

**Pennsylvania Dept. Of Transportation
Engineering District 4**

**STATEMENT OF WORK FOR LACKAWANNA COUNTY
SECONDARY ROADS AND REST AREAS FOR HERBICIDE SPRAYING PROGRAM SERVICES
END RESULT & HOURLY**

- I. TERM OF CONTRACT:** The initial term of the Contract shall be 1 year. The Contract may be mutually renewed for a maximum of 4 additional 1-year term(s) with a maximum 5% escalation for each of the renewal terms. The anticipated start date of the contract shall be no earlier than April 1, 2026.
- II. EXTENSION OF CONTRACT TERM:** The Commonwealth reserves the right, upon notice to the Contractor, to extend any single term of the Contract for up to three (3) months upon the same terms and conditions.
- III. PUBLIC BID OPENING:** The Public Bid Opening Will Be Held Virtually via Microsoft Teams on 01/13/2026 at 10:00 A.M. (EST). Please contact Amy Mifka at amifka@pa.gov for a meeting invitation.
- IV. QUESTIONS & ANSWERS:** All questions pertaining to this Solicitation must be made prior to 01/06/2026 at 3:00 PM. (EST). All questions and answers will be posted to the Solicitation in eMarketplace for public viewing. Only questions submitted via email to this solicitation will be answered. Please send your question(s) via email to Amy Mifka at amifka@pa.gov.

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- C. Broadleaf and Brush
 - (a) General Information
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 - (c) Payment

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1. GENERAL PROVISIONS

A. GENERAL INFORMATION

The Pennsylvania Department of Transportation, hereinafter referred to as PennDOT requires roadside pesticide spraying services within the guidelines describe in Chapter 13.4 of PennDOT's Maintenance Manual (Publication 23) and this Statement of Work. PennDOT Publication 23 is available on PennDOT's website <https://www.pa.gov/agencies/penndot> at the "Forms, Publications & Maps" page. Work is to be performed within PennDOT Engineering District 4-0, including Lackawanna County for a period of one (1) year, with the possibility of four (4) renewals. Unit price will escalate 5% per each yearly renewal. The services provided shall be consistent with standard operating procedures and applicable Federal, State and Local laws, rules and regulations for the protection of public health and the environment. This includes following OSHA safety requirements and other agencies involved in the application and regulation of pesticides.

All pesticide applications shall be performed in accordance with PennDOT Publication 23- Maintenance Manual, Chapter 13, Section 13.4 (except in cases where it conflicts with direction contained within this contract in which cases the contract prevails). The district 4 project manager for this contract will be the District Roadside Specialist II (DRSII).

To avoid delay in the daily schedule of pesticide treatments, the Contractor shall not perform preliminary litter removal at any site unless a particular debris object may cause a safety hazard or damage to the pesticide equipment and /or crew. Safety hazards including large dead animals, vehicle parts, and any other large obstruction should be moved (not disposed of) as directed by the DRSII and will be considered a non-billable incidental expense.

The Contractor shall follow the recommendations of the most current Penn State University College of Agriculture Annual Report for Herbicide Use. The DRSII will provide the study upon request of the Contractor. The study can be accessed at the following link: (<http://plantscience.psu.edu/research/projects/vegetative-management>)

The herbicides must be applied in a manner consistent with the use directions on the label and in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA) and the Pennsylvania Pesticide Act of 1973 as amended.

The Contractor shall not apply pesticides in the following circumstances.

1. Directly to a water source
2. When wind speed exceeds 10 mph.
3. Near homes, gardens, flower beds, lawns, or beyond the right-of-way
4. One hour before, during, or on hour after a rain event. When rain does occur within one hour of treatment, retreat the area, unless pesticide label directions indicate otherwise.

The Contractor shall exercise extreme care when applying pesticides adjacent to agricultural crops and other sensitive vegetation.

A material usage report for all chemicals used during the preceding calendar year shall be provided to the - DRSII on or before March 1, for year one of the contract and February 1st for subsequent contract years. This report must contain the Product name, Manufacturer, EPA Regulatory Number, Maximum Annual Dose/ Acre, Units (example in: lbs., qtrs., oz), Target (example: weeds), and Total Amount (example: lbs., oz, pints, gallons)

B. ESTIMATED QUANTITIES

All quantities are estimated and PennDOT reserves the right to increase or decrease these quantities based upon need. See Attachment 9, Summary of Bid Items: Herbicide Spraying Program and Attachment 10, List of Secondary Roads and Park and Rides.

C. PESTICIDE SPRAY PROGRAM INFORMATION

Unless indicated otherwise within this Statement of Work, the Contractor shall furnish all equipment, personnel, and materials for roadside pesticide spraying service work for all secondary roads and county stockpiles. Maintain the equipment in good condition for the duration of the Contract.

The contractor should be capable of supplying a minimum forty hours of production work per crew each week; however, the estimated hours in the Purchase Order govern for hourly pay items. The Contractor shall be permitted to work extended workdays if it is in the best interest of PennDOT, and permission is granted in writing by the DRSII or designee. In the event of programming needs, weather conditions or major equipment failure that affects the application timing of the herbicide programs, the Contractor, at PennDOT's discretion, shall be required to work more than the normal forty-hour work week. This shall require an extended workday and up to a six-day work week. This additional work shall be paid at the normal contract unit prices. Premium rates will not be paid by PennDOT.

When directed by the DRSII, spraying shall be done on secondary roadways and park and rides on weekends or other low volume traffic periods. All roadside herbicide spraying service work shall be scheduled, weather permitting, on any weekday Monday through Friday. It is anticipated that some bare ground program spraying may be done on secondary roadways and park and rides on weekends, during hours of darkness, or other low volume traffic periods. Trucks spraying during hours of darkness shall also be equipped with sufficient lighting to fully illuminate the spray target area.

Along the roadways scheduled for pesticide spraying, crews will be confronted with sections of roadside that pass through well maintained residential and commercial properties. Do not apply pesticides to shade trees or ornamental trees or bushes and plants where the property owners are providing maintenance.

D. CONTRACTOR QUALIFICATIONS REQUIREMENTS

The Contractor shall provide documented proof of having been actively in the business of Commercial Pesticide Application for the past two (2) consecutive years. Projects referred to must be identified and the name of the customer shown, including the name, address, and telephone number of the responsible official of the customer, company, or agency who may be contacted as a reference. The Contractor shall also provide written documentation of the capability to satisfactorily handle all aspects of the services covered under the scope of this contract. The Contractor shall provide this proof with the electronic bid.

The Contractor shall also submit with their bid, the name of a contractor representative, the contractor representative's 24 hour-a-day cell phone number and provide a copy of their Commercial Pesticide Application Business License issued by the Commonwealth of Pennsylvania. The Contractor must complete and return the attached Contractor Information Form and the Certified Pesticide Applicator Licensing Form (See Attachments 1 and 2) with the electronic bid.

The Commercial Pesticide Application Business License must include Category E (Right-of-Way Pest Control), and Category F (Industrial, Institutional, Structural, and Health Related) and/or any other category necessary to perform services in accordance with this Statement of Work.

The Contractor must provide at least one person who holds a valid Certified Commercial Pesticide Applicator's license issue by The Pennsylvania Department of Agriculture to conduct, monitor and supervise the daily herbicide applications by the contractor.

The Contractor's Certified Commercial Pesticide Applicator(s) shall have, at a minimum, the required training in low volume basal, low volume foliar and granular applications and must have current certifications for Category 10 (Right-of-Way) and at least one applicator with certification in Category 23 (Park/School Pest Control) when applicable and/or any other category necessary to perform services in accordance with this Statement of Work.

All Pesticide Application Technicians working on this contract are limited to the use of material methods and equipment on which they have documented training. A copy of the PA Department of Agriculture Pesticide Technician Registration card shall be required prior to start of work for any Registered Pesticide Technician working on this contract. Pesticide Application Technicians must be under direct supervision of the Certified Commercial Pesticide Applicator.

SUBCONTRACTORS: The Contractors are prohibited from subcontracting or outsourcing any part of this Project. Subcontracting of this work will **not be permitted**.

ONLY CERTIFIED SMALL BUSINESSES ARE ELIGIBLE FOR AWARD: PennDOT has designated this contract as a Small Business Procurement to provide DGS-certified small businesses with opportunities to compete against other DGS-certified small businesses for Commonwealth agency and DGS statewide contracts under the Small Business Procurement Initiative (SBPI) set forth in Executive Order 2011-09. Only certified small businesses are

eligible to submit a bid and receive an award. The small business requirements and certification process can be found on the following site:

<https://www.dgs.pa.gov/Small%20Business%20Contracting%20Program/Pages/default.aspx> .

The Small Business Certification will be provided after a supplier completes the self-certification process on the SBPI website. A valid Department of General Services (DGS) Small Business certificate will be required as part of the bid to be deemed a responsive Bidder.

WORKER PROTECTION LANGUAGE:

Pursuant to Executive Order 2021-06, Worker Protection and Investment (October 21, 2021), the Commonwealth is responsible for ensuring that every Pennsylvania worker has a safe and healthy work environment, and the protections afforded them through labor laws. To that end, contractors and grantees of the Commonwealth must certify that they are following all applicable Pennsylvania State labor and workforce safety laws. Such certification shall be made through the Worker Protection and Investment Certification Form (BOP-2201) and submitted with the bid, proposal, or quote.

Bidding Reservation Clause. PennDOT reserves the right to reject any or all bid submissions and advertise for new bids; if, in the judgement of the Secretary of Transportation, such actions will best serve the interests of the Commonwealth.

1. Documents Required with the Submission of the Bid. All documents requested must be received prior to the bid opening date and time. Any information or documentation received after the bid close date and time will not be taken into consideration. Contractors shall provide the below information with their bid submissions. Contractors will be responsible for uploading these documents as attachments in the Supplier portal:

- Attachment 1 – Contractor Information Form
- Attachment 2 – Certified Pesticide Applicator Licensing Form
- Attachment 3 – List of Vehicles and Equipment
- Contractor Qualification Requirements from section D. paragraph 1.
- A valid Department of General Services (DGS) Small Business certificate
- The Contractors Spill Response Plan
- BOP 2201-Worker Protection form signed.

E. EQUIPMENT DEMONSTRATION AND CALIBRATION

Equipment Demonstration –

Contractors are required to prepare Attachment 3, List of Vehicles and Equipment and submit this document with the electronic bid.

After the bid opening and prior to award, the apparent low bidder shall demonstrate to the DRSII that the equipment proposed for use in meeting the requirements of the contract is of sufficient capacity and quantity, and that all such equipment is in good working order. Additionally, the apparent low bidder must

demonstrate that the personnel employed for the purpose of providing the services required by the contract are sufficiently trained to operate the Contractor's proposed equipment fleet. The demonstration will also include equipment and personnel needed for compliance with traffic safety requirements as defined in the current version of PennDOT Publication (Pub) 213. Within 10 calendar days of the bid opening, the DRSII will notify the apparent low bidder regarding the time and location of the demonstration. PennDOT will provide the contractor written communication regarding the outcome of the equipment demonstration.

If the apparent low bidder fails to demonstrate the acceptability of its equipment and/or personnel, the apparent low bidder will be deemed nonresponsive and not responsible, and its bid will be rejected. The contract will then be awarded to the next lowest responsive and responsible bidder that successfully demonstrates the acceptability of its equipment and personnel. At the discretion of the DRSII, the apparent low bidder may be provided with up to five (5) additional calendar days after an initial, unsuccessful demonstration of equipment and personnel acceptability to prepare for and satisfactorily complete a second demonstration.

If changes to equipment and/or personnel are made after the award, the Contractor must successfully demonstrate the acceptability of the equipment and/or personnel as specified above.

For subsequent years under contract, the Equipment Demonstration and Calibration will take place during the first week of February (weather permitting).

At the time of demonstration, the Contractor must submit all vehicle insurance, registration, and any other required inspections or certifications for the equipment. See "General Equipment Requirements" below for more information.

Contractor shall present required spare parts and tools for each Spray Truck. See Attachment 4, List of Spare Parts, and Tools Required for Each Spray Truck.

Equipment Calibration – After issuance of the Purchase Order, the Contractor will be required to perform an equipment calibration test.

The initial calibration will take place within 10 working days of notification by PennDOT; the time and location will be determined by the DRSII.

The DRSII will record results of the calibration.

If the initial calibration is unacceptable, the Contractor will be sent notice requesting a second calibration. Upon receipt, the Contractor has five (5) business days to request a second calibration date.

1. Upon a successful calibration, a Pre-Season Meeting with the Contractor will be scheduled (see Pre-Season Meeting below)

2. If re-calibration is unsuccessful, PennDOT will review available options, which may include rejection of the apparent low bidder's bid and moving to the second lowest responsible bidder submitting a responsive bid.

All spray equipment shall be calibrated at the beginning of the season and at discretion of the DRSII. All calibrations shall be done in the presence of the DRSII.

During the calibration test(s) the applicators must demonstrate the ability to operate, calibrate, and perform field maintenance on all equipment associated with the spraying complement without assistance. An applicator's failure to properly set up and calibrate their equipment during the demonstration will result in their removal from all application work on a spray unit until they can demonstrate to the DRSII their ability has increased to an adequate level.

F. PRE-SEASON MEETING

Following a successful Equipment Demonstration and Calibration, the Contractor (including all WZTC drivers) will be required to attend a Pre-Season meeting with the DRSII at a site within the district. This meeting will be approximately two (2) hours in length. This meeting is considered incidental to the contract and no additional payment will be made.

For subsequent years under contract, the Pre-Season Meeting will take place during the first week of March (weather permitting)

G. CONTRACTOR REPRESENTATIVE

The vendor shall designate one Contractor Representative as PennDOT's main person to contact regarding all contract issues (See Attachment 1). The Contractor Representative shall have 24-hour, seven (7) day per week contact availability throughout the duration of the contract. Should an issue such as insufficient work zone or other safety related issues arise the PennDOT Representative will address it with a crew Foreperson. The Contractor Representative shall have a cellular telephone. Should the Contractor have a need to change the Contractor Representative during the validity period of the Purchase Order, the Contractor is to immediately contact the DRSII during business hours with the new Contractor Representative's name and telephone number.

H. PERSONNEL REQUIREMENTS

The Contractor shall supply two operators with each spray truck unless otherwise stated within this Statement of Work. One individual shall have a PA Commercial Pesticide Applicators License and the other shall have a valid driver's license of the proper class and endorsement(s) to drive the spray truck.

If the Certified Commercial Pesticide Applicator(s) assigned to this contract are to be replaced, the DRSII shall be notified at least 10 business days in advance. PennDOT will schedule a meeting to meet new applicators and review qualifications and capability as required.

PennDOT reserves the right to have any crew member removed from the project at any time at its discretion.

In addition to the Contractor Representative, each complement working shall have designated working Foreperson. The Contractor shall provide the Foreperson a cellular phone and the number given to the DRSII prior to the start of any work. The Foreperson shall be responsible for the following items:

1. Varying rates of application based upon all site conditions such as spray material, vegetation to be controlled, weather, speed of equipment, wind velocity and traffic conditions.
2. Scheduling of pesticide spraying within the County as coordinated with the DRSII and County Management.
3. Familiarization with the areas to be treated within each County. It is imperative that each crew Foreperson be familiar with the geographical area to maintain smooth and efficient operations.
4. Scheduling of meetings with the DRSII and County Representative prior to working in the County, resolving the sequence of pesticide applications, the routes to be treated, and the respective traffic controls and protection equipment and devices required in accordance with Section 901 of PUB 408 and PUB 213.
5. Complete understanding of the procedure for reporting of work progress using Electronic Form M-609, Roadside Activity Report. Electronic Form M-609's will be filled out completely. See Attachment 5, Accessing PennDOT iPad Applications for Business Partners.
6. Maintaining a current copy of Pesticide Hypersensitivity Registry and following all guidelines related to contacting individuals listed in this publication.
7. Contact the DRSII or representative by 3:00 PM Friday to list the roads that are planned to be treated for the upcoming week. Contact the DRSII by email before 7:00 a.m. each day to list the roads that are planned to be treated with a pesticide application during that day.
8. Possessing knowledge and ability sufficient to maintain and field adjust the equipment to sustain a continuous and productive operation.
9. Possessing the professional and technical ability to distinguish between desirable and undesirable vegetation.

I. WORK STATUS/JOB SITE REPORTING

Each crew complement foreperson may be asked to report work status (working/not working) to the DRSII by telephone each day.

Unless otherwise directed by the DRSII, the start and end of the work shift to be billed shall begin no earlier than sunrise and work shall end no later than sunset, and only when sufficient daylight and/or weather conditions are available to safely complete work activities. See “Pesticide Spray Program” above for more information regarding changes to work shift.

Operations may be performed Monday through Friday. The DRSII may authorize work on Saturday and Sunday, as necessary. No work shall be scheduled to occur on the following holidays unless written permission to do so is provided by PennDOT:

1. New Year's Day
2. Dr. Martin Luther King Jr. Day
3. President's Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Columbus Day
8. Veteran's Day
9. Thanksgiving Day
10. Day after Thanksgiving Day
11. Christmas Day

The following Monday will be recognized as the day when no work is to be scheduled for all holidays occurring on a Sunday, and the Friday before will be recognized as the day when no work is to be scheduled for all holidays occurring on a Saturday.

J. GENERAL EQUIPMENT REQUIREMENTS

All equipment shall be in sound mechanical condition and in good working order, with a uniformly painted, neat and clean appearance. All equipment is to be washed and cleaned at the request of the DRSII.

Overnight storage of equipment will be the responsibility of the Contractor.

The Contractor shall supply all clean water necessary for creating the tank mixes of herbicides at their expense. The contractor shall not risk contamination of any public or private water source used to obtain the water.

All vehicles shall display the Contractor's business name, City, State, U.S. DOT numbers and Pesticide Business License Numbers as required by the Pesticide Control Act of 1973.

Global Positioning System – For business work hours only, an Automated Vehicle Location (AVL) Global Positioning System (GPS) unit placed in a company owned or rented vehicle or Smart Phone Mobile Application will be mandatory for each crew. This device will be used to verify the hours and work locations traveled by each

crew. Either system will be capable of producing a report of daily working locations (15 minute interval minimum).

At a minimum, the report shall include the following:

1. The Date
2. Spray Truck Identification (number or operator name)
3. Application Rate(s)
4. Volume applied; and
5. Total area covered.

Attach this report to invoices upon payment; it can be a screen print of a website tied to the mobile application or AVL GPS vehicle-based unit.

All spray trucks and shadow vehicles shall be equipped with working CB radio for truck-to-truck communication.

All Spray trucks shall be equipped at a minimum with spare parts and tools to make minor repairs and adjustments as necessary to allow for uninterrupted application. For additional spare part requirements see Attachment 4, List of Spare Parts, and Tools Required for Spray Trucks.

No payment will be made for time spent on field repairs requiring more than one hour of down time.

K. PROJECT REQUIREMENTS

Any PennDOT property or private property damaged by the Contractor due to the operation(s) will be replaced and/or repaired at no additional cost to PennDOT.

L. WORK ZONE TRAFFIC CONTROL REQUIREMENTS (WZTC)

Conduct Maintenance and Protection of Traffic in accordance with current version of Publication 213. Provide all traffic control setups, truck mounted attenuators, shadow vehicles, signage, warning lights, flags, and flashing lights necessary to assure maximum safety to the public and minimize interference with the normal flow of traffic. Do not close any lanes of travel without coordinating with the DRSII or PennDOT Representative. The contractor shall exercise all precautions to minimize interference with the normal flow of traffic. Where reasonably feasible, all herbicide application operations shall be conducted from off the traveled lanes.

It is anticipated that some bare ground program spraying may be done on secondary roadways and park and rides on weekends, during hours of darkness, or other low volume traffic periods. Trucks spraying during hours of darkness shall also be equipped with sufficient lighting to fully illuminate the spray target area. Any spraying activity on weekends or hours of darkness must be approved by County and District personnel.

All traffic control shall be in accordance with PUB 213. Maintenance and protection of traffic is incidental to line items. No additional payments will be made.

M. INVOICE AND BILLING INSTRUCTIONS

The Contractor shall complete a Roadside Activity Report (Electronic Form M-609) at the completion of each day's work. The schedule for submission of the M-609 will be established during the pre-service meeting.

A completed Confirmation of Services Form (Form OS-501) shall be submitted by the Contractor to the DRSII, for review and verification, on a weekly basis. The DRSII will notify the Contractor if corrections are needed. Each Form OS-501 shall be itemized, include sufficient detail, and coordinate with the line items on the Purchase Order. Untimely or incomplete submissions of Form OS-501 and required supporting documentation (including M-609s) may delay processing of a "proper invoice" as required by the Payment section of the Terms and Conditions. See Attachment 6, Instructions for Completing Confirmation of Service Form, OS-501 and Attachment 7, Confirmation of Service Form, OS-501.

Invoices shall be submitted by the Contractor on a regular basis. For further instructions regarding invoicing see the Billing Requirements Section of the Terms and Conditions.

PennDOT reserves the right, throughout the life of the contract, to make changes to Forms M-609 and/or OS-501, including their instructions, content, and all other requirements.

N. LIQUIDATED DAMAGES

Liquidated Damages will be assessed in accordance with the Terms and Conditions.

Additionally, liquidated damages will be assessed for any requested complement (equipment and/or personnel) that is not produced within five (5) days of written notice by the DRSII. Written notification will include e-mail, fax or mailed delivery.

Liquidated Damage for Non-Compliance:

If for any reason the contractor fails to comply with the requirements of this contract, the following items shall be applied:

- First failure to comply – a written warning shall be issued to the contractor.
- Second failure to comply - \$500 dollars in liquidated damages shall be accessed on a per/day basis until requirements are met. Liquidated damages will be deducted from the next invoice received after notice of violation.

All letters pertaining to non-compliance of the requirements of this contract shall be entered into the Contractor Non-Compliance files and could affect the award of a future bid.

The Department reserves the right to sample all herbicide mixture at the tanks and nozzles to determine accuracy of mixes or be present when herbicides are mixed.

If, for any reason, the contractor fails to comply with the requirements of the contract, Pub 408 shall prevail. If any materials furnished by the contractor are found to be defective, unsuitable, or otherwise unacceptable, the materials shall be removed by the contractor and replaced with acceptable materials at the cost and expense of the contractor.

O. PESTICIDE SPRAY PROGRAM MAPS

Maps outlining the District Pesticide Spraying program will be provided to each crew at the Pre-Season Meeting. Additional maps are available for review in the District Roadside Office.

P. SPILL RESPONSE PLAN

A hard copy of the Contractor's Spill Response Plan shall be submitted with the electronic bid. In addition, each Pesticide Spray Vehicle working on this Contract must always have a hard copy in the vehicle. The Spill Response Plan shall summarize the following procedures at a minimum:

1. Background and Applicable Regulations.
2. Incident Reporting Chain of Command.
3. Spill Preparedness Checklist.
4. Spill Response/Control Method; and
5. Spill Response Procedures

The Contractor is responsible for all cleanup activity and cost resulting from any contamination caused by the accidental or intentional spilling, leakage, or dumping of insecticide, fuel, oil, or any other contaminant from Contractor-supplied equipment.

PennDOT will not pay for any spilled Contractor supplied water or tank mixes.

Q. PENNDOT'S STRATEGIC ENVIRONMENTAL MANAGEMENT PROGRAM (SEMP) REQUIREMENTS

Before the start of any work, the Contractor must comply with PennDOT's STRATEGIC ENVIRONMENTAL MANAGEMENT PROGRAM (SEMP) REQUIREMENTS.

The requirements of this program can be found in PennDOT's PUB 712A (11-15) Green Plan Policy Statement (Attachment 8).

The Contractor is required to submit a Contractor Roster to the PennDOT Project Manager prior to starting work.

R. NPDES Permit and compliance information.

Contractors spraying herbicides for the Department are considered operators under the NPDES permit (Attachment 11) and must comply with the permit. Read the permit thoroughly to understand your responsibilities. Only herbicides listed on the PennDOT annual list (Attachment 12) are allowed. All end result applications require an annual usage report by calendar year. Send the report to the attention of the District Roadside Specialist II no later than November 30th of each year. Report will include brand name, EPA registration number, active ingredient, quantity, and unit of measure. Please note that PennDOT is in the process of renewing this permit and its provisions are to be followed until a newly approved permit is issued.

S. EQUIPMENT SPECIFICATIONS

Pesticide Spray Truck

1. Overview

The Department of Transportation's desire is to utilize a tank mixed pesticide application unit with computer flow-control. This unit shall be capable of independent pattern control of an eight pattern Nutating Spray Head with a two (2') foot to thirty-two (32') foot wide no streak pattern. The flow-control system shall utilize all factory systems.

2. Equipment

- a. One (1) truck of sufficient size to legally haul all required equipment and supplies: truck bed for sufficient size to accommodate sprayer(s). All equipment shall be in accordance with Section 4, Subsection A, General Equipment Requirements.
- b. This work will require a 1000-gallon or larger capacity truck mounted sprayer. The tank will be equipped with mechanical or hydraulic agitation. A high volume - low pressure pump powered by a minimum twelve (12) horsepower engine, in sound mechanical condition with working factory muffler system and a pump to engine pulley ratio producing a system capable of discharging the required quantity of spray mixture at the specified pressure.
- c. All plumbing shall be assembled to function as recommended by the nutating spray head manufacturer and the computer flow-control system manufacturer.
- d. Unit to be equipped with a sprayer control system capable of; automatically maintaining application rate, a vehicle speed sensor which is either connected to the vehicle speedometer or a radar type sensor, a minimum of eight separate boom widths; two different application ratios and a manual setting for spot spraying.

- e. The spray unit shall have at least one hose connection point that is independent of the computer flow-control system. This port is to be used for handgun spot treatment in conjunction with the other application systems.
- f. Unit to include an **Auxiliary refill system** shall include a separate refill pump with adequate check valves, capable of refilling tank(s) from roadside streams in less than 20 minutes.
- g. Unit is to include a **nozzle system** for applying non-selective herbicide to guiderail and other areas as directed by the District Roadside Specialist. This system shall contain a check valve on each individual nozzle assembly immediately preceding that nozzle assembly. This system shall be capable of simultaneously spraying both the guiderail and the roadway shoulder. This system shall be permanently mounted on both sides of the application unit with both sides able to be operated simultaneously.
- h. The guiderail application system shall be constructed to utilize two nozzles pointed toward the Guiderail that can be set at up to 70° degrees from a point that is perpendicular to the direction of travel (allowing up to 140° between nozzles), to provide coverage inside and behind guiderail posts.
- i. The shoulder application system shall be constructed to utilize one nozzle to spray a four to five-foot pattern under the truck from each side and be mounted behind the rear wheels.
- j. All nozzles shall be adjustable both in and out, up and down and must overlap each adjacent nozzle. All Nozzle assemblies shall be capable of extending out from the side of the truck at least one foot.
- k. The herbicide application unit is to be equipped with an eight boom Nutating spray head, using all brass or stainless-steel nozzles capable of delivering a no streak pattern of two feet to thirty-two feet. All booms shall operate independently or simultaneously to apply the necessary spray widths as needed. The application system shall have oscillating motion on booms one through four; these nozzles must be electrically driven by a 12-volt system. The unit is to provide a uniform spray pattern while providing spray drift control. The nutating spray head shall be capable of applying fifty gallons per acre, at vehicle speeds of up to 11 miles per hour.
- l. Sprayer to be equipped with various size orifice nozzles for all application devices and include two spare nozzles and caps, if necessary, of each required size, nozzle plugs, one nut-driver or wrench sized for each nozzle used and an in-line filter of the manufacturers recommended mesh must be installed.
 - 1) The sprayer to be equipped with manufacturer recommended solenoid valves regulators and a manual back-up valve to individually control each spray boom width. The Nutating spray head shall be capable of mounting on each side of the truck bed according to the manufacturer's instructions. The mounting point shall be at a point half the length of the total truck bed length.
 - 2) The Nutating spray head is to be equipped with remote controlled swing (in – out); when

constructed the (in) setting of the spray head shall face the rear of the spray vehicle, minimum rotation 90 degrees (90°) and an (up – down) movement, minimum of 30 degrees (30°). All required spray head movement shall be controlled from the applicators seat through electrical or hydraulic controls.

- m. Incidental equipment and tools required shall include, but not be limited to: two hundred feet of PVC/ POLYURETHANE blended core Double nylon braid 1/2" Electric reel mounted hose with a 600-pound pressure rating, wands, handguns and booms for special projects, pressure nozzles with orifice size calculated for specific operation.

One Birchmeier BCS or equivalent backpack shall be available at all time as an integral part of complement operations, an additional Birchmeier BCS or equivalent backpack(s) shall be supplied during low volume applications for each person on the spray crew. All backpacks shall be equipped with quick-couple devices to be able to switch between three application devices. One each for low volume foliar, low volume Basal and the general use wand supplied with the backpack.

Low volume foliar application: capable of instantaneously switching between a minimum of two different application patterns.

Low volume basal application: ultra-low volume wand 24" length with shutoff in unit tip.

3. Personnel

- a. Two persons are required with this item. Certified commercial pesticide applicators assigned to this contract shall possess a current Pennsylvania certified commercial applicator's license with valid certification in categories 10, 14, and 23. A copy of each applicators license shall be on file in the District Roadside Specialist office prior to the start of spraying operations. The applicator must demonstrate the ability to operate, calibrate and perform field maintenance on all equipment associated with the spraying complement.
- b. The foreman or the operator shall be qualified and licensed to drive the equipment.

At least one member of the crew must possess knowledge and ability to maintain and make field adjustments to the equipment in order to attain a continuous and productive operation. Assigned personnel must possess technical ability to distinguish between desirable and undesirable vegetation as specified by the District Roadside Specialist.

Small Pesticide Spray Truck

1. Overview

The Department of Transportation's desire is to utilize a smaller version of the Pesticide Spray Truck without the requirement for nutating heads and reducing the spray pattern requirement. The truck may be used for target areas, when pulling hose for handgun spot treatment or backpack applications are required, or in other applications the District Roadside Specialist considers appropriate.

2. Equipment

- a. One truck of sufficient size to legally haul all required equipment and supplies: truck bed of sufficient size to accommodate backpack sprayers and storage box. All equipment must be in accordance with Section 4, Subsection A.
- b. Truck shall be equipped with a 300-gallon minimum to 400-gallon maximum capacity spray tank and pumping system designed for low volume applications.
- c. Unit to be equipped with a sprayer control system capable of; automatically maintaining application rates, a vehicle speed sensor which is either connected to the vehicle speedometer or a radar type sensor, and a manual setting for spot spraying.
- d. The spray unit shall have at least one hose connection point that is independent of the flow-control system. This port is to be used for handgun spot treatment in conjunction with the other application systems.
- e. Unit is to include a nozzle system for applying herbicide to areas as directed by the District Roadside Specialist. All nozzles shall be adjustable both in and out, up and down and must overlap each adjacent nozzle. The unit must provide a uniform spray pattern while providing spray drift control at spray widths from two feet to fifteen feet minimum.
- f. All plumbing shall be assembled to function as recommended by the spray head manufacturer and the computer flow-control system manufacturer.
- g. All spray crewmembers shall always have a Birchmeier or (approved equal) backpack available as an integral part of the complement operations. All backpacks shall be equipped with quick-couple devices to be able to switch between three application devices. One each for low volume foliar, low volume basal and the general use wand supplied with the backpack.

Low volume foliar application: capable of instantaneously switching between a minimum of two different application patterns.

Low volume basal application: ultra-low volume wand 24" length with shutoff in unit tip.

- h. Pesticide Storage Container: A lockable, fully enclosed storage box for pesticide storage is required. The recommended minimum size of this storage box will be 48" long by 30' wide by 30" high. These storage boxes shall be mounted on the truck bed so as the top of the box is not higher than 36" from the truck bed. These boxes are to be watertight.
- i. Incidental equipment and tools required shall include, but not be limited to: two hundred feet of PVC/ POLYURETHANE blended core Double nylon braid 1/2" Electric reel mounted hose with a 600-pound pressure rating, wands, handguns and booms for special projects, pressure nozzles with orifice size calculated for specific operation.

3. Personnel

- a. Two persons are required with this item; one person must possess a current Pennsylvania certified commercial applicators license with valid certification in categories 10, 14, and 23.
- b. One person must at a minimum be a pesticide application technician with the required training in low volume basal, low volume foliar, and equipment applications.
- c. A copy of Department of Agriculture technician registration card shall be required prior to the start of work for any Registered Technician working on this contract.

Articulated Spray Boom Truck Equipment Requirements

1. Overview

The Department of Transportation's desire is to utilize a tank mixed pesticide application unit with computer flow-control, with an additional optional use positive displacement pressure side single injection unit. This unit shall be capable of independent pattern control of a nine pattern Nutating Spray Head (s) with a minimum application distance reach of 50' feet to the left or right side of the truck, producing a no streak pattern. The flow-control system shall utilize all factory systems for injection and boom control.

2. Equipment

- a. Supply one (1) truck of sufficient size to haul all required equipment and supplies legally: truck bed of sufficient size to accommodate sprayer(s) and six square feet of on-bed storage space. All equipment shall be in accordance with Section 4, Subsection A. The Spray unit shall be in sound mechanical condition with working factory muffler system and a pump to engine pulley ratio producing a system capable of discharging the required quantity of spray mixture at the specified pressure.
- 1) The Spray Unit shall be equipped with a minimum 800-gallon capacity or larger spray tank. The Unit is to be equipped with a nine boom Nutating multiple spray head system, using all brass or stainless-steel nozzles capable of delivering a no streak pattern up to a minimum of fifty feet. All booms shall operate independently or simultaneously to apply the necessary spray widths as needed. The application system shall have oscillating motion on booms one through four; these nozzles must be electrically driven by a 12-volt system. The unit to provide a uniform spray pattern while providing spray drift control.
- 2) The articulated spray boom shall be mounted in the centerline of the truck. The boom shall be capable of rotating 90 degrees to the left and right of the centerline of truck and have a minimum vertical arc of 80 degrees. The boom shall be a minimum of 18 feet when fully extended and shall be equipped with a Norstar spray head application system or approved equal.
 - a) The main boom will be 4-inch minimum square steel tubing attached to a heavy duty, freestanding, turret and pedestal. The boom turret will rotate in two, heavy duty tapered, roller bearings and include an integral friction clutch type breakaway. The stick boom section must be constructed from 3-inch minimum square steel tubing.
 - b) Lifting, lowering or rotating either boom section must be accomplished with direct mount, double acting, hydraulic cylinders. The stick boom shall rotate hydraulically a minimum of 180 degrees from storage position, parallel to the underside of main boom to full extension. All pivot points and associated linkage on the boom section must include rotary pins and bronze bushings.
- 3) All controls for the movement of the boom and spray heads shall be controlled by a joystick or switches from within the cab of the truck.
- 4) This Articulated Spray Boom Truck may be used on freeways, expressways, interstate highways, ramps, traffic routes, and secondary four-digit routes.

- 5) The Articulated Spray Boom Truck shall contain all necessary traffic control devices as prescribed in the Publication 213.
 - 6) All plumbing shall be assembled to function as recommended by the nutating spray head manufacturer and the computer flow-control system manufacturer.
 - 7) Unit to be equipped with a sprayer control system capable of; automatically maintaining application rate, a vehicle speed sensor which is either connected to the vehicle speedometer or a radar type sensor, a minimum of ten separate boom widths; two different application ratios and a manual setting for spot spraying. This system shall also be integrated with a positive displacement; pressure side single injection unit, with a chemical injection tank, injection tank capacity minimum of twelve (12) gallons and a maximum of twenty-five (25) gallons.
 - 8) The spray unit shall have at least one hose connection point that is independent of the computer flow-control system. This port is to be used for handgun spot treatment in conjunction with the other application systems.
- b. **Auxiliary refill system** shall include a separate refill pump with adequate check valves, capable of refilling tank(s) from roadside streams in less than 20 minutes. All equipment must have a current Pennsylvania Pesticide Application Business License number on the side of the vehicles. A copy of the Business license shall be on file in the District Roadside Specialist office.
- c. **Sprayer** to be equipped with various size orifice nozzles for all application devices and include two spare nozzles and caps, if necessary, of each required size, nozzle plugs, one nut-driver or wrench sized for each nozzle used and an **IN-LINE FILTER OF THE MANUFACTURERS RECOMMENDED MESH MUST BE INSTALLED**
- 1) The sprayer to be equipped with manufacturer recommended solenoid valves and regulators to individually control each spray boom width. Additional Nutating spray heads shall be capable of mounting on each side of the truck bed according to the manufacturer's instructions. The mounting point shall be at a point in line with the articulated spray boom.
 - 2) The Nutating spray head is to be equipped with remote controlled swing (in – out); when constructed the (in) setting of the spray head shall face the rear of the spray vehicle, minimum rotation 90 degrees (90°) and an (up – down) movement, minimum of 30 degrees (30°). All required spray head movement shall be controlled from the applicators seat through electrical or hydraulic controls.
- d. **Incidental equipment and tools** required shall include, but not be limited to: two hundred feet of

PVC/ POLYURETHANE blended core Double nylon braid 1/2" Electric reel mounted hose with a 600-pound pressure rating, wands, handguns and booms for special projects, pressure nozzles with orifice size calculated for specific operation.

3. Personnel

- a. Two (2) persons are required with this item. The applicator shall possess a current Pennsylvania certified commercial applicator's license with valid certification in categories 10, 14 and 23. A copy of each applicator's license shall be on file in the District Roadside Specialist office prior to the start of spraying operations. The applicator must demonstrate the ability to operate, calibrate and perform field maintenance on all equipment associated with the spraying complement.
- b. The foreman or the operator shall be qualified and licensed to drive the equipment.

SHADOW VEHICLE

1. Overview

- a. Definition of a Shadow Vehicle – a vehicle positioned in the activity area in the advance of a work vehicle to provide information to approaching drivers or protection for the workers or work vehicle.
- b. This item is to be utilized when working on Conventional Highways to meet the minimum requirements from PATA 300 Series of Publication 213.
- c. Flashing Arrow Panel must meet requirements of PATA 012 Publication 213.

2. Equipment

- a. Equipment shall be in accordance with "General Equipment Requirements", above.
- b. The shadow vehicle shall be located to a weight recommended by the manufacturer.

3. Personnel

- a. One person will be required for each shadow vehicle.
- b. Personnel shall possess a current driver's license with all required endorsements as required by the current laws and be familiar with Publication 213 and operating the equipment.

2. END RESULT SPECIFICATIONS

A. BARE GROUND

a) GENERAL INFORMATION

This item should be bid as a per acre spraying scenario based on the acreage estimates provided within these specifications. This is an end result spray program; payment will be made as described in the measurement and payment section of these specifications. This roadside herbicide application service work shall start on the first Monday in April of each year and be completed no later than June 15th of each year. This work shall include the spraying of guiderails from the edge of pavement to one foot behind the guiderail. This work also includes spraying of joints, cracks in concrete traffic islands, concrete medians, divisors, barrier walls, curb areas, pup walls, signposts, delineators, and at other areas where any vegetation is objectionable. Herbicide application must be made directly to pavement joints and cracks at a width not to exceed six inches.

b) MATERIALS

The contractor is to supply all herbicides for end result work. Materials are incidental to the work performed. No additional payment will be made for materials. PennDOT is legally bound to using DEP approved pesticides (See Attachment 12, PennDOT Herbicide List). Adding additional herbicides to the list can only be taken under consideration at the end of each calendar year. Contractors who want PennDOT to consider materials not on the list must:

- (a) Provide by February 1st for use the next growing season. Contractors will have to provide justification for adding alternative herbicides according to the language of the NPDES permit to DEP through the DRSII and obtain written approval from the DRSII and BOMO.
- (b) Materials for the current year's list must already be on the current list.

c) PAYMENT

Beginning and ending dates for this work will be determined by the DRSII.

Upon completion of treating the designated routes, the Contractor may invoice for seventy percent (70%) of the Lump Sum line-item unit cost rounded to the nearest whole number. While invoicing is lump sum, an Electronic Form M-609 is still required to be submitted daily.

The contractor can request an additional fifteen (15%) percent payment after July 31. Payment will be approved if an inspection determines that ninety (90%) percent control has been obtained for all targeted areas.

All payments will be based on herbicide application service. No payments will be made for time used on herbicide mixing or the calibration of equipment. No payments will be made for travel time from one county to another county. No payments will be made for down time due to equipment failures.

The contractor can request the final fifteen (15%) percent payment after August 31. Payment will be approved if an inspection determines that ninety (90%) percent control has been obtained for all targeted areas.

The contractor must re-treat any areas as necessary where the 90% percent control was not achieved at the Contractor's expense.

3. HOURLY SPECIFICATIONS

A. TREE GROWTH CONTROL/SIDE TRIMMING SPRAYING

a) GENERAL INFORMATION

This item should be bid as a per HOUR spraying scenario based on the acreage estimates provided within these specifications. This is NOT an end result spray program; payment will be made as described in the measurement and payment section of these specifications. This roadside herbicide application service work shall start no later than August 16th of each year and be completed by October 1st of each year or up until the first heavy frost, whichever comes first. The contractor shall provide all necessary labor, equipment, lubricants, fuels, herbicides, and other materials to complete the work as described in the following:

Secondary Roadways: This work is for the application of herbicides to trees and brush on PennDOT's legal right-of-way to control vegetation along these roadways. Specific roadways and areas to receive this herbicide application will be provided by PennDOT each year.

b) MATERIALS

The contractor is to supply all herbicides for hourly work. Materials are incidental to the work performed. No additional payment will be made for materials.

The following herbicides and application rates are only **recommendations**. The contractor may recommend other herbicides and application rates based on vegetation present on roadside. All herbicides and application rates must be approved by District Roadside Specialist.

All Secondary Roadways: Provide a minimum of

- DuPont Krenite S, 6 qts / acre

Deliver herbicide with a minimum of 50 gallons of water per acre and add a minimum of ¼ % by volume of surfactant. Use drift control as conditions warrant. Use only approved materials, no substitutions allowed unless approved by District Roadside Specialist. Supply copies of labels and MSDS sheets to PennDOT.

c) PAYMENT

Electronic Form M-609 (Daily Roadside Activity Report) shall be prepared daily by the contractor's foreman or representative. All payrolls and invoices shall be correlated with the M-609 report and processed through the County Maintenance office. A computer printed daily report MUST BE LEGIBLE and be attached to each M-609 form. Failure to attach a legible copy of the computer

printed daily activity may result in delay or loss of payment for services provided for that date. Computer or printer failures must be reported to the District Roadside Specialist II immediately. All work shall cease until the equipment issue is corrected unless otherwise directed by the District Roadside Specialist.

A "Confirmation of Service" (form OS-501) must be submitted to PennDOT referencing specific M-609 forms and designate the specific line items from the purchase order for which the services were based. This form will constitute an invoice and will be paid on a weekly basis. Failure to provide the specific line items for which the services were based on the OS-501 documentation will result in invoices being returned to the contractor and delay of payment for work completed.

All payments will be based on HOURS of herbicide application service. No payments will be made for time used on herbicide mixing or the calibration of equipment. No payments will be made for travel time from one county to another county. No payments will be made for down time due to equipment failures.

B. BROADLEAF & BRUSH

a) GENERAL INFORMATION

This item should be bid as a per HOUR spraying scenario based on the acreage estimates provided within these specifications. This is an end result spray program; payment will be made as described in the measurement and payment section of these specifications. This roadside herbicide application service work shall start no later than July 1st of each year and be completed no later than August 15th of each year. The contractor shall provide all necessary labor, equipment, lubricants, fuels, herbicides, and other materials to complete the work as described in the following:

Secondary Roadways: This work is for the application of herbicides to broad leaf vegetation on PennDOT's legal right-of-way along these roadways. This work also includes herbicide application on joints, cracks in concrete traffic islands, concrete medians, divisors, curb areas, and at other areas where any vegetation is objectionable. The herbicide application is to also include all interchange entrance and exit areas of these highways. Specific highways and areas to receive this herbicide application will be provided by PennDOT each year.

b) MATERIALS

The contractor is to supply all herbicides for end result work. Materials are incidental to the work performed. No additional payment will be made for materials. PennDOT is legally bound to using DEP approved pesticides (See Attachment 12, PennDOT Herbicide List). Adding additional herbicides to the list can only be taken under consideration at the end of each calendar year. Contractors who want PennDOT to consider materials not on the list must:

- (a) Provide by February 1st for use the next growing season. Contractors will have to provide justification for adding alternative herbicides according to the language of the NPDES permit to DEP through the DRSII and obtain written approval from the DRSII and BOMO.
- (b) Materials for the current year's list must already be on the current list.

c) **PAYMENT**

Begin the work no sooner than June 15TH and end the initial treatments no later than August 15TH. Prior written permission must be obtained from the DRSII to vary from these dates. Upon completion of treating the designated routes, the Contractor may invoice for seventy percent (70%) of the hourly line-item unit cost rounded to the nearest whole number.

The contractor can request the final thirty (30%) percent payment after October 1st. Payment will be approved if an inspection determines that ninety (90%) percent control has been obtained for all targeted areas. The contractor must re-treat any areas as necessary where the 90% percent control was not achieved at the Contractor's expense.

Electronic Form M-609 (Daily Roadside Activity Report) shall be prepared daily by the contractor's foreman or representative. All payrolls and invoices shall be correlated with the M-609 report and processed through the County Maintenance office. A computer printed daily report MUST BE LEGIBLE and be attached to each M-609 form. Failure to attach a legible copy of the computer printed daily activity may result in delay or loss of payment for services provided for that date. Computer or printer failures must be reported to the District Roadside Specialist II immediately. All work shall cease until the equipment issue is corrected unless otherwise directed by the District Roadside Specialist.

A "Confirmation of Service" (form OS-501) must be submitted to PennDOT referencing specific M-609 forms and designate the specific line items from the purchase order for which the services were based. This form will constitute an invoice and will be paid on a weekly basis. Failure to provide the specific line items for which the services were based on the OS-501 documentation will result in invoices being returned to the contractor and delay of payment for work completed.

All payments will be based on HOURS of herbicide application service. No payments will be made for time used on herbicide mixing or the calibration of equipment. No payments will be made for travel time from one county to another county. No payments will be made for down time due to equipment failures.

C. STOCKPILE SPRAYING

a) **GENERAL INFORMATION**

This item should be bid as a per HOUR spraying scenario based on the acreage estimates provided within these specifications. This is an end result spray program; payment will be made as described in the measurement and payment section of these specifications. This roadside herbicide application service work shall start no later than July 1st of each year and be completed no later than August 15th of each year. The contractor shall provide all necessary labor, equipment, lubricants, fuels, herbicides, and other materials to complete the work as described in the following:

PennDOT Stockpiles: This work is for the application of herbicides to fence line, concrete walls, building areas and any areas at PennDOT's stockpiles located in Lackawanna County.

b) MATERIALS

The contractor is to supply all herbicides for end result work. Materials are incidental to the work performed. No additional payment will be made for materials. PennDOT is legally bound to using DEP approved pesticides (See Attachment 12, PennDOT Herbicide List). Adding additional herbicides to the list can only be taken under consideration at the end of each calendar year. Contractors who want PennDOT to consider materials not on the list must: Provide by February 1st for use the next growing season. Contractors will have to provide justification for adding alternative herbicides according to the language of the NPDES permit to DEP through the DRSII and obtain written approval from the DRSII and BOMO. Materials for the current year's list must already be on the current list.

Attachment 1- Contractor Information Form

This page is to be completed and returned with bid.

1. Contractor Name: _____
2. Name of Contractor's Representative: _____
3. Contractor Representative's 24 hour-a day Cell Phone Number: _____
4. Contractor's Pennsylvania Department of Agriculture, Pesticide Application Business License BU Number: _____
5. Provide a copy of Pesticide Application Business License.
6. Provide all Pesticide Applicators Certifications on Attachment 2 (do not provide all certs with the bid but they will be required prior to commencement of the initial equipment demonstration).

Attachment 2- Certified Pesticide Applicator Licensing Form

Name of Company: _____ Date: _____

Date:

Provide this list with the bid and again upon of the initial equipment demonstration. Provide the actual certs upon the equipment demonstration.

For PennDOT Use Only:

- Date Received: _____
- By: _____
- Pass/Fail: _____
- Notes: _____

Attachment 3- List of Vehicles and Equipment

(List Only the Vehicles and Equipment that will be used for this Contract, including Work Zone Traffic Control Vehicles and Equipment)

Vehicles and equipment utilized for maintenance contract work must meet the requirements as described in the contract specifications and the laws and regulations of Pennsylvania. The Contractor hereby verifies that all vehicles and equipment in the above table as submitted with the bid is adequate and necessary for the contract maintenance work and all listed vehicles and equipment will be available at the initial demonstration. All vehicles and equipment in the above table shall be inspected and approved by PennDOT during the demonstration(s). Where a contractor intends to rent vehicles and equipment, the identification number or license number on the table above may be provided at the time of the initial demonstration; however, all remaining information for the rented vehicles and equipment must be provided in the table above with the bid. The Contractor agrees to maintain and, as applicable, update this list of all vehicles and equipment after start of work for the duration of the contract.

Name of Company: _____ Date: _____

For PennDOT Use Only:

- Initial or Second Demonstration: _____ Date of Demonstration: _____
- Location of Demonstration _____
- By: _____
- Overall Demonstration (Pass/Fail): _____
- Demonstration Notes: _____

Attachment 4- List of Spare Parts and Tools Required for Each Spray Truck

- Two (2) translucent 5-gallon buckets with 0.25-gallon graduations.
- One (1) 128 fluid ounce liquid measure measuring pitcher with graduations of 2 ounces marked on the pitcher.
- One (1) 64 fluid ounce liquid measure measuring pitcher with graduations of 2 ounces marked on the pitcher.
- All personal protective equipment as required by the pesticides being applied.
- Two (2) spare OC nozzles of each type used to include the nut.
- One (1) set of large channel lock type pliers.
- One (1) 14" pipe wrench
- Two (2) Philips screw drivers
- Two (2) standard screw drivers
- Four (4) worm gear type hose clamps to fit each type of hose size.
- One (1) large funnel
- A spill kit of sufficient size to effectively contain a spill based on the size of the tanks.
- Fire extinguisher.
- Nut drivers of various sizes to adjust or remove nozzles and hose clamps.

Attachment 5– Accessing PennDOT iPad Applications for Business Partners

Accessing PennDOT iPad Applications for Business Partners

PennDOT Mobile applications (apps) are available to approved 3rd parties to allow business partners to benefit from the efficiencies they provide. The distribution method for these apps is through the Apple Volume Purchase Program (VPP) store. To access these apps, 3rd party business partners must first perform the following steps.

1. Ensure your iPad devices meet minimum hardware requirements

PennDOT apps are designed to support iPad Air with a minimum of 16GB of storage and newer running iOS 10.1 or newer. The apps have been tested with iPad Air, iPad Air 2 or iPad Pro as well, but for ideal experience, iPad Air 2 or newer is recommended. When procuring new iPad, Wi-Fi/cellular connection are both required to fully utilize our mobile applications. In addition, iPads must have a minimum of 4 GB of **free disk** space to allow for installing of apps and associated data.

2. Ensure your end users have access to CWOPA

PennDOT Apps are configured using Commonwealth of Pennsylvania (CWOPA) credentials for authentication. The Department requires that each end user have their own unique CWOPA credential. Therefore, any end user who will need access to the M-609 app must have their own valid CWOPA credentials. To obtain CWOPA credentials, the 3rd Party Business owner must contact their Department District personnel and request to complete an OA HRSC-11 External Assignment form. Upon completion of that process, the Department District personnel will contact you. It is the 3rd Party Business owner's responsibility to distribute the corresponding CWOPA credential to each personnel who will access the PennDOT Mobile Apps. Furthermore, the Department requires that each end user create and update their own password. The 3rd Party Business owner is responsible to provide directions to change the temporary password prior to accessing the app. Information on that process will be provided by the District personnel.

3. Enroll in the Apple VPP

All custom Business to Business (B2B) apps will be made available to business partners through the Apple VPP store. This requires creating a Business Apple ID at deploy.apple.com. To register, you will need to provide a business phone number and email address, Dun & Bradstreet number, valid business address and a tax registration number, if applicable.

4. Notify PennDOT of your Apple ID and Requested Apps

For security purposes, PennDOT iPad apps are provided only to "approved" business partners through the VPP store. This access is controlled by your Business Apple ID. Once you have registered, provide your business's Apple ID with the request to gain access to the M-609 app by contacting the PennDOT IT Service Desk at 717-783-8330 or toll free 1-855-783-8330. Once your account has been approved and the apps made available, you will be contacted by the Department.

5. Download PennDOT Apps

After receiving notification from the Department, the requested app will be downloadable through the Apple VPP store. A guide has been created to assist you in that process, Apple B2B Download Guide. You will need to indicate the quantity of the app you need, and a corresponding number of unique, redeemable codes will be generated.

6. Distribute PennDOT Apps to your Users

After downloading the redeemable codes, you need to use a distribution method. You can either, (A) upload the redeemable codes into your own Mobile Device Management (MDM) software to distribute them or, (B) distribute the redeemable codes to your end users directly, via email or some other method. Regardless of which method used, as mentioned before, the installation of the app will require the end user to have a valid personal Apple ID. For more details on enrolling in Apple VPP or Downloading and Distributing apps from the VPP Store, please refer to the Apple VPP Business Guide.

Attachment 6 – Instruction for Completing Confirmation of Service Form

(OS-501)

Instructions

Complete the OS-501 form in accordance with the instructions below. Once the form is complete, the Contractor must apply their signature and date. Then the Contractor must forward the signed/dated form to the appropriate PennDOT representative for approval. This may be done electronically via email.

The Contractor should not submit an invoice for payment until a fully executed OS-501 is received back from the appropriate PennDOT representative.

Date Service Rendered: Provide the date of service (i.e., weekly, monthly, delivery date, date range, etc.)

SAP Vendor Number: This is the vendor's six-digit vendor number (i.e. 412345) as it appears on the fully executed Purchase Order.

Contractor Name: Enter name exactly as it appears on the fully executed Purchase Order.

Contractor Address: Fill in complete address, street, city, state, zip code, as it appears on the fully executed Purchase Order.

Phone: Area code and phone number exactly as it appears on the fully executed Purchase Order

PURCHASE ORDER # the ten-digit number in the upper right corner on the fully executed Purchase Order

PO item#: Enter the PO line-item number(s) in this column. Many PO's contain numerous line items. Create a separate entry to account for each item that was delivered.

Material / Service Description: Enter the exact description from the PO line item "Material/Service Description" column on the fully executed Purchase Order.

Quantity: Enter the quantity delivered for the time period.

U.O.M: This is the unit of measure for the service/product rendered, i.e. hours, number, etc.

Delivery Date: Date for service/product commitment to be fulfilled.

Net Price: Cost per individual unit

Total: Number of units X cost per individual unit.

Attachment 7 - Confirmation of Service Form (OS-501)

OS-501 (7-16)



CONFIRMATION OF SERVICE

Date(s) Service Rendered: _____ - _____ SAP Vendor Number: _____
Vendor Name: _____ Address (1): _____
Phone: _____ Address (2): _____
PURCHASE ORDER #: _____ City: _____ State: _____ Zip Code: _____

(Reference line items on purchase order that match the services that were performed.)

Vendor Signature: _____ Date: _____

PENNDOT USE ONLY

I certify the services represented by the confirmation of service form above were received satisfactorily. Therefore, I approve payment be made.

Project Manager Signature

Date (mm/dd/yyyy):

I certify that I have entered a Goods Receipt in SAP for this service. This should occur within 48 hours of receipt (per Management Directive 310.031).

1000 J. POLYMER SCIENCE: PART A

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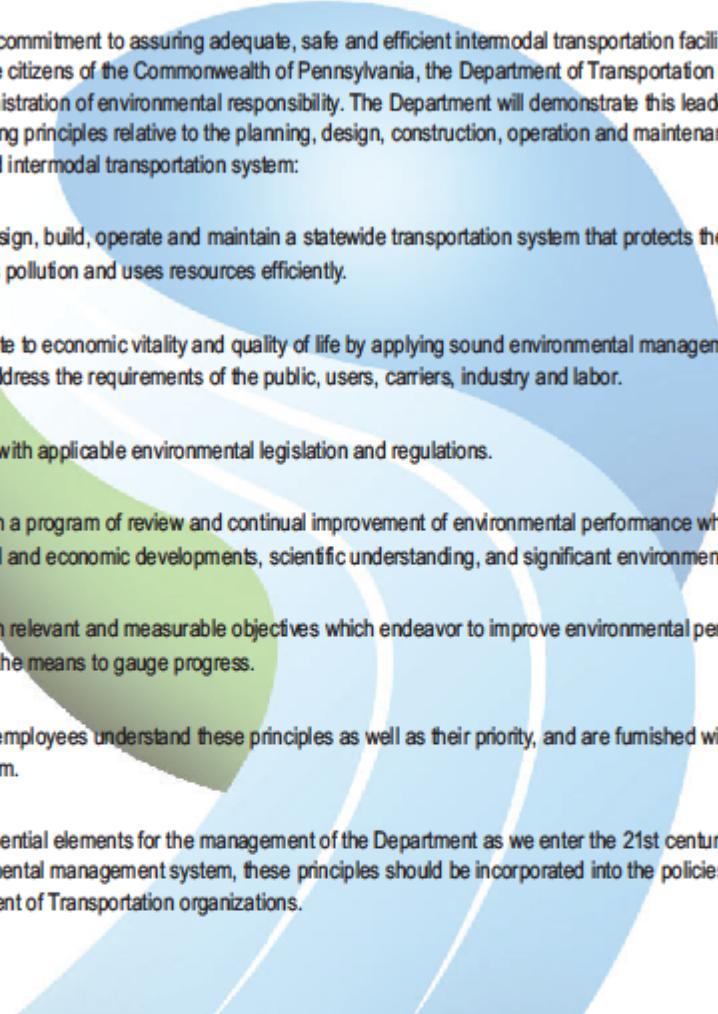
Attachment 8 – Green Plan Policy

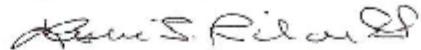
GREEN PLAN POLICY STATEMENT

As a direct result of our commitment to assuring adequate, safe and efficient intermodal transportation facilities and services at reasonable cost to the citizens of the Commonwealth of Pennsylvania, the Department of Transportation will play a leading role in the administration of environmental responsibility. The Department will demonstrate this leadership by committing to the following principles relative to the planning, design, construction, operation and maintenance of Pennsylvania's balanced intermodal transportation system:

- Principle 1:** Plan, design, build, operate and maintain a statewide transportation system that protects the environment, prevents pollution and uses resources efficiently.
- Principle 2:** Contribute to economic vitality and quality of life by applying sound environmental management practices which address the requirements of the public, users, carriers, industry and labor.
- Principle 3:** Comply with applicable environmental legislation and regulations.
- Principle 4:** Establish a program of review and continual improvement of environmental performance which accounts for technical and economic developments, scientific understanding, and significant environmental impacts.
- Principle 5:** Establish relevant and measurable objectives which endeavor to improve environmental performance and provide the means to gauge progress.
- Principle 6:** Ensure employees understand these principles as well as their priority, and are furnished with the means to fulfill them.

These principles are essential elements for the management of the Department as we enter the 21st century. As part of a fully integrated environmental management system, these principles should be incorporated into the policies, programs and practices of all Department of Transportation organizations.




Leslie S. Richards
Secretary of Transportation

Attachment 9 – Summary of Bid Items

SECONDARY ROADWAYS HERBICIDE

Summary of Bid Items

COUNTY	BARE GROUND (ACRES)*	BROADLEAF (HOURS)*	SIDE TRIMMING (HOURS)*	STOCKPILE (HOURS)*
LACKAWANNA	450	24 HR (80 Acres)	15 HR (9 Acres)	15 HR (9 Acres)

***All Quantities are estimated**

Attachment 10 – List of Secondary Roadways and Rest Areas

Attachment 10
Lackawanna County Secondary Roadways and Park and Rides
for Herbicide Contract

*Segment Miles are from RMS Data and for information only

SR	*Segment Miles	From Seg	From Off	To Seg	To Off
6	15.20	0010	0000	0181	0594
6	0.68	0564	0000	0574	2325
11	8.12	0010	0000	0170	3125
11	0.94	0192	0000	0213	1336
11	4.22	0310	0000	0351	3183
106	7.73	0012	0000	0172	2739
107	14.56	0010	0000	0290	2079
171	5.78	0010	0000	0100	1916
247	21.00	0010	0000	0430	0891
307	30.41	0010	0000	0400	2316
347	12.85	0008	0000	250	1656
348	6.01	0010	0000	0120	2557
407	12.10	0004	0000	0230	1767
435	21.50	0010	0000	0311	1978
438	10.31	0010	0000	0230	2685
502	12.19	0010	0000	0270	2752
524	4.73	0010	0000	0090	3465
590	6.65	0004	0000	0120	3154
632	7.81	0010	0000	0180	3457
690	10.94	0010	0000	0210	3066
1001	1.12	0010	0000	0020	2565
1002	3.85	0010	0000	0080	2061
1003	4.17	0010	0000	0090	1371
1004	4.11	0010	0000	0070	1414
1005	1.30	0010	0000	0030	1583
1006	3.60	0010	0000	0080	3219
1007	4.85	0010	0000	0100	2846
1008	0.20	0010	0000	0010	1074
1009	2.67	0010	0000	0060	2402
1010	0.55	0010	0000	0020	2180
1011	1.75	0010	0000	0040	1742
1012	7.84	0010	0000	0160	2949
1013	5.82	0010	0000	0120	3786
1014	0.83	0010	0000	0030	0872
1015	5.10	0010	0000	0110	2073
1016	2.16	0010	0000	0060	0902
1017	6.04	0010	0000	0130	2102

Attachment 10
Lackawanna County Secondary Roadways and Park and Rides
for Herbicide Contract

1018	0.97	0010	0000	0020	1393
1019	5.11	0010	0000	0110	1897
1023	5.67	0010	0000	0134	2655
1025	1.95	0010	0000	0040	3010
1027	5.19	0010	0000	0110	3869
1029	2.82	0010	0000	0050	2072
1031	1.09	0010	0000	0020	3244
1037	0.77	0010	0000	0030	2045
1039	0.94	0010	0000	0020	1695
1041	1.15	0010	0000	0030	2962
1102	0.19	0010	0000	0010	1020
2001	1.70	0010	0000	0030	2960
2002	2.19	0010	0000	0050	2431
2003	5.17	0010	0000	0110	2457
2004	4.62	0010	0000	0090	2220
2005	4.87	0010	0000	0100	2700
2006	1.08	0010	0000	0030	2274
2008	4.91	0010	0000	0110	2407
2009	4.96	0010	0000	0100	1727
2010	3.37	0010	0000	0090	2119
2011	1.65	0010	0000	0030	3139
2012	0.63	0020	0000	0020	3332
2013	9.22	0010	0000	0190	3744
2014	0.19	0010	0000	0010	1001
2015	0.19	0010	0000	0010	1001
2016	5.25	0010	0000	0110	2487
2017	4.07	0010	0000	0090	2487
2018	3.71	0010	0000	0070	2998
2019	2.02	0010	0000	0040	3134
2020	2.13	0030	0000	0084	1732
3001	8.11	0010	0000	0170	2171
3002	5.79	0010	0000	0150	2193
3003	3.92	0010	0000	0090	2296
3004	2.55	0020	0000	0060	3465
3005	5.06	0010	0000	0110	2691
3006	2.92	0010	0000	0060	2966
3007	0.02	0022	0000	0022	0089
3008	1.08	0010	0000	0030	1808
3009	5.72	0012	0000	0140	1628
3010	1.41	0008	0000	0030	2037
3011	7.71	0010	0000	0170	1835

Attachment 10
Lackawanna County Secondary Roadways and Park and Rides
for Herbicide Contract

3012	1.29	0010	0000	0030	1398
3013	7.57	0010	0000	0150	1766
3014	1.20	0010	0000	0030	2012
3015	2.42	0010	0000	0060	3177
3016	2.08	0010	0000	0041	1853
3017	0.69	0010	0000	0020	1304
3018	0.15	0010	0000	0010	0813
3019	0.90	0010	0000	0030	0683
3020	1.10	0010	0000	0024	1409
3021	0.98	0010	0000	0020	2794
3023	3.12	0010	0000	0090	2560
3024	0.54	0010	0000	0020	1211
3025	3.24	0010	0000	0050	0690
3027	0.68	0010	0000	0010	3571
3029	1.75	0006	0000	0020	1774
3031	1.59	0010	0000	0030	2615
3033	0.43	0010	0000	0010	2294
3102	0.05	0010	0000	0010	0238
4001	3.16	0010	0000	0060	1771
4002	1.74	0010	0000	0030	3442
4003	3.55	0010	0000	0070	3532
4004	2.08	0010	0000	0040	3021
4005	3.01	0010	0000	0010	2967
4006	0.56	0010	0000	0010	2967
4007	3.90	0010	0000	0080	2481
4008	0.79	0010	0000	0020	2132
4009	3.47	0010	0000	0080	0719
4010	1.67	0010	0000	0030	3273
4011	3.65	0010	0000	0070	2286
4012	1.24	0010	0000	0030	1519
4013	1.69	0010	0000	0040	2048
4014	2.69	0010	0000	0050	3409
4015	1.76	0010	0000	0040	2224
4016	0.85	0010	0000	0020	2713
4017	2.66	0010	0000	0050	2939
4018	3.06	0010	0000	0060	3691
4019	2.54	0010	0000	0060	2168
4020	1.84	0010	0000	0040	1967
4022	2.70	0010	0000	0060	1646
4023	2.00	0010	0000	0050	1603
4024	1.45	0010	0000	0030	2592

Attachment 10
Lackawanna County Secondary Roadways, Park and Rides and
Rest Area for Herbicide Contract

4025	0.82	0010	0000	0020	2480
4026	1.54	0010	0000	0030	2252
4027	0.69	0010	0000	0010	3652
4028	3.20	0010	0000	0060	3253
4030	0.79	0010	0000	0020	2148
4032	3.10	0010	0000	0070	3380
4034	1.98	0010	0000	0040	2909
4036	2.35	0010	0000	0060	0690
4038	0.14	0010	0000	0010	0727
6006	20.51	0250	0000	0536	1390
6011	5.63	0190	0000	0311	1911
6307	0.67	0230	0000	0241	1584
SUM	519.40				

Lackawanna County Park and Ride/ Rest Area Locations (For Information Only)

SR	Segment	Local Name of Park and Ride/ Rest Area	Landmarks	Capacity (No. of Parking Spaces)	No. of Handicap Parking Spaces	Lot Size (SY)
8014	250	Mount Cobb	I-84	87	4	4500
9401	10	Jessup	Rt 6\Casey Highway	34	4	1267
9403	10	Meredith Street	Rt 6\Casey Highway	33	3	1573
0307	70	Daleville	I-380	282	17	5300
9204	10	Site 55	I-81	32	2	3500

Attachment 11 – NPDES Information

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE REQUIREMENTS FOR THE APPLICATION OF
PESTICIDES**

NPDES PERMIT NO: PA0270792

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

**PENNDOT Highway Administration
Commonwealth Keystone Building
400 North Street, 6th Floor
Harrisburg, PA 17120**

is authorized to discharge as a result of pesticides application(s) located **STATEWIDE** in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C and appendices herein.

THIS PERMIT SHALL BECOME EFFECTIVE ON SEPTEMBER 1, 2020

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON AUGUST 31, 2025

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.
2. Failure to comply with the terms, conditions or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. 40 CFR 122.41(a)
3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. 40 CFR 122.41(b), 122.21(d)

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports (DMRs), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. 25 Pa. Code 92a.7 (b),(c)

DATE PERMIT ISSUED August 3, 2020

ISSUED BY Sean M. Furjanic
Sean M. Furjanic, PE
Environmental Program Manager
Central Office

PART A

EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. EFFLUENT LIMITATIONS

- A. This permit establishes effluent limitations through the implementation of best management practices (BMPs) to reduce the discharge of pollutants in pesticide applications to surface waters of the Commonwealth.
 1. The permittee shall develop and implement Pest Management Measures as specified in Part C I of this permit.
 2. The permittee shall use only the amount of pesticide and frequency of pesticide applications necessary to control the target pest, using equipment and procedures appropriate for this task.
 3. The permittee shall maintain pesticide application equipment in proper operating condition, including required calibration, cleaning, and repair of equipment. In addition, the permittee shall use caution to prevent leaks, spills or other unintended discharges.
 4. The permittee shall assess weather conditions (i.e., temperature, precipitation and wind speed) in the treatment area to ensure the application is consistent with all applicable federal requirements.
- B. All discharges must comply with applicable requirements established in accordance with 25 Pa. Code Chapters 91-96, 102, and 105 of DEP's rules and regulations. For all permittees covered under this permit, DEP may, upon written notice, require additional BMPs or other control measures to ensure that the water quality standards of the receiving waters are attained.
- C. The permittee may not discharge:
 1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa. Code § 92a.41(c))
 2. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline. (25 Pa. Code §§ 92a.47(a)(7), 95.2(2))
 3. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa. Code § 93.6(a))
 4. Foam or substances that produce an observable change in the color, taste, odor or turbidity of the receiving water. (25 Pa. Code § 92a.41(c))
- D. Pesticide Discharge Management Plan (PDMP).
 1. A Decision Maker who is considered a Large Entity must submit a PDMP with the individual permit application. The permittee shall implement the approved PDMP.
 2. The permittee shall modify the PDMP whenever necessary to address any of the triggering conditions for corrective action under this permit or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to the PDMP must be made before the next pesticide application that results in a discharge. The revised PDMP must be signed and dated and be submitted to DEP upon request.
 3. A Decision Maker required to submit an NPDES permit application and is a Large Entity must retain a copy of the current PDMP, along with all supporting maps and documents, at the pesticide application location(s). DEP may provide copies of the PDMP or other information related to this permit that is in its possession to members of the public. Any Confidential Business Information (CBI), as defined in 40

CFR Part 2, may be withheld from the public provided that a claim of confidentiality is properly asserted and documented in accordance with 40 CFR Part 2. However, the CBI must be submitted to DEP, if requested, for CBI review. See 25 Pa. Code § 92a.8.

II. DEFINITIONS

Action Threshold – the point at which pest populations or environmental conditions necessitates that pest control action be taken based on economic, human health, aesthetic, or other effects. An action threshold may be based on current and/or past environmental factors that are or have been demonstrated to be conducive to pest emergence and/or growth, as well as past and/or current pest presence. Action thresholds are those conditions that indicate both the need for control actions and the proper timing of such actions.

Active Ingredient – any substance (or group of structurally similar substances if specified by the permitting authority) that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Sec. 2(a). Active ingredient also means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for the production of such a pesticidal substance. (See 40 CFR §§ 152.3 and 174.3).

Adverse Incident – an unusual or unexpected incident that the permittee has observed upon inspection or of which the permittee otherwise become aware, in which:

- (1) There is evidence that a person or non-target organism has likely been exposed to a pesticide residue; and
- (2) The person or non-target organism suffered a toxic or adverse effect.

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

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

The phrase “toxic or adverse effect” also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals that occur either directly or indirectly from a direct contact with or a secondary effect from a discharge (e.g., sickness from consumption of plants or animals containing pesticides) to surface waters of the Commonwealth that are temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).

Annual Treatment Area Threshold – the size of a treatment area which, if exceeded during a calendar year, requires NPDES permit coverage. For any state or federal agency for which pest management for land resource stewardship is an integral part of the organization’s operations, and for mosquito, irrigation and weed control districts and similar pest control districts, the annual treatment area threshold is zero. For local governments and all other entities, the annual treatment area thresholds are 6,400 acres of adulticide treatment for mosquito and other flying insect pest control and forest canopy pest control, and 80 acres or 20 linear miles for weed and algae control and animal pest control.

Applicator – any entity who performs the application of a pesticide or who has day to day control of the application (i.e., authorized to direct workers to carry out those activities) that results in a discharge to surface waters of the Commonwealth.

Biological Control Agents – organisms that can be introduced to Operator sites, such as herbivores, predators, parasites, and hyperparasites (see US FWS IPM Guidance, 2004).

Biological Pesticides (also called biopesticides) - include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, that (1) is a eukaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (2) is a prokaryotic microorganism, including, but not limited to, Eubacteria and Archaebacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses (40 CFR § 158.2100(b)). Biochemical pesticide means a pesticide that (1) is a naturally-occurring substance or structurally similar and functionally identical to a naturally-occurring substance; (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticide, is equivalent to a naturally-occurring substance that has such a history; and (3) has a non-toxic mode of action to the target pest(s) (40 CFR § 158.2000(a)(1)). Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. (See 40 CFR § 174.3).

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

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

Decision Maker – any entity with control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to surface waters of the Commonwealth.

Declared Pest Emergency Situation – An event defined by a public declaration by a federal agency, state, or local government of a pest problem determined to require control through application of a pesticide beginning less than ten days after identification of the need for pest control. This public declaration may be based on: (1) significant risk to human health; (2) significant economic loss; or (3) significant risk to: endangered species, threatened species, beneficial organisms, or the environment. (See 40 CFR Part 166).

Discharge – an addition of any pollutant to surface waters of the Commonwealth from a point source. (25 Pa. Code § 92a.2)

Facility or Activity – any NPDES “point source” (including land or appurtenances thereto) that is subject to regulation under the NPDES program. (25 Pa. Code § 92a.2)

Federal Facility – any building, installation, structure, land, public works, equipment, aircraft, vessel, or other vehicle or property owned, operated, or leased by, or constructed or manufactured for the purpose of leasing to, the federal government.

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

Impaired Waters – surface waters that fail to attain one or more of its designated uses under 25 Pa. Code Chapter 93 and is listed in Categories 4 or 5 of Pennsylvania’s Integrated Water Quality Monitoring and Assessment Report.

Inert Ingredient - any substance (or group of structurally similar substances if designated by the permitting authority), other than an active ingredient, that is intentionally included in a pesticide product. Inert ingredient also means any substance, such as a selectable marker, other than the active ingredient, where the substance is used to confirm or ensure the presence of the active ingredient, and includes the genetic material necessary for the production of the substance, provided that genetic material is intentionally introduced into a living plant in addition to the active ingredient. (See 40 CFR §§ 152.3 and 174.3).

Large Entity - any (1) public entity that serves a population greater than 10,000 or (2) private enterprise that exceeds the Small Business Administration size standard as identified at 13 CFR § 121.201.

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

Minimize - to reduce and/or eliminate pesticide discharges to surface waters of the Commonwealth through the use of "Pest Management Measures" to the extent technologically available and economically practicable and achievable.

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

Permittee – the Decision Maker who is required to apply for NPDES permit coverage for the application of pesticides and who has obtained permit coverage from DEP. The term is inclusive of those agent(s) of the permittee that perform the application of pesticides or who have day to day control of the application.

Person – any individual, public or private corporation, partnership, association, municipality or political subdivision of this Commonwealth, institution, authority, firm, trust, estate, receiver, guardian, personal representative, successor, joint venture, joint stock company, fiduciary; department, agency or instrumentality of State, Federal or local government, or an agent or employee thereof; or any other legal entity. (25 Pa. Code § 92a.2)

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

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

Pest Management Area – the area of land, including any water, for which an operator has responsibility for and is authorized to conduct pest management activities as covered by this permit (e.g., for a permittee who is a mosquito control district, the pest management area is the total area of the district).

Pest Management Measure – any practice used to meet the effluent limitations that comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, relevant legal requirements and other provisions that a permittee would implement to reduce and/or eliminate pesticide discharges to surface waters of the Commonwealth.

Pesticide – (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer, except that the term "pesticide" shall not include any article that is a "new animal drug" within the meaning of Section 201(w) of the FFDCA (21 U.S.C. 321(w)), that has been determined by the U.S. Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such Act (21 U.S.C. 321(x)) bearing or containing a new animal drug. The term "pesticide" does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). For purposes of the preceding sentence, the term "critical device" includes any device that introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term "semi-critical device" includes any device that contacts intact mucous membranes but

which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body. (FIFRA Section 2(u))

The term “pesticide” applies to insecticides, herbicides, fungicides, rodenticides, and various other substances used to control pests. The definition encompasses all uses of pesticides authorized under FIFRA including uses authorized under sections 3 (registration), 5 (experimental use permits), 18 (emergency exemptions), 24(c) (special local needs registrations), and 25(b) (exemptions from FIFRA).

Note: drugs used to control diseases of humans or animals (such as livestock and pets) are not considered pesticides; such drugs are regulated by the Food and Drug Administration. Fertilizers, nutrients, and other substances used to promote plant survival and health are not considered plant growth regulators and thus are not pesticides. Biological control agents, except for certain microorganisms, are exempted from regulation under FIFRA. (Biological control agents include beneficial predators such as birds or ladybugs that eat insect pests, parasitic wasps, fish, etc.).

This permit uses the term “pesticide” when referring to the “pesticide, as applied.” When referring to the chemical in the pesticide product with pesticidal qualities, the permit uses the term “active ingredient.”

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

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

Point source – a discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAAP, CAFO, landfill leachate collection system or vessel, or other floating craft from which pollutants are or may be discharged. (25 Pa. Code § 92a.2)

Pollutant – a contaminant or other alteration of the physical, chemical, biological or radiological integrity of surface water that causes or has the potential to cause pollution as defined in Section 1 of the State Act (35 P.S. § 691.1). (25 Pa. Code § 92a.2)

Small Entity – any (1) public entity that serves a population of 10,000 or less or (2) private enterprise that does not exceed the Small Business Administration size standard as identified at 13 CFR § 121.201.

Surface waters – perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process. (25 Pa. Code § 92a.2)

Target Pest – the organism(s) toward which pest management measures are being directed.

Treatment Area – the entire area, whether over land or water, where the pesticide application is intended to provide pesticidal benefits within the pest management area. In some instances, the treatment area will be larger than the area where pesticides are actually applied. For example, the treatment area for a stationary drip treatment into a canal includes the entire width and length of the canal over which the pesticide is intended to control weeds. Similarly, the treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits.

Toxic Pollutant – those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring. (25 Pa. Code 92a.2)

Upset – means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does

not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (See 40 CFR § 122.41(n)(1)).

Water Quality Standards – the combination of water uses to be protected and the water quality criteria necessary to protect those uses. (25 Pa. Code 92a.2)

Water's Edge – thirty-five feet from the top of bank of surface waters, unless there is no vegetated buffer, in which case water's edge is one hundred feet from the top of bank of surface waters.

III. SELF-MONITORING, REPORTING AND RECORDKEEPING

A. Monitoring Requirements.

1. The permittee shall monitor the amount of pesticide applied to ensure that the lowest amount to effectively control the pest is used, consistent with reducing the potential for development of pest resistance.
2. The permittee shall monitor pesticide application activities to ensure regular maintenance activities are performed and to ensure that application equipment is in proper operating condition to reduce the potential for leaks, spills, or other unintended discharge of pesticides to surface waters of the Commonwealth by calibrating, cleaning and repairing equipment on a regular basis.
3. The permittee shall conduct spot checks in and around where pesticides are applied for possible and observable adverse incidents caused by application of pesticides, including but not limited to the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use. Visual assessments of the application site must be performed 1) during any post-application surveillance or efficacy check, if surveillance or an efficacy check is conducted, and 2) during any pesticide application, when considerations for safety and feasibility allow.

B. Representative Sampling and Recordkeeping

1. Where applicable, the permittee shall take representative samples and measurements to monitor compliance with this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(e) and 40 CFR § 122.41(j)(1))
2. Records Retention (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(f)(2) and 40 CFR § 122.41(j)(2))
 - a. The permittee shall retain all records of monitoring activities and results, copies of all reports required by this permit, and records of all data used to complete the application for this permit for 3 years from the date of the sample measurement, report or application, unless a longer retention period is required by the permit. The permittee shall retain records beyond the 3-year period as requested by DEP or the EPA Regional Administrator.
 - b. The permittee shall comply with the recordkeeping requirements contained in Part C V of this permit.

3. Recording of Results (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(f)(1) and 40 CFR § 122.41(j)(3))

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date and time of sampling or measurements.
- b. The person(s) who performed the sampling or measurements.
- c. The date(s) the analyses were performed.
- d. The person(s) who performed the analyses.
- e. The analytical techniques or methods used; and the associated detection level.
- f. The results of such analyses.

4. Test Procedures

- a. Where applicable, the permittee shall use facilities in compliance with laboratory accreditation requirements of The Environmental Laboratory Accreditation Act (27 Pa. C.S. §§ 4101-4113) and 25 Pa. Code Chapter 252 (relating to environmental laboratory accreditation) to test or analyze samples used to demonstrate compliance with this permit. (25 Pa. Code § 92a.61(b))
- b. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be those approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, unless the method is specified in this permit or has been otherwise approved in writing by DEP. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.44 and 40 CFR §§ 122.41(j)(4), 122.44(i)(1)(iv))

5. Quality/Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

- a. The permittee shall participate in, or shall use a laboratory that agrees to participate in, periodic scheduled quality assurance inspections conducted by DEP or EPA. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(i) and 40 CFR §§ 122.41(e), 122.41(i)(3))
- b. The permittee shall develop and implement, or shall use a laboratory that has developed and implemented a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit, in accordance with 40 CFR Part 136. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(i) and 40 CFR § 122.41(j)(4))

C. Reporting Requirements and Annual Fee

1. Annual Pesticides Report – The permittee shall submit a complete Annual Pesticides Report to the DEP office that issued the approval of permit coverage by March 1 each year using DEP's Annual Report template, 3800-PM-BCW0345e. The Annual Pesticides Report shall address activities under the permit for the previous calendar year. The permittee shall submit the Annual Pesticides Report electronically if notified by DEP in writing. (25 Pa. Code § 92a.61(g))
2. Signatory Requirements – All applications, reports, and certifications must be signed as follows:
 - For a corporation: By a responsible corporate officer. For the purpose of this subsection, 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, provided, the manager is authorized to make management decisions which govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 - For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, 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 or the agency.
2. Planned Changes to Physical Facilities – The permittee shall give notice to DEP as soon as possible but no later than 30 days prior to planned physical alterations or additions to the permitted facility, where applicable. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(l)).

3. Unanticipated Non-Compliance or Potential Pollution Reporting

- a. Immediate Reporting – The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b).
 - (i) If, because of an accident, other activity or incident a toxic substance or another substance is discharged which would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to DEP is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution. If the discharge is to an MS4, notification shall also be provided to the operator of the MS4 in accordance with this paragraph.
 - (ii) If reasonably possible to do so, the permittee shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.
 - (iii) The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.
- b. The permittee shall report any non-compliance which may endanger human health or the environment (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR §§ 122.41(l)(6), 122.44(g)). These requirements include the following obligations:
 - (i) 24 Hour Reporting - The permittee shall orally report any non-compliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances. The permittee shall include the following information when reporting under this paragraph:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Any upset which exceeds any effluent limitation in the permit; and
 - (3) Violation of the maximum daily discharge limitation for any of the pollutants listed in the permit as being subject to the 24-hour reporting requirement.
 - (ii) Written Report - The permittee shall submit a written report to DEP within 5 days of the time the permittee becomes aware of any non-compliance which may endanger human health or the environment, unless DEP has advised the permittee in writing that this requirement has been waived. The permittee shall provide in the report a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.
 - (iii) Waiver of Written Report - DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger human health or the environment. Unless such a waiver is granted by DEP in writing, the permittee shall submit a written report in accordance with this paragraph. (25 Pa. Code §92a.41(b) and 40 CFR § 122.41(l)(6)(iii))
- c. The permittee shall comply with the requirements in this permit for notification and reporting related to adverse incidents (Part C III) and reportable leaks and spills (Part C IV).

4. Other Non-Compliance

The permittee shall report to DEP all other instances of non-compliance, including non-compliance with specific requirements of compliance schedules, at the time DMRs are submitted, on the Non-Compliance

Reporting Form (3800-FM-BCW0440). The permittee shall provide the information listed in paragraph C.3.b.(ii) of this section for applicable instances of non-compliance. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(l)(7))

PART B

STANDARD CONDITIONS

I. MANAGEMENT REQUIREMENTS

A. Compliance

The permittee shall comply with all conditions of this permit. Any permit non-compliance constitutes a violation of the Clean Water Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or denial of a permit renewal application. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(a))

B. Permit Modification, Termination, or Revocation and Reissuance

1. DEP may modify, terminate or revoke and reissue this permit during its term. (25 Pa. Code §§ 92a.3, 92a.41(a), 92a.72 – 92a.75 and 40 CFR § 122.41(f))
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition. (25 Pa. Code §§ 92a.3, 92a.41(a) and 40 CFR § 122.41(f))
3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(a)(1))

C. Duty to Provide Information

1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under this permit, or to determine compliance with this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(h))
2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(h))
3. Other Information – Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to DEP, it shall promptly submit the correct and complete facts or information. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(l)(8))

D. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), including BMPs, which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls such as appropriate quality assurance procedures. The permittee shall properly operate and maintain backup or auxiliary facilities or similar systems installed by the permittee, as necessary to achieve compliance with the terms and conditions of this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(e))

E. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(d))

F. Bypassing

1. Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions in paragraphs F.2, F.3 and F.4 of this section. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(m)(2))
2. Other Bypassing - In all other situations, bypassing is prohibited and DEP may take enforcement action against the permittee for bypass unless:
 - a. A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage." (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(m)(4)(i)(A))
 - b. No feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime are available. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(m)(4)(i)(B))
 - c. The permittee submitted the necessary notice required in paragraph F.4 of this section below. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(m)(4)(i)(C))
3. DEP may approve an anticipated bypass, after considering its adverse effects, if DEP determines that it will meet the conditions listed in F.2. of this section. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR 122.41(m)(4)(ii))
4. Notice
 - a. Anticipated Bypass – If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the bypass. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(m)(3)(i))
 - b. Unanticipated Bypass – The permittee shall submit oral notice of any other unanticipated bypass within 24 hours, regardless of whether the bypass may endanger human health or the environment or whether the bypass exceeds effluent limitations. The notice shall be in accordance with Part A III.C.3.b. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(m)(3)(ii))

I. Termination of Permit Coverage (25 Pa. Code § 92a.74 and 40 CFR 122.64)

1. Notice of Termination (NOT) – If the permittee plans to cease operations or will otherwise no longer require coverage under this permit, the permittee shall submit DEP's NPDES Notice of Termination (NOT) for Permits Issued Under Chapter 92a (3800-BCW-0410), signed in accordance with Part A III.C.2 of this permit, at least 30 days prior to cessation of operations or the date by which coverage is no longer required.
2. Where the permittee plans to cease operations, NOTs must be accompanied with an operation closure plan that identifies how tankage and equipment will be decommissioned and how pollutants will be managed, as applicable.
3. The permittee shall submit the NOT to the DEP regional office with jurisdiction over the county in which the facility is located.

II. PENALTIES AND LIABILITY

A. Violations of Permit Conditions

DEP may take an enforcement action to restrain violations, to impose criminal or civil penalties, to withhold a permit, or to seek other remedies or relief as authorized by the Clean Streams Law against a permittee

that violates any condition or limitation of this permit, or any rule, regulation or order issued by DEP pursuant to the Clean Streams Law.

In addition, EPA may take an enforcement action to restrain violations, to impose criminal or civil penalties, or to seek other remedies or relief as authorized by the Clean Water Act against a permittee that violates any condition or limitation of this permit, or any rule, regulation or order issued by EPA pursuant to the Clean Water Act.

B. Falsifying Information

The permittee or any person who engages in the conduct described below may, upon conviction, be punished by a fine and/or imprisonment pursuant to 18 Pa.C.S. § 4904, or 40 CFR §§ 122.41(j)(5) or (k)(2). (25 Pa. Code §§ 92a.3(c), 92a.41(c))

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or non-compliance).

C. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

The permittee may not maintain as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(c))

III. OTHER RESPONSIBILITIES

A. Right of Entry

The permittee shall allow authorized representatives of DEP and EPA to conduct the following activities upon the presentation of credentials and other documents as may be required by law (35 P.S. §§ 691.5(b) and 305, 25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(i)(2)):

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; (25 Pa. Code §92a.41(a) and 40 CFR § 122.41(i)(1))
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; (25 Pa. Code §92a.41(a) and 40 CFR § 122.41(i)(2))
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and (25 Pa. Code §92a.41(a) and 40 CFR § 122.41(i)(3))
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. (25 Pa. Code §92a.41(a) and 40 CFR § 122.41(i)(4))

B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph B.2 of this section, a permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (25 Pa. Code §§ 92a.3(c), 92a.71 and 40 CFR 122.61(a))
2. Automatic transfers. As an alternative to transfers under paragraph B.1 of this section, any NPDES permit may be automatically transferred to a new permittee on the date identified in paragraph B.2.b. of this section if (25 Pa. Code §§ 92a.3(c), 92a.71):
 - a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b. of this section; (25 Pa. Code §92a.71(a) and 40 CFR § 122.61(b)(1))
 - b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; (25 Pa. Code §92a.71(a) and 40 CFR § 122.61(b)(2))
 - c. DEP does not notify the existing permittee and the proposed new permittee in writing prior to the transfer date of its intent to modify or revoke and reissue this permit; and (40 CFR § 122.61(b)(3))
 - d. The new permittee is in compliance with existing DEP issued permits, regulations, orders and schedules of compliance, or has demonstrated that any non-compliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations. (25 Pa. Code § 92a.71)
3. In the event DEP does not approve transfer of this permit, the new owner or operator must submit a new permit application.

C. Property Rights

The approval of coverage under this permit does not convey any property rights, or any exclusive privilege. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(g))

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(b))

E. Other Laws

The approval of coverage under this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

PART C

SPECIAL CONDITIONS

I. PEST MANAGEMENT MEASURES

A. Problem Identification.

Prior to the first pesticide application covered under the permit that will result in a discharge to surface waters of the Commonwealth, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, the permittee shall conduct the following evaluations for each pest management area, as applicable:

1. Establish densities for larval and adult mosquito or flying insect pest populations or identify environmental condition(s), either current or based on historical data, to serve as action threshold(s) for implementing Pest Management Measures for mosquito and other flying insect pest control.
2. Identify target pests to develop Pest Management Measures based on developmental and behavioral considerations for each pest.
3. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation).
4. Identify possible factors causing or contributing to the pest problem (e.g., nutrients, invasive species, etc.).
5. Establish any pest and site-specific action threshold(s) as defined in Part A II of this permit.
6. Identify known breeding sites for source reduction, larval control program, and habitat management.
7. Analyze existing surveillance data to identify new or unidentified sources of mosquito or flying insect pest problems as well as sites that have recurring pest problems.
8. Identify current distribution of the target pest and assess potential distribution in the absence of Pest Management Measures.
9. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate.

B. Pest Management Options.

Prior to the first pesticide application covered under this permit that will result in a discharge to surface waters of the Commonwealth, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, the permittee must select and implement Pest Management Measures that minimize discharges resulting from application of pesticides. In developing these Pest Management Measures in each pest management area, the permittee shall evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness: 1) No action; 2) Prevention; 3) Mechanical or physical methods; 4) Cultural methods (as applicable); 5) Biological control agents; and 6) Pesticides.

C. Pesticide Use.

If application of a pesticide will result in a discharge to a surface water of the Commonwealth, permittees shall, as applicable:

1. Conduct surveillance in an area that is representative of the pest problem or evaluate existing surveillance data, environmental conditions, or data from adjacent area prior to prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met.

2. Reduce the impact on the environment and on non-target organisms by evaluating site restrictions, application timing, and application method and by applying the pesticide only when the action threshold(s) has been met.
3. Evaluate using pesticides against the most susceptible developmental stage.
4. In situations or locations where practicable and feasible for efficacious control, use larvicides as a preferred pesticide for mosquito or flying insect pest control when larval action thresholds have been met.
5. In situations or locations where larvicide use is not practicable or feasible for efficacious control, use adulticides for mosquito or flying insect pest control when adult action thresholds have been met.

II. CORRECTIVE ACTION REQUIREMENTS

The permittee shall comply with the following corrective action requirements for any discharges authorized under this permit.

A. Revisions to Pest Management Measures.

If any of the following situations occur, the permittee shall review and, as necessary, revise the evaluation and selection of Pest Management Measures to ensure that the situation is eliminated and will not be repeated in the future:

1. An unauthorized release or discharge associated with the application of pesticides occurs (e.g., spill, leak, or discharge not authorized by this or another NPDES permit).
2. Operators become aware, or DEP concludes, that Pest Management Measures are not adequate or sufficient for the discharge to meet applicable water quality standards.
3. An inspection or evaluation of the permittee's activities by DEP reveals that modifications to the Pest Management Measures are necessary to meet the effluent limitations in the permit.
4. The permittee observes, or is otherwise made aware of an adverse incident, as defined in Part A II of the permit.

B. Corrective Action Deadlines.

If the permittee determines that changes to Pest Management Measures are necessary to eliminate any situation identified in Section II A, above, such changes must be made before the next pesticide application that results in a discharge if practicable, or if not, as soon as possible thereafter.

C. Additional Requirements.

DEP may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements.

III. ADVERSE INCIDENT REPORTING

A. Twenty-Four (24)-Hour Adverse Incident Notification.

1. If the permittee observes or is otherwise made aware of an adverse incident, as defined in Part A II of the permit, which may have resulted from a discharge from a pesticide application, the permittee must immediately notify the appropriate EPA Incident Reporting Contact, as identified at www.epa.gov/npdes/pesticides. This notification must be made by telephone within 24 hours of the permittee becoming aware of the adverse incident and must include at least the following information:
 - a. The caller's name and telephone number.

- b. The permittee's name and mailing address.
 - c. The NPDES permit number assigned by DEP;
 - d. The name and telephone number of a contact person, if different than the person providing the 24-hour notice.
 - e. How and when the permittee became aware of the adverse incident.
 - f. Description of the location of the adverse incident.
 - g. Description of the adverse incident identified and the pesticide product, including EPA pesticide registration number, for each product applied in the area of the adverse incident.
 - h. Description of any steps the permittee has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects.
 - i. The identity of any other permittees authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident.
2. The adverse incident notification and reporting requirements are in addition to what the registrant is required to submit under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

B. Thirty (30)-Day Adverse Incident Written Report.

Within 30 days of a reportable adverse incident, the permittee shall submit a written report of the adverse incident to the appropriate DEP Regional office and to the state lead agency for pesticide regulation (see <http://hpic.orst.edu/>). The adverse incident report must include at least the following information:

1. Information required by Part C III A.1.
2. Date and time the permittee contacted DEP and EPA about the adverse incident and any instructions received from DEP.
3. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc.).
4. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms.
5. Magnitude and scope of the affected area (e.g., aquatic square area or total stream distance affected).
6. Pesticide application rate; intended use site (e.g., on the bank, above waters, or directly to water); method of application; and the name of pesticide product and EPA registration number.
7. Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied).
8. If laboratory tests were performed, an indication of which test(s) were performed, and when; additionally, a summary of the test results must be provided within 5 days after they become available if not available at the time of submission of the 30-day report.
9. Description of actions to be taken to prevent recurrence of adverse incident.
10. Signature of a responsible official of the permittee and the date of the signature.

C. Adverse Incident to Threatened or Endangered Species or Critical Habitat.

Notwithstanding any of the other adverse incident notification requirements of this section, if the permittee becomes aware of an adverse incident affecting a Pennsylvania Natural Diversity Inventory (PNDI) listed threatened or endangered species or its federally designated critical habitat that may have resulted from a discharge from the permittee's pesticide application, the permittee must immediately notify the PA Department of Conservation and Natural Resources, Pennsylvania Department of Agriculture, Bureaus of Forestry and Topographic and Geologic Survey, PA Fish and Boat Commission, PA Game Commission, and U.S. Fish and Wildlife Service as listed in Appendix B of the Department's Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination during Permit Review and Evaluation (Document

Identification # 021-0200-001). These notifications must be made by telephone to these agencies and to the contacts listed on EPA's website at www.epa.gov/npdes/pesticides, immediately upon the permittee becoming aware of the adverse incident, and must include at least the information contained in Part C III A.1.

D. Adverse Incident notification is not required in the following situations:

1. The permittee is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application.
2. The permittee has been notified by DEP, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents.
3. An adverse incident occurs to pests that are similar in kind to potential target pests identified on the product label.

IV. REPORTABLE SPILLS AND LEAKS

A. Spill, Leak, or Other Unpermitted Discharge Notification.

Where a leak, spill, or other release into waters of the Commonwealth containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs in any 24-hour period, the permittee must notify the National Response Center immediately at (800) 424-8802 as soon as the permittee has knowledge of the release. Contact information must be in locations that are readily accessible and available in the area where the spill, leak, or other unpermitted discharge may occur.

B. Thirty-Day Spill, Leak, or Other Unpermitted Discharge Documentation.

If the permittee becomes aware of a spill, leak, or other unpermitted discharge which triggers the notification in paragraph A above and results in an adverse incident, the permittee shall report the incident in accordance with Part C III. If the spill, leak, or other unpermitted discharge triggers the notification in paragraph A above, but does not result in an adverse incident, the permittee shall document and retain the following information within 30 days of becoming aware of the situation:

1. The date, time, location, responsible party and other relevant information about the incident.
2. A summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed.
3. Any measures to prevent recurrence of such a spill or leak or other discharge, including notice of whether PDMP modifications are required as a result of the spill or leak.

V. RECORDKEEPING REQUIREMENTS

- A. Permittees must keep written records as required in the permit for all discharges covered under the permit. These records must be accurate and complete to demonstrate the permittee's compliance with the conditions of the permit. Permittees may rely on records and documents developed for other obligations, such as requirements under Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), and state or local pesticide programs, provided all requirements of the permit are satisfied.
- B. The following documents must be retained by the permittee on-site at the location of pesticide application(s) and/or an office of the permittee and shall be provided to DEP upon request.
 1. A copy of the application submitted to DEP, any correspondence exchanged between the permittee and DEP specific to coverage under the permit, and a copy of the DEP acknowledgment letter with the assigned permit number.

2. A copy of the PDMP, including any modifications made to the PDMP during the terms of this permit (Large Entities only).
3. Copies of Annual Pesticides Reports submitted to DEP.
4. Documentation of any equipment cleaning, calibration, and repair.
5. A copy of any Adverse Incident Reports.
6. Rationale for any determination that reporting of an identified adverse incident is not required.
7. A copy of any corrective action documentation.
8. A copy of any spill and leak or other unpermitted discharge documentation.
9. Information on each treatment area to which pesticides are discharged, including:
 - a. Description of each treatment area, location and size (acres or linear feet) of treatment area and identification of any surface waters of the Commonwealth, either by name or by location, to which pesticide(s) are discharged.
 - b. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy).
 - c. Description of pest management measure(s) implemented prior to the first pesticide application.
 - d. Company name and contact information for pesticide applicator.
 - e. Target pest(s).
 - f. Name of each pesticide product used including the EPA registration number.
 - g. Quantity of each pesticide product applied to each treatment area.
 - h. Pesticide application date(s).
 - i. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

VI. AUTHORIZED PESTICIDES AND APPLICATION RATES

- A. Only those pesticides, maximum application doses, and treatment areas identified in the permit application or subsequent requests are authorized under this permit. The permittee must submit a request for approval for any change in the pesticide use pattern for an authorized treatment area; a change in the pesticide (active ingredient) that will be used for a treatment area; or an increase in the total amount (dosage) of pesticide that will be used in a treatment area. In no case may application rates exceed the approved product instructions.
 1. The permittee shall submit requests at least 30 days in advance of anticipated changes. Requests may also be submitted as a part of the Annual Report.
 2. All requests must include the following:
 - a. Pesticide application method
 - b. Pesticide use pattern (Mosquito and Other Flying Insect Pest Control, Weeds and Algae Pest Control, Weeds and Algae Pest Control, Animal Pest Control, Forest Canopy Pest Control)

- c. Area or length of the treatment area
 - d. Treatment frequency
 - e. Latitude and longitude of the treatment area (at the geographic center)
 - f. A list of all surface waters in the treatment area and their designated or existing uses
 - g. Application type (General, Direct, Water's Edge)
 - h. Product label
3. PNDI results shall be submitted where a new pesticide(s) or an increased amount of a previously approved pesticide(s) will be used in a treatment area in which the permittee previously consulted with the Pennsylvania Department of Conservation and Natural Resources, the Pennsylvania Game Commission, the Pennsylvania Fish and Boat Commission, or the U.S. Fish and Wildlife Service. The permittee shall submit all documentation of consultation with the appropriate party as required by the results of the PNDI.
4. If the treatment area is in an HQ or EV watershed the permittee will submit the Antidegradation Module of the NPDES Permit Application for Discharges from Pesticides Application (3800-PM-BCW0025e).
5. The permittee may implement requested changes upon approval from DEP or 30 days after submittal of a request if DEP does not respond.
- B. Nothing in this permit authorizes a "take" of endangered or threatened species under the Endangered Species Act.
- C. Pesticides with the same active ingredients but different EPA registration numbers (due to change in active ingredient proportion or change in manufacturer) may be used if the total concentration of such pesticides does not change. Explanation for such changes must be submitted with the Annual Report.

VI. OTHER REQUIREMENTS

- A. The permittee must adhere to instructions on pesticide container labels and ensure that aquatic algicides and herbicides are used in a manner consistent with the product label.
- B. When using two or more pesticides, compatibility shall be considered prior to application in order to prevent adverse impacts to non-target organisms.
- C. Avoid the spraying of non-aquatic pesticides and herbicides directly over any surface water by switching off the application equipment when the applicator or operator is in close proximity to any Waters of the Commonwealth.

Attachment 12 – PennDOT Herbicide List

Material

Number	Product	Active	Line Item	Base unit	Packaging
301476	41A Drift control	NA	10	Oz	32 oz bottle 12 bottle per carton
312011	Clean Cut	NA	30	GAL	2.5 Gal 2/ Carton
312009	CWC 90(Brewer)	NA	10	GAL	2.5 Gal 2/ Carton
312003	Oust XP	Sulfuron Methyl	40	LB	3lb bottle
312010	Cide Kick II	NA	20	GAL	2.5 Gal 2/ Carton
312012	Bullseye	NA	30	GAL	2.5 Gal 2/ Carton
312004	Oust Extra	Sulfuron Methyl/Metsulfuron methyl	50	LB	4lb bottle
345148	Liquid DeFoamer	NA	40	Quart	12 1quart bottles
312032	Aquaneat(Rodeo)	Glyphosate	50	GAL	2.5 gal container 2 container per carton
315057	Cutrine Ultra	Copper Ethanolamine	60	Gal	2.5 Gal 2/ Carton
361402	Razor Pro	Glyphosate	60	Gal	2.5gal container 2 container per carton
301441	Krenite S	Fosamine	70	Gal	2.5 Gal 2/ Carton
311994	Plateau	imazapic	80	GAL	1 gal container 2 container per carton
315059	Komeen	Copper Ethanolamine	70	GAL	2.5 gal container 2 container per carton
315056	Polaris	imazapyr	80	GAL	2.5 gal container 2 container per carton
315053	Milestone VM	aminopyralid	90	Gal	2.5 Gal 2/ Carton
322635	Cutrine Plus Granular	Copper Ethanolamine	90	LB	30lb bag
327291	Renovate 3	triclopyr	100	GAL	2.5 Gal 2/ Carton
330032	DMA 4 IVM (Platoon)	2,4-D	110	GAL	2.5 Gal2 / carton
349372	Aquathol K	endothall	120	GAL	2.5 gal container 2 container per carton
357353	Sonar One	Fluridone, Pellet	130	LB	20lb pail
362338	TerraVue	Rinscor / aminopyralid	100	Lb	2 10lb Bottle per carton
355791	GreenCleanPro	sodium carbonate peroxyhydrate	140	LB	50lb Bag
359930	Procellacor EC	Florpyrauxifen-benzyl	150	Oz	
311998	Tribune	Diquat dibromide	160	GAL	2.5gal container 2 container per carton

311997	Pendulum Aquacap	pendimethalin	170	GAL	2.5 gal container 2 container per carton
322632	Accord XRT	Glyphosate	110	GAL	15 gal container 9 container per pallet
322630	Arsenal Powerline	imazapyr	120	GAL	15 gal container 9 container per pallet
311232	Garlon 3A	Triclopyr	130	GAL	15 gal container 9 container per pallet
322631	Plateau	imazapic	140	GAL	15 gal container 9 container per pallet
312033	Snapshot 50LB	trifuralin/oxabenz	180	LB	50lb bag
312035	Spike 20P 5 LB	tebuthiuron	190	LB	6 5lb container/carton
322634	Polaris	imazapyr	200	GAL	2.5 Gal 2/ Carton
327290	Esplanade	indaziflam	210	gal	2.5 Gal 2/ Carton
349370	Esplanade EZ	indaziflam + diquat + glyphosate	220	GAL	2.5 gal container 2 container per carton
301494	Triplet LO	2,4-D + MCCP-P + Dicamba	230	GAL	2.5 Gal 2/ Carton
311992	Vanquish (Clash)	dicamba	240	GAL	2.5 Gal 2/ Carton
311993	Garlon 3A	Triclopyr	250	GAL	2.5 Gal 2/ Carton
312000	Escort XP	Metsulfuron Methyl	260	Oz	16oz container
312014	Pathfinder II	Triclopyr	270	GAL	2.5 Gal 2/ Carton
315054	Milestone VM	aminopyralid	281	QT	32 oz bottle 12 bottles per container
330033	DMA 4 IVM (Platoon)	2,4-D	290	Gal	2.5 Gal 2/ Carton
330034	Aquasweep	2,4-D liquid amine and triclopyr	300	Gal	2.5 Gal 2/ Carton
349358	Method 240SL	aminocyclopyrachlor	310	GAL	2.5 Gal 2/ Carton
322633	Milestone VM	aminopyralid	150	GAL	15 gal container 9 container per pallet
355788	Freelexx	2,4-D	160	GAL	15 gal container 9 container per pallet
355789	Method 240SL	aminocyclopyrachlor	170	Gal	15 gal container 9 container per pallet
349368	Vastlan	Triclopyr	320	GAL	2.5 gal container 2 container per carton
349369	Garlon 4 Ultra	Triclopyr	330	GAL	2.5 Gal 2/ Carton
350298	Freelexx	2,4-D	340	GAL	2.5 gal container 2 container per carton
360038	Assure II	Quizalofop	350	GAL	2.5 gal container 2 container per carton
355790	Vastlan	Triclopyr	180	Gal	15 gal container 9 container per pallet
312001	Krenite S	Fosamine	190	Gal	15 gal container 9 container per pallet
363318	Custom Blend 7713A	aminocyclopyrachlor, Metsulfuron Methyl, 2,4-D	191	GAL	15gal container 9 container per pallet