



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

June 26, 2024

Deep.Adjudications@ct.gov

Office of Adjudications

Department of Energy and Environmental Protection (DEEP)

79 Elm Street Hartford, Connecticut 06106

Re: General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides (General Permit)

The Council on Environmental Quality (Council) provides the following comments regarding DEEP's proposed General Permit.

Section 4.1 of the draft General Permit states "entities that conduct the following activities are not required to file a registration form or fee, but must comply with all other applicable conditions of this general permit:"

"4.1.1.4 Any person or municipality that exceeds the following annual treatment area threshold:

4.1.1.4.1 The total area to be treated in any one waterbody exceeds 80 acres in any calendar year;

4.1.1.4.2 The activity is a wide area application for the control of pests to an area exceeding 6,400 acres in any calendar year; or

4.1.1.4.3 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."

The text above (Section 4.1.1.4) might be confusing as it suggests that any person or municipality that does not exceed the annual treatment area threshold need not file a registration form and need not comply with all other applicable conditions of the General Permit. The Council recommends that DEEP clarify if "any person or municipality" that does not exceed the annual treatment area threshold would be subject to the draft General Permit and or regulated by the Pesticide Management Program.

The Council questions if the threshold values noted above (4.1.1.4.1 – 4.1.1.4.3) of the draft General Permit are appropriate for the size/area of the state. The Council acknowledges that the thresholds are cumulative for each site, were derived from the Environmental Protection Agency's (EPA) General Permit, and that the numeric thresholds were determined by the EPA to "appropriately capture the relatively large decision-makers engaged in the applicable pesticide use patterns applications". However, the threshold values, which may be appropriate for larger states with long shorelines, might exclude entities that conduct certain applications in Connecticut, identified in Section 4.1.2, from submitting and potentially receiving an approval of the registration by DEEP, which could adversely impact the waters of the state. The Council recommends that DEEP assess if the threshold values are appropriate for the applicable pesticide use patterns applications in Connecticut and refine as necessary.

Keith Ainsworth
Acting Chair

Christopher Donnelly

David Kalafa

S. Derek Phelps

Denise Rodosevich

Charles Vidich

William Warzecha

Paul Aresta
Executive Director

Section 3.1 of the draft General Permit identifies activities eligible to be authorized under the draft General Permit with provisions for applications to public water supply reservoirs (Section 3.3.2) and aquifer protection areas (APA) (Section 3.3.5). The Council strongly encourages DEEP to include provisions in Section 3.1 for the protection of water resources designated as suitable as a drinking water supply (surface water Class AA and groundwater GAA/GA) that are not within a public water supply reservoir, APA, or water company land.

Thank you for your consideration of the Council's comments.

Sincerely,

A handwritten signature in black ink that reads "Paul Aresta". The signature is written in a cursive style with a long, sweeping underline.

Paul Aresta,
Executive Director