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January 8, 2016

Via Electronic and U.S. Mail

Rich Doenges
Director, Water Quality
Department of Ecology, Southwest Region
P.O. Box 47775
Olympia, WA 98504-7775

Subject: WGHOGA RE-Application for an NPDES Permit

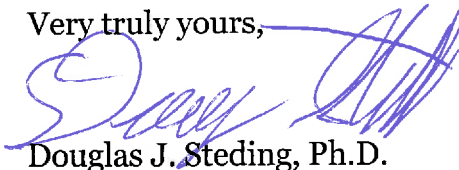
Dear Mr. Doenges:

We are transmitting the enclosed application package on behalf of the Willapa-Grays Harbor Oyster Growers Association for the use of imidacloprid to control burrowing shrimp infestations on Association member tidelands.

Also, under separate cover, we are submitting a formal request to the Washington Department of Ecology to reinstate permit Number WA0039781, cancelled by Ecology on May 4, 2015. To be clear, this new application should not be construed as a waiver of any rights the Association may have with respect to that cancellation.

The Association greatly appreciates the hard work and time invested by Ecology staff in this permit and in helping the growers save their farms.

Very truly yours,



Douglas J. Steding, Ph.D.

cc: Derek Rockett
Lee Overton

Portland, OR
Seattle, WA
Vancouver, WA
Bend, OR
Long Beach, CA

MILLERNASH.COM

Disclaimer

This is an updated WORD document that allows you to type your information directly into the form, print it, and save the completed form.

This form is not password protected. Use F11 to navigate through fields.

Instructions:

1. Type in your information
2. Save file electronically
3. Print the completed form
4. Sign and date the printed copy
5. Mail it and an electronic copy to the directed Ecology contact.



United States
Environmental Protection
Agency

Office of
Enforcement
Washington, D.C 20460

EPA Form 3510-1
Ecology Form #ECY 070-429
Ecology Revision 10/2011

Permits Division

Application Form 1 – General Information

Consolidated Permits Program

This form must be completed by all persons applying for a permit under EPA's Consolidated Permits Program. See the general instructions to Form 1 to determine which other application forms you will need.

DESCRIPTION OF CONSOLIDATED PERMIT APPLICATION FORMS	FORM 1 PACKAGE TABLE OF CONTENTS
<p>The Consolidated Permit Application Forms are:</p> <p>Form 1 - General Information (<i>included in this part</i>);</p> <p>Form 2 - Discharges to Surface Water (<i>NPDES Permits</i>):</p> <p> 2A. Publicly Owned Treatment Works,</p> <p> 2B. Concentrated Animal Feeding Operations and Aquatic Animal Production Facilities,</p> <p> 2C. Existing Manufacturing, Commercial, Mining, and Silvicultural Operations,</p> <p> 2D. New Manufacturing, Commercial, Mining, and Silvicultural Operations,</p> <p> 2F. Application for Permit to Discharge Storm Water Associated with Industrial Activity;</p> <p>Form 3 - Hazardous Waste Application Form</p> <p>Form 4 - Underground Injection of Fluids.</p>	<p>Section A. General Instructions</p> <p>Section B. Instructions for Form 1</p> <p>Section C. Activities Which do Not Require Permits</p> <p>Section D. Glossary</p> <p>Form 1</p> <p>If you are submitting this form to the Washington State Department of Ecology, please submit it electronically (email or disk) in addition to the signed hard copy.</p>

SECTION A - GENERAL INSTRUCTIONS

Who Must Apply

With the exceptions described in Section C of these instructions, Federal laws prohibit you from conducting any of the following activities without a permit.

NPDES (*National Pollutant Discharge Elimination System Under the Clean Water Act, 33 U.S.C. 1251*). Discharge of pollutants into the waters of the United States.

RCRA (*Resource Conservation and Recovery Act, 42 U.S.C. 6901*). Treatment, storage, or disposal of hazardous wastes.

UIC (*Underground Injection Control Under the Safe Drinking Water Act, 42 U.S.C. 300f*). Injection of fluids underground by gravity flow or pumping.

PSD (*Prevention of Significant Deterioration Under the Clean Air Act, 72 U.S.C. 7401*). Emission of an air pollutant by a new or modified facility in or near an area which has attained the National Ambient Air Quality Standards for that pollutant.

Each of the above permit programs is operated in any particular State by either the United States Environmental Protection Agency (*EPA*) or by an approved State agency. You must use this application form to apply for a permit for those programs administered by EPA. For those programs administered by approved States, contact the State environmental agency for the proper forms.

If you have any questions about whether you need a permit under any of the above programs, or if you need information as to whether a particular program is administered by EPA or a State agency, or if you need to obtain application forms, contact your EPA Regional office (*see address opposite column*).

Upon your request, and based upon information supplied by you, Ecology will determine whether you are required to obtain a permit for a particular facility. Be sure to contact Ecology if you have a question, because Federal and State laws provide that **you may be heavily penalized if you do not apply for a permit when a permit is required.**

Form 1 of the EPA consolidated application forms collects general information applying to all programs. You must fill out Form 1 regardless of which permit you are applying for. In addition, you must fill out one of the supplementary forms (*Forms 2 - 5*) for each permit needed under each of the above programs. Item II of Form 1 will guide you to the appropriate supplementary forms.

You should note that there are certain exclusions to the permit requirements listed above. The exclusions are described in detail in Section C of these instructions. If your activities are excluded from permit requirements then you do not need to complete and return any forms.

NOTE: Certain activities not listed above also are subject to EPA administered environmental permit requirements. These include permits for ocean dumping, dredged or fill material discharging, and certain types of air emissions. Contact your EPA Regional office for further information.

EPA REGION 10 (Federal and Tribal Facilities)

Permit Contact (*M/S 521*),
U.S. Environmental Protection Agency
1200 6th Avenue, Seattle, WA 98101
(206) 442-7176
FTS 399-7176.
Alaska, Idaho, Oregon, and Washington.

Where to File

The application forms should be mailed to the appropriate Ecology Regional Office. See <http://www.ecy.wa.gov/org.html>

When to File

Because of statutory requirements, the deadlines for filing applications vary according to the type of facility you operate, the type of permit you need and if your current permit specifies reapplication dates. The minimum deadlines are provided in Table 1.

Table 1. Filing Dates for Permits¹

FORM (permit)	WHEN TO FILE
2A(NPDES).....	180 days before your present NPDES permit expires.
2B(NPDES).....	180 days before your present NPDES permit expires, or 180 days prior to start-up if you are a new facility. ²
2C(NPDES).....	180 days before your present NPDES permit expires ² .
2D(NPDES).....	180 days prior to startup.
2F (NPDES).....	180 days prior to startup.
3(Hazardous Waste)	Existing facility: Six months following publication of regulations listing hazardous wastes. New facility: 180 days before commencing physical construction.
(UIC)	A reasonable time prior to construction for new wells; as directed by the Director for existing wells

¹ Please note that some of these forms are not yet available for use and are listed as "Reserved" at the beginning of these instructions. Contact your EPA Regional office for information on current application requirements and forms.

²Ecology recommends new facilities submit application at least one year before commencing operation. Application to renew an existing permit is usually required one year before expiration.

Federal regulations provide that you may not begin to construct a new source in the NPDES program, a new hazardous waste management facility, a new injection well, or a facility covered by the PSD program before the issuance of a permit under the applicable program. Please note that if you are required to obtain a permit before beginning construction, as described above, you may need to submit your permit application well in advance of an applicable deadline listed in Table 2.

Fees

Ecology charges a fee for applications for new individual wastewater discharge permits.

Availability of Information to the Public

Information contained in these application forms will, upon request, be made available to the public for inspection and copying. However, you may request confidential treatment for certain information which you submit on certain supplementary forms. The specific instructions for each supplementary form state what information on the form, if any, may be claimed as confidential and what procedures govern the claim. No information on Forms 1 and 2A through 2D may be claimed as confidential.

Completion of Forms

Unless otherwise specified in instructions to the forms, each item in each form must be answered. To indicate that each item has been considered, enter "NA," for not applicable, if a particular item does not fit the circumstances or characteristics of your facility or activity.

If you have previously submitted information to EPA or to an approved state agency which answers a question, you may either repeat the information in the space provided or attach a copy of the previous submission. Some items in the form require narrative explanation. If more space is necessary to answer a question, attach a separate sheet entitled "Additional Information."

Financial Assistance for Pollution Control

There are a number of direct loans, loan guarantees, and grants available to firms and communities for pollution control expenditures. These are provided by the Small Business Administration, the Economic Development Administration, the Farmers Home Administration, and the Department of Housing and Urban Development. EPA Region 10 office has an economic assistance coordinator who can provide you with additional information. EPA's construction grants program under Title II of the Clean Water Act is an additional source of assistance to publicly owned treatment works. Contact your EPA Region 10 office for details.

SECTION B - FORM 1 LINE-BY-LINE INSTRUCTIONS

This form must be completed by all applicants.

Item I

Space is provided at the upper right hand corner of Form 1 for insertion of your Identification Number. If you have an existing wastewater discharge permit, enter the permit number here. If your facility does not currently have a wastewater discharge permit, leave this item blank.

Item II

Answer each question to determine which supplementary forms you need to fill out. Be sure to check the glossary in Section D of these instructions for the legal definitions of the **bold faced words**. Check Section C of these instructions to determine whether your activity is excluded from permit requirements.

If you answer "no" to every question, then you do not need a permit, and you do not need to complete and return any of these forms.

If you answer "yes" to any question, then you must complete and file the supplementary form by the deadline listed in Table 1 along with this form. (*The applicable form number follows each question and is enclosed in parentheses.*) You need not submit a supplementary form if you already have a permit under the appropriate federal program, unless your permit is due to expire and you wish to renew your permit.

Questions (I) and (J) of Item II refer to major new or modified sources subject to Prevention of Significant Deterioration (PSD) requirements under the Clean Air Act. For the purpose of the PSD program, major sources are defined as: (A) Sources listed in Table 3 which have the potential to emit 100 tons or more per year emissions; and (B) All other sources with the potential to emit 250 tons or more per year. See Section C of these instructions for discussion of exclusions of certain modified sources.

Table 2. 28 Industrial Categories Listed in Section 169(1) of the Clean Air Act of 1977

Fossil fuel-fired steam generators of more than 250 million BTU per hour heat input;
Coal cleaning plants (*with thermal dryers*);
Kraft pulp mills;
Portland cement plants;
Primary zinc smelters;
Iron and steel mill plants;
Primary aluminum ore reduction plants;
Primary copper smelters;
Municipal incinerators capable of charging more than 250 tons of refuse per day;
Hydrofluoric acid plants;
Nitric acid plants;
Sulfuric acid plants;
Petroleum refineries;
Lime plants;
Phosphate rock processing plants;
Coke oven batteries;
Sulfur recovery plants;
Carbon black plants (*furnace process*);
Primary lead smelters;
Fuel conversion plants;
Sintering plants;
Secondary metal production plants;
Chemical process plants;
Fossil fuel boilers (*or combination thereof*) totaling more than 250 million BTU per hour heat input.
Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

Taconite ore processing plants;
Glass fiber processing plants; and
Charcoal production plants.

Item III

Enter the facility's official or legal name. Do not use a colloquial name.

Item IV

Give the name, title, and work telephone number of a person who is thoroughly familiar with the operation of the facility and with the facts reported in this application and who can be contacted by reviewing offices if necessary.

Item V

Give the complete mailing address of the office where correspondence should be sent. This office is not the address used to designate the location of the facility.

Item VI

Give the address or location of the facility identified in Item III of this form. If the facility lacks a street name or route number, give the most accurate alternative geographic information (e.g. section number or quarter section number from the county records or at the intersection of Rts 425 and 22.)

Give the latitude and longitude using NAD83 (GCS North America 1983) or WGS84 datum reference. Use degree decimal format to 4 decimal places (e.g. N47.0123)

Item VII

List, in descending order of significance, the four 4-digit standard industrial classification (SIC) codes which best describe your facility in terms of the principal products or services you produce or provide. Also, specify each classification in words. These classifications may differ from the SIC codes describing the operation generating the discharge, air emissions, or hazardous wastes.

SIC code numbers are descriptions which may be found in the "Standard Industrial Classification Manual" prepared by the Executive Office of the President, Office of Management and Budget, which is available from the Government Printing Office, Washington, D.C. Use the current edition of the manual. See the website <http://www.naics.com/search.htm> for more information.

The Department of Licensing issues you a **UBI number** (Unified Business Identifier) with your business license. The Washington State Departments of Revenue, Licensing, Employment Security, Labor and Industry, and the Office of the Secretary of State use this number to identify your business. You can identify your UBI number at the following Department of Revenue website: <http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/>

Item VIII-A

Give the name, as it is legally referred to, of the person, firm, public organization, or any other entity which operates the facility described in this application. This may or may not be the same name as the facility. The operator of the facility is the legal entity which controls the facility's operation rather than the plant or site manager. Do not use a colloquial name.

Item VIII-B

Indicate whether the entity which operates the facility also owns it by marking the appropriate box.

SECTION B - FORM 1 LINE-BY-LINE INSTRUCTIONS *(continued)*

Item VIII-C

Enter the appropriate letter to indicate the legal status of the operator of the facility. Indicate "public" for a facility solely owned by local government(s) such as a city, town, county, parish, etc.

Items VIII-D-H

Enter the telephone number and address of the operator identified in Item VIII-A.

Item IX

Indicate whether the facility is located on Indian Lands.

Item X

Give the number of each presently effective permit issued to the facility for each program or, if you have previously filed an application but have not yet received a permit, give the number of the application, if any. Fill in the unshaded area only. If you have more than one currently effective permit for your facility under a particular permit program, you may list additional permit numbers on a separate sheet of paper. List any relevant environmental Federal (*e.g., permits under the Ocean Dumping Act, Section 404 of the Clean Water Act or the Surface Mining control and Reclamation Act*), State (*e.g., State permits for new air emission sources in nonattainment areas under Part D of the Clean Air Act or State permits under Section 404 of the Clean Water Act*), or local permits or applications under "other."

Item XI

Provide a topographic map or maps of the area extending at least one mile beyond the property boundaries of the facility, which clearly show the following:

The legal boundaries of the facility;

The location and serial number of each of your existing and proposed intake and discharge structures;

All hazardous waste management facilities;

Each well where you inject fluids underground; and

All springs and surface water bodies in the area, plus all drinking water wells within 1/4 mile of the facility which are identified in the public record or otherwise known to you.

If an intake or discharge structure, hazardous waste disposal site, or injection well associated with the facility is located more than one mile from the plant, include it on the map, if possible. If not, attach additional sheets describing the location of the structure, disposal site, or well, and identify the U.S. Geological Survey (*or other*) map corresponding to the location.

On each map, include the map scale, a meridian arrow showing north, and latitude and longitude to 4 decimal places. On all maps of rivers, show the direction of the current, and in tidal waters, show the direction of the ebb and flow tides. Use a 7-1/2 minute series map published by the U.S. Geological Survey, which may be obtained through the U.S. Geological Survey Offices listed below. If a 7-1/2 minute series map has not been published for your facility site, then you may use a 15 minute series map from the U.S. Geological Survey. If neither a 7-1/2 nor 15 minute series map has been published for your facility site, use a plat map or other appropriate map, including all the requested information; in this case, briefly describe land uses in the map area (*e.g., residential, commercial*).

You may trace your map from a geological survey chart, or other map meeting the above specifications. If you do, your map should bear a note showing the number or title of the map or chart it was traced from. Include the names of nearby towns, water bodies, and other prominent points. An example of an acceptable location map is shown in Figure 1-1 of these instructions. (*NOTE: Figure 1-1 is provided for purposes of illustration only, and does not represent any actual facility.*)

USGS OFFICE

AREA SERVED

Eastern Mapping Center
National Cartographic
Information Center
U.S.G.S.
536 National Center
Reston, VA 22092
Phone No. (703) 860-6336

AL, CT., DE., D.C., FL,
GA, IN, KY, ME, MD,
MA, NH, NJ, NY, NC,
SC, OH, PA, Puerto Rico,
RI, TN, VT, VA, WV,
and U.S. Virgin Islands.

Mid Continent Mapping Center
National Cartographic
Information Center
U.S.G.S.
1400 Independence Road
Rolla, MO. 65401
Phone No. (314) 341-0851

AR, IL, IA, KS, LA,
MI, MN, MS, MO,
ND, NE, OK, SD,
and WI

Rocky Mountain Mapping Center
National Cartographic
Information Center
U.S.G.S.
Stop 504, Box 25046 Federal Center
Denver, CO 80225
Phone No. (303) 234-2326

AK, CO, MT, NM,
TX, UT, and WY

Western Mapping Center
National Cartographic
Information Center
U.S.G.S.
345 Middlefield Road
Menlo Park, CA 94025
Phone No. (415) 323-8111

AZ, CA, HI, ID,
NV, OR, WA, American
Samoa, Guam, and Trust
Territories

Item XII

Briefly describe the nature of your business (*e.g., products produced or services provided*).

Item XIII

Federal statutes authorize severe penalties for submitting false information on this application form.

18 U.S.C. Section 1001 provides that "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

Section 309(c)(2) of the Clean Water Act and Section 113(c)(2) of the Clean Air Act each provide that "Any person knowingly makes any false statement, representation, or certification in any application, . . . shall upon conviction, be punished by a fine of no more than \$10,000 or by imprisonment for not more than six months, or both."

In addition, Section 3008(d)(3) of the Resource Conservation and Recovery Act provides for a fine up to \$25,000 per day or imprisonment up to one year, or both, for a first conviction for making a false statement in any application under the Act, and for double these penalties upon subsequent convictions.

FEDERAL REGULATIONS REQUIRE THIS APPLICATION TO BE SIGNED AS FOLLOWS:

- A. For a corporation, by a principal executive officer of at least the level of vice president. However, if the only activity in Item II which is marked "yes" is Question G, the officer may authorize a person having responsibility for the overall operations of the well or well field to sign the certification. In that case, the authorization must be written and submitted to the permitting authority;
- B. For partnership or sole proprietorship, by a general partner or the proprietor, respectively; or For a municipality, state, Federal, or other public facility, by either a principal executive officer or ranking elected official (e.g. mayor).
- C. For a municipality, state, Federal, or other public facility, by either a principal executive officer or ranking elected official.

SECTION C - ACTIVITIES WHICH DO NOT REQUIRE PERMITS

I. National Pollutant Discharge Elimination System Permits Under the Clean Water Act. You are not required to obtain a NPDES permit if your discharge is in one of the following categories, as provided by the Clean Water Act (CWA) and by the NPDES regulations (40 CFR Parts 122-125). However, under Section 510 of CWA a discharge exempt from the federal NPDES requirements may still be regulated by a state authority; contact Ecology to determine whether you need a state permit.

A. DREDGED OR FILL MATERIAL. Discharges of dredged or fill material into waters of the United States do not need NPDES permits if the dredging or filling is authorized by a permit issued by the U.S. Army Corps of Engineers or an EPA approved state under Section 404 of CWA.

B. DISCHARGES INTO PUBLICLY OWNED TREATMENT WORKS (POTW). The introduction of sewage, industrial wastes, or other pollutants into a POTW does not need an NPDES permit but may require a state permit. You must comply with all applicable pretreatment standards promulgated under Section 307(b) of CWA, which may be included in the permit issued to the POTW. If you have a plan or an agreement to switch to a POTW in the future, this does not relieve you of the obligation to apply for and receive an NPDES permit until you have stopped discharging pollutants into waters of the United States.

(NOTE: Dischargers into privately owned treatment works do not have to apply for or obtain NPDES permits except as otherwise required by the EPA Regional Administrator but may require a state discharge permit. The owner or operator of the treatment works itself, however, must apply for a permit and identify all users in its application. Users so identified will receive public notice of actions taken on the permit for the treatment works.)

C. DISCHARGES FROM AGRICULTURAL AND SILVICULTURAL ACTIVITIES. Most discharges from agricultural and silvicultural activities to waters of the United States do not require NPDES permits. These include runoff from orchards, cultivated crops, pastures, range lands, and forest lands. However, the discharges listed below do require NPDES permits. Definitions of the terms listed below are contained in the Glossary section of these instructions.

1. Discharges from Concentrated Animal Feeding Operations. (See Glossary for definitions of "animal feeding operations" and "concentrated animal feeding operations." Only the latter require permits.)
2. Discharges from Concentrated Aquatic Animal Production Facilities. (See Glossary for size cutoffs.)
3. Discharges associated with approved Aquaculture Projects.
4. Discharges from Silvicultural Point Sources. (See Glossary for the definition of "silvicultural point source.") Nonpoint source silvicultural activities are excluded from NPDES permit requirements. However, some of these activities, such as stream crossings for roads, may involve point source discharges of dredged or fill material which may require a Section 404 permit. See 33 CFR 209.120.

D. DISCHARGES IN COMPLIANCE WITH AN ON-SCENE COORDINATOR'S INSTRUCTIONS.

II. Hazardous Waste Permits Under the Resource Conservation and Recovery Act. You may be excluded from the requirement to obtain a permit under this program if you fall into one of the following categories:

Generators who accumulate their own hazardous waste on-site for less than 90 days as provided in 40 CFR 262.34;

Farmers who dispose of hazardous waste pesticide from their own use as provided in 40 CFR 262.51;

Certain persons treating, storing, or disposing of small quantities of hazardous waste as provided in 40 CFR 261.4 or 261.5; and

Owners and operators of totally enclosed treatment facilities as defined in 40 CFR 20.10.

Check with your EPA or Ecology Regional office for details. Please note that even if you are excluded from permit requirements, you may be required by Federal regulations to handle your waste in a particular manner.

III. Underground Injection Control Permits Under the Safe Drinking Water Act. You are not required to obtain an NPDES permit under this program if you:

Inject into existing wells used to enhance recovery of oil and gas or to store hydrocarbons (note, however, that these underground injections are regulated by Federal and state rules); or

Inject into or above a stratum which contains, within 1/4 mile of the well bore, an underground source of drinking water (unless your injection is the type identified in Item II-H, for which you do need a permit). However, you must notify EPA of your injection and submit certain required information on forms supplied by the Agency, and your operation may be phased out if you are a generator of hazardous wastes or a hazardous waste management facility which uses wells or septic tanks to dispose of hazardous waste.

IV. Prevention of significant Deterioration Permits Under the Clean Air Act. The PSD program applies to newly constructed or modified facilities (both of which are referred to as "new sources") which increase air emissions. The Clean Air Act Amendments of 1977 exclude small new sources of air emissions from the PSD review program. Any new source in an industrial category listed in Table 2 of these instructions whose potential to emit is less than 100 tons per year is not required to get a PSD permit. In addition, any new source in an industrial category not listed in Table 2 whose potential to emit is less than 250 tons per year is exempt from the PSD requirements.

Modified sources which increase their net emissions (the difference between the total emission increases and total emission decreases at the source) less than the significant amount set forth in EPA regulations are also exempt from PSD requirements. Contact your EPA Regional office for further information.

SECTION D - GLOSSARY

NOTE: This Glossary includes terms used in the instructions and in Forms 1, 2B, 2C, and 3. Additional terms will be included in the future when other forms are developed to reflect the requirements of other parts of the Consolidated Permits Program. If you have any questions concerning the meaning of any of these terms, please contact your EPA Regional office.

ALIQUOT means a sample of specified volume used to make up a total composite sample.

ANIMAL FEEDING OPERATION means a lot or facility (*other than an aquatic animal production facility*) where the following conditions are met:

A. Animals (*other than aquatic animals*) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and

B. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation if the adjoin each other or if they use a common area or system for the disposal of wastes.

ANIMAL UNIT means a unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by 1.0; Plus the number of mature dairy cattle multiplied by 1.4; Plus the number of swine weighing over 25 kilograms (*approximately 55 pounds*) multiplied by 0.4; Plus the number of sheep multiplied by 0.1; Plus the number of horses multiplied by 2.0.

APPLICATION means the EPA standard national forms for applying for a permit, including any additions, revisions, or modifications to the forms; or forms approved by EPA for use in approved States, including any approved modifications or revisions. For RCRA, "application" also means "Application, Part B."

APPLICATION, PART A means that part of the Consolidated Permit Applications forms which a RCRA permit applicant must complete to qualify for interim status under Section 3005(e) of RCRA and for consideration for a permit. Part A consists of Form 1 (*General Information*) and Form 3 (*Hazardous Waste Application Form*).

APPLICATION, PART B means that part of the application which a RCRA permit applicant must complete to be issued a permit. (*NOTE: EPA is not developing a specific form for Part B of the permit application, but an instruction booklet explaining what information must be supplied is available from the EPA Regional office.*)

APPROVED PROGRAM or **APPROVED STATE** means a State program which has been approved or authorized by EPA under 40 CFR Part 123.

AQUACULTURE PROJECT means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.

"Designated area" means the portions of waters of the United States within which the applicant plans to confine the cultivated species, using a method of plan or operation (*including, but not limited to, physical confinement*) which, on the basis of reliable scientific evidence, is expected to ensure the specific individual organisms comprising an aquaculture crop will enjoy increased

growth attributable to the discharge of pollutants and be harvested within a defined geographic area.

AQUIFER means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

AREA OF REVIEW means the area surrounding an injection well which is described according to the criteria set forth in 40 CFR Section 146.06.

AREA PERMIT means a UIC permit applicable to all or certain wells within a geographic area, rather than to a specified well, under 40 CFR Section 122.37.

ATTAINMENT AREA means, for any air pollutant, an area which has been designated under Section 107 of the Clean Air Act as having ambient air quality levels better than any national primary or secondary ambient air quality standard for that pollutant. Standards have been set for sulfur oxides, particulate matter, nitrogen dioxide, carbon monoxide, ozone, lead, and hydrocarbons. For purposes of the Glossary, "attainment area" also refers to "unclassifiable area," which means for any pollutants, an area designated under Section 107 as unclassifiable with respect to that pollutant due to insufficient information.

BEST MANAGEMENT PRACTICES (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMP's include treatment requirements, operation procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BIOLOGICAL MONITORING TEST means any test which includes the use of aquatic algal, invertebrate, or vertebrate species to measure acute or chronic toxicity, and any biological or chemical measure of bioaccumulation.

BYPASS means the intentional diversion of wastes from any portion of a treatment facility.

CONCENTRATED ANIMAL FEEDING OPERATION means an animal feeding operation which meets the criteria set forth in either (A) or (B) below or which the Director designates as such on a case-by-case basis:

A. More than the numbers of animals specified in any of the following categories are confined:

1. 1,000 slaughter or feeder cattle,
2. 700 mature dairy cattle (*whether milked or dry cows*),
3. 2500 swine each weighing over 25 kilograms (*approximately 55 pounds*),
4. 500 horses,
5. 10,000 sheep or lambs,
6. 55,000 turkeys,
7. 100,000 laying hens or broilers (*if the facility has a continuous overflow watering*),

8. 30,000 laying hens or broilers (if the facility has a liquid manure handling system),

9. 5,000 ducks, or

10. 1,000 animal units; or

B. More than the following numbers and types of animals are confined:

1. 300 slaughter or feeder cattle

2. 200 mature dairy cattle (whether milked or dry cows),

3. 750 swine each weighing over 25 kilograms (approximately 55 pounds),

4. 150 horses

5. 3,000 sheep or lambs,

6. 16,500 turkeys,

7. 30,000 laying hens or broilers (if the facility has continuous overflow watering),

8. 9,000 laying hens or broilers (if the facility has a liquid manure handling system),

9. 1,500 ducks, or

10. 300 animal units; AND

Either one of the following conditions are met: Pollutants are discharged into waters of the United States through a manmade, ditch flushing system or other similar manmade devise ("manmade" means constructed by man and used for the purpose of transporting wastes); or Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

Provided, however, that no animal feeding operation is a concentrated animal feeding operation as defined above if such animal feeding operation discharges only in the event of a 25 year, 24 hour storm event.

CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY means a hatchery, fish farm, or other facility which contains, grows or holds aquatic animals in either of the following categories, or which the Director designates as such on a case-by-case basis:

A. Cold water fish species or other cold water aquatic animals including, but not limited to, the Salmonidae family of fish (e.g., trout and salmon) in ponds, raceways or other similar structures which discharge at least 30 days per year but does not include:

1. Facility which produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year; and

2. Facilities which feed less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.

B. Warm water fish species or other warm water aquatic animals including, but not limited to, the Ameiuridae, Cetrachidae, and Cyprinidae families of fish (e.g., respectively, catfish, sunfish, and minnows) in ponds, raceways, or other similar structures which discharge at least 30 days per year, but does not include:

1. Closed ponds which discharge only during periods of excess runoff; or

2. Facilities which produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.

CONTACT COOLING WATER means water used to reduce temperature which comes into contact with a raw material, intermediate product, waste product other than heat, or finished product.

CONTAINER means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

CONTIGUOUS ZONE means the entire zone established by the United States under article 24 of the convention of the Territorial Sea and the Contiguous Zone.

CWA means the Clean Water Act (formerly referred to the Federal Water Pollution Control Act) pub. L. 92-500, as amended by Pub. L. 95-217 and Pub. L. 95-576, 33 U.S.C. 1251 et seq.

DIKE means any embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

DIRECT DISCHARGE means the discharge of a pollutant as defined below.

DIRECTOR means the EPA Regional Administrator or the State Director as the context requires.

DISCHARGE (OF A POLLUTANT) means:

A. Any addition of any pollutant or combination of pollutants to waters of the United States from any point source; or

B. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes discharges into waters of the United States from: Surface runoff which is collected or channeled by man; Discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to POTW's; and Discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

DISPOSAL (in the RCRA program) means the discharge, deposit, injection, jumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that the hazardous waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters, including ground water.

DISPOSAL FACILITY means a facility or part of a facility at which hazardous waste is intentionally placed into or on land or water, and at which hazardous waste will remain after closure.

SECTION D - GLOSSARY (continued)

EFFLUENT LIMITATION means any restriction imposed by the Director on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean.

EFFLUENT LIMITATION GUIDELINE means a regulation published by the Administrator under Section 304(b) of the Clean Water Act to adopt or revise effluent limitations.

ENVIRONMENTAL PROTECTION AGENCY (EPA) means the United States Environmental Protection Agency.

EPA IDENTIFICATION NUMBER means the number assigned by EPA to each generator, transporter, and facility.

EXEMPTED AQUIFER means an aquifer or its portion that meets the criteria in the definition of USDW, but which has been exempted according to the procedures in 40 CFR Section 122.35(b).

EXISTING SOURCE or **EXISTING DISCHARGER** (*in the NPDES program*) means any source which is not a new source or a new discharger.

EXISTING INJECTION WELL means an injection well other than a new injection well.

FACILITY means any HWM facility, UIC underground injection well, NPDES point source, PSD stationary source, or any other facility or activity (*including land or appurtenances thereto*) that is subject to regulation under the RCRA, UIC, NPDES, or PSD programs.

FLUID means material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

GENERATOR means any person by site, whose act or process produces hazardous waste identified or listed in 40 CFR Part 261.

GROUNDWATER means water below the land surface in a zone of saturation.

HAZARDOUS SUBSTANCE means any of the substances designated under 40 CFR Part 116 pursuant to Section 311 of CWA. (*NOTE: These substances are listed in Table 2c-4 of the instructions to Form 2C.*)

HAZARDOUS WASTE means a hazardous waste as defined in 40 CFR Section 261.3 published May 19, 1980.

HAZARDOUS WASTE MANAGEMENT FACILITY (HWM facility) means all contiguous land, structures, appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous wastes. A facility may consist of several treatment, storage, or disposal operational units (*for example, one or more landfills, surface impoundments, or combinations of them*).

IN OPERATION means a facility which is treating, storing, or disposing of hazardous waste.

INCINERATOR (*in the RCRA program*) means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste. Examples of incinerators are rotary kiln, fluidized bed, and liquid injection incinerators.

INDIRECT DISCHARGER means a non-domestic discharger introducing pollutants to a publicly owned treatment works.

INJECTION WELL means a well into which fluids are being injected.

INTERIM AUTHORIZATION means approval by EPA of a State hazardous waste program which has met the requirements of Section 3006(c) of RCRA and applicable requirements of 40 CFR Part 124, Subparts A, B, and F.

LANDFILL means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, or an injection well.

LAND TREATMENT FACILITY (*in the RCRA program*) means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

LISTED STATE means a State listed by the Administrator under Section 1422 of SDWA as needing a State UIC program.

MGD means millions of gallons per day.

MUNICIPALITY means a city, village, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of CWA.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of CWA. The term includes an approved program.

NEW DISCHARGER means any building, structure, facility, or installation: (A) From which there is or may be a new or additional discharge of pollutants at a site at which on October 18, 1972, it had never discharged pollutants; (B) Which has never received a finally effective NPDES permit for discharges at the site; and (C) Which is not a "new source." This definition includes an indirect discharger which commences discharging into waters of the United States. It also includes any existing mobile point source, such as an offshore oil drilling rig, seafood processing vessel, or aggregate plant that begins discharging at a location for which it does not have an existing permit.

NEW HWM FACILITY means a Hazardous Waste Management facility which began operation or for which construction commenced after October 21, 1976.

NEW INJECTION WELL means a well which begins injection after a UIC program for the State in which the well is located is approved.

NEW SOURCE (*in the NPDES program*) means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

A. After promulgation of standards of performance under Section 306 of CWA which are applicable to such source; or

SECTION D - GLOSSARY (continued)

B. After proposal of standards of performance in accordance with Section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

EXISTING INJECTION WELL means an injection well other than a new injection well.

FACILITY means any HWM facility, UIC underground injection well, NPDES point source, PSD stationary source, or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the RCRA, UIC, NPDES, or PSD programs.

FLUID means material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

GENERATOR means any person by site, whose act or process produces hazardous waste identified or listed in 40 CFR Part 261.

GROUNDWATER means water below the land surface in a zone of saturation.

HAZARDOUS SUBSTANCE means any of the substances designated under 40 CFR Part 116 pursuant to Section 311 of CWA. (NOTE: These substances are listed in Table 2c-4 of the instructions to Form 2C).

HAZARDOUS WASTE means a hazardous waste as defined in 40 CFR Section 261.3 published May 19, 1980.

HAZARDOUS WASTE MANAGEMENT FACILITY (HWM facility) means all contiguous land, structures, appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous wastes. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them).

IN OPERATION means a facility which is treating, storing, or disposing of hazardous waste.

INCINERATOR (in the RCRA program) means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste. Examples of incinerators are rotary kiln, fluidized bed, and liquid injection incinerators.

INDIRECT DISCHARGER means a non-domestic discharger introducing pollutants to a publicly owned treatment works.

INJECTION WELL means a well into which fluids are being injected.

INTERIM AUTHORIZATION means approval by EPA of a State hazardous waste program which has met the requirements of Section 3006(c) of RCRA and applicable requirements of 40 CFR Part 124, Subparts A, B, and F.

LANDFILL means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, or an injection well.

LAND TREATMENT FACILITY (in the RCRA program) means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

LISTED STATE means a State listed by the Administrator under Section 1422 of SDWA as needing a State UIC program.

MGD means millions of gallons per day.

MUNICIPALITY means a city, village, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of CWA.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of CWA. The term includes an approved program.

NEW DISCHARGER means any building, structure, facility, or installation: (A) From which there is or may be a new or additional discharge of pollutants at a site at which on October 18, 1972, it had never discharged pollutants; (B) Which has never received a finally effective NPDES permit for discharges at the site; and (C) Which is not a "new source." This definition includes an indirect discharger which commences discharging into waters of the United States. It also includes any existing mobile point source, such as an offshore oil drilling rig, seafood processing vessel, or aggregate plant that begins discharging at a location for which it does not have an existing permit.

NEW HWM FACILITY means a Hazardous Waste Management facility which began operation or for which construction commenced after October 21, 1976.

NEW INJECTION WELL means a well which begins injection after a UIC program for the State in which the well is located is approved.

NEW SOURCE (in the NPDES program) means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

A/ After promulgation of standards of performance under Section 306 of CWA which are applicable to such source; or

B/ After proposal of standards of performance in accordance with Section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

NON-CONTACT COOLING WATER means water used to reduce temperature which does not come into direct contact with any raw material, intermediate product, waste product (other than heat), or finished product.

OFF-SITE means any site which is not "on-site."

SECTION D - GLOSSARY (continued)

ON-SITE means on the same or geographically contiguous property which may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way which the person controls and to which the public does not have access, is also considered on-site property.

OPEN BURNING means the combustion of any material without the following characteristics:

- A. Control of combustion air to maintain adequate temperature for efficient combustion;
- B. Containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- C. Control of emission of the gaseous combustion products.

(See also "incinerator" and "thermal treatment")

OPERATOR means the person responsible for the overall operation of a facility.

OUTFALL means a point source.

OWNER means the person who owns a facility or part of a facility.

PERMIT means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR Parts 122, 123, and 124.

PHYSICAL CONSTRUCTION (*in the RCRA program*) means excavation, movement of earth, erection of forms or structures, or similar activity to prepare a HWM facility to accept hazardous waste.

PILE means any noncontainerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage.

POLLUTANT means dredge spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewer sludge, munitions, chemical waste, biological materials, radioactive materials (*except those regulated under the Atomic Energy Act of 1954, as amended [42 U.S.C. Section 2011 et seq.]*), heat, wrecked or discarded equipment, rocks, sand, cellar dirt and industrial, municipal, and agriculture waste discharge into water. It does not mean:

Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

(NOTE: Radioactive materials covered by the Atomic Energy Act are those encompassed in its definition of source, byproduct, or special nuclear materials. Examples of materials not covered include radium and accelerator produced isotopes. See *Train v. Colorado Public Interest Research Group, Inc.*, 426 U.S. 1 [1976].)

PREVENTION OF SIGNIFICANT DETERIORATION (PSD) means the national permitting program under 40 CFR 52.21 to prevent emissions of certain pollutants regulated under the Clean Air Act from significantly deteriorating air quality in attainment areas.

PRIMARY INDUSTRY CATEGORY means any industry category listed in the NRDC Settlement Agreement (*Natural Resources Defense Council v. Train*, 8 ERC 2120 [D.D.C. 1976], modified 12 ERC 1833 [D.D.C. 1979]).

PRIVATELY OWNED TREATMENT WORKS means any device or system which is: (A) Used to treat waste from any facility whose operator is not the operator of the treatment works; and (B) Not a POTW.

PROCESS WASTEWATER means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

PUBLICLY OWNED TREATMENT WORKS or POTW means any device or system used in the treatment (*including recycling and reclamation*) of municipal sewage or industrial wastes of a liquid nature which is owned by a state or municipality. This definition includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

RENT means use of another's property in return for regular payment.

RCRA means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (*Pub. L. 94-580, as amended by Pub. L. 95-609, 42 U.S.C. Section 6901 et seq.*).

ROCK CRUSHING AND GRAVEL WASHING FACILITIES are facilities which process crushed and broken stone, gravel, and riprap (*see 40 CFR Part 436, Subpart B, and the effluent limitations guidelines for these facilities*).

SDWA means the Safe Drinking Water Act (*Pub. L. 95-523, as amended by Pub. L. 95-1900, 42 U.S.C. Section 300ff et seq.*).

SECONDARY INDUSTRY CATEGORY means any industry category which is not a primary industry category.

SECTION D - GLOSSARY (continued)

SEWAGE FROM VESSELS means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under Section 312 of CWA, except that with respect to commercial vessels on the Great Lakes this term includes graywater. For the purpose of this definition, "graywater" means galley, bath, and shower water.

SEWAGE SLUDGE means the solids, residues, and precipitate separated from or created in sewage by the unit processes of a POTW. "Sewage" as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.

SILVICULTURAL POINT SOURCE means any discernable, confined, and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States. This term does not include nonpoint source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. However, some of these activities (such as stream crossing for roads) may involve point source discharges of dredged or fill material which may require a CWA Section 404 permit. "Log sorting and log storage facilities" are facilities whose discharges result from the holding of unprocessed wood, e.g., logs or roundwood with bark or after removal of bark in self-contained bodies of water (*mill ponds or log ponds*) or stored on land where water is applied intentionally on the logs (*wet decking*). (See 40 CFR Part 429, Subpart J, and the effluent limitations guidelines for these facilities).

STATE means any of the 50 States, the district of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands (except in the case of RCRA), and the Commonwealth of the Northern Mariana Islands (except in the case of CWA).

STATIONARY SOURCE (in the PSD program) means any building, structure, facility, or installation which emits or may emit any air pollutant regulated under the Clean Air Act. "Building, structure, facility, or installation" means any grouping of pollutant-emitting activities which are located on one or more contiguous or adjacent properties and which are owned or operated by the same person (or by person under common control).

STORAGE (in the RCRA program) means the holding of hazardous waste for a temporary period at the end of which the hazardous waste is treated, disposed, or stored elsewhere.

STORM WATER RUNOFF means water discharged as a result of rain, snow, or other precipitation.

SURFACE IMPOUNDMENT or **IMPOUNDMENT** means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

TOXIC POLLUTANT means any pollutant listed as toxic under Section 307(a)(1) of CWA.

TANK (in the RCRA program) means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

THERMAL TREATMENT (in the RCRA program) means the treatment of hazardous waste in a device which uses elevated temperature as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning").

TOTALLY ENCLOSED TREATMENT FACILITY (in the RCRA program) means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

TOXIC POLLUTANT means any pollutant listed as toxic under Section 307(a)(1) of CWA.

TRANSPORTER (in the RCRA program) means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

TREATMENT (in the RCRA program) means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

UNDERGROUND INJECTION means well injection.

UNDERGROUND SOURCE OF DRINKING WATER or **USDW** means an aquifer or its portion which is not an exempted aquifer and:

- A. Which supplies drinking water for human consumption; or
- B. In which the ground water contains fewer than 10,000 mg/l total dissolved solids.

UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

WATERS OF THE UNITED STATES means:

- A. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- B. All interstate waters, including interstate wetlands;

C. All other waters such as intrastate lakes, rivers, streams (*including intermittent streams*), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, and natural ponds, the use degradation, or destruction of which would or could affect interstate or foreign commerce including any such waters:

1. Which are or could be used by interstate or foreign travelers for recreational or other purposes,
2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce,
3. Which are used or could be used for industrial purposes by industries in interstate commerce;

D. All impoundments of waters otherwise defined as waters of the United States under this definition;

E. Tributaries of waters identified in paragraphs (A) - (D) above; The territorial sea; and

F. Wetlands adjacent to waters (*other than waters that are themselves wetlands*) identified in paragraphs (A) - (F) of this definition.

Waste treatment systems, including treatment ponds or lagoons designated to meet requirement of CWA (*other than cooling ponds as defined in 40 CFR Section 423.11(m) which also meet the criteria of this definition*) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (*such as a disposal area in wetlands*) nor resulted from the impoundments of waters of the United States.

WELL INJECTION or UNDERGROUND INJECTION means the subsurface emplacement of fluids through a bored, drilled, or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

WETLANDS means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

TRANSPORTER (*in the RCRA program*) means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

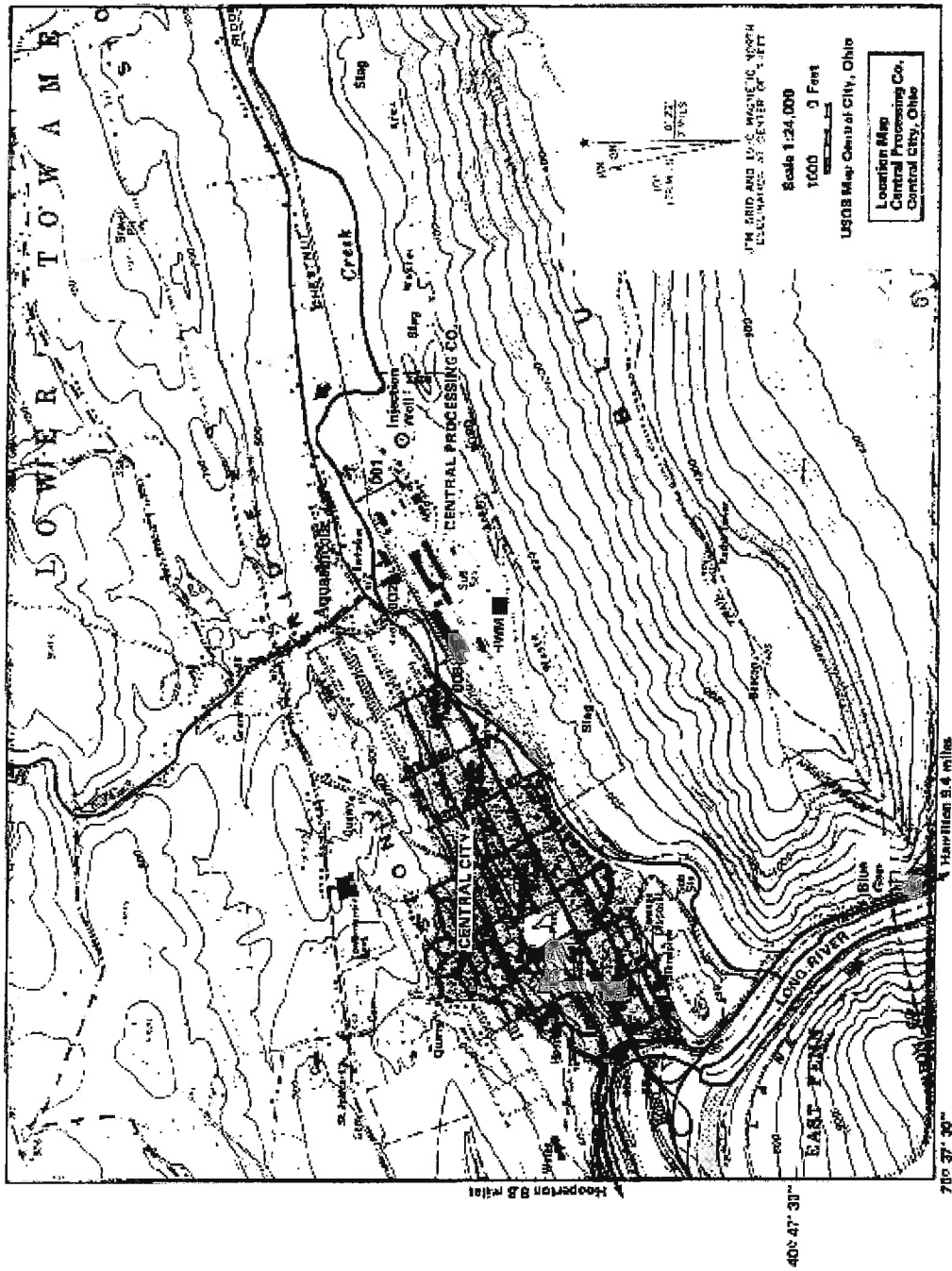


FIGURE 1-1

Please print or type in the unshaded areas only
(fill-in areas are spaced for elite type, i.e., 12 characters/inch).

FORM 1 GENERAL	 U.S. ENVIRONMENTAL PROTECTION AGENCY/ECOLGY GENERAL INFORMATION <i>Consolidated Permits Program</i> <i>(Read the "General Instructions" before starting.)</i>	1. Current permit I.D.	
		WA	T/A C
		14	15

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit a NPDES permit application forms to Ecology. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

	MARK "X"				MARK "X"		
	YES	NO	FORM ATTACHED		YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Is this facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	D. Is this proposal facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Does or will this facility treat, store, or dispose of hazardous wastes ? (FORM 3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G. Do you or will you inject at this facility any produced water other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

III. NAME OF FACILITY

C 1	SKIP Willapa/Grays Harbor Oyster Growers Association
--------	---

IV. FACILITY CONTACT

A. NAME & TITLE (last, first, & title)		B. PHONE (area code & no.)	
C 2	Wiegardt, Ken, President	360	244 3099

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX			
C 3	PO Box 3		
B. CITY OR TOWN		C. STATE	D. ZIP CODE
C 4	Ocean Park	WA	98640

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER					
C 5	Willapa Bay & Grays Harbor				
B. COUNTY NAME					
Pacific County & Grays Harbor County					
C. CITY OR TOWN			D. STATE	E. ZIP CODE	F. COUNTY CODE
C 6	N/A		WA		
D. LATITUDE/LONGITUDE (NAD 83 DATUM)					
C 7	LATITUDE AS DECIMAL DEGREES- N4 46.04-47.00				
	LONGITUDE AS DECIMAL DEGREES - W1 123.85-124.03				

CONTINUED FROM THE FRONT

VII. SIC, NAICS CODES (in order of priority) **AND UBI NUMBER** Place additional on an attachment.

SIC FIRST			SIC. SECOND		
C 7	112512	(specify) Shellfish Farming	7	7	(specify)
EQUIVALENT NAICS FIRST			EQUIVALENT NAICS SECOND		
C 7		(specify)	7	7	(specify)

UBI NUMBER - 601 866 134

VIII. OPERATOR INFORMATION

A. NAME				B. Is the name listed in Item VIII-A also the owner?	
C 8	Willapa/Grays Harbor Oyster Growers Association			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box, if "Other," specify.)				D. PHONE (area code & no.)	
F = FEDERAL	M = PUBLIC (other than federal or state)	P	(specify)	C A	360 244 3099
S = STATE	O = OTHER (specify)				
P = PRIVATE					

E. STREET OR PO BOX					
PO Box 3					
F. CITY OR TOWN		G. STATE	H. ZIP CODE	IX. INDIAN LAND	
C B	Ocean Park	WA	98640	Is the facility located on Indian lands? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)			D. PSD (Air Emissions from Proposed Sources)		
C 9	T N	I	C 9	T P	B
B. UIC (Underground Injection of Fluids)			E. OTHER (specify)		
C 9	T U	I	C 9	T	B
C. RCRA (Hazardous Wastes)			E. OTHER (specify)		
C 9	T R	I	C 9	T	B

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

Application of the insecticide imidacloprid, for the control of burrowing shrimp on tidelands in two Washington coastal estuaries. These tidelands support commercial shellfish cultivation.

XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)	B. SIGNATURE	C. DATE SIGNED
Ken Wiegardt, President		11/8/2016

To ask about the availability of this document in a version for the visually impaired, call the Water Quality Program at 360-407-6600. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Form 2D Instructions

Form 2D must be completed in conjunction with EPA Form 3510-1 (Form 1)

This form must be completed by all applicants who checked "yes" to Item II-D in Application Form 1. However, facilities which discharge only nonprocess wastewater that is not regulated by an effluent limitations guideline or new source performance standard may use EPA Form 3510-2E (Form 2E). Educational, medical, and commercial chemical laboratories should use this form or EPA Form 3510-2C (Form 2C) to further determine if you are a new source or a new discharger, see §122.2 and §122.29. This form should not be used for discharges of storm-water runoff.

Public Availability of Submitted Information

You may not claim as confidential any information required by this form or Form 1, whether the information is reported on the forms or in an attachment. Section 402(j) of the CWA requires that all permit applications shall be available to the public. This information will therefore be made available to the public upon request.

You may claim as confidential any information you submit to EPA which goes beyond that required by this form and Form 1. Confidentiality claims for effluent data must be denied. If you do not assert a claim of confidentiality at the time of submitting the information, EPA may make the information public without further notice. Claims of confidentiality will be handled in accordance with EPA's business confidentiality regulations in 40 CFR Part 2.

Completeness

Your application will not be considered complete unless you answer every question on this form and on Form 1 (except as instructed below). If an item does not apply to you, enter "NA" (for "not applicable") to show that you considered the question.

Follow-up Requirements

Although you are now required to submit estimated data on this form (Form 2D), please note that no later than two years after you begin discharging from the proposed facility, you must complete and submit Items V and VI of NPDES application Form 2C (EPA Form 3510-2C). However, you need not complete those portions of Item V requiring tests which you have already performed under the discharge monitoring requirements of your NPDES permit. In addition, the permitting authority may waive requirements of Items V-A and VI if the permittee makes the demonstrations required under 40 CFR §122.22(g)(7)(i)(B) and 122.21(g)(9).

Definitions

All significant terms used in these instructions and in the form are defined in the glossary found in the General Instructions which accompany Form 1.

Item I

You may use the map you provided for Item XI of Form 1 to determine the latitude and longitude (to the nearest 15 seconds) of each of your outfalls and the name of the receiving water. You should name all waters to which discharge is made and which flow into significant receiving waters. For example, if the discharge is made to a ditch which flows into an unnamed tributary which in turn flows into a named river, you should provide the name or description (if no name is available) of the ditch, the tributary, and the river.

Item II

This item requires your best estimate of the data on which your facility or new outfall will begin to discharge.

Item III-A

List all outfalls, their source (operations contributing to the flow), and estimate an average flow from each source. Briefly describe the planned treatment for these wastewaters prior to discharge. Also describe the ultimate disposal of any solid or liquid wastes not discharged. You should describe the treatment in either a narrative form or list the proper code for the treatment unit from a list provided in Table 2D-1.

Item III-B

An example of an acceptable line drawing appears in Figure 2D-1 to these instructions. The line drawing should show the route taken by water in your proposed facility from intake to discharge. Show all sources of wastewater, including process and production areas, sanitary flows, cooling water, and storm water runoff. You may group similar operations into a single unit, labeled to correspond to the more detailed listing in Item III-A. The water balance should show estimates of anticipated average flows. Show all significant losses of water to production, atmosphere, and discharge. You should use your best estimates.

Item III-C

Fill in every applicable column in this item for each source of intermittent or seasonal discharge. Base your answers on your best estimate. A discharge is intermittent if it occurs with interruptions during the operating hours of the facility. Discharges caused by routine maintenance shutdowns, process changes, or other similar activities are not considered to be intermittent. A discharge is seasonal if it occurs only during certain parts of the year. The reported flow rate is the highest daily value and should be measured in gallons per day. Maximum total volume means the total volume of any one discharge within 24 hours and is measured in units such as gallons.

Item IV

"Production" in this question refers to those goods which the proposed facility will produce, not to "waste-water" production. This information is only necessary where production-based new source performance standards (NSPS) or effluent guidelines apply to your facility. Your estimated production figures should be based on a realistic projection of actual daily production level (not designed capacity) for each of the first three operating years of the facility. This estimate must be a long-term-average estimate (e.g., average production on an annual basis). If production will vary depending on long-term shifts in operating schedule or capacity, the applicant may report alternate production estimates and the basis for the alternate estimates.

If known, report quantities in the units of measurement used in the applicable NSPS or effluent guideline. For example, if the applicable NSPS is expressed as "trams of pollutant discharged per kilogram of unit production," then report maximum **"Quantity Per Day"** in kilograms. If you do not know whether any NSPS or effluent guideline applies to your facility, report quantities in any unit of measurement known to you. If an effluent guideline or NSPS specifies a method for estimating production, that method must be followed.

There is no need to conduct new studies to obtain these figures; only data already on hand are required. You are not required to indicate how the reported information was calculated.

Items V-A, B, and C

These items require you to estimate and report data on the pollutants expected to be discharged from each of your outfalls. Where there is more than one outfall, you should submit a separate Item V for each outfall. For Part C only a list is required. Sampling and analysis are not required at this time. If, however, data from such analyses are available, then those data should be reported. Each part of this item addresses a different set of pollutants or parameters and must be completed in accordance with the specific instructions for that part. The following are the general and specific instructions for Items V-A through V-C.

Item V - General Instructions

Each part of this item requires you to provide an estimated maximum daily and average daily value for each pollutant or parameter listed (see Table 2D-2), according to the specific instructions below. The source of the data is also required.

For parts A through C, base your determination of whether a pollutant will be present in your discharge on your knowledge of the proposed facility's raw,

materials, maintenance chemicals, intermediate and final products, byproducts, and any analyses of your effluent or of any similar effluent. You may also provide the determination and the estimates based on available in-house or contractor's engineering reports of any other studies performed on the proposed facility (see Item VI of the form). If you expect a pollutant to be present solely as a result of its presence in your intake water, please state this information on the form.

Please note that no later than 2 years after you begin discharging from the proposed facility, you must complete and submit Items V and VI of NPDES application Form 2C (follow-up data).

Reporting Intake Data. You are not required to report pollutants or parameters present in intake water unless you wish to demonstrate your eligibility for a "net" effluent limitation for these pollutants or parameters, that is, an effluent limitation adjusted to provide allowance for the pollutants or parameters present in your intake water. If you wish to obtain credits for pollutants or parameters present in your intake water, please insert a separate sheet, with a short statement of why you believe you are eligible [see §122.45(g)], under Item VII (Other Information). You will then be contacted by the permitting authority for further instructions.

All estimated pollutant or parameter levels must be reported as concentration and as total mass, except for discharge flow, temperature, and pH. Total mass is the total weight of pollutants or parameters discharged over a day.

Use the following abbreviations for units:

Concentration		Mass	
ppm	parts per million	lbs.....	pounds
mg/1	milligrams per liter	ton	tons (English tons)
ppb	parts per billion	mg	milligrams
Ug/1.....	micrograms per liter	g	grams
kg	kilograms	T	Tonnes (metric tons)

Source

In providing the estimates, use the codes in the following table to indicate the source of such information in column 4 of Parts V - A and - B.

	Code
Engineering study.....	1
Actual data from pilot plants	1
Estimates from other engineering studies	2
Data from other similar plants	3
Best professional estimates	4
Others	specify on the form

Item V-A

Estimates of data on pollutants or parameters in Group A must be reported by all applicants for all outfalls,

outfalls containing only noncontact cooling water or nonprocess wastewater.

To request a waiver from reporting any of these pollutants or parameters, the applicant must submit to the permitting authority a written request specifying which pollutants or parameters should be waived and the reasons for requesting such a waiver. This request should be submitted to the permitting authority before or with the permit application. The permitting authority may waive the requirements for information about these pollutants or parameters if he or she determines that less stringent reporting requirements are adequate to support issuance of the permit. No extensive documentation will normally be needed, but the applicant should contact the permitting authority if she or he wishes to receive instructions on what his or her particular request should contain.

Item V-B

Estimates of data on pollutants in Group B must be reported by all applicants for all outfalls, including outfalls containing only noncontact cooling water or nonprocess wastewater. You are merely required to report estimates for those pollutants which you know or have reason to believe will be discharged or which are limited directly by an effluent limitations guideline (or NSPS) or indirectly through promulgated limitations on an indicator pollutant. The priority pollutants in Group B are divided into the following three sections:

- 1) Metal toxic pollutants, total cyanide, and total phenols
- 2) 2,3,7,8-Tetrachlorodibenzo-P-Dioxin (TCDD) (CAS # 1764-016)
- 3) Organic Toxic Pollutants (Gas Chromatography/Mass Spectrometry Fractions)
 - a) Volatile compounds
 - b) Acid compounds
 - c) Base/neutral compounds
 - d) Pesticides

For pollutants listed in Sections 1 and 3, you must report estimates as instructed above.

For Section 2, you are required to report that TCDD may be discharged if you will use or manufacture one of the following compounds, or if you know or have reason to believe that TCDD is or may be present in an effluent:

- A. 2,4,5-trichlorophenoxy acetic acid (2,4,5-T) (CAS # 93-765);
- B. 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4, 5TP) (CAS # 93-72-1);
- C. 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate (Erbon) (CAS # 136-25-4);
- D. O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel) (CAS # 299-84-3);

- E. 2,4,5-trichlorophenol (TCP) (CAS # 95-95-4); or
- F. Hexachlorophene (HCP) (CAS # 70-30-4)

Small Business Exemption

If you are a "small business," you are exempt from the reporting requirement for Item V-B (section 3). You may qualify as a "small business" if you fit one of the following definitions:

- 1) Your expected gross sales will total less than \$100,000 per year for the next three years, or
- 2) in the case of coal mines, your average production will be less than 100,000 tons of coal per year.

If you are a "small business," you may submit projected sales or production figures to qualify for this exemption. The sales or production figures you submit must be for the facility which is the source of the discharge. The data should not be limited only to production or sales for the process or processes which contribute to the discharge, unless those are the only processes at your facility. For sales data, where intracorporate transfers of goods and services are involved, the transfer price per unit should approximate market prices for those goods and services as closely as possible. If necessary, you may index your sales figures to the second quarter of 1980 to demonstrate your eligibility for a small business exemption. This may be done by using the gross national product price deflator (second quarter of 1980 = 100), an index available in "National Income and Product Accounts of the United States" (Department of Commerce, Bureau of Economic Analysis).

The small business exemption applies to the GC/MS fractions (Section 3) of Item V-B only. Even if you are eligible for a small business exemption, you are still required to provide information on metals, cyanide, total phenols, and dioxin in Item V-B, as well as all of Items V-A and C.

Item V-C

List any pollutants in Table 2D-3 that you believe will be present in any outfalls and briefly explain why you believe they will be present. No estimate of the pollutant's quantity is required, unless you already have quantitative data.

Note: The discharge of pollutants listed in Table 2D-4 may subject you to the additional requirements of section 311 of the CWA (Oil and Hazardous Substance Liability). These requirements are not administered through the NPDES program. However, if you wish an exemption under 40 CFR 117.12(a)(2) from these requirements, attach additional sheets of paper to this form providing the following information:

- A. The substance and the amount of each substance which may be discharged;

- B. The origin and source of the discharge of the substance;
- C. The treatment which is to be provided for the discharge by:
 1. An onsite treatment system separate from any treatment system which will treat your normal discharge,
 2. A treatment system designed to treat your normal discharge and which is additionally capable of treating the amount of the substance identified under paragraph 1 above, or
 3. Any combination of the above.

An exemption from the section 311 reporting requirements pursuant to 40 CFR Part 117 for pollutants on Table 2D does not exempt you from the section 402 reporting requirements pursuant to 40 CFR Part 122 (Item V-C) for pollutants listed on Table 2D-3.

For further information on exclusions from Section 311, see 40 CFR Section 117.12(a)(2) and (c), or contact your EPA Regional Office (Table 1 in the Form 1 instructions).

Item VI-A

If an engineering study was conducted, check the box labeled "report available." If no study was done, check the box labeled "no report."

Item VI-B

Report the name and location of any existing plant(s) which (to the best of your knowledge) resembles your planned operation with respect to items produced, production process, wastewater constituents, or wastewater treatment. No studies need to be conducted to respond to this item. Only data which are already available need be submitted.

This information will be used to inform the permit writer of appropriate treatment methods and their associated permit conditions and limits.

Item VII

A space is provided for additional information which you believe would be useful in setting permit limits, such as additional sampling. Any response is optional.

Item VIII

The Clean Water Act provides for severe penalties for submitting false information on this application form.

Section 309(c)(2) of the Clean Water Act provides that "Any person who knowingly makes any false statement, representation, or certification in any application, . . . shall upon conviction, be punished by a fine of no more than \$10,000 or by imprisonment for not more than six months, or both."

40 CFR Part 122.22 Requires the Certification To Be Signed as Follows:

- A. For a corporation: by a responsible corporate officer

A responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- C. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

PHYSICAL TREATMENT PROCESSES

1-A	Ammonia Stripping	1-M	Grit Removal
1-B	Dialysis	1-N	Microstraining
1-C	Diatomaceous Earth Filtration	1-O	Mixing
1-D	Distillation	1-P	Moving Bed Filters
1-E	Electrodialysis	1-Q	Multimedia Filtration
1-F	Evaporation	1-R	Rapid Sand Filtration
1-G	Flocculation	1-S	Reverse Osmosis (<i>Hyperfiltration</i>)
1-H	Flotation	1-T	Screening
1-I	Foam Fractionation	1-U	Sedimentation (<i>Settling</i>)
1-J	Freezing	1-V	Slow Sand Filtration
1-K	Gas-Phase Separation	1-W	Solvent Extraction
1-L	Grinding (<i>Comminutors</i>)	1-X	Sorption

CHEMICAL TREATMENT PROCESSES

2-A	Carbon Adsorption	2-G	Disinfection (<i>Ozone</i>)
2-B	Chemical Oxidation	2-H	Disinfection (<i>Other</i>)
2-C	Chemical Precipitation	2-I	Electrochemical Treatment
2-D	Coagulation	2-J	Ion Exchange
2-E	Dechlorination	2-K	Neutralization
2-F	Disinfection (<i>Chlorine</i>)	2-L	Reduction

BIOLOGICAL TREATMENT PROCESSES

3-A	Activated Sludge	3-E	Preaeration
3-B	Aerated Lagoons	3-F	Spray Irrigation/Land Application
3-C	Anaerobic Treatment	3-G	Stabilization Ponds
3-D	Nitrification-Denitrification	3-H	Trickling Filtration

OTHER PROCESSES

4-A	Discharge to Surface Water	4-C	Reuse/Recycle of Treated Effluent
4-B	Ocean Discharge Through Outfall	4-D	Underground Injection

SLUDGE TREATMENT AND DISPOSAL PROCESSES

5-A	Aerobic Digestion	5-M	Heat Drying
5-B	Anaerobic Digestion	5-N	Heat Treatment
5-C	Belt Filtration	5-O	Incineration
5-D	Centrifugation	5-P	Land Application
5-E	Chemical Conditioning	5-Q	Landfill
5-F	Chlorine Treatment	5-R	Pressure Filtration
5-G	Composting	5-S	Pyrolysis
5-H	Drying Beds	5-T	Sludge Lagoons
5-I	Elutriation	5-U	Vacuum Filtration
5-J	Flotation Thickening	5-V	Vibration
5-K	Freezing	5-W	Wet Oxidation
5-L	Gravity Thickening		

GROUP A

Biochemical Oxygen Demand (BOD)
Chemical Oxygen Demand (COD)
Total Organic Carbon (TOC)
Total Suspended Solids (TSS)
Flow

Ammonia (as N)
Temperature (winter)
Temperature (summer)
pH

GROUP B

Bromide
Total Residual Chlorine
Color
Fecal Coliform
Fluoride
Nitrate-Nitrite (as N)
Oil and Grease
Phosphorus (as P) Total
Radioactivity
 (1) Alpha, Total
 (2) Beta, Total
 (3) Radium, Total
 (4) Radium 226, Total

Sulfate (as SO₄)
Sulfide (as S)
Sulfite (as SO₃)
Surfactants
Aluminum, Total
Barium, Total
Boron, Total
Cobalt, Total
Iron, Total
Magnesium, Total
Molybdenum, Total
Manganese, Total
Tin, Total
Titanium, Total

Section 1

Antimony, Total
Beryllium, Total
Chromium, Total
Lead, Total
Nickel, Total
Silver, Total
Zinc, Total
Phenols, Total

Arsenic, Total
Cadmium, Total
Copper, Total
Mercury, Total
Selenium, Total
Thallium, Total
Cyanide, Total

Section 2

2,3,7,8-Tetrachlorodibenzo-P-Dioxin

GC/MS FRACTION* - VOLATILE COMPOUNDS

Arcolein
Benzene
Carbon Tetrachloride
Chlorodibromomethane
2-Chloroethylvinyl Ether
Dichlorobromomethane
1,2-Dichloroethane
1,2-Dichloropropane
Ethylbenzene
Methyl Chloride
1,1,2,2-Tetrachloroethane
Toluene
1,1,1-Trichloroethane
Trichloroethylene

Vinyl Chloride
Acrylonitrile
Bromoform
Chlorobenzene
Chloroethane
Chloroform
1,1-Dichloroethane
1,1-Dichloroethane
1,3-Dichloropropylene
Methyl Bromide
Methylene Chloroethane
Tetrachloroethylene
1,2-Trans-Dichloroethylene
1,1,2-Trichloroethane

GS/MS FRACTION -ACID COMPOUNDS

2-Chlorophenol
2,4-Dimethylphenol
2,4-Dinitro-phenol
4-Nitrophenol
pentachlorophenol
2,4,6-Trichlorophenol

2,4-Dichlorophenol
4,6-Dinitro-O-Cresol
2-Nitrophenol
P-Chloro-M-Cresol
Phenol

GC/MS FRACTION - BASE/NEUTRAL COMPOUNDS

Acenaphthene
Anthracene
Benzo (a) Anthracene
3,5-Benzofluoranthene
Benzo (k) Fluoranthene
Bis (2-Chloroethyl) Ether Bis
Bis (2-Ethylhexyl) Phthalate
Butyl Benzyl Phthalate
4-Chlorophenyl Phenyl Ether
Dibenzo (a,h) Anthracene
1,3-Dichlorobenzene
3,3-Dichlorobenzidine
Dimethyl Phthalate
2,4-Dinitrotoluene
Di-N-Octyl Phthalate
Fluoranthene
Hexachlorobenzene
Hexachlorocyclopentadiene
Indeno (1,2,3-cd) Pyrene
Naphthalene
N-Nitro-soldimethylamine
N-Nitro-sodiphenylamine
Pyrene

Acenaphthylene
Benzidine
Benzo (a) Pyrene
Benzo (ghi) Perylene
Bis (2 Chloroethoxy) Methane
(2-Chloroisopropyl) Ether
4-Bromophenyl Phenyl Ether
2-Chloronaphthalene
Chrysene
1,2-Dichlorobenzene
1,4-Dichlorobenzene
Diethyl Phthalate
Di-N-Butyl Phthalate
2,6-Dinitrotoluene
1,2, Diphenylhydrazine (as Azobenzen)
Fluorene
Hexachlorobutadiene
Hexachloroethane
Isophorone
Nitrobenzene
N-Nitrosodi-N-Propylamine
Phenanthrene
1,2,4-Trichlorobenzene

GC/MS FRACTION - PESTICIDES

Aldrin
Alpha-BHC
Beta-BHC
4,4' DDT
4,4'-DDD
Alpha-Endosulfan
Endosulfan Sulfate
Endrin Aldehyde
Heptachlor Epoxide
PCB-1254
PCB-1232
PCB-1260
Toxaphene

Gamma-BHC
Delta-BHC
Chlordane
4,4' DDE
Dieldrin
Beta-Endosulfan
Endrin
Heptachlor
PCB-1242
PCB-1221
PCB-1248
PCB-1016

*fractions defined in 40 CFR Part 136

TOXIC POLLUTANTS AND HAZARDOUS SUBSTANCES REQUIRED TO BE IDENTIFIED BY APPLICANTS IF EXPECTED TO BE PRESENT

TOXIC POLLUTANT

HAZARDOUS SUBSTANCES

Asbestos

HAZARDOUS SUBSTANCES

Acetaldehyde
 Allyl alcohol
 Allyl chloride
 Amyl acetate
 Aniline
 Benzonitrile
 Benzyl chloride
 Butyl acetate
 Butylamine
 Captan
 Carbaryl
 Carbofuran
 Carbon disulfide
 Chlorpyrifos
 Coumpahos
 Cresol
 Crotonaldehyde
 Cyclohexane
 2,4-D (2,4-Dichlorophenoxyacetic acid)
 Diazinon
 Dicamba
 Dichlobenil
 Dichlone
 2,2 Dichloropropionic acid
 Dichlorvos
 Diethyl amine
 Dimethyl amine
 Dinitrobenzene
 Diquat
 Disulfoton
 Diuron
 Epichlorohydrin
 Ethion
 Ethylene diamine
 Formaldehyde
 Furfural
 Guthion
 Isoprene
 Isopropanolamine dodecylbenzenesulfonate
 Kelthane
 Kepone
 Malathion
 Mercaptodimethur
 Methoxychlor

Methyl mercaptan
 Methyl methacrylate
 Methyl parathion
 Mevinphos
 Mexacarbate
 Monoethyl amine
 Monomethyl amine
 Naled
 Naphthenic acid
 Nitrotoluene
 Parathion
 Phenolsulfonate
 Phosgene
 Propargite
 Propylene oxide
 Pyrethrins
 Quinoline
 Resorcinol
 Strontium
 Strychnine
 2,4,5-T (2,4,5-Trichlorophenoxyacetic acid)
 TDE (Tetrochlorodiphenyl ethane
 2,4,5-TP [2-(2,4,5-Trichlorophenoxy) propanic acid]
 Trichlorofon
 Triethanolamine dodecylbenzenesulfonate
 Triethylamine
 Uranium
 Vanadium
 Vinyl acetate
 Xylene
 Xylenol
 Zirconium

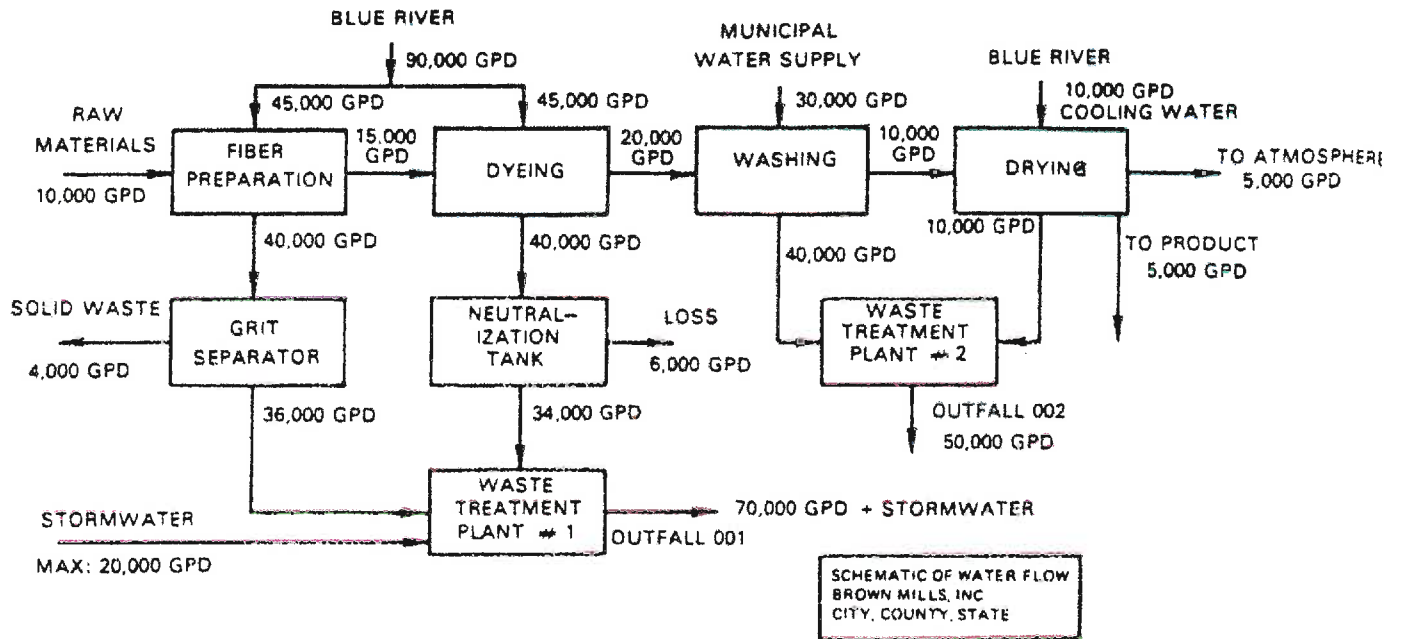
HAZARDOUS SUBSTANCES

Acetaldehyde	Butylamine	Dichlorvos
Acetic acid	Butyric acid	Dieldrin
Acetic anhydride	Cadmium acetate	Diethylamine
Acetone cyanohydrin	Cadmium bromide	Dimethylamine
Acetyl bromide	Cadmium chloride	Dinitrobenzene
Acetyl chloride	Calcium arsenate	Dinirophenol
Acrolein	Calcium arsenite	Dinitrotoluene
Acrylonitrile	Calcium carbide	Diquat
Adipic acid	Calcium chromate	Disulfoton
Aldrin	Calcium cyanide	Diuron
Allyl alcohol	Calcium dodecylbenzenesulfonate	Dodecylbenzenesulfonic acid
Alyl chloride	Calcium hypochlorite	Endosulfan
Aluminum sulfate	Captan	Endrin
Ammonia	Carbaryl	Epichlorohydrin
Ammonium acetate	Carbofuran	Ethion
Ammonium benzoate	Carbon disulfide	Ethylbenzene
Ammonium bicarbonate	Carbon tetrachloride	Ethylenediamine
Ammonium bichromate	Chlordane	Ethylene dibromide
Ammonium bifluoride	Chlorine	Ethylene dichloride
Ammonium bisulfite	Chlorobenzene	Ethylene diaminetetracetic acid (EDTA)
Ammonium carbamate	Chloroform	Ferric ammonium citrate
Ammonium carbonate	Chloropyrifos	Ferric ammonium exalate
Ammonium chloride	Chlorosulfonic acid	Ferric chloride
Ammonium chromate	Chromic acetate	Ferric fluoride
Ammonium citrate	Chromic acid	Ferric nitrate
Ammonium flouoroborate	Chromic sulfate	Ferric sulfate
Ammonium fluoride	Chromous chloride	Ferrous chloride
Ammonium hydroxide	Cobaltous bromide	Ferrous sulfate
Ammonium oxalate	Cobaltous formate	Formaldehyde
Ammonium silicofluoride	Cobaltous sulfamate	Formic acid
Ammonium sulfamate	Coumaphos	Fumaric acid
Ammonium sulfide	Cresol	Furfural
Ammonium silfite	Crotonaldehyde	Guthion
Ammonium tartrate	Cupric acetate	Heptachlor
Ammonium thiocyanate	Cupric acetoarsenite	Hexachlorocyclopentadiene
Ammonium thisulfate	Cupric chloride	Hydrochloric acid
Amyl acetate	Cupric nitrate	Hydrofluoric acid
Aniline	Cupric oxalate	Hydrogen cyanide
Antimony pentachloride	Cupric sulfate	Hydrogen sulfide
Antimony potassium tartrate	Cupric sulfate ammoniated	Isoprene
Antimony tribromide	Cupric tartrate	Isopropanolamine
Antimony trichloride	Cyanogen chloride	dodecylbenzenesulfonate
Antimony trifluoride	Cyclohexane	Kelthane
Antimony trioxide	2,4-D acid (2,4-Dichlorophenoxyacetic acid esters)	Kepone
Arsenic disulfide	DDT	Lead acetate
Barium cyanide	Diazinon	Lead arsenate
Benzene	Dicamba	Lead chloride
Benzoic acid	Dichlobenil	Lead fluoborate
Benzonitrite	Dichlone	Lead fluorite
Benzoyl chloride	Dichlorobenzene	Lead iodide
Benzyl chloride	Dichloropropane	Lead nitrate
Beryllium chloride	Dichloropropene	Lead stearate
Beryllium fluoride	Dichloropropene-Dichloropropene mix	Lead sulfate
Beryllium nitrate	2.2-Dichloropropionic acid	Lead sulfide
Butylacetate		Lead thiocyanate
n-Butylphthalate		Lindane
		Lithium chromate
		Malathion

HAZARDOUS SUBSTANCES *(Continued)*

Maleic acid	Sodium bifluoride	Zinc ammonium chloride
Maleic anhydride	Sodium bisulfite	Zinc borate
Mercaptodimethur	Sodium chromate	Zinc bromide
Mercuric cyanide	Sodium cyanide	Zinc carbonate
Mercuric nitrate	Sodium dodecylbenzenesulfonate	Zinc chloride
Mercuric sulfate	Sodium fluoride	Zinc cyanide
Mercuric thiocyanate	Sodium hydrosulfide	Zinc fluoride
Mercurous nitrate	Sodium hydroxide	Zinc formate
Methoxychlor	Sodium hypochlorite	Zinc hydrosulfite
Methyl methacrylate	Sodium methylate	Zinc nitrate
Methyl parathion	Sodium nitrate	Zinc phenolsulfonate
Mevinphos	Sodium phosphate (dibasic)	Zinc phosphide
Mexacarbate	Sodium phosphate (tribasic)	Zinc silicofluoride
Monethylamine	Sodium selenite	Zinc sulfate
Monomethylamine	Strontium chromate	Zirconium nitrate
Naled	Strychnine	Zirconium potassium fluoride
Naphthalene	Styrene	Zirconium sulfate
Naphthenic acid	Sulfuric acid	Zirconium tetrachloride
Nickel ammonium sulfate	Sulfur monochloride	
Nickel chloride	2,4,5-T acid (2,4,5-Trichlorophenoxy acetic acid)	
Nickel hydroxide	2,4,5-T amines (2,4,5-Trichlorophenoxy acetic acid amines)	
Nickel nitrate	2,4,5-T esters (2,4,5-Trichlorophenoxy propanoic acid)	
Nickel sulfate	2,4,5-TP acid esters (2,4,5-Trichlorophenoxy propanoic acid esters)	
Nitric acid	TDE (Tetrachlorodiphenyl ethane)	
Nitrobenzene	Tetraethyl lead	
Nitrogen dioxide	Tetraethyl pyrophosphate	
Nitrophenil	Thallium sulfate	
Nitrotoluene	Toluen	
Paraformaldehyde	Toxaphene	
Parathion	Trichlorofon	
Pentachlorophenol	Trichloroethylene	
Phenol	Trichlorophenol	
Phosgene	Triethanolamine	
Phosphoric acid	dodecylbenzenesulfonate	
Phosphorus	Triethylamine	
Phosphorus oxychloride	Trimethylamine	
Phosphorus pentasulfide	Uranyl acetate	
Phosphorus trichloride	Uranyl nitrate	
Polychlorinated biphenyls (PCB)	Vanadium pentoxide	
Potassium arsenate	Vanadyl sulfate	
Potassium arsenite	Vinyl acetate	
Potassium bichromate	Vinylidene chloride	
Potassium cyanide	Xylene	
Potassium hydroxide	Xylenol	
Potassium permanganate	Zinc acetate	
Propargite		
Propionic acid		
Propionic anhydride		
Propylene oxide		
Pyrethrins		
Quinoline		
Resorcinol		
Selenium oxide		
Silver nitrate		
Sodium		
Sodium arsenate		
Sodium arsenite		
Sodium bichromate		

LINE DRAWING



Form 2D NPDES		New Sources and New Dischargers Application for Permit to Discharge Process Wastewater
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I. Outfall Location

For this outfall, list the latitude and longitude, and name of the receiving water(s)

Outfall Number (list)	Latitude			Longitude			Receiving Water (name)
	Deg	Min	Sec	Deg	Min	Sec	
1							Willapa Bay 46.37 -- 46.75 Latitude (dd); -124.05 -- -123.84 Longitude (dd)
1							Grays Harbor 46.86 -- 47.04 Latitude (dd); -124.16 -- -123.84 Longitude (dd)
							See maps included as Appendix B to SEPA checklist

II. Discharge Date (When do you expect to begin discharging?)
June 2016

III. Flows, Sources of Pollution, and Treatment Technologies

A. For each outfall, provide a description of (1) all operations contributing wastewater to the effluent, including process wastewater, sanitary wastewater, cooling water, and stormwater runoff; (2) the average flow contributed by each operation; and (3) the treatment received by the wastewater. Continue on additional sheets if necessary.

Outfall Number	1. Operations Contributing Flow (list)	2. Average Flow (include units)	3. Treatment (Description of list Codes from Table 2D-1)
61	Ground applications (Protector 2F and Protector 0.5G)	0.5 lb ai/ac	4-A
	Applications from Boat (Protector 0.5G)	0.5 lb ai/ac	4-A
	Applications to selected areas are usually not repeated for 3 or more years		
	See Appendix B (Protector 2F and Protector 0.5G Labels)		

B. Attach a line drawing showing the water flow through the facility. Indicate sources of intake water, operations contributing wastewater to the effluent, and treatment units labeled to correspond to the more detailed descriptions in Item III-A. Construct a water balance on the line drawing by showing average flows between intakes, operations, treatment units, and outfalls. If a water balance cannot be determined (e.g., for certain mining activities), provide a pictorial description of the nature and amount of any sources of water and any collection or treatment measures.

C. Except for storm runoff, leaks, or spills, will any of the discharges described in Item III-A be intermittent or seasonal?

Yes (complete the following table)

No (go to Item IV)

Outfall Number	1. Frequency		2. Flow		
	a. Days Per Week (specify average)	b. Months Per Year (specify average)	a. Maximum Daily Flow Rate (in mgd)	b. Maximum Total Volume (specify with units)	c. Duration (in days)
1		April 15- December 15			

IV. Production

If there is an applicable production-based effluent guideline or NSPS, for each outfall list the estimated level of production (projection of actual production level, not designed), expressed in the terms and units used in the applicable effluent guideline or NSPS, for each of the first 3 years of operation. If production is likely to vary, you may also submit alternative estimates (attach a separate sheet).

Year	a. Quantity Per Day	b. Units of Measure	c. Operation, Product, Material, etc (specify)

V. Effluent Characteristics

A and B: These items require you to report estimated amounts (*both concentration and mass*) of the pollutants to be discharged from each of your outfalls. Each part of this item addresses a different set of pollutants and should be completed in accordance with the specific instruction for that part. Data for each outfall should be on a separate page. Attach additional sheets of paper if necessary.

General Instructions (See Table 2D-2 for Pollutants)

Each part of this item requests you to provide an estimated daily maximum and average for certain pollutants and the source of information. Data for all pollutants in Group A, for all outfalls, must be submitted unless waived by the permitting authority. For all outfalls, data for pollutants in Group B should be reported only for pollutants which you believe will be present or are limited directly by an effluent limitations guideline or NSPS or indirectly through limitations on an indicator pollutant.

1. Pollutant	2. Maximum Daily Value (include units)	3. Average Daily Value (include units)	4. Source (see instructions)
<i>Imidacloprid</i>			
<i>Acute toxicity criterion at 48 hr</i>	3.0 ppb		<i>NPDES permit WA -----</i>
<i>Chronic toxicity criterion @ 30 day</i>	0.06 ppb		<i>NPDES permit WA -----</i>

C. Use the space below to list any of the pollutants listed in Table 2D-3 of the instructions which you know or have reason to believe will be discharged from any outfall. For every pollutant you list, briefly describe the reasons you believe it will be present.

1. Pollutant

Imidacloprid

2. Reason for Discharge

*Insecticide to control burrowing shrimp on commercial shellfish beds.***VI. Engineering Report on Wastewater Treatment**

A. If there is any technical evaluation concerning your wastewater treatment, including engineering reports or pilot plant studies, check the appropriate box below.

 Report Available No Report

B. Provide the name and location of any existing plant(s) which, to the best of your knowledge, resembles this production facility with respect to production processes, wastewater constituents, or wastewater treatments.

Name

N/A

Location

VII. Other Information (Optional)

Use the space below to expand upon any of the above questions or to bring to the attention of the reviewer any other information you feel should be considered in establishing permit limitations for the proposed facility. Attach additional sheets if necessary.

See Appendix B (FIFRA Registration Labels for Protector 2F and Protector 0.5G)

VIII. 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 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

A. Name and Official Title (type or print)

Ken Wiegardt - President

B. Phone No.

(360) 244-3099

C. Signature

D. Date Signed

1/8/2016

Appendix A.

For NPDES Application Form 2D.

Grays Harbor and Willapa Bay Commercial Shellfish
Beds

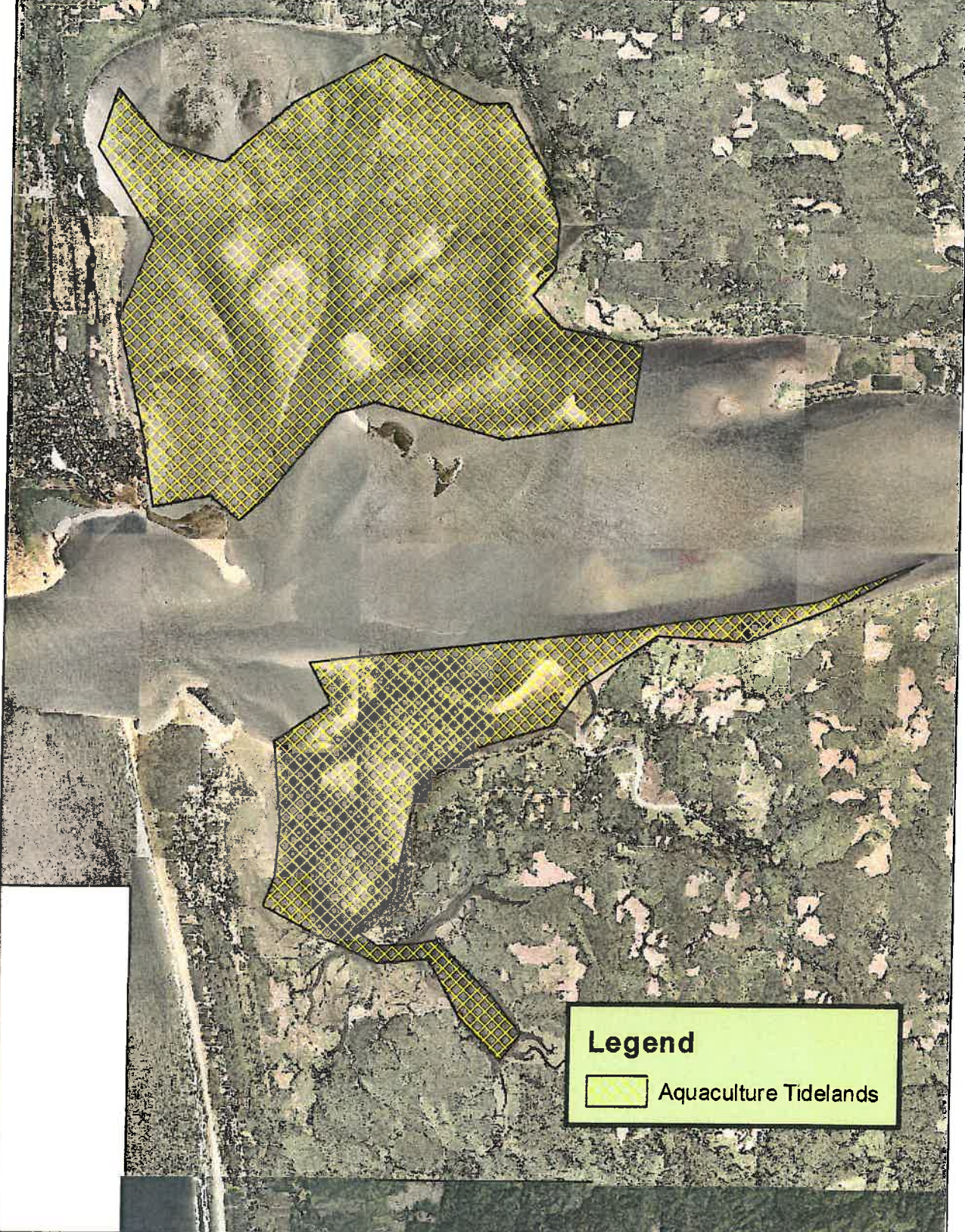
Willapa Bay Aquaculture Tidelands




Legend

 Aquaculture Tidelands

Grays Harbor Aquaculture Tidelands



Legend

 Aquaculture Tidelands

Appendix B.

For NPDES Application Form 2D.

FIRFA Registration Labels for Imidacloprid
(Protector 2F and Protector 0.5G)



U.S. ENVIRONMENTAL PROTECTION AGENCY
 Office of Chemical Safety and Pollution Prevention
 Registration Division (7505C)
 1200 Pennsylvania Ave., N.W.
 Washington, D.C. 20460

EPA Reg. Number:

88867-2

Date of Issuance:

JUN 06 2013

NOTICE OF PESTICIDE:

Registration
 Reregistration

(under FIFRA, as amended)

Term of Issuance:

Conditional

Name of Pesticide Product:

Protector 2F

Name and Address of Registrant (include ZIP Code):

Willapa-Grays Harbor Oyster Growers Association
 P.O. Box 3, Ocean Park, WA 98640

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA section 3(c)(7)(a). You must:

1. Submit and/or cite all data required for registration/registration review of your product when the Agency requires all registrants of similar products to submit such data.
2. Submit or cite any data which have previously been required for imidacloprid.
3. Make the following label change before you release the product for shipment:
 - Revise the EPA Registration Number to read, "EPA Reg. No 88867-2."

Signature of Approving Official:

John Hebert, Product Manager 07
 Insecticide/Rodenticide Branch, Registration Division (7505P)

Date:

JUN 06 2013

Page 2

EPA Reg. No. 88867-2

4. Note that monitoring data reporting is required under the National Pollutant Discharge Elimination System (NPDES) permit. We request that you submit this information to the Registration Division, Office of Pesticide Programs, as well.

5. Submit one copy of the revised final printed label for the record before you release the product for shipment.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records. Please also note that the CSF currently on file for this product is the basic CSF, dated 2/21/12.

If you have any questions, please contact Dr. Jennifer Urbanski at 703-347-0156 or urbanski.jennifer@epa.gov.

John Hebert
Product Manager 07
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure

GROUP 4A INSECTICIDE

PROTECTOR 2F

**FOR USE ONLY IN WILLAPA BAY/ GRAYS HARBOR, WASHINGTON,
TO CONTROL BURROWING SHRIMP IN COMMERCIAL SHELLFISH
BEDS**

ACTIVE INGREDIENT:

Imidacloprid: 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine.....	21.4%
OTHER INGREDIENTS:.....	78.6%
TOTAL:.....	100.0%

Contains 2 pounds of imidacloprid per gallon.

KEEP OUT OF REACH OF CHILDREN CAUTION-CAUCION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

EPA Reg. No.

EPA Establishment No.

SHAKE WELL BEFORE USING

ACCEPTED
JUN 06 2013

Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for the
pesticide registered under:

EPA. Reg. No: 88867-2

FIRST AID	
If swallowed:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible
If on skin or clothing:	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
<p>Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-222-1222 for emergency medical treatment information</p> <p>NOTE TO PHYSICIAN</p> <p>No specific antidote is available. Treat the patient symptomatically.</p>	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION

Harmful if swallowed. Harmful if inhaled. Harmful if absorbed through skin. Avoid contact with skin, eyes, or clothing. Avoid breathing spray mist

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton
- Shoes and socks
- Protective eyewear

Follow Manufacturer's instructions for cleaning/maintaining PPE. If instructions for washables do not exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

ENGINEERING CONTROLS STATEMENTS

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users Must:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Wash contaminated area thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing.

ENVIRONMENTAL HAZARDS

Do not contaminate water when disposing of equipment washwaters. This product is highly toxic to bees exposed to direct treatment or residues on blooming crops and weeds. Do not allow this product to drift to blooming crops or weeds are visiting the treatment area. This product is toxic to wildlife and highly toxic to aquatic invertebrates.

DIRECTIONS FOR USE

It is a violation of the Federal law to use this product in a manner inconsistent with its labeling. A copy of this label must be in the possession of the user at the time the product is applied.

READ THIS LABEL: Read the entire label and follow all use directions and precautions.

For use only to control burrowing shrimp in intertidal commercial shellfish beds of Washington State's Willapa Bay and Grays Harbor.

MIXING INSTRUCTIONS:

To prepare the application mixture, add a portion of the required amount of water to the spray tank, begin agitation, and add the Protector 2F. Complete filling tank with the balance of water needed. Be sure to maintain agitation during both mixing and application.

Do NOT formulate this product into other end-use products.

APPLICATION INSTRUCTIONS:

To control burrowing shrimp in intertidal commercial shellfish beds [of Washington State's Willapa Bay and Grays Harbor], apply at a maximum rate of 0.5 lb a.i.imidacloprid /acre per year using the following properly calibrated application equipment:

- Helicopters equipped with boom ¾ as long as rotor diameter equipped with Accuflo or similar nozzles
- Backpack sprayer.
- Ground based vehicle with boom.

RESTRICTIONS:

- Do not harvest shellfish within thirty days after treatment.
- All ground must be properly staked and flagged to protect adjacent shellfish and water areas. For aerial applications, the corners of each plot must be marked so the plot is visible from an altitude of at least 500ft.
- Aerial applications must be on beds exposed at low tide.
- A single application of imidacloprid per year is allowed.
- No adjuvants or surfactants are allowed with the use of this product.
- All applications must occur between April 15 and December 15.
- A 100-foot buffer zone must be maintained between the treatment area and the nearest shellfish to be harvested when treatment is by aerial spray; a 25 foot buffer zone is required if treatment is by hand spray.
- Do not apply aurally during Federal holiday weekends. During aerial applications, all public access areas within one-quarter (1/4) mile and all public boat launches within a quarter (1/4) mile radius of any bed scheduled for treatment shall be posted. Public access areas shall be posted at 500 foot intervals at those access areas more than 500 feet wide. Signs shall be a minimum of 8 ½ x 11 inches in size, and be made of a durable

weather-resistant, white material. The sign will say "Imidacloprid will be applied for burrowing shrimp control on [date] on commercial shell fish beds. Do not Fish, Crab or Clam within one-quarter mile of the treated area. The location of the treated area will be included on the sign.

- The sign will include lettering shall be in bold black type with the word "WARNING" or "CAUTION" at least one-fourth (1/4) of an inch high. Signs shall be posted so they are secure from the normal effects of weather and water currents, but cause no damage to private property. Signs shall be posted at least 2 days prior to treatment and shall remain for at least 30 days after treatment.

SPRAY DRIFT MANAGEMENT:

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment-and-weather-related factors determines the potential for spray drift. The applicator and the entity authorizing spraying are responsible for considering all these factors when making decisions.

To minimize spray drift, the applicator should be familiar with and take into account the following drift reduction advisory information. Additional information may be available from state enforcement agencies or the Cooperative Extension on the application of the product.

The best drift management strategy and most effective way to reduce drift potential are to apply large droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (see WIND, TEMPERATURE AND HUMIDITY, and TEMPERATURE INVERSIONS).

CONTROLLING DROPLET SIZE

- Volume – Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.
- Pressure – Do not exceed the nozzle manufacturer's recommended pressures. For many nozzle types, lower pressure produces larger droplets. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.
- Number of Nozzles – Use the minimum number of nozzles that provide uniform coverage.
- Nozzle Orientation – Orienting nozzles so that the spray is released parallel to the airstream produces larger droplets than other orientations and is recommended practice. Significant deflection from the horizontal will reduce droplet size and increase drift potential.
- Nozzle Type – Use a nozzle type that is designed for the intended application. With most nozzle types, narrow spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce the largest droplets and the lowest drift. Do not use nozzles producing a mist droplet spray.

APPLICATION HEIGHT

Making applications at the lowest possible height (helicopter, ground driven spray boom) that is safe and practical reduces exposure of droplets to evaporation and wind. ground) upwind. Swath adjustment distance should increase with increasing drift potential (higher wind, smaller droplets, etc.).

WIND

Drift potential is lowest between wind speeds of 3-10 mph. However, many factors, including droplet size and equipment type, determine drift potential at any given speed. Application should be avoided below 3 mph due to variable wind direction and high inversion potential. NOTE: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect spray drift.

TEMPERATURE INVERSIONS

Drift potential is high during a temperature inversion. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud, which can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

AERIAL APPLICATION METHODS AND EQUIPMENT HELICOPTERS ONLY

Water Volume: Use 2 or more gallons of water per acre. The actual minimum spray volume per acre is determined by the spray equipment used. Use adequate spray volume to provide accurate and uniform distribution of spray particles over the treated area and to avoid spray drift.

Managing spray drift from aerial applications: Applicators must follow these requirements to avoid off-target drift movement: 1) boom length – the distance of the outmost nozzles on the boom must not exceed $\frac{1}{4}$ the length of the rotor, 2) nozzle orientation – nozzles must always point backward parallel with the air stream and never be pointed downwards more than 45 degrees, and 3) application height – without compromising helicopter safety, applications should be made at a height of 10 feet or less above the crop canopy or tallest plants. Applicators must follow the most restrictive use cautions to avoid drift hazards, including those found in this labeling as well as applicable state and local regulations and ordinances.

GROUND APPLICATION (BROADCAST)

Water Volume: Use 5 or more gallons of water per acre. The actual minimum spray volume per acre is determined by the spray equipment used. Use adequate spray volume to provide accurate and uniform distribution of spray particles over the treated area and to avoid spray drift.

Spray tank should have constant agitation to assure adequate mixing of product.

AERIAL APPLICATIONS

All precautions should be taken to minimize or eliminate spray drift. Helicopters can be used to apply PROTECTOR 2F; however, DO NOT make applications by helicopter unless appropriate buffer zones can be maintained to prevent spray drift out of the target area, or when spray drift as a result of helicopter application can be tolerated. Aerial equipment designed to minimize spray drift, such as a helicopter

equipped designed to minimize spray drift, such as a helicopter equipped with a Microfoil™ boom, Thru-Valve™ boom or raindrop nozzles, must be used and calibrated. Except when applying with a Microfoil boom, a drift control agent may be added at the recommended label rate. To avoid drift, applications should not be made during inversion conditions, when winds are gusty or any other conditions which allow drift. Side trimming is not recommended with PROTECTOR 2F unless death of treated tree can be tolerated.

GROUND APPLICATIONS

Low Volume

Use equipment calibrated to deliver 5 to 20 gallons of spray solution per acre.

For low volume, selected proper nozzles to avoid over-application. Proper application is critical to ensure desirable results.

Restrictions During Temperature Inversions

Because the potential for spray drift is high during temperature inversions, do NOT make air applications during temperature inversions.

Mixing and Loading Requirements

The use of a properly designed and maintained containment pad for mixing and loading of any pesticide into application equipment is recommended. If containment pad is not used, maintain a minimum distance of 25 feet between mixing and loading areas and potential surface to groundwater conduits such as field sumps, uncased well heads, sinkholes, or field drains.

container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

This product is registered by the Willapa-Grays Harbor Oyster Growers Association, P.O. Box 3, Ocean Park, WA 98640

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

Pesticide Storage: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of reach of children, preferably in a locked storage area. Handle and open container in a manner as to prevent spillage. If the container is leaking or material spilled for any reason or cause, carefully dam up spilled material to prevent runoff. Refer to Precautionary Statements on label for hazards associated with the handling of this material. Do not walk through spilled material. Absorb spilled material with absorbing type compounds and dispose of as directed for pesticides below. In spill or leak incidents, keep unauthorized people away.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of at an approved waste disposal facility.

CONTAINER DISPOSAL [HANDLING]:

For containers smaller than 5 gallons: Nonrefillable container: Do not reuse or refill this container. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Nonrefillable Containers Larger than 5 Gallons: Nonrefillable



U.S. ENVIRONMENTAL PROTECTION AGENCY
 Office of Chemical Safety and Pollution Prevention
 Registration Division (7505C)
 1200 Pennsylvania Ave., N.W.
 Washington, D.C. 20460

EPA Reg. Number:

88867-1

Date of Issuance:

JUN 06 2013

NOTICE OF PESTICIDE:

Registration
 Reregistration

(under FIFRA, as amended)

Term of Issuance:

Conditional

Name of Pesticide Product:

Protector 0.5G

Name and Address of Registrant (include ZIP Code):

Willapa-Grays Harbor Oyster Growers Association
 P.O. Box 3, Ocean Park, WA 98640

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA section 3(c)(7)(a). You must:

1. Submit and/or cite all data required for registration/registration review of your product when the Agency requires all registrants of similar products to submit such data.
2. Submit or cite any data which have previously been required for imidacloprid.
3. Make the following label change before you release the product for shipment:
 - Revise the EPA Registration Number to read, "EPA Reg. No 88867-1."

Signature of Approving Official:

John Hebert, Product Manager 07
 Insecticide-Rodenticide Branch, Registration Division (7505P)

Date:

JUN 06 2013

4. Note that monitoring data reporting is required under the National Pollutant Discharge Elimination System (NPDES) permit. We request that you submit this information to the Registration Division, Office of Pesticide Programs, as well.

5. Submit one copy of the revised final printed label for the record before you release the product for shipment.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records. Please also note that the CSF currently on file for this product is the basic CSF, dated 2/21/12.

If you have any questions, please contact Dr. Jennifer Urbanski at 703-347-0156 or urbanski.jennifer@epa.gov.

John Hebert
Product Manager 07
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure

ACCEPTED

JUN 06 2013

Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for the
pesticide registered under:

GROUP 4A INSECTICIDE

EPA Reg. No: 88867-1

PROTECTOR 0.5G

**FOR USE ONLY IN WILLAPA BAY/ GRAYS HARBOR, WASHINGTON,
TO CONTROL BURROWING SHRIMP IN COMMERCIAL SHELLFISH
BEDS**

ACTIVE INGREDIENT:

Imidacloprid: 1-[(6-Chloro-3-pyridiny) methyl]-N-nitro-2-imidazolidinimine.....	0.5%
OTHER INGREDIENTS:.....	99.5%
TOTAL:.....	100.0%

KEEP OUT OF REACH OF CHILDREN CAUTION-CAUCION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

EPA Reg. No.

EPA Establishment No.

FIRST AID

If in eyes:	<ul style="list-style-type: none"> • Hold eye open and rise slowly and gently with water for 15-20 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice
<p>Have the product container or label with you when calling poison control center or doctor or going for treatment. You may also 1-800-222-1222 for emergency medical treatment information.</p> <p>NOTE TO PHYSICIAN No specific antidote is available. Treat the patient symptomatically</p>	

DIRECTIONS FOR USE

It is a violation of the Federal law to use this product in a manner inconsistent with its labeling. A copy of this label must be in the possession of the user at the time the product is applied.

READ THIS LABEL: Read the entire label and follow all use directions and precautions.

For use only to control burrowing shrimp in intertidal commercial shellfish beds [of Washington State's Willapa Bay and Grays Harbor]

MIXING INSTRUCTIONS:

Do NOT formulate this product into other end-use products.

APPLICATION INSTRUCTIONS:

To control burrowing shrimp in intertidal commercial shellfish beds [of Washington State's Willapa Bay and Grays Harbor], apply at a maximum rate of 0.5 lb a.i. imidacloprid/acre per year.

Apply this product uniformly over the area being treated using drop-type or rotary-type spreaders. Do not use spreaders that would apply the material in narrow, concentrated bands. All spreader equipment must be calibrated at the time of application to achieve desired application rate.

Use one of the following properly calibrated application equipment:

- Conventional granular pesticide applicators ("belly grinders").
- Helicopters equipped with boom $\frac{3}{4}$ as long as rotor diameter.
- Ground based vehicles equipped with spinners or drop spreaders.

RESTRICTIONS:

- Do not harvest shellfish within 30 days after treatment.
- All ground must be properly staked and flagged to protect adjacent shellfish and water areas. For aerial applications, the corners of each plot must be marked so the plot is visible from an altitude of at least 500ft.
- A single application of imidacloprid at up to 0.5 ai per acre per year is allowed.
- No adjuvants or surfactants are allowed with the use of this product.
- Aerial applications must be on beds exposed at low tide. Applications from a floating platform or boat may be applied to beds under water using a calibrated granular applicator.
- All applications must occur between April 15 and December 15.
- A 100-foot buffer zone must be maintained between the treatment area and the nearest shellfish to be harvested within 30 days when treatment is by aerial spray; a 25 foot buffer zone is required if treatment is by hand spray if nearest shellfish bed is to be harvested within 30 days.
- Do not apply aerially during Federal holiday weekends. During aerial applications, all public access areas within one-quarter (1/4) mile and all public boat launches within quarter (1/4) mile radius of any bed scheduled for treatment shall be posted. Public access areas shall be posted at 500 foot intervals at those access areas more than 500 feet wide. Signs shall be a minimum of 8 1/2 x 11 inches in size, and be made of a durable weather-resistant, white material. The sign will say "Imidacloprid will be applied for burrowing shrimp control on [date] on commercial shell fish beds. Do not Fish, Crab or Clam within one-quarter mile of the treated area." The location of the treated area will be included on the sign.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton
- Shoes and socks
- Protective eyewear
- Dust mask

Follow manufacturer's instructions for cleaning/maintaining PPE. If instructions for washables do not exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

ENGINEERING CONTROLS STATEMENTS

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users Must:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing.

ENVIRONMENTAL HAZARDS

Do not contaminate water when disposing of equipment wash waters. This product is toxic to wildlife and highly toxic to aquatic invertebrates.

The sign will include lettering shall be in bold black type with the word "WARNING" or "CAUTION" at least one-fourth (1/4) of an inch high. Signs shall be posted so they are secure from the normal effects of weather and water currents, but cause no damage to private property. Signs shall be posted at least 2 days prior to treatment and shall remain for at least 30 days after treatment.

This product is registered by the Willapa-Grays Harbor Oyster Growers Association, P.O. Box 3, Ocean Park, WA 98640

DRIFT MANAGEMENT:

The interaction of many equipment and weather related factors determine the potential for product drift. Average wind speed at the time of application is not to exceed 10 mph to minimize drift to adjacent shellfish and water areas when applied by air. Drift potential increases at wind speeds of less than 3 mph (due to inversion potential) or more than 10 mph. However, many factors including height of granular spreader above the tideflat and equipment specifications determine drift potential at any given wind speed. Do NOT apply when winds are greater than 10 mph or during temperature inversions. Make applications at the lowest possible height (helicopter, ground or barge) that is safe to operate and reduces exposure of the granules to wind. When applications are made crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the treatment area, the applicator must compensate for this displacement by adjusting the path of the application equipment upwind. Swath adjustment distance should increase with increasing drift potential.

Mixing and Loading Requirements

The use of a properly designed and maintained containment pad for mixing and loading of any pesticide into application equipment is recommended. If containment pad is not used, maintain a minimum distance of 25 feet between mixing and loading areas and potential surface to groundwater conduits such as field sumps, uncased well heads, sinkholes, or field drains.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Pesticide Storage: Store in a cool, dry place in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.

Handle and open container in a manner as to prevent spillage. If material is spilled for any reason or cause, carefully contain any spilled material to prevent non-target contamination. Do not walk through spilled material and dispose of as directed for pesticides above. Refer to Precautionary Statements on label for hazards associated with handle of this material. In spill or leak incidents, keep unauthorized people away. For chemical spill, leak, fire, or exposure, you may contact CHEMTREC at 800-424-9300.

Container Disposal: Non-Refillable: Do not reuse or refill this container. Completely empty bag into application equipment. Dispose of empty bag in a sanitary landfill, by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

Application of Imidacloprid to Molluscan Shellfish Beds in Willapa Bay and Grays Harbor to Control Destructive Burrowing Shrimp.

2. Name of applicant: **Willapa/Grays Harbor Oyster Growers Association**

3. Address and phone number of applicant and contact person:

**Ken Wiegardt, President
PO Box 3
Ocean Park, WA 98640
360-244-3099**

4. Date checklist prepared: **December 18, 2015**

5. Agency requesting checklist: **Washington State Department of Ecology**

6. Proposed timing or schedule (including phasing, if applicable):

Molluscan shellfish beds will be treated with imidacloprid as needed at various times between from April 15 and December 15 of each year the permit is valid. The exact date and time of treatments will depend on such parameters as crop cycle (e.g. when harvest oysters are removed), tides, eelgrass cover, weather, etc.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Not at this time.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Extensive environmental information has been prepared with respect to this proposal. Please see the attached list of reference documents at Appendix A.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

There are no pending approvals for other proposals that would directly affect the commercial shellfish beds of Willapa Bay and Grays Harbor.

10. List any government approvals or permits that will be needed for your proposal, if known.

An individual NPDES permit will be required, as well as Federal and State Registrations for this particular use of imidacloprid.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Located in Washington State's Pacific and Grays Harbor counties, Willapa Bay and Grays Harbor are currently home to tens of thousands of acres of commercial oyster and clam beds. Ghost shrimp (*Neotrypaea californiensis*) and mud shrimp (*Upogegia pugettensis*) (collectively burrowing shrimp) adversely affect the commercial shellfish culture by destabilizing sediments, causing significant mortality, and reducing growth rates. As part of an ongoing integrated pest management program (IPM), imidacloprid, a neonicotinoid insecticide, has been under investigation for use to control burrowing shrimp on commercial oyster and clam beds since 1996.

This proposal involves the application of the insecticide imidacloprid on tidelands in Willapa Bay (46.37 – 46.75 Latitude and -124.05 - -123.84 Longitude) and Grays Harbor (46.86 – 47.04 Latitude and -124.16 - -123.84 Longitude), Washington, to control burrowing shrimp. Two forms of imidacloprid are proposed to be applied to affected tidelands – Protector 0.5G (a granular product) and Protector 2F (a liquid product). Ground applications will be used with the liquid form of imidacloprid, and the granular form will be applied by ground, and boat. Average application rate will be 0.5 pound (lb) active ingredient per acre (a.i./ac). The combined surface area of Willapa Bay and Grays Harbor is approximately 155,000 acres. The area to be treated yearly with imidacloprid will be a small percent of the total combined surface areas of the farmed intertidal shellfish growing area in the two bays. The amount of ground treated each year will vary and is dependent on previous recruitment and the survival and growth rate of those burrowing shrimp. On average, a particular shellfish bed will be treated once every five years, depending again on the measurable dynamics of the shrimp population. Providing growers the flexibility of when to treat the infested acreage in any given year will facilitate an adaptive approach that is expected to result in increased treatment efficiencies and thereby reduce the overall amount of imidacloprid that would be applied in a restricted time frame.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

See answer to A.11 directly above.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): **Flat**, rolling, hilly, steep slopes, mountainous,

The affected geographic areas consist entirely of relatively flat tidelands in Willapa Bay and Grays Harbor.

- b. What is the steepest slope on the site (approximate percent slope)?

The affected geographic areas generally slope toward the main channels and bay entrance to the ocean.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The affected geographic areas consist of marine sediments often referred to as mud. These estuary sediments are primarily poorly sorted clastics grading from sand to silt. There are some organics and clay intermixed. Silt (a size category of rock particles) is generally the major sediment type. Sediment type and size is largely controlled by fluvial processes such as wave, channel currents and tidal action. The intertidal area is a constant geological environment of aggradation and degradation (deposition and erosion) as sediment is deposited (dropping from streams as it reaches sea level) and gradually fills in or moves toward the mouths of the bays. Gravel and shell can also be found on some portions of the beds to provide substrate for shellfish.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Tidal action and local biological activity can temporarily or periodically disturb surface sediments. This is a natural condition in tidal environments.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

This proposal does not involve any filling or grading activities.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No land disturbing activities are associated with this proposal. Therefore, erosion resulting from the proposal is not anticipated.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

No impervious surfaces will be created as a result of this proposal.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No impacts to earth resources, including erosion, will occur as a result of the proposal. Therefore, no measures to reduce earth impacts are required.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Boats, ATVs, and ground sprayers would emit minimal emissions to the air; however the quantities are unknown at this time.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No, there are no upwind, off-site sources of emissions or odor that would affect this proposal.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Boats will need to use a hopper, hopper loaders, and possibly a barge to hold additional chemical, equipment and personnel. Applications are very accurate.

3. Water

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Nine rivers feed into Willapa Bay: Willapa River, North River, Naselle River, Bone River, Palix River, Niawiakum River, Cedar River, Nemah River, and Bear River. There are also numerous creeks and streams that feed into Willapa Bay. Several rivers also feed into Grays Harbor including: Chehalis River, Humptulips River, Hoquiam River, as well as many lesser rivers and streams. However, treatment of molluscan shellfish beds with imidacloprid will not occur in the vicinity of these rivers and streams.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Yes. Imidacloprid will be applied to the tidelands of Willapa Bay and Grays Harbor by ground, boat, or aerial application. See Appendix B (WGHOGA commercial aquaculture parcels/beds/tidelands).

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

This proposal will not involve the placement or removal of fill or dredged material in surface water or wetlands.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No surface water withdrawals or diversions will be required as a result of this proposal.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The affected geographic areas are on tidelands of Willapa Bay and Grays Harbor (See Appendix B).

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The proposal does not involve the discharge of waste materials to surface waters.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No withdrawals from, or discharge to, groundwater will occur as a result of the proposal.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No waste material will be discharged into the ground.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

The source of runoff is surface water movement during tidal exchanges. The water will flow on and off the tide flats of Willapa Bay and Grays Harbor twice every 26 hours. Imidacloprid is, however, known to dissipate quite quickly in surface water and is usually analytically undetectable 24-48 hours after application. In addition, imidacloprid is typically undetectable at distances greater than 400 meters from the application area.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No waste materials will be discharged as part of this proposal.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Imidacloprid will only be applied as necessary to control burrowing shrimp. No more than 0.5 lbs a.i./ac will be applied at a maximum interval of one year. Each shellfish bed will be treated, at maximum, once per year and most likely only once per several years (the expected average treatment frequency on a specific shellfish bed which has reoccurring shrimp infestations is once every five years, depending on re-infestation levels and growth rate of burrowing shrimp).

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other: **spartina**
- other types of vegetation:

b. What kind and amount of vegetation will be removed or altered?

No vegetation will be removed as part of this proposal, and reducing burrowing shrimp will improve growth of some aquatic vegetation.

- c. List threatened or endangered species known to be on or near the site.

There are no known threatened or endangered plant species.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Adverse impacts to vegetation are not anticipated, and therefore no preservation or enhancement measures are proposed.

5. Animals

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: **hawk, heron, eagle, songbirds, other: shorebirds, including seagull and crow**

mammals: deer, bear, elk, beaver, other:

fish: bass, **salmon, trout, herring, shellfish, other: sturgeon, shark**

- b. List any threatened or endangered species known to be on or near the site.

The United States Fish and Wildlife Service and National Marine Fisheries Service ("Services") conducted programmatic consultations under Section 7 of the Endangered Species Act for Nationwide Permit 48 activities in Washington State. The Services completed their consultations and issued biological opinions in 2009. The biological opinions analyze the use of the insecticide carbaryl to treat burrowing shrimp in the action area (Willapa Bay and Grays Harbor). In addressing the use of carbaryl, the biological opinions analyze potential effects on the following listed species in the action area: Bull Trout; Green Sturgeon; Chinook salmon; Chum salmon; Marbled murrelet; Western Snowy Plover; and California brown pelican.

- c. Is the site part of a migration route? If so, explain.

Yes, this site is part of the Pacific Flyway, so many migratory birds are seen here. Bird migrations (e.g. Anatidae, various shorebirds) primarily occur in the spring and fall as a forage stop from southern wintering areas (South America, Mexico, etc.) to northern nesting areas (e.g. Alaska). Salmonids and other fish migrate and rear along the shallows of the tidelands of Willapa Bay and Grays Harbor.

- d. Proposed measures to preserve or enhance wildlife, if any:

Adverse impacts to non-target wildlife species are not expected, and anecdotal evidence shows that the control of burrowing shrimp for shellfish aquaculture greatly enhances wildlife richness and diversity. Therefore, no preservation or enhancement measures are necessary or proposed.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

There is a risk of exposure to imidacloprid for persons applying imidacloprid. Applicators will have approved Personal Protective Equipment (“PPE”) and will be trained in pesticide applications. Benthic invertebrates are also subject to exposure; however experimental field trials have shown that the imidacloprid disperses very quickly (usually within 24 hours) and has little toxic effects on the benthic invertebrates.

- 1) Describe special emergency services that might be required.

None.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

The following PPE will be required of all applicators and handlers:

- **Long-sleeved shirt and long pants**
- **Chemical-resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton**
- **Shoes and socks**
- **Protective eyewear when working in a non-ventilated space**
- **Follow Manufacturer’s instructions for cleaning/maintaining PPE. If instructions for washables do not exist, use detergent and hot water. Keep and wash PPE separately from other laundry.”**

- b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Noise associated with boat use and ATV’s will cause short-term noise during liquid and granular applications.

- 3) Proposed measures to reduce or control noise impacts, if any:

Except for limiting treatment to daylight hours and avoiding holiday applications, none are proposed.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

Commercial and recreational shellfish beds and private and state-owned tidelands.

- b. Has the site been used for agriculture? If so, describe.

The site has and continues to be used for shellfish aquaculture.

- c. Describe any structures on the site.

The affected geographic areas are open water tidelands with no structures.

- d. Will any structures be demolished? If so, what?

No.

- e. What is the current zoning classification of the site?

The zoning classification in Willapa Bay is Aquaculture. Zoning in Grays Harbor County is terrestrially based and does not extend out into the Bay. There are several zoning classifications in Grays Harbor adjacent the Bay, including Agricultural, General Development, Resort Residential, General Residential, Restricted Residential, and Industrial in Grays Harbor County, Residential and Recreational in the City of Ocean Shores, and Mixed Use and Recreation & Parks in the City of Westport.

- f. What is the current comprehensive plan designation of the site?

The comprehensive plan designation in Willapa Bay is Habitat Conservation. There are several comprehensive plan designations in Grays Harbor County, including Agricultural, General Development, Recreational – Residential, Residential, and Industrial.

- g. If applicable, what is the current shoreline master program designation of the site?

The shoreline master program (“SMP”) designation in Willapa Bay is Conservancy. The SMP designations in Grays Harbor are Conservancy and Natural.

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

Grays Harbor County maps show Grays Harbor is within a Frequently Flooded Area (Zone A – 100 Year Flooding) and contains Wetlands. Additional environmentally sensitive classifications may be identified on a site-specific basis during individual project review. Waters of the state and commercial shellfish areas are included in the definition of fish and wildlife habitat conservation areas in both Grays Harbor County and Pacific County.

- i. Approximately how many people would reside or work in the completed project?

There is no residential occupancy at the affected geographic areas. Between 3 and 5 workers will temporarily occupy affected geographic areas to conduct aquaculture activities, including application of pesticides.

- j. Approximately how many people would the completed project displace?

None.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

No displacement impacts are expected, and therefore no avoidance or reduction measures are proposed.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The affected geographic areas are currently used for, and will continue to be used for, commercial shellfish aquaculture. This is consistent with the land use designation for the tidelands that will be treated with imidacloprid.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

- c. Proposed measures to reduce or control housing impacts, if any:

None.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

No structures are proposed.

- b. What views in the immediate vicinity would be altered or obstructed?

The periodic application of imidacloprid to the commercial shellfish beds in Willapa Bay and Grays Harbor will not involve any structures that would alter or obstruct views in the immediate vicinity.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

No adverse aesthetic impacts are expected and therefore no reduction measures are necessary or proposed.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

No light or glare will be produced by this project. All applications of imidacloprid will occur during daylight hours.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

- c. What existing off-site sources of light or glare may affect your proposal?

None.

- d. Proposed measures to reduce or control light and glare impacts, if any:

No adverse impacts from lighting or glare are expected and therefore no reduction measures are necessary or proposed.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Fishing, boating, and recreationally harvested shellfish beds.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

Existing recreational uses will not be displaced during the application of imidacloprid. Federal registration requires that sufficient public notice is given prior to application.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Federal registration of imidacloprid requires that sufficient public notice is given prior to application.

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None.

- c. Proposed measures to reduce or control impacts, if any:

No adverse impacts are expected and therefore no reduction measures are necessary or proposed.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Commercial shellfish beds are accessed from a variety of areas within Willapa Bay and Grays Harbor. The current access points to the existing street system will not change with this proposal.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

The sites are not served by public transit and the nearest transit stop is unknown.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

The completed project will neither create nor eliminate parking spaces.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The shellfish beds will be accessed by foot, ATV, or boat. Foot and ATV access will occur at various points adjacent to the shellfish beds. Boats will originate from Tokeland, South Bend, Bay Center, Niawaiakum River, or the Port of Peninsula (Nahcotta).

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

One per application day, resulting in one trip two and from the beds being treated. Trips would occur during optimal tides and during day light hours.

- g. Proposed measures to reduce or control transportation impacts, if any:

The proposal is not anticipated to cause transportation impacts. Therefore, no transportation control measures are required for the application of imidacloprid to the shellfish beds.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

Spills and worker exposures are the responsibility and liability of the licensed application. However, if a worker was exposed, health care may be needed in the form of a hospital or clinic visit.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Workers will use appropriate PPE and be trained in the application of imidacloprid.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

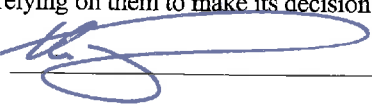
Not applicable.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Date Submitted: January 8, 2016

Appendix A.
For SEPA Checklist.
Environmental Information Related to Proposal

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- Booth, S.R.; Suhrbier, A.; Patten, K.D.; Rasmussen, K. Field trials to determine the impact of imidacloprid on epibenthic and benthic invertebrates. Presentation to the 65th Annual Pacific Coast Shellfish Growers Association Conference. Salem, OR. September 20, 2011
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- Grue, C.E. and J.M. Grassley. 2013. Environmental Fate and Persistence of Imidacloprid Following Experimental Applications to Control Burrowing Shrimp in Willapa Bay, Washington. Washington Cooperative Fish and Wildlife Research Unit, University of Washington. Seattle, WA. 91 pp.
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Appendix B.
For SEPA Checklist.
Grays Harbor and Willapa Bay Commercial Shellfish
Beds

Grays Harbor Aquaculture Tidelands




Legend

 Aquaculture Tidelands

Willapa Bay Aquaculture Tidelands



Legend

 Aquaculture Tidelands