, efficient and effective means of plant control that includes identification of the characteristics of the plant problem and evaluation of methods to minimize the pollutant discharge resulting from application of chemical pesticides, biological pesticides and plant control additives (such as those used to enhance pesticide effectiveness or otherwise manage the target plant) for control of a nuisance or invasive plant;
- 2.6.2** Considering impacts to human health, impacts to non-target organisms, pesticide efficacy, pesticide persistence, feasibility, and cost effectiveness, evaluate the following management options: (a) no action, (b) prevention, (c) mechanical or physical control methods, (d) biological control agents, (e) biological pesticides, and (f) chemical pesticides.

## 2.7. Minimize the Pollutant Discharge

When pesticide use is necessary to manage a nuisance or invasive plant and there is a discharge of a biological or chemical pollutant to waters of the State, the permittee shall minimize the discharge of pollutants related to control of the target aquatic or wetland plant by taking the following steps:

**2.7.1** Evaluate the use of physical obstructions, where feasible, to create a temporary defined aquatic or wetland plant treatment area to control any excess pollutant discharge;

**2.7.2** Conduct surveillance prior to the pesticide treatment project to assess target plant density within the treatment area and only apply a pesticide when an action threshold density has been met or exceeded;

**2.7.3** Minimize the amount of pesticide used and minimize the potential for a pesticide residue by drawing down the water level in the treatment area when practical;

**2.7.4** Evaluate options to minimize any excess pesticide discharge by retention or recycling of water within the treatment area;

**2.7.5** Assess environmental conditions (such as water temperature, flow, precipitation, wind speed, etc.) in the treatment area prior to each pesticide application to identify whether existing environmental conditions are suitable for target plant control activities;

**2.7.6** Evaluate seasonal factors to select an appropriate time for pesticide treatment to provide effective control of the target species, to reduce pesticide persistence beyond the treatment period, and to minimize impact on non-target species; and

**2.7.7** Utilize limited spot/area treatments, where practicable and feasible, to control the target species based on a susceptible life history stage.

## 2.8. Discharge of Other Pesticide Active Ingredients

**2.8.1** The permittee may discharge a pesticide active ingredient not listed in this permit on a limited basis in the context of data development and/or research to support pesticide registration under the jurisdictions of EPA or the Wis. DATCP through the issuance of an *Experimental Use Permit* (Federal or State). A permittee discharging a pesticide for such purposes is not required to create an Aquatic Plant Management decision summary document under part 5.3 of this permit, but must follow the other requirements of this permit. A permittee that is exempt from needing an *Experimental Use Permit* as per 40 CFR 172 and s. ATCP 29.71 may discharge a pesticide active ingredient not listed in this permit but is required to follow all of the other requirements of this WPDES general permit;

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

**2.8.3** A permittee may discharge a pollutant or pesticide active ingredient not addressed in this permit if use of the aquatic organism control product is approved under a permit issued by the Department under the authority of Ch. NR 107 or NR 109, Wisconsin Administrative Code.

Discharges related to NR 107 or NR 109 permitted aquatic organism control products are subject to the other requirements of this WPDES general permit.

### **3. ADDITIONAL REQUIREMENTS FOR ACTIVITIES TO CONTROL AQUATIC PLANTS, WETLAND PLANTS & ALGAE**

Control activities for invasive (listed in Ch. NR 40, Wis. Adm. Code) and nuisance aquatic plant, wetland plant and algae species that have a point source pollutant discharge to waters of the state shall meet the following additional requirements.

#### **3.1. Monitoring for Excess or Residual Pollutants from a Plant Control Activity**

Any monitoring needed to evaluate an excess or residual pollutant discharge will be specified in the Department approval issued under the authority contained in Ch. NR 107 or 109, Wis. Adm. Code.

#### **3.2. Aquatic Plant Control Pesticide *Active Ingredients***

The following pesticide active ingredient substances may have an excess or residual chemical pollutant discharge and/or a biological pollutant discharge under this WPDES permit when the pesticide product containing the active ingredient is registered with EPA, is registered with the Wisconsin Dept. of Agriculture, Trade and Consumer Protection (DATCP) for use in Wisconsin, and is used consistent with the label in a location appropriate to aquatic or wetland plant management. Part 2.8 of this permit also authorizes the discharge of additional pesticide active ingredients. A permittee may request authorization to discharge other pesticide active ingredient substance by requesting this permit be modified to include the active ingredient, or a permittee may apply for a site specific WPDES individual permit to authorize the discharge of the pesticide active ingredient.

1. 2,4-Dichlorophenoxyacetic acid, dimethylamine salt & butoxyethyl ester
2. Bispyribac-Sodium
3. Chelated Copper
4. Diquat: Dibromide salt of 6,7-dihydrodipyrido (1,2-a:2',1''-c) pyrazinediium
5. Endothall: (e.g. Aquathol K™) Dipotassium salt of 7-oxabicyclo [2.2.1] heptane-2,3 dicarboxylic acid
6. Endothall: (e.g Hydrothol 191™) Mono (N,N-dimethylalkylamine) salt of 7-oxabicyclo [2.2.1] heptane-2,3-dicarboxylic acid
7. Flumioxazin
8. Fluridone: 1-methyl-3-phenyl-5-[3-(trifluoromethyl)phenyl]-4(1H)-pyridinone
9. Glyphosate: N-(phosphonomethyl)glycine, isopropylamine salt
10. Imazamox: 2-[4,5-dihydro-4-methyl-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-(methoxymethyl)-3-pyridinecarboxylic acid
11. Imazapyr: 2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl)-3-pyridinecarboxylic acid
12. Penoxsulam
13. Sodium carbonate peroxyhydrate:  $2\text{Na}_2\text{CO}_3 \cdot 3\text{H}_2\text{O}_2$
14. Triclopyr Triethylamine salt of 3,5,6-trichloro-2-pyridyloxyacetic acid & butoxyethyl ester

### **3.3. Standards for Other Types of Plant Control Activities**

Aquatic plant, wetland plant, or algae control products or activities not addressed in Part 3.2 of this permit, such as pollutant discharges from nutrient inactivation products, chemical shading products, water dyes, water clarification products, polymers, beneficial bacteria, beneficial enzymes, etc., shall be controlled so a biological, excess chemical, and residual chemical pollutant discharge is controlled to meet Wisconsin water quality standards contained in parts 2.1 through 2.3 of this permit.

## **4. ADDITIONAL REQUIREMENTS FOR CONTROL ACTIVITIES FOR DETRIMENTAL BACTERIA OR VIRUSES**

Detrimental bacteria or virus control activities that have a point source pollutant discharge to waters of the state shall meet the following additional requirements.

### **4.1. Excess Halogen Discharge Monitoring for Bacteria Control**

A permittee that has a point source pollutant discharge of excess chlorine or bromine to waters of the state outside of the treatment area or transition zone during a year shall analyze at least one grab sample for that year for total residual halogen within 12 hours of the peak halogen treatment concentration. The grab sample shall be representative of the total residual halogen pollutant concentration in the waters of the state just beyond the treatment or transition zone. The Department may waive this requirement in writing based on a demonstration that representative monitoring will be completed by a group of permittees or that such receiving water testing is not possible due to sample collection, analysis method, public health emergency, or legal issues that prevent collection of valid sample results. The results of any annual pollutant monitoring shall be submitted to the Department by February 15<sup>th</sup> of the year following the pollutant discharge as specified in Part 5.5 of this permit.

### **4.2. Bacteria or Virus Control Substances and Treatments**

The following bacteria or virus biocide substances, including other forms of chlorine or bromine, may have an excess or residual pollutant discharge under this WPDES general permit. Parts 2.2 and 2.8 of this permit may also authorize the discharge of additional substances for control of bacteria or viruses detrimental to human or aquatic health. A permittee may request authorization to discharge another biocide or pesticide active ingredient substance by requesting this permit be modified to include the active ingredient, or a permittee may apply for a site specific WPDES individual permit to authorize the discharge of the biocide or pesticide active ingredient substance.

1. Chlorine
2. Sodium or Calcium Hypochlorite
3. Chlorine Dioxide
4. Bromine

### **4.3. Limitations for Total Residual Halogen**

Bacteria or virus control activities shall be managed so that any excess or residual pollutant does not exceed a Wisconsin water quality standard as specified in parts 2.1 through 2.3 of this permit. The permittee shall demonstrate to the Department (in an attachment to the NOI) how the excess or residual biocide active ingredient substance will be controlled to meet the Wisconsin water quality standard. For bacterial treatments using forms of chlorine or bromine, the Department would, in most cases, require that waters of the state supporting aquatic life outside the treatment/transition area and after the treatment period contain a non-detectable level of total residual halogen.

## **5. DOCUMENTATION AND REPORTING**

### **5.1. Visual Monitoring**

During or soon after plant control activities, the permittee shall visually observe areas where there would be an excess pollutant discharge to waters of the state to check for adverse incidents, such as death or distress of non-target organisms, disruption of wildlife habitat, risk to recreational activities, risk to human health, etc. This visual check shall be performed when it is safe and feasible. When a large area is treated via broadcast spray, the permittee may limit the visual check to a representative sample of waters of the state that have received a pollutant discharge. Visual check records shall be retained at the permittee's office for review by Department staff or any member of the public as specified in part 6.9 of this permit.

### **5.2. Exemption for a Private Pond or Private Wetland**

When the aquatic plant treatment area is confined to a private pond (as defined in NR 107.11(3)(a), Wis. Adm. Code) or private wetland area located entirely within the property boundaries of the permittee, there is no public access during the treatment period, and the permittee can control the overflow to prevent discharge of a point source pollutant beyond the private pond or private wetland area, the permittee is exempt from parts 5.3, 5.4 and 5.5 of this permit.

### **5.3. Aquatic Plant Management (APM) Decision Summary**

The requirements of part 5.3 of this permit are effective January 1, 2013 and apply to a permittee that exceeds an annual total plant treatment dimension of 20 acres (of waters of the state) or 20 linear miles of shoreline. When this cumulative annual plant treatment area is exceeded, the permittee is required to document a brief summary of the Aquatic Plant Management decisions for each treatment project (with a pollutant discharge) conducted from that date through the rest of the calendar year. A copy of the project specific APM decision summary document shall be available at the site during treatment activities and at the permittee's office for review by Department staff or any member of the public. Part 5.9 of this permit specifies the retention time for the APM decision summary documents. If the permittee's office is not staffed during normal business hours, the permittee shall provide a copy of the APM decision summary no later than 5 days after a request to review the document. The APM decision summary shall be updated when there are significant changes to the treatment area, target species, or pest control products used. If it is not possible to develop an APM decision summary document prior to a pesticide application related to a government declared invasive species emergency, the permittee shall develop the APM decision summary within 30 days after the invasive species emergency is declared.

The primary objective of the aquatic plant management decision summary is to document the evaluation process of where, when, and how aquatic plant control is implemented within a permittee's treatment area, to minimize the discharge of excess or residual chemical pollutants and biological pollutants to waters of the state, and to describe the actions taken to ensure discharges from aquatic plant control activities do not cause or contribute to a violation of Wisconsin water quality standards as specified in part 2.1, 2.2 & 2.3 of this permit. The APM decision summary document shall include details on the following, at a minimum:

- 5.3.1** Permittee contact information, such as identification of the individual responsible for on-site operations, emergency reporting of permit noncompliance, and reporting of adverse incidents, such as spills or impacts to non-target aquatic life (see part 6.2 & 6.5);
- 5.3.2** A map or tracking system that documents the aquatic plant treatment area, general distribution of target aquatic plant within the treatment area, endangered species habitat within the permittee's treatment area, and any no-spray zones for sensitive aquatic species, etc;
- 5.3.3** Identification of the aquatic plant characterization efforts undertaken as specified in part 2.5 of this permit and the action thresholds established for the aquatic plant control project;
- 5.3.4** Documentation of the decisions regarding the aquatic plant management options listed in part 2.6 of this permit;
- 5.3.5** Documentation of the pollutant discharge minimization activities undertaken as specified in part 2.7 of this permit, including target aquatic plant surveillance efforts and evaluation of suitable environmental conditions for aquatic plant control when action thresholds are met;
- 5.3.6** Conclusions regarding the effectiveness of the proposed treatment on the target species, considering nearby occurrence of the target species beyond the treatment area and the species movement range;
- 5.3.7** Description of the actions taken to ensure pollutant discharges from aquatic plant control activities do not cause or contribute to a violation of Wisconsin water quality standards as specified in part 2.1, 2.2 & 2.3 of this permit;
- 5.3.8** Summary of any sampling and analysis activities the permittee will undertake to evaluate the effectiveness of the aquatic plant control treatments, and to meet the excess or residual pollutant monitoring requirements contained in parts 3.1 or 4.1 of this permit, and;
- 5.3.9** Description of the record keeping and reporting activities needed to meet the requirements of part 5.1 (visual check) and 5.5 (annual report) of this permit.

#### **5.4. Certification of Aquatic Plant Management Implementation**

After January 1, 2014, a permittee that exceeds the annual total aquatic plant treatment dimension of 20 acres (of waters of the state) or 20 linear miles of shoreline shall certify to the Department that the requirements of Part 5.3 of this permit have been implemented. The certification shall contain the following statement and be signed in accordance with the Authorized Signature standard requirement in part 6.7 of this permit:

"I certify under penalty of law that the Aquatic Plant Management decision summary documents required by WPDES General Permit No. WI-0064556-1 have been completed and are retained at the permittee's office or other location approved by the Department. The APM site-specific decision summary documents were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate information contained in the summary documents. Based on my inquiry of the person, or persons, directly responsible for gathering the information or who manage the activity, the information contained in the APM decision summary documents are, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for providing false information, including the possibility of fine and imprisonment. In addition, I certify under penalty of law that, based upon inquiry of persons directly under my supervision, to the best of my knowledge and belief, the APM decision summary documents adhere to the applicable requirement of WPDES General Permit No. WI-0064556-1.

This certification may be submitted with the annual reporting information (see part 5.5 below). When this certification has been submitted to the Department for one calendar year, re-certification is not required for subsequent years of discharge under this permit. A copy of this certification, showing the date submitted to the Department, shall be retained at the permittee's business office.

#### **5.5. Annual Monitoring Report**

The requirements of part 5.5 of this permit are effective for the 2013 calendar year (first report due February 15<sup>th</sup>, 2014) and subsequent years. Except as specified in part 5.2 of this permit, the permittee shall annually report the following information for plant control activities that had a pollutant discharge to waters of the state during the calendar year: permittee name, treatment area size & location (GPS Lat/Long preferred), duration of the treatment period, target species name, control product names & amounts applied, applicator names, any adverse conditions noted/corrective actions taken, and any pollutant testing results. The annual reporting information shall be submitted to the DNR Water Quality Program no later than February 15th of the next year. Either the Department's Ch. NR 107 treatment record may be used to submit the reporting information, or an alternate report format may be used that clearly shows the reporting information from the previous calendar year. Monitoring reports shall be signed in accordance with the Authorized Signature standard requirement in part 6.7 of this permit.

The annual reporting information may be submitted to the office that issued a Ch. NR 107 or 109 permit for the aquatic plant control project or it may be submitted to the Headquarters office of the Department of Natural Resources Region in which the aquatic plant control activities were primarily located. The permittee shall report a zero pollutant discharge for a year when there have been no pollutant discharges under this permit related to plant control activities.

## 6. STANDARD REQUIREMENTS

**6.1. NR 205, Wisconsin Administrative Code:** The conditions in ss. NR 205.07(1) and NR 205.07(3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these requirements, except for s. NR 205.07(1)(n), which does not apply to facilities covered under general permits. Selected s. NR 205.07 requirements are listed below for convenience.

**6.2. Spill Reporting for Pesticides and other Hazardous Substances:**

The permittee shall immediately notify the Department of an accidental release or spill of any pesticide or other hazardous substance to the environment as specified in ch. NR 706 and s. NR 205.07(3)b, Wis. Adm. Code. The Department shall be notified via the toll free 24-hour spills hotline (1-800-943-0003).

**6.3. Duty to Halt or Reduce Activity:** As required in s. NR 205.07(3)(e), the permittee shall curtail wastewater discharges or modify pesticide treatment activities to the extent necessary to maintain compliance with this permit.

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

**6.5. Permit Noncompliance Reporting:** As specified in s. NR 205.07(1)(s), Department notification is required within 24 hours of becoming aware of an adverse incident or permit noncompliance that may endanger human health or the environment. A written submission shall be made to the Department within 5 days of the time the permittee becomes aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance including the exact date and times, and any corrective actions taken to mitigate the noncompliance. If the noncompliance has not been corrected, specify the anticipated time the noncompliance is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

**6.6. Inspection and Entry:** The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to access the permittee's pollutant discharge location, to access the Aquatic Plant Management decision summary documents, and to inspect and monitor the pollutant discharge as described in s. NR 205.07(1)(d).

**6.7. Authorized Signature:** Reports, records, and monitoring results required by this permit shall be signed by the permittee's authorized representative as specified in s. NR 205.07(1)(g).

**6.8. Recording of Results:** For each effluent measurement or sample taken, the permittee shall record the following information as required in s. NR 205.07(1)(e):

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

## **6.9. Retention and Submittal of Reports, Records, and Monitoring**

**Results:** The permittee shall retain records of all monitoring required by this permit and report monitoring results as set forth in s. NR 205.07(1)(f) and (r). Reports (including Aquatic Plant Management decision summary documents, aquatic plant surveillance data and visual inspection reports), records, and monitoring results required by this permit shall be retained by the permittee for the duration of this permit or three years after this information is generated, whichever is longer.

**6.10. Continuation of an Expired General Permit:** As provided in s. NR 205.08(9), the terms and conditions of this general permit shall continue to apply until this general permit is reissued or revoked or until an individual permit is issued for the discharge to which the general permit applied. The status of expired general permits and forms for requesting continued permit coverage can be found by searching for “WPDES general permits” or accessed at <http://dnr.wi.gov/org/water/wm/ww/gpindex/gpinfo.htm>.

**6.11. Enforcement:** Any violation of this permit is enforceable under ss. 283.89 and 283.91, Wisconsin Statutes.

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

**6.13. Work near Surface Waters and Wetlands:** Any work performed in wetland areas or within areas subject to local floodplain and shoreland regulations must conform to all applicable county or local ordinances. All applicable state permits and/or contracts required by chs. 30, 31 and 87, Wis. Stats. and sections 281.15, 281.17(10), 281.36 and 281.37, Wis. Stats. (or Wis. Administrative Code adopted under these laws), and applicable federal permits must be obtained as necessary.

**6.14. Water Quality Sampling and Testing Procedures:** Sampling and laboratory testing procedures shall be performed as specified in s. NR 205.07(1)(p) and as set forth below. Sampling and analysis of effluent samples shall be performed as specified in chapters NR 218 and NR 219, Wis. Adm. Code, respectively and shall be performed by a laboratory certified or registered in accordance with the requirements of ch. NR 149, except that immunoassay test results from certified labs will be accepted for pesticide analysis of receiving water samples.

**6.15. Conventions for the Reporting and Use of Low Level Results:** The permittee shall use the following conventions when reporting effluent monitoring results: (a) non-detected pollutant results shall be reported as < (less than) the value of the analytical method's limit of detection; (b) pollutant concentrations equal to or greater than the limit of detection, but less than the limit of quantitation, shall be reported and the limit of quantitation shall be specified; and (c) a zero value may be substituted for any non-detected pollutant result for the purposes of calculating an average or a mass discharge.