

General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides

Issuance Date: May 9, 20XX

Expiration Date: May 8, 2XXX

Bureau of Materials Management and Compliance Assurance
Water Permitting and Enforcement Division
860-424-3018

General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides

Table of Contents

Section 1.	Authority.....	1
Section 2.	Definitions	1
Section 3.	Authorization Under This General Permit	3
	(a) <i>Eligible Activities</i>	<i>3</i>
	(b) <i>Requirements for Authorization.....</i>	<i>4</i>
	(c) <i>Geographic Area.....</i>	<i>5</i>
	(d) <i>Effective Date and Expiration Date of this General Permit</i>	<i>5</i>
	(e) <i>Effective Date of Authorization</i>	<i>5</i>
	(f) <i>Transition to and from an Individual Permit</i>	<i>6</i>
Section 4.	Registration Requirements	6
	(a) <i>Who Must File a Registration</i>	<i>6</i>
	(b) <i>Contents of Registration</i>	<i>7</i>
	(c) <i>Scope of Registration</i>	<i>9</i>
	(d) <i>Where to File a Registration.....</i>	<i>9</i>
	(e) <i>Additional Information.....</i>	<i>9</i>
	(f) <i>Action by Commissioner</i>	<i>10</i>
Section 5.	Specific Conditions of This General Permit	10
Section 6.	General Conditions	12
	(a) <i>Reliance on Registration.....</i>	<i>12</i>
	(b) <i>Duty to Correct and Report Violations.....</i>	<i>12</i>
	(c) <i>Duty to Provide Information.....</i>	<i>12</i>
	(d) <i>Certification of Documents</i>	<i>12</i>
	(e) <i>Date of Filing.....</i>	<i>13</i>
	(f) <i>False Statements</i>	<i>13</i>
	(g) <i>Correction of Inaccuracies</i>	<i>13</i>
	(h) <i>Transfer of Authorization.....</i>	<i>13</i>
	(i) <i>Other Applicable Law</i>	<i>13</i>
	(j) <i>Other Rights.....</i>	<i>13</i>
	(k) <i>Electronic Filing</i>	<i>14</i>
Section 7.	Commissioner’s Powers	14
	(a) <i>Abatement of Violations.....</i>	<i>14</i>
	(b) <i>General Permit Revocation, Suspension, or Modification</i>	<i>14</i>
	(c) <i>Filing of an Individual Discharge Permit Application</i>	<i>14</i>
Appendix A: Pesticide Discharge Management Plan (PDMP) Minimum Requirements		15

General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides

Section 1. Authority

This general permit is issued under the authority of section 22a-430b of the General Statutes.

Section 2. Definitions

As used in this general permit:

“Adverse Incident” means any event during which an applicator becomes aware that a person or non-target organism may have been exposed to a pesticide residue, and the person or non-target organism suffered a toxic or adverse effect.

“Appropriate amount” means the application rate of a pesticide required to control a target pest as specified in product labeling for a specific pesticide, or in compliance with any permit issued under section 22a-66z of the General Statutes, whichever is less.

“Approval of registration” means an approval of registration issued under Section 4 of this general permit. For the purposes of this general permit, an approval of registration will be deemed equivalent to the requirements of a Notice of Intent under the USEPA’s Pesticide General Permit issued on October 11, 2011.

“Authorized activity” means any activity authorized by this general permit.

“Biopesticides” means naturally occurring substances that control pests (biochemical pesticides), or microorganisms that control pests (microbial pesticides).

“Certified applicator” means any individual who is certified under section 22a-54 of the General Statutes.

“Commercial applicator” means any individual, whether or not such individual is a private applicator with respect to some uses, who uses or supervises the use of (1) any restricted use pesticides, or (2) any pesticide on property not owned or rented by such individual or such individual's employer

“Commissioner” means commissioner as defined by section 22a-2(b) of the General Statutes.

“Declared Pest Emergency Situation” means an event defined by a public declaration by a federal agency or state 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. Such declaration may be made in accordance with the terms specified in Title 40 part 166 of the Code of Federal Code of Regulations, as designated by the commissioner of the Connecticut Department of Public Health, the Connecticut state entomologist, or other authorized person when a condition exists that requires an application of pesticide to mitigate: a significant risk to human health; significant economic loss; a significant risk to

endangered or threatened species or beneficial organisms, or otherwise poses a risk to the environment.

“Department” means the Department of Energy and Environmental Protection.

“Discharge(s)” as authorized by and regulated under this general permit means the same as incidental discharge.

“Incidental discharge” means the unavoidable depositing of pesticides on a waterbody while conducting aerial spraying; or the distribution of an aquatic pesticide within its target treatment area at concentrations consistent with product labeling, or the residues resulting from such applications outside the target treatment areas at concentrations below the target concentration specified in product labeling.

“Individual discharge permit” means a permit issued person under section 22a-430 of the General Statutes.

“Infrastructure” means the large-scale public systems, services, and facilities of a country or region, including power and water supplies, public transportation, telecommunications, roads, airports, waste disposal, and services including public safety and education.

“Integrated Pest Management (IPM)” means a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

“Municipality” means municipality as defined by section 22a-423 of the General Statutes.

“Permittee” means any person or municipality who conducts activities authorized under this general permit, or to whom the commissioner has issued an approval of registration under this general permit.

“Person” means person as defined by section 22a-423 of the General Statutes.

“Pesticide” means pesticide as defined in section 22a-47(w) of the General Statutes.

“Pesticide discharge management plan (PDMP)” means a specific set of control measures developed to insure compliance with the terms, conditions and limits in this general permit.

“Private applicator” means a certified applicator who uses or supervises the use of any pesticide, which is classified for restricted use for the purpose of producing any agricultural commodity, on property owned or rented by such applicator or such applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the property of another person: A pesticide shall be construed to be applied under the direct supervision of a private applicator if it is applied by a competent person on property owned or rented by a private applicator acting under the instructions and control of a private applicator who is available if and when needed;

“Registrant” means a person who, or municipality which files a registration pursuant to Section 4 of this general permit.

“Registration” means a registration form filed with the commissioner pursuant to Section 4 of this general permit.

“Site” means geographically contiguous land or water on which an authorized activity takes place or on which an activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person or municipality and connected by a right-of-way which such person or municipality controls and to which the public does not have access shall be deemed the same site.

“Toxic or adverse effects” includes effects on persons or non-target plants, fish or wildlife that are unusual or unexpected or inconsistent with pesticide labeling as a result of exposure to a pesticide residue, including distressed or dead juvenile and small fishes, fish swimming abnormally or erratically, fish lying lethargically and unresponsive to disturbance, stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants, or other dead or visibly distressed non-target aquatic or terrestrial organisms. In humans and domestic animals, this includes any adverse effect such as skin rashes, irritation to eyes or mucous membranes, lethargy, or vomiting.

“Treatment area” means the entire area, whether over land or water, where the pesticide application is intended to provide pesticidal benefits, including the immediate application area plus all contiguous waters targeted for treatment.

“Water company” means water company as defined by section 25-32a of the General Statutes.

“Watercourse” means watercourse as defined in section 22a-38 of the General Statutes.

Section 3. Authorization Under This General Permit

(a) Eligible Activities

Provided the requirements of Section 3(b) of this general permit are satisfied, this general permit authorizes discharges resulting from the following activities:

- (1) Application of a pesticide or chemical to state waters authorized in accordance with section 22a-66z of the General Statutes.
- (2) Application of pesticides by aircraft authorized in accordance with section 22a-54(e) of the General Statutes.
- (3) Application of pesticides by any method to control flying insect pests that develop or are present near or above water during a portion of their life cycle to address a public health or nuisance condition.
- (4) Application of biopesticides for the control of aquatic pests not otherwise required to be authorized under section 22a-66z of the General Statutes.
- (5) Application of pesticides to state waters by water companies not required to be permitted under section 22a-66z of the General Statutes.

- (6) Application of a pesticide for the control of invasive or nuisance weeds or animals at or near the shoreline of perennial or seasonal watercourses, within stormwater conveyances, or other areas that should be expected to result in the incidental deposition of the pesticide to state waters.
- (7) Application of pesticides to state waters by or under the direction of any state or federal agency.
- (8) **Exceptions and Exclusions**
 - (A) Any discharge of water, substance or material into the waters of the state other than the ones specified in this section is not authorized by this general permit, and any person who or municipality which initiates, creates, originates or maintains such a discharge must apply for and obtain authorization under section 22a-430 of the General Statutes prior to the occurrence of such discharge.
 - (B) Activities exempt from NPDES permitting requirements, including non-point source runoff of pesticides from cropland(s) and other terrestrial applications not specifically identified as requiring coverage under this general permit, are not subject to this general permit.

(b) Requirements for Authorization

All activities eligible to be authorized under this general permit must be conducted in accordance with the following requirements, if applicable

(1) Registration

If required under Section 4 of this general permit, a completed registration with respect to such activity has been filed with the commissioner and, if necessary, the commissioner has issued an approval of registration with respect to such activity.

(2) Applications to Public Water Supply Reservoirs

Applications of pesticides by water company(s) to Public Water Supply Reservoirs meet the requirements of section 19-13-B80 of the Regulations of Connecticut State Agencies.

(3) Pesticide applications are conducted in accordance the pesticide's registration and labeling.

(4) Coastal Area Management

Such activity is consistent with all applicable goals and policies in section 22a-92 of the General Statutes, and will not cause adverse impacts to coastal resources as defined in section 22a-93 of the General Statutes.

(5) Endangered and Threatened Species

Such activity does not threaten the continued existence of any species listed pursuant to section 26-306 of the General Statutes as endangered or threatened and will not result in the destruction or adverse modification of habitat designated as

essential to such species

(6) **Aquifer Protection**

Such activity, if it is located within an Aquifer Protection Area as mapped under section 22a-354b of the General Statutes complies with regulations adopted pursuant to section 22a-354i of the General Statutes.

(7) **Conservation and Preservation Restrictions**

If such activities are located on, or may affect property subject to a conservation or preservation restriction, pursuant to section 47-42d of the Connecticut General Statutes, proof of written notice to the holder of such restriction of the proposed activity's registration pursuant to this general permit or a letter from the holder of such restriction verifying that the proposed activity is in compliance with the terms of the restriction has been provided to the commissioner.

(8) **Flood Management**

Such activities are consistent with all applicable standards and criteria established in sections 25-68d(b) of the General Statutes and sections 25-68h-1 through 25-68h-3, inclusive, of the Regulations of Connecticut State Agencies.

(9) If registration is required under Section 4 of this general permit, the pesticide application is conducted in accordance with a written Pesticide Discharge Management Plan that, at a minimum, meets the requirements detailed in Appendix A of this general permit.

(10) The application of pesticide(s) is not being conducted to control aquatic pests in any waterbody designated as an Outstanding National Resource Water in accordance with the Connecticut Water Quality Standards, effective February 25, 2011.

(11) The application of pesticide(s) is not directed to any waterbody that has been listed as impaired in accordance with section 303(d) of the Clean Water Act for such pesticide(s).

(c) Geographic Area

This general permit applies throughout the State of Connecticut.

(d) Effective Date and Expiration Date of this General Permit

This general permit is effective on the date it is issued by the commissioner and expires 5 years from such date of issuance.

(e) Effective Date of Authorization

An activity is considered authorized under this general permit as follows:

- (1) On the effective date of an individual aquatic pesticide permit issued under section 22a- 66z of the General Statutes or an aerial spraying permit issued under section 22a-54(e) of the General Statutes, provided the applicant has submitted

notice of the actual date of the pesticide application to the local wetlands agency prior to the pesticide application as required by Section 5(h) of this general permit unless such pesticide application is being conducted in response to a declared pest emergency situation;

- (2) On the date the permittee satisfies the applicable registration requirements of Sections 4(a), 4(b), 4(c) of this general permit, provided any permit required under section 22a-66z or section 22a-54(e) of the General Statutes is also issued and provided notice of the actual date of the application is submitted to the local wetlands agency prior to the pesticide application as required by Section 5(h) of this general permit, unless such pesticide application is being conducted in response to a declared pest emergency situation; or
- (3) On the date this general permit is issued if an eligible activity does not require a separate permit under section 22a-66z or section 22a-54(e) of the General Statutes or is not required to be registered under Section 4 of this general permit.

(f) Transition to and from an Individual Permit

No person shall operate or conduct an activity authorized by both an individual permit and this general permit. The requirements for transitioning authorization are as follows:

- (1) Transition from an Individual Permit to Authorization under this General Permit.

If an activity meets the requirements of authorization of this general permit and such operation or activity is presently authorized by an individual permit, the entity to whom any such individual permit has been issued (“the permittee”) may surrender the right to operate or conduct any activity under such individual permit. The permittee shall acknowledge its intention to surrender its permit in writing on a form prescribed by the commissioner. However, any such surrender shall not take effect, and such permittee’s individual permit shall continue to apply, until the date that the commissioner issues an authorization for such operation or activity under this general permit.

- (2) Transition from Authorization under this General Permit to an Individual Permit.

If the commissioner approves a request for authorization under this general permit and subsequently issues an individual permit for the same activity, then on the date any such individual permit is issued by the commissioner, the authorization issued under this general permit shall automatically expire.

Section 4. Registration Requirements

(a) Who Must File a Registration

Any person or municipality conducting an activity regulated under this general permit shall register and obtain an approval of registration if:

- (1) The application is conducted by a person other than a state agency or federal agency whose use of pesticides is related to their primary function involving the use of pesticides as a land management tool and:
 - (A) The total area to be treated in any one waterbody exceeds 80 acres in any calendar year;
 - (B) The activity is a wide area application for the control of pests to an area exceeding 6,400 acres in any calendar year; or
 - (C) An area of shoreline exceeding 20 miles measured linearly is to be treated with a pesticide for the control of aquatic or terrestrial pests in any calendar year; or
- (2) All applications to control flying insect pests near or above water must receive an approval of registration except:
 - (A) If the application is consistent with product labelling and is being conducted by or under the supervision of an individual holding a Supervisory Certification in the Mosquito and Biting Flies Category;
 - (B) If the application is being conducted by or in coordination with the Connecticut Mosquito Management Program;
 - (C) If the application is being conducted to address a Declared Pest Emergency; or
 - (D) If the application is authorized in accordance with section 22a-66z of the General Statutes.
- (3) The application is being conducted by a state or federal agency whose use of pesticides is part of their primary responsibility relating to the control of pest species, regardless of the total area to be treated.

(b) Contents of Registration

- (1) Fees
 - (A) For any person or registrant required to register and be issued an approval per Section 4(a) of this general permit, the registration fee of \$200.00 shall be submitted with a registration form, provided that the registration fee for a municipality shall be \$100.00. A registration shall not be deemed complete and no activity shall be authorized by this general permit unless the registration fee has been paid in full.
 - (B) If the person or municipality seeking authorization under this general permit has been issued a permit for the "Use of Pesticides in State Waters", issued in accordance with section 22a-66z of the General Statutes, or a permit for "Pesticide and/or Fertilizer Application by Aircraft", issued in accordance with section 22a-54(e) of the General Statutes, no registration fee is required.
 - (C) The registration fee shall be paid by check or money order made payable to the **Department of Energy and Environmental Protection**.

- (D) The registration fee is non-refundable.
- (2) Approval of Registration Form
- (A) Any person or municipality who is required to register per Section 4(a) of this general permit, shall submit the form(s) prescribed and provided by the commissioner, which shall require information, including, but not limited to, the items in (i) through (xii) of this subdivision.
- (B) If the pesticide application is subject to the permitting requirements of either section 22a-66z or 22a-54(e) of the General Statutes, an Approval of Registration form shall be submitted together with the permit application(s) required for such permits.
- (C) A registration shall include the following and any additional information required by the established Approval of Registration form:
- (i) Legal name, address, and telephone number of the registrant. If the registrant is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State.
 - (ii) Legal name, address, and telephone number of the primary contact for departmental correspondence or inquiries, if different from registrant.
 - (iii) Legal name, address, and telephone number of the registrant's attorney or other representative involved with this activity, if applicable.
 - (iv) Legal name, address, and telephone number(s) of all owner(s) of the site(s) to be treated.
 - (v) Legal name, address and telephone number of the person, municipality or company applying the pesticide(s), including primary contact person, and if applicable Certification Number issued by the Pesticides Division of DEEP.
 - (vi) Name of the waterbody to be treated. If applicable, the address of the waterbody, and if known the GIS/ID No. or GPS coordinates. If multiple waterbodies, all of which are managed under the authority of a single water company are to be treated, and all such waterbodies are in the watershed of one of the waterbodies to be treated, the water company may submit a single registration for all applications within that watershed.
 - (vii) An 8 1/2" by 11" copy of the relevant portion or a full-sized original of a United States Geological Survey (USGS) quadrangle map, with a scale of 1:24,000, showing the exact location of, and if appropriate the specific treatment area of the waterbody to be treated, or if aerial

spraying, the extent of the area to be sprayed. Identify the quadrangle name and number on such copy.

- (viii) The registrant shall submit a certification that they have developed and will implement the elements of a Pesticide Discharge Management Plan (PDMP) that is consistent with the PDMP Minimum Requirements specified in Appendix A of this general permit.
- (ix) The certified PDMP shall include provision(s) to insure that pesticide applications are conducted as a component of an Integrated Pest Management (IPM) Plan that meets the minimum requirements of Section III of Appendix A of this general permit.
- (x) A list of prior applications of pesticides to the waterbody that have been conducted during the previous three years.
- (xi) The following certification signed by the registrant and the person, municipal, or company representative conducting the pesticide application:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I also certify that the pesticide application is being conducted in accordance with a Pesticide Discharge Management Plan, and is being conducted in accordance with the principles of Integrated Pest Management. I understand that a false statement in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute. I certify that this application is on complete and accurate forms as prescribed by the commissioner without alteration of the text. I also certify that I have sent one copy of this completed application to the appropriate local inland wetland agency.
- (xii) Any information required by the commissioner to determine that the proposed pesticide application is conducted in accordance with state and federal law.

(c) *Scope of Registration*

Any person or municipality shall register each activity for which the registrant/permittee seeks authorization during any calendar year under this general permit on a separate Approval of Registration form. The State of Connecticut’s Wetland Habitat and Mosquito Management Program may submit a single Approval of Registration form requesting approval of registration for statewide activities.

(d) *Where to File a Registration*

A registration shall be filed with the commissioner at the following address:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET, HARTFORD, CT 06106-5127

(e) Additional Information

The commissioner may require a registrant to submit additional information, which the commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

(f) Action by Commissioner

- (1) The commissioner may reject without prejudice a registration if it is determined that it does not satisfy the requirements of Section 4(b) of this general permit or more than thirty (30) days have elapsed since the commissioner requested that the registrant submit additional information or the required fee and the registrant has not submitted such information or fee. Any registration re-filed after such a rejection shall be accompanied by the fee specified in Section 4(b)(1) of this general permit.
- (2) The commissioner may disapprove a registration if it is found that the subject activity is inconsistent with the requirements for authorization under Section 3 of this general permit, or for any other reason provided by law.
- (3) Disapproval of a registration under this subsection shall constitute notice to the registrant that the subject activity may not lawfully be conducted or maintained without the issuance of an individual discharge permit.
- (4) The commissioner may approve a registration with reasonable conditions. If the commissioner approves a registration with conditions, the permittee shall be bound by such conditions as if they were a part of this general permit.
- (5) Rejection, disapproval, or approval of a registration shall be in writing.

Section 5. Specific Conditions of This General Permit

The permittee shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit.

- (a) The permittee shall use the appropriate amount of pesticide per application and optimum frequency of application to insure both control of the target pest(s) and to minimize the probability that pest(s) will develop resistance to the pesticide or chemically similar pesticide(s).
- (b) All equipment used to measure, apply, and monitor the application of pesticides shall be calibrated and maintained in accordance with the manufacturer's specifications and industry practice to insure that application rates are controlled, spillage minimized and unintended discharges prevented.

- (c) The permittee shall visually inspect the area at and around the area where pesticides are applied. Any adverse incident, including the exposure of any person not in the employ of the person or municipality applying the pesticide or the unanticipated death or stress of non-target species, shall be reported not later than two (2) hours after the permittee becomes aware of the incident, by phone to the Pesticide Program and to the Water Permitting and Enforcement Division of the Department of Energy and Environmental Protection at (860) 424-3369 and (860) 424-3018, respectively. If the adverse incident occurs outside of normal working hours, this notification shall be reported to The Department of Energy and Environmental Protection, Emergency Response Unit, at 860-424-3338 or toll free 1-866- 337-7745. Not later than five (5) days after such telephone notification, a written report of such incident shall be submitted to both:

Pesticide Program and
Water Permitting and Enforcement Division
Department of Energy and Environmental Protection:
79 Elm Street, Hartford, CT 06106

- (d) Pesticide applications shall be conducted as a component of an Integrated Pest Management Plan that meets the minimum requirements in Part III of Appendix A of this general permit.
- (e) If requested by the commissioner the permittee shall provide for the commissioner's review a pesticide discharge management plan and an integrated pesticide management plan as described in Sections 4(b)(2)(C)(viii and ix) of this general permit. Submittals shall be directed to both:

Pesticide Program and
Water Permitting and Enforcement Division
Department of Energy and Environmental Protection:
79 Elm Street, Hartford, CT 06106.

Such plans shall be available to Department staff upon request.

- (f) Applications of pesticides needed to maintain public infrastructure shall be conducted by a person with a valid commercial supervisory certificate or commercial operator's certificate and be under the direction of a supervisor with a valid commercial supervisory certificate.
- (g) On an annual basis, prior to December 31st of each year, water companies that have conducted any application of pesticide(s) to waterbodies used for water supply, or waterbodies tributary to waterbodies used for water supply shall submit a report detailing the application(s) of pesticides conducted during the previous 12 months. The report shall at a minimum include; waterbody name, waterbody size (in acres), pesticide used, date(s) applied, area treated (in acres), approximate depth of water column treated, approximate volume of water treated, and amount of pesticide used (in pounds active ingredient). The report shall be submitted to both DEEP and the Connecticut Department of Public Health at the following addresses:

Pesticide Program

Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106

Source Water Protection Unit
Drinking Water Section
Department of Public Health
410 Capitol Avenue MS #51WAT
PO Box 340308, Hartford, CT 06134 or
DPH.SourceProtection@ct.gov

- (h) For applications that require an aquatic pesticide permit under section 22a-66z or section 22a-54(e) of the General Statutes or an approval of registration under Section 4 of this general permit, or both, written notice shall be provided to the local wetlands agency for the municipality(ies) where the actual pesticide application will occur at least forty eight hours prior to the actual application, unless such pesticide application is being conducted in response to a declared pest emergency situation. Such notification shall be made electronically via e-mail or facsimile to a point of contact designated by the local wetland agency. Evidence of this notice shall be provided to the commissioner upon request.

Section 6. General Conditions

(a) Reliance on Registration

When evaluating a registration, the commissioner relies on information provided by the permittee. If such information proves to be false or incomplete, the authorization issued under this general permit may be suspended or revoked in accordance with law, and the commissioner may take any other legal action provided by law.

(b) Duty to Correct and Report Violations

Upon learning of a violation of a condition of this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing such violation and such corrective action to the commissioner not later than five (5) days after the permittee becomes aware of such violation. Such report shall be certified in accordance with Section 6(d) of this general permit.

(c) Duty to Provide Information

If the commissioner requests any information pertinent to the authorized activity or to determine compliance with this general permit, or with the permittee's approval of registration, the permittee shall provide such information in writing not later than thirty (30) days after such request. Such information shall be certified in accordance with Section 6(d) of this general permit.

(d) Certification of Documents

Any document, including but not limited to any notice, which is submitted to the commissioner under this general permit shall be signed by, as applicable, the registrant or the permittee in accordance with section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for

actually preparing such document, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

(e) *Date of Filing*

For purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner. The word “day” as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

(f) *False Statements*

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

(g) *Correction of Inaccuracies*

Not later than fifteen (15) days after the date a permittee becomes aware of a change in any of the information submitted pursuant to this general permit, becomes aware that any such information is inaccurate or misleading, or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be certified in accordance with Section 6(d) of this general permit. The provisions of this subsection shall apply both while a request for approval of registration is pending and after the commissioner has approved such request.

(h) *Transfer of Authorization*

Any authorization under this general permit is non-transferable.

(i) *Other Applicable Law*

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(j) *Other Rights*

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any

federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

(k) *Electronic Filing*

All submittals required to be made to the department by this general permit may, at the direction of the commissioner under the authority of this general permit be submitted in an electronic format that is suitable to the department for storage of electronic records in compliance with state and federal laws. These electronic submittals shall be in addition to any paper filing required unless the department notifies a permittee that an electronic copy of the record is sufficient.

Section 7. Commissioner's Powers

(a) *Abatement of Violations*

The commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

(b) *General Permit Revocation, Suspension, or Modification*

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

(c) *Filing of an Individual Discharge Permit Application*

If the commissioner notifies a permittee in writing that such permittee must obtain an individual discharge permit to continue lawfully conducting the activity authorized by this general permit, the permittee may continue conducting such activity only if the permittee files an application for an individual discharge permit within sixty (60) days of receiving the commissioner's notice. While such application is pending before the commissioner, the permittee shall comply with the terms and conditions of this general permit and the subject approval of registration. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued Date: _____

Deputy Commissioner

Appendix A: Pesticide Discharge Management Plan (PDMP) Minimum Requirements

If a Pesticide Discharge Management Plan is required per Section 4(b)(2)(C)(viii) of this general permit, at a minimum, the PDMP shall be in writing or maintained in electronic form, and shall include the information specified below. In addition, the PDMP shall be updated to include actual dates of pesticide applications, and the total amounts and rates of pesticides applied.

These are the minimum requirements and site specific plans may need to be more elaborate depending on the nature of the waterbody, application type and timing.

I. Applicator Information:

- A. Name and address of Applicator
- B. Applicator's mailing address
- C. Applicator telephone number
- D. Applicator's email address
- E. Name and Title of Authorized Person signing the PDMP
- F. Emergency contact information
- G. Name of Pesticide Business/Agency performing application
- H. Address, city, state, and zip code
- I. Name of certified Applicator(s) performing the application
- J. Certified Applicator Identification number
- K. Certified Applicator telephone
- L. If applicable, the names and addresses of any other person(s) involved with the application of pesticides.

II. Pest Management Area Description:

For each Pest Management Area, the following information shall be included

- A. Target Pest(s)
- B. Waterbody Type
- C. Waterbody name (where known)
- D. County
- E. Town
- F. USGS Quad* indicating the location of the waterbody to be treated and area to be treated
- G. Total waterbody size (acres or linear miles)
- H. Location and total size of treatment area(s)

* If the scale of the USGS Quad is not adequate to accurately depict the area(s) to be treated, then the permittee shall develop a map of appropriate scale to identify the treatment area(s).

III. Integrated Pest Management And Control Measures To Minimize Discharges

Permittees required to submit a Notice of Intent shall also prepare an Integrated Pest Management Plan (IPM) that includes at a minimum the following elements:

- A. Identification of the problem or impacts that the pest is causing.
- B. Identification of the level of pest population that can be tolerated before a pesticide application is warranted.
- C. A description of alternative methods for pest control, including an evaluation of alternative pest control measures that have been attempted, implemented, or rejected. These may include one or more of the following:
 - 1. Resource management efforts such as water level drawdown, nutrient management, septic system improvements and stormwater management that have been evaluated and/or implemented by the permittee or any other entity (such as the state, water utility, agricultural extension, or water management association).
 - 2. Biological controls, such as grass carp, milfoil beetles, etc. that have been attempted to control the target pest.
 - 3. Any other conventional or unconventional effort undertaken to control the target pest without the use of pesticides.
- D. A description of pest prevention measures that may be employed to minimize the effects of future pest problems and reduce the need to apply pesticides.
- E. Other practices determined by the permittee to be appropriate after review of the "Guidance for Preparing and Implementing Integrated Pest Management Plans", published in 2004 by the U.S. Department of Interior, U.S. Fish and Wildlife Service, or subsequent revisions to this guidance. The current version is available at: <http://www.fws.gov/contaminants/Documents/GuidanceIPMPlan.pdf>.

IV. Control Measures - Pesticide/Treatment Information

For each application of a pesticide, the following shall be included:

- A. The Product name, with a copy of the product label(s),
- B. The date of pesticide application,
- C. The total amount of each pesticide applied, and
- D. The rate/dose of pesticide(s) applied.

V. Schedules, Monitoring And Equipment Maintenance

- A. For each piece of equipment used, list dates of routine maintenance, servicing and calibration. Include procedures followed for each step.
- B. Describe the schedule and procedures followed to assess the treatment area for adverse incidents as well as efficacy of the pesticide application.

VI. Certification

- A. The person who prepared the PDMP shall sign the following certification:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I also certify that the pesticide application is being conducted in accordance with a Pesticide Discharge Management Plan, and is being conducted in accordance with the principles of Integrated Pest Management. I understand that a false statement in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute. I certify that this application is on complete and accurate forms as prescribed by the commissioner without alteration of the text. I also certify that I have sent one copy of this completed application to the appropriate local inland wetland agency.”

General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides

Fact Sheet

Introduction—The *General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides* (PGP) is a renewal of an existing general permit that was originally issued in response to the January 7, 2009 decision by the United States Court of Appeals for the Sixth District in the case of *The National Cotton Council of America, et. al v. United States Environmental Protection Agency*. This court decision vacated the existing USEPA pesticide rule and determined that biological and chemical pesticide residues are pollutants as defined by the Federal Clean Water Act, and that pesticide applications that result in the deposition of such residues in waters are subject to the permitting requirements of the National Pollutant Discharge Elimination System (NPDES).

The PGP was developed in coordination with CTDEEP's Pesticide Program and relies heavily on this Program's existing permitting program administered under section 22a-6z of the General Statutes. The majority of activities subject to the PGP will continue to primarily be managed under the state Pesticide Program.

Pesticide applications that are required to submit a Notice of Intent have an additional set of requirements. In addition to the permitting requirement under the DEEP's Pesticide Program, they will be required to be issued an Approval under the PGP. This approval will require that the pesticide applicator certify that they have developed and will follow a Pesticide Discharge Management Plan that is consistent with the minimum requirements specified in the PGP. A significant component of this plan is a requirement to incorporate the principles of Integrated Pest Management (IPM) into the decision making process.

Specific registration under the PGP will be required under the following conditions:

- (a) The total area being treated in any single waterbody exceeds 80 acres in any calendar year,
- (b) Wide area applications of pesticides, such as aerial spraying for mosquitoes or control of forest pests exceeds 6,400 acres in any calendar year,
- (c) An area of shoreline exceeding 20 linear miles is to be treated in any calendar year, or
- (d) The application of pesticides is being conducted by or is the responsibility of any state or federal agency.

- (e) The application is to control adult flying pests (mosquitos and flies) that are not otherwise approved or conducted in accordance with other appropriate laws.

In addition, the reporting that Water Companies are required to submit has been revised slightly to better confirm that the appropriate concentration of pesticides (primarily copper sulfate) are applied; such applications are not required to be permitted under section 22a-6z of the General Statutes in water supplies that are not subject to the permitting requirements.



Notice of Tentative Decision
Intent to Re-issue the General Permit for Point Source Discharges to
Waters of the State from the Application of Pesticides

TENTATIVE DECISION

The Commissioner of the Department of Energy and Environmental Protection ("DEEP") hereby gives notice that a tentative decision has been reached to re-issue the General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides.

COMMISSIONER'S FINDINGS/REGULATORY CONDITIONS

In accordance with applicable federal and state law, the Commissioner has made a tentative decision that issuance of this general permit would not cause pollution of the waters of the state. The proposed general permit, if issued, will require registration for specific categories of pesticide application, monitoring of impacts, reporting of pesticide use in public water supplies and best management practices.

PROPOSED GENERAL PERMIT

The General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides is being issued to allow pesticide applicators to comply with the January 7, 2009 decision by the United States Court of Appeals for the Sixth District in the case of *The National Cotton Council of America, et. al v. United States Environmental Protection Agency*. This General Permit will work in concert with Connecticut's existing pesticide permitting program to comply with federal law and protect the waters of the state from pollution.

Please refer to the Fact Sheet associated with this notice for more detailed information on the issuance of the general permit.

COMMISSIONER'S AUTHORITY

The Commissioner is authorized to issue this general permit and approve or deny any registration under this general permit pursuant to sections 22a-430 and 22a-430b of the Connecticut General Statutes and the Water Discharge Permit Regulations (section 22a-430-3 and 4 of the Regulations of Connecticut State Agencies).

INFORMATION REQUESTS/PUBLIC COMMENT

Interested persons may obtain a copy of this public notice, the proposed general permit and the general permit fact sheet on the DEEP website at <http://www.ct.gov/deep/publicnotices>. The proposed general permit is also available for

inspection at the DEEP Water Permitting and Enforcement Division (WPED), 2nd floor, 79 Elm Street, Hartford, CT from 8:30 – 4:30, Monday through Friday. Questions may be directed to Donald Gonyea at 860-424-3827 or donald.gonyea@ct.gov.

Before making a final decision on this proposed general permit, the Commissioner shall consider written comments from interested persons that are received within 30 days from the publication date of this notice. Written comments should be directed to Donald Gonyea, WPED, DEEP, 79 Elm Street, Hartford, CT 06106-5127 or may be submitted via electronic mail to donald.gonyea@ct.gov.

PETITIONS FOR PUBLIC HEARING

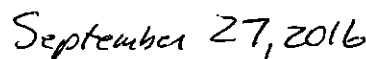
The Commissioner may conduct a public hearing if the Commissioner determines that the public interest will be best served thereby, or shall hold a hearing upon receipt of a petition signed by at least twenty-five persons. Petitions should include the name of the general permit noted above and also identify a contact person to receive notifications. Petitions may also identify a person who is authorized to engage in discussions regarding the proposed general permit and, if resolution is reached, withdraw the petition. Original signed petitions may be scanned and sent electronically to deep.adjudications@ct.gov or may be mailed or delivered to: DEEP Office of Adjudications, 79 Elm Street, 3rd floor, Hartford, CT 06106-5127. All petitions must be received within the comment period noted above. If submitted electronically, original signed petitions must also be mailed or delivered to the address above within ten days of electronic submittal. If a hearing is held, timely notice of such hearing will be published in a newspaper of general circulation.

EXTENSION OF CURRENT GENERAL PERMITS

The *General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides* will expire on May 8, 2017. By publishing this Notice at least 180 days prior to the expiration date of the current general permit, Section 22a-6aa of the Connecticut General Statutes authorizes the current general permit to continue in effect until May 8, 2018 or until the Commissioner makes a final decision on the renewal of the general permit, whichever is earlier. If no final decision is made by May 8, 2018, the general permit shall expire.



Michael Sullivan
Deputy Commissioner



Date signed

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action and Equal Opportunity Employer that is committed to complying with the Americans with Disabilities Act. To request an accommodation contact us at 860-418-5910 or deep.accommodations@ct.gov.