



National Pollutant Discharge Elimination System
General Permit for Point Source Discharges to Waters of the State from the Application of
Pesticides
Permit No. CTPGP0000
Response to Comments
October 2024

The Commissioner of the Connecticut Department of Energy and Environmental Protection (“the Commissioner”, “Department”, “DEEP”) placed the above referenced permit on public notice for comment from April 19, 2024, through May 19, 2024. A petition for a hearing was received on May 13, 2024. An informational public hearing was held on July 16th and additional comments were received verbally on the day and in writing until July 23rd. Those comments along with the comments from the original notice period are accounted below. The following is a summary of the comments in italics followed by the Commissioner’s response and recommendation.

1. 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.

Response: The language in Section 4.1 of the general permit was updated to clarify that entities that do not exceed the annual treatment area thresholds are not subject to this general permit.

Persons and municipalities that do not exceed the treatment area thresholds in Section 4.1.1.4. of the permit are not subject the general permit. However, these entities are subject to regulation by

the Pesticide Management Program under an Aquatic Pesticide Permit pursuant to Section 22a-66z of the Connecticut General Statutes (CGS).

2. Reading section 4.1.1 – It looks to say the entities listed below do not need to file a registration.....Then 4.1.2 seems to drag a number of them back in to needing to file.

Response: Section 4.1.1 and Section 4.1.2 have been updated to clarify the registration requirements for specific entities.

3. The Council questions if the threshold values noted above (4.1.1.1.4.1 – 4.1.1.1.4.3) 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.

Response: The Commissioner is relying on EPA’s analysis for the establishment of appropriate treatment area thresholds for this general permit.

EPA’s Office of Water, Office of Chemical Safety and Pollution Prevention (formerly the Office of Pesticides, Pollution, and Toxic Substances) and the ten EPA Regional Offices engaged in discussions with the United State Department of Agriculture, states as co-regulators, and representatives from industry including pesticide registrants, applicators, and land managers to determine the appropriate annual treatment area thresholds that would trigger permit coverage.

4. 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.

Response: The general permit requires applicators to control discharges as necessary to meet applicable water quality standards. The Commissioner expects that compliance with the terms and conditions of the general permit, pesticide label requirements, the aquatic pesticide permit, and requirements of certified applicators will result in discharges that meet water quality standards.

Class AA surface waters have more stringent water quality criteria that are protective of the waterbody's prospective uses. If the applicator or the Commissioner determines a discharge will cause or contribute to excursion of any water quality standard, the general permit requires the applicator to take corrective action to ensure that the situation is eliminated. Failure to take such corrective action is a violation of the general permit.

Additionally, if violations of applicable water quality standards occur, then coverage under this general permit may be revoked by the Commissioner. The general permit is not available for the discharge of a pesticide to waters impaired for that specific pesticide. The purpose of this exclusion is to control the addition of pollutants that are known to have impaired a waterbody.

5. If there are not already restrictions on pesticide use in very hot weather, when the chemicals might not work properly, there should be such restrictions.

Response: The restrictions on pesticide applications in specific weather conditions can be found on the pesticide label, when applicable. The general permit requires the applicant to follow the directions provided on the pesticide label.

6. During the public participation process, the Commissioner received four comments requesting that DEEP not reissue the general permit. The comments are as follows:

- i. Please do not renew this permit to discharge pesticide into state waters. The harm shown to aquatic life and any life indirectly associated with our waters is well documented. These waters belong to not just us residents, but more so to the flora and fauna and all other forms of life that rely on clean water. We need to stop right now letting the wants and needs, of so called progress, from polluting the ecosystems of our State.*
- ii. I am writing to you to ask that you NOT renew the permit to discharge pesticides into state waters.*
- iii. I am writing to you to ask that you NOT renew the permit to discharge pesticides into state waters.*
- iv. Sustainable Fairfield asks that you NOT renew the permit to discharge pesticides into state waters.*

Response: The federal Clean Water Act and Section 22a-430 of the Connecticut General Statutes and Section 22a-430 of the Regulations of Connecticut State Agencies require discharges to waters of the state be permitted. The general permit includes permit terms and conditions to protect waters of the state.

7. *Sounds like a terrible idea.*

Response: Comment noted.

8. *Ensure that neonic-treated and systemic insecticide-treated seeds are prohibited from approval in the general permit registration form for point source discharges to waters of the state from the application of pesticides; and Adopt the National List of Allowed and Prohibited Substances, in alignment with National Organic Standards (CFR 7 U.S.C. 6517) 4, as the primary criteria for integrated pest management plans and allow an expedited registration process for those applying for permits through said specified criteria.*

Response: The National Organic Standards are applicable to organically produced agricultural products. DEEP does not have authority to utilize these standards to regulate the quality of point source discharges to surface waters under the Clean Water Act. However, the Connecticut Agricultural Experiment Station developed best management practices for neonicotinoid treated seeds per PA16-17 and Connecticut General Statute Section 22-61k. These practices minimize the airborne spread of neonicotinoid dust from treated seeds.

9. *Please curtail the widespread use of pesticides. For 30 years we have made a scientific count of our butterflies. They are showing a dramatic decline in numbers that begin around the time that neonicotinoid pesticides began widespread use. This is documented in similar counts throughout the US.*

Response: Please see the response to Comment 8.

10. *Is every alternative considered before chemicals are deployed to deal with pests, especially plants?*

Response: Section 3 of the Pesticide Discharge Management Plan requires the permittee to utilize Integrated Pest Management. Integrated Pest Management is a term used to describe a systematic method of managing pests using non-chemical pest management methods and the judicious use of pesticides when pest populations exceed acceptable levels. When pesticide applications are necessary, priority is given to using the least toxic pesticide as first choice. The implementation of Integrated Pest Management is recommended as a commonsense approach to pest control in all environments from residential to municipal, commercial and campus settings for both interior and exterior applications.

11. *Is there an alternative to discharging pesticides into public waters?*

Response: There can be alternatives to using pesticides for management of pests in surface waters. However, there are some instances where pesticide applications are required to protect human health or drinking water infrastructure. The Pesticide Discharge Management Plan requires the applicant to review alternative control mechanisms when applicable using the principals of Integrated Pest Management.

12. Integrated Pest Management Plans should be available to the public.

Response: For entities that are required to submit a registration under this general permit, Pesticide Discharge Management Plans with Integrated Pest Management are required to be submitted with the registration application. These plans will be accessible to the public through the DEEP file room or by Freedom of Information Act (FOIA) requests.

All other entities subject to the general permit are required to develop and maintain a Pesticide Discharge Management Plan onsite.

13. Can the public see who receives these permits? What are the pesticides in use, where they are applied and what quantities?

Response: The public can request to see all applications under this general permit by contacting the Water Permitting and Enforcement Division at DEEP or through a FOIA request. The application will contain information on what pesticides are in use, where they are being applied, and in what quantities the pesticides are being applied.

14. Adverse Incident Reports should be available to the public.

Response: Adverse Incident Reports will be submitted to DEEP using the recently launched online Noncompliance Reporting platform. These reports will be accessible to the public through DEEP's file room or through FOIA requests.

15. Can a pesticide application license be revoked due to an adverse incident occurring?

Response: Section 22a-3a-2 through 22a-3a-6 of the Regulations of Connecticut State Agencies, carried forward in Section 7.0 of this general permit, provides the Commissioner of DEEP the authority to revoke a permittee's authorization.

16. What is a weed control district?

Response: EPA's 2021 Pesticide General Permit Fact Sheet describes a "control district" as a special district established for the purpose of pest control. EPA is aware of some weed control districts created across the country with the specific responsibility to control pests. Connecticut does not currently permit any "weed control districts". The general permit requires these types of entities, who perform pest management and control, as the primary function of their organization, to obtain permit coverage regardless of the size of the area treated.

17. Does this permit cover pesticide applications made on golf courses and other facilities next to state waters? Are golf courses required to report adverse incidents?

Response: This general permit covers applications of pesticides to surface water bodies in accordance with Section 4.1 of the permit. This includes applications to ditches and/or canals, 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.

If a golf course applies pesticides to a water feature or water body and exceeds the numeric treatment thresholds identified in Section 4.1 of the permit, the application would be subject to this general permit.

18. Is there any monitoring of the usage of the pesticides that are permitted?

Response: The applicant is required to document the amount of pesticides applied to a waterbody in their permit application and their Pesticide Discharge Management Plan.

19. Pesticide application monitoring documentation submitted to DEEP should include images, preferably video recording, but at least photos of the location before, during, and after pesticide application. Live streaming would be even better.

Response: The draft general permit requires the applicant to maintain visual monitoring documentation before, during, and after pesticide application. Section 5.3.3 of the proposed general permit has been expanded to require narrative and photo or video evidence.

20. What are the impacts of these pesticides on the water bodies and the environment?

Response: If the applicant follows the conditions in the general permit the discharge should not exceed water quality standards and the impact should be limited to the target pest.

21. Are the pesticides being permitted safe, for swimming or fishing? Are warnings being provided if not.

Response: The pesticide applications authorized by this permit are required to be conducted to in a manner that ensures compliance with the Connecticut Water Quality Standards at Section 22a-426 of the Regulations of Connecticut State Agencies. Compliance with the Water Quality Standards includes protections to maintain the designated uses of a water body, which may include existing or proposed drinking water supplies, habitat for aquatic life and wildlife, recreation, navigation, shellfish harvesting, and water supply for industry and agriculture.

Signage is required for all pesticide applications in accordance with Section 22a-66a of the Regulations of Connecticut State Agencies. Section 22a-66a(1)(e) of the Regulations of Connecticut State Agencies specifies that signage for pesticide applications to waterbodies included usage restrictions of the waterbody.

22. Is there any treatment proposed to clean up the water, if necessary.

Response: Treatment of the water in response to an application should not be necessary if the applicant follows pesticide labeling and complies with the permit terms and conditions. If a pesticide application results in noncompliance with the permit terms or conditions, DEEP may take an enforcement action and treatment may be an appropriate corrective action to the noncompliance event.

23. Is there any monitoring of before and after for soil health or water health? Do we know if any of these pesticides reach any of our water bodies drinking water, or ground water or the soil? And if it stays there or biodegrades? Do we know anything about the accumulative impacts of these permits?

Response: This general permit authorizes discharges to surface waterbodies, as such, there is no monitoring of soil health or groundwater. The permit does not require surface water sampling before and after pesticide applications but requires documentation of any sampling completed by the applicant under the Pesticide Discharge Management Plan.

This permit is applicable to discharges to surface waters of the state, including drinking water reservoirs, as such, the pesticides will be introduced into water bodies and drinking water reservoirs. Many times, the owner of the reservoir is the applicant of the general permit or contracts with a licensed applicator to treat the waterbody because the pesticide applications may be necessary to protect the source of the drinking water.

The accumulative impacts of pesticides are studied through EPA's Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This Program evaluates pesticide impacts on human health and the environment and establishes label requirements and pesticide application rates to prevent unreasonable impact to human health and the environment. All pesticides used under this permit are required to comply with the label and application rates approved through FIFRA.