

General Permit for the Use of Pesticides in State Waters

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Bureau of Materials Management and Compliance Assurance
Waste Engineering and Enforcement Division
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General Permit for the Use of Pesticides in State Waters

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[Appendix]

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Section 1. Authority

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

Section 2. Definitions

For the purposes of this general permit, the following apply:

“Adverse impacts on coastal resources” include but are not limited to: (A) Degrading water quality through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity; (B) degrading existing circulation patterns of coastal waters through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours; (C) degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction; (D) degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff; (E) increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones; (F) degrading visual quality through significant alteration of the natural features of vistas and view points; (G) degrading or destroying essential wildlife, finfish or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alteration of the natural components of the habitat; and (H) degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or function.

“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.

“Aquifer protection area” means any area consisting of well fields, areas of contribution and recharge areas, identified on maps approved by the Commissioner of Energy and Environmental Protection pursuant to sections 22a-354b to 22a-354d, inclusive, within which land uses or activities shall be required to comply with regulations adopted pursuant to section 22a-354o by the municipality where the aquifer protection area is located.

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

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

“Coastal Jurisdiction Line” means the location of the topographical elevation of the highest predicted tide for the period beginning in 1983 and ending in 2001, referenced to the most recent National Tidal Datum Epoch as published by the National Oceanic and Atmospheric Administration and described in terms of feet of elevation above the North American Vertical Datum of 1988 [CJLPrintableElevationspdf.pdf \(ct.gov\)](#).

“Coastal resources” means the coastal waters of the state, their natural resources, related marine and wildlife habitat and adjacent shorelands, both developed and undeveloped, that together form an integrated terrestrial and estuarine ecosystem; coastal resources include the following: (A) *“Coastal bluffs and escarpments”* means naturally eroding shorelands marked by dynamic escarpments or sea cliffs which have slope angles that constitute an intricate adjustment between erosion, substrate, drainage and degree of plant cover; (B) *“rocky shorefronts”* means shorefront composed of bedrock, boulders and cobbles that are highly erosion-resistant and are an insignificant source of sediments for other coastal landforms; (C) *“beaches and dunes”* means beach systems including barrier beach spits and tombolos, barrier beaches, pocket beaches, land contact beaches and related dunes and sandflats; (D) *“intertidal flats”* means very gently sloping or flat areas located between high and low tides composed of muddy, silty and fine sandy sediments and generally devoid of vegetation; (E) *“tidal wetlands”* means *“wetland”* as defined by section 22a-29; (F) *“freshwater wetlands and watercourses”* means *“wetlands”* and *“watercourses”* as defined by section 22a-38; (G) *“estuarine embayments”* means a protected coastal body of water with an open connection to the sea in which saline sea water is measurably diluted by fresh water including tidal rivers, bays, lagoons and coves; (H) *“coastal hazard areas”* means those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act, as amended (USC 42 Section 4101, P.L. 93-234) and all erosion hazard areas as determined by the commissioner; (I) *“developed shorefront”* means those harbor areas which have been highly engineered and developed resulting in the functional impairment or substantial alteration of their natural physiographic features or systems; (J) *“island”* means land surrounded on all sides by water; (K) *“nearshore waters”* means the area comprised of those waters and their substrates lying between mean high water and a depth approximated by the ten meter contour; (L) *“offshore waters”* means the area comprised of those waters and their substrates lying seaward of a depth approximated by the ten meter contour; (M) *“shorelands”* means those land areas within the coastal boundary exclusive of coastal hazard areas, which are not subject to dynamic coastal processes and which are comprised of typical upland features such as bedrock hills, till hills and drumlins; (N) *“shellfish concentration areas”* means actual, potential or historic areas in coastal waters, in which one or more species of shellfish aggregate; *“Commercial applicator”* means any individual, whether or not such individual is a private or governmental applicator with respect to some uses, who uses or supervises the use of (1) any restricted or permitted use pesticides, or (2) any pesticide on property not owned or rented by such individual or such individual's employer.

“Commissioner” means Commissioner of Energy and Environmental Protection

“Day” means calendar day

"Defoliant" means any chemical intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

"Department" or *"DEEP"* means the department of energy and environmental protection.

"Desiccant" means any chemical intended for artificially accelerating the drying of plant tissue.

"Individual permit" means a permit issued to a named permittee under section 22a-66z of the General Statutes.

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

"Permittee" means a person who or municipality which has filed a registration with the commissioner and has received a written receipt from the commissioner of such registration.

"Person" means person as defined by section 22a-2(b) of the General Statutes.

"Pesticide" means any chemical intended for preventing, destroying, repelling, or mitigating any pest, or chemical intended for use as a plant regulator, defoliant or desiccant.

"Plant regulator" means any chemical intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments which are not for pest destruction and are nontoxic, nonpoisonous in the undiluted packaged concentration.

"Private applicator" means a certified applicator who uses or supervises the use of any pesticide, which is classified for restricted or permitted use for the purpose of producing any agricultural commodity, on property owned or rented by the applicator or the 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.

"Registration Number" or *"Registration No."* means the number assigned to the registration at the time it is processed by the Central Permits Processing Unit at DEEP.

"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 and connected by a right-of-way which such person controls and to which the public does not have access shall be deemed the same site.

"State waters" means all tidal waters, harbors, estuaries, rivers, brooks, watercourses, waterways, wells, springs, lakes, ponds, marshes, drainage systems and all other surface or underground streams, bodies or accumulations of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof.

"Tidal Wetlands" means those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats, or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all, of the following: Salt meadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), black grass (*Juncus gerardi*), saltmarsh grass (*Spartina alterniflora*), saltworts (*Salicornia Europaea*, and *Salicornia bigelovii*), sea lavender (*Limonium carolinianum*), saltmarsh bulrushes (*Scirpus robustus* and *Scirpus paludosus* var. *atlanticus*), sand spurrey (*Spergularia marina*), switch grass (*Panicum virgatum*), tall cordgrass (*Spartina pectinata*), high-tide bush (*Iva frutescens* var. *oraria*), cattails (*Typha angustifolia*, and *Typha latifolia*), spike rush (*Eleocharis rostellata*), chairmaker's rush (*Scirpus americana*), bent grass (*Agrostis palustris*), and sweet grass (*Hierochloa odorata*), royal fern (*Osmunda regalis*), interrupted fern (*Osmunda claytoniana*), cinnamon fern (*Osmunda cinnamomea*), sensitive fern (*Onoclea sensibilis*), marsh fern (*Dryopteris thelypteris*), bur-reed family (*Sparganium eurycarpum*, *Sparganium androcladum*, *Sparganium americanum*, *Sparganium chlorocarpum*, *Sparganium angustifolium*, *Sparganium fluctuans*, *Sparganium minimum*), horned pondweed (*Zannichellia palustris*), water-plantain (*Alisma triviale*), arrowhead (*Sagittaria subulata*, *Sagittaria graminea*, *Sagittaria eatoni*, *Sagittaria engelmanniana*), wild rice (*Zizania aquatica*), tuckahoe (*Peltandra virginica*), water-arum (*Calla palustris*), skunk cabbage (*Symplocarpus foetidus*), sweet flag (*Acorus calamus*), pickerelweed (*Pontederia cordata*), water stargrass (*Heteranthera dubia*), soft rush (*Juncus effusus*), false hellebore (*Veratrum viride*), slender blue flag (*Iris prismatica* pursh), blue flag (*Iris versicolor*), yellow iris (*Iris pseudacorus*), lizard's tail (*Saururus cernuus*), speckled alder (*Alnus rugosa*), common alder (*Alnus serrulata*), arrow-leaved tearthumb (*Polygonum sagittatum*), halberd-leaved tearthumb (*Polygonum arifolium*), spatter-dock (*Nuphar variegatum* *nuphar advena*), marsh marigold (*Caltha palustris*), swamp rose (*Rosa palustris*), poison ivy (*Rhus radicans*), poison sumac (*Rhus vernix*), red maple (*Acer rubrum*), jewelweed (*Impatiens capensis*), marshmallow (*Hibiscus palustris*), loosestrife (*Lythrum alatum*, *Lythrum salicaria*), red osier (*Cornus stolonifera*), red willow (*Cornus amomum*), silky dogwood (*Cornus obliqua*), sweet pepper-bush (*Clethra alnifolia*), swamp honeysuckle (*Rhododendron viscosum*), high-bush blueberry (*Vaccinium corymbosum*), cranberry (*Vaccinium macrocarpon*), sea lavender (*Limonium nashii*), climbing hemp-weed (*Mikania scandens*), joe pye weed (*Eupatorium purpureum*), joe pye weed (*Eupatorium maculatum*), thoroughwort (*Eupatorium perfoliatum*).

Section 3. Authorization Under This General Permit

(a) *Eligible Activities*

Registration under this general permit constitutes issuance of a permit pursuant to section 22a-66z of the General Statutes. Provided the requirements of section 3(b) of this general permit subsection (c) of this section are satisfied, this general permit authorizes discharges resulting from the treatment of private or public state waters with approved pesticides in order to control aquatic vegetation, fish populations and other aquatic organisms, provided:

- (1) An individual permit pursuant to General Statutes section 22a-66z was issued by the commissioner on or after January 1, 2014 for the specific water body to be treated;
- (2) The water body to be treated is not subject to the ebb and flow of tides, unless only a documented monoculture of *Phragmites australis* will be treated;
- (3) The water body to be treated is not within an area, as identified by the Department's Natural Diversity Data Base (NDDDB) program, that includes endangered, threatened or special concern species, unless the Department's NDDDB program has issued a letter indicating that there is no conflict between the appropriate use of the proposed pesticide and the endangered, threatened or special concern species;
- (4) The water body to be treated is not located in a public water supply watershed;
- (5) There are no public water supply wells 200 ft. or less from the treatment area;
- (6) 2,4-Dichlorophenoxyacetic acid will not be used where there are private drinking water wells located 50 ft. or less from the shoreline and 200 ft. or less from the treatment area;
- (7) The water body to be treated is not owned wholly or in part by the state;
- (8) There are no downstream users that may be adversely impacted by the treatment of the water body;
- (9) The water body to be treated is not stocked with fish or otherwise managed by the Department's Fisheries Division. See Attachment 1 for a list of the water bodies not eligible for authorization under this general permit; and
- (10) The water body to be treated is not located directly upstream from a fisheries management area.

(b) *Exceptions and Exclusions;*

- (1) Any discharge of substance or material into the waters of the state other than the one specified in section # of this general permit, is not authorized by this general permit. Any person or municipality who intends to initiate, create, originate or maintain such a discharge must apply for and obtain authorization under sections 22a-430, 22a-430b or 22a-66z of the General Statutes, as appropriate, prior to the occurrence of such discharge; and
- (2) No duplicative registrations for the discharge of the same substance or material into the same waters of the state shall be granted if another discharge has previously been authorized and such authorization remains valid.

(c) *Requirements for Authorization*

This general permit authorizes the activity listed in section 3(a) of this general permit provided the requirements in subdivisions (1) to (5), inclusive of this subsection are satisfied.

- (1) **Registration**
A completed registration with respect to such activity has been filed with the commissioner and the Department has notified the permittee in writing of the receipt of such registration.
- (2) **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.
- (3) **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 and will not result in the destruction or adverse modification of habitat designated as essential to such species.
- (4) **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.
- (5) **Conservation and Preservation Restrictions**
Such activity, if located within a conservation or preservation restriction area, complies with section 47-42d of the General Statutes, by providing the following documentation to the commissioner: 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.

(d) *Geographic Area*

This general permit applies throughout the State of Connecticut.

(e) *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 five (5) years from such date of issuance.

(f) *Effective Date and Expiration Date of Authorization*

An activity is authorized by this general permit on the date the commissioner notifies the registrant in writing of the receipt of a completed registration and such activity is eligible for authorization under this general permit and shall expire on the date this general permit expires.

(g) *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 this general permit and such activity is presently authorized by an individual permit, the permittee may seek

a modification to the permit to exclude such activity from the individual permit or if the activity is the sole activity authorized by such permit, the permittee shall surrender its permit in writing to the commissioner. In either event, such permittee's individual permit shall continue to apply and remain in effect until authorization of such activity under this general permit takes effect.

- (2) *Transition from Authorization under this General Permit to an Individual Permit.* If an activity is authorized under this general permit and the commissioner 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 seeking under the authority of this general permit to use approved pesticides in state waters to control aquatic vegetation, fish populations or other aquatic organisms in private or public state waters shall file with the commissioner:

- (1) A registration form which meets the requirements of subsection (c)(2) of this section; and
- (2) The applicable fee.

(b) ***Scope of Registration***

A registrant shall submit one registration form for all activities taking place at a single site, as defined in section 2 of this general permit, for which the registrant seeks authorization under this general permit. Activities taking place at more than one site shall not be consolidated on one registration form.

(c) ***Contents of Registration***

(1) Fees

(A) The registration fee is \$500 for a five (5) year term. An initial fee of \$100 shall be submitted with a registration form. The initial fee for a municipality shall be \$50. The balance of the fee will be billed to the registrant annually in equal installments. The registration package shall be deemed incomplete if the \$100 fee is not included, and registration for this general permit shall not be approved. The annual invoice is due on or before July 1 of each year.

(B) The registration fee shall be paid by check or money order or by such other method as the commissioner may allow, payable to the **Department of Energy and Environmental Protection.**

(C) The registration fee is non-refundable.

(2) Registration Form

A registration shall be filed on forms prescribed and provided by the

commissioner and shall include, but not be limited to, the following information prescribed in subparagraphs (A) to (?), inclusive of this subdivision.

- (A) Legal name, address, e-mail address and telephone number of the registrant. The registrant, if it is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, shall provide its exact name as registered with the Connecticut Secretary of the State.
- (B) Legal name, address, email address and telephone number of the owner of the area(s) to be treated. If the owner(s) of the area(s) to be treated is unknown, the legal name and address of all shoreline property owners located 200 ft. or less from the area(s) to be treated shall be provided.
- (C) Legal name, address, email address, telephone number, certification number and business registration number (if applicable), of the person or company applying the pesticide(s).
- (D) Name and address for the water body(ies) on the site to be treated.
- (E) The type of area(s) to be treated (i.e. tidal waters, pond, stream, etc.).
- (F) The size of the water body to be treated and the total size of the area(s) to be treated.
- (G) The pesticide product(s) or chemical(s) to be used, the quantity to be used, the number of times the product(s) or chemical(s) will be applied each year, and the size of the area to be treated with each product or chemical. The quantity of each pesticide product or chemical to be used shall be provided using the units prescribed in section 5(c)(1)(F) of this general permit.
- (H) Identification of all plants or animals to be controlled.
- (I) Identification of fish species present in the water body(ies) to be treated.
- (J) If the water body(ies) to be treated is located within an area that includes endangered, threatened or special concern species, identified by the Department's NDDDB program, a copy of the letter issued by the Department's NDDDB program stating that the Department has determined that there is no conflict between the use of the proposed pesticide and the endangered, threatened or special concern species.
- (K) If the water body(ies) to be treated is located within a conservation or preservation restriction area, proof of written notice to the holder of such restriction of the registration of the proposed use of a pesticide in state waters pursuant to this general permit or a letter from the holder of such restriction verifying that the proposed use is in compliance

with the terms of the restriction.

- (M) Documentation that a copy of the completed registration form has been sent to the local inland wetlands agency and, for water bodies subject to the ebb and flow of the tides, the local planning & zoning commission for the town(s) in which the water body(ies) is located. Such documentation shall include:
- (i) A copy of a certified mail receipt. If multiple registration forms are submitted to a local inland wetland agency and planning & zoning commission, where applicable, under one certified mail receipt, a copy of the certified mail receipt shall be submitted with each registration form;
 - (ii) A copy of the application stamped and dated as received by the local inland wetlands agency and planning & zoning commission, where applicable; or
 - (iii) An email from the local inland wetlands agency and planning & zoning commission, where applicable, verifying that the registration form was received by the agenc(ies). If multiple registration forms are submitted to a local inland wetlands agency and planning & zoning commission, where applicable, under one email, the email response from such agency(ies) shall clearly identify each registration form received and a copy of the email shall be submitted with each registration form identified in such email.
- (N) Any information required by the commissioner to determine that the proposed subject activity is conducted in accordance with state and federal law.
- (N) The signature of the registrant and of the individual or individuals responsible for actually preparing the registration, 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 certify that this general permit registration is on complete and accurate forms as prescribed by the commissioner without alteration of their text. 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.

I also certify that I have read the general permit issued by the commissioner and that the proposed use of pesticides in state

waters which is the subject of this registration is eligible for authorization under such permit.”

(d) *Where to File a Registration [and Other Related Documents]*

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 a registration if the registration is not accompanied by the required fee or the commissioner determines that the registration does not include the information required in section 4(c) of this general permit. Any registration refiled after such a rejection shall be accompanied by the fee specified in section 4(c)(1) of this general permit.
- (2) The commissioner may deny 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) Denial 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 permit.
- (4) Rejection or denial of a registration shall be in writing.

Section 5. *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. In addition, the permittee shall ensure that activities authorized by this general permit are conducted in accordance with subsections (a) to (c), inclusive of this section.

(a) *Operating Conditions*

The permittee shall ensure that the use of authorized pesticides to control aquatic vegetation, fish populations and other aquatic organisms in state waters, is conducted in accordance with subdivisions (1) to (5), inclusive of this subsection.

(1) *Authorized Pesticide Use*

- (A) Authorized activities shall only be conducted by a Commercial applicator or Private applicator.

- (B) Prior to the first pesticide application in each year of the effective term of this general permit, the permittee shall determine if the water body is located in an area, as identified by the department's NDDB Program, that includes endangered, threatened or special concern species. If the water body is located within such an area, the permittee shall submit a review request to the NDDB Program (deep.nddbrequest@ct.gov). The permittee shall also provide a copy of the request to the Pesticide Program (deep.pesticidprogram@ct.gov) at the time of such submittal. The permittee shall submit the NDDB Program's response letter to the Pesticide Program immediately upon receipt. The permittee shall not apply any pesticides to the waterbody until a response letter from the NDDB Program has been received and any concerns have been addressed.
- (C) The following chemicals are authorized for use as specified in this general permit:
- Acid Blue 9/Acid Yellow 23;
 - Aluminum sulfate;
 - 2,4-Dichlorophenoxyacetic acid (butoxyethyl ester);
 - 2,4-Dichlorophenoxyacetic acid (dimethylamine salt);
 - Carfentrazone-ethyl;
 - Copper (Ethanolamine Complex);
 - Copper (Ethylenediamine Complex);
 - Copper (Triethylamine Complex);
 - Copper sulfate pentahydrate;
 - Diquat dibromide;
 - Endothall (dipotassium salt);
 - Endothall (Mono(N,N-diethylalkylamine) salt);
 - Florpyrauxifen-benzyl;
 - Flumioxazin;
 - Fluridone;
 - Glyphosate (isopropylamine salt);
 - Glyphosate (diammonium salt);
 - Hydrogen Dioxide;
 - Hydrogen Peroxide (23% active ingredient);
 - Imazamox (ammonium salt);
 - Imazapyr (isopropylamine salt);
 - Lanthanum;
 - Methoprene;
 - Penoxsulam;
 - Peroxyacetic Acid or peracetic acid;
 - Poly-aluminum chloride;
 - Sodium carbonate peroxyhydrate or sodium percarbonate (83-85% active ingredient); and
 - Triclopyr
- (D) With the exception of Aluminum sulfate, Poly-aluminum chloride and Lanthanum, the permittee shall apply authorized chemicals using a pesticide product. When using a pesticide product, the permittee shall:

- (i) Only use products that are registered for aquatic use with the federal Environmental Protection Agency and the state of Connecticut;
 - (ii) Rigorously adhere to all use requirements and limitations as prescribed on the pesticide product label; and
 - (iii) Not exceed the maximum allowed application rates or the maximum number of treatments allowed in a growing season as prescribed by the pesticide product label.
- (E) The permittee shall not exceed the maximum application rate and number of treatments per growing season for the authorized chemicals prescribed in subsections (i) to (iv), inclusive of this subparagraph.
- (i) Liquid Aluminum sulfate: 1ppm; 1 application per growing season
 - (ii) Solid Aluminum sulfate: 1 ppm; 1 application per growing season
 - (iii) Poly aluminum chloride: 3ppm; 1 application per growing season
 - (iv) Lanthanum (as Phoslock): 216 pounds/acre foot; 3 applications per growing season
- (F) The permittee shall use pesticide products and chemicals that are in their commercial packaging with all original labeling intact.
- (G) The permittee shall use only authorized pesticides to which the target species is susceptible.

(2) *Conditions When Treating Phragmites australis in a Water Body That is Subject to the Ebb and Flow of the Tides*

If the permittee is treating a documented monoculture of *Phragmites australis* in a water body that is located in a coastal area and is subject to the ebb and flow of the tides, the permittee shall comply with subparagraphs (A) to (C), inclusive of this subdivision.

- (A) The permittee shall apply pesticides by hand or only use low ground pressure equipment on-site. No heavy equipment shall be used within tidal wetlands or below the Coastal jurisdiction Line (CJL) within prior authorization pursuant to Connecticut General Statutes Sections 22a-32 and 22a-361.
- (B) The permittee shall either:
- (i) Leave dead vegetation standing;
 - (ii) Mulch cut vegetation (approximately 6" pieces or smaller) and leave on-site or remove from the site; or
 - (iii) Cut vegetation at the base and remove from the site.
- (C) The permittee shall not actively dispose of cut *Phragmites australis* below the CJL or within tidal wetlands. All cut pieces regardless of length that are not left in place where they fall, but are raked or otherwise collected, shall be properly disposed of landward of the CJL and outside of tidal wetlands.
- (D) The permittee shall be aware that tidal wetlands and waterbodies subject to

the ebb and flow of the tides are regulated by the DEEP Land & Water Resources Division (LWRD). If chemical treatment or associated disturbances conducted under the authority of this permit causes any long-term or permanent adverse impacts to these coastal resources, LWRD may consider this a violation of Connecticut General Statutes Sections 22a-32 and 22a-361 and pursue an enforcement action against the applicator and underlying property owner to correct or address such adverse impacts to coastal resources to correct or address such impacts to coastal resources.

(3) *Conditions When Using Chelated Copper or Copper Sulfate*

If the permittee is using chelated copper or copper sulfate in state waters, the permittee shall comply with subparagraphs (A) to (C), inclusive of this subdivision:

- (A) No more than 1 ppm of copper shall be applied to a treatment area during any single application.
- (B) No other copper product shall be applied to the same treatment area at the same time as copper sulfate and there shall be at least 14 days between copper treatments.
- (C) Notwithstanding the maximum application rates allowed by copper sulfate product labels and subparagraph (A) of this subdivision, the concentration of copper sulfate used in state waters shall not exceed the concentrations prescribed in subclauses (i) to (iii), inclusive of this subparagraph.
 - (i) If trout, carp or other sensitive fish species are present in the water body to be treated, the concentration of copper sulfate shall not exceed 0.25 ppm.
 - (ii) If warm water fish species (e.g. bass, sunfish, perch, etc.) are present in the water body to be treated, the concentration of copper sulfate shall not exceed 0.5 ppm.
 - (iii) If there are no fish present in the water body to be treated, the concentration of copper sulfate shall not exceed 1.0 ppm.

(4) *Conditions When Using Hydrogen Peroxide, Sodium Carbonate Peroxyhydrate/Sodium Percarbonate, and/or Peracetic Acid/Peroxyacetic Acid*

If the permittee is using hydrogen peroxide, sodium carbonate peroxyhydrate/sodium percarbonate, and/or peracetic acid/ peroxyacetic acid in state waters, the permittee shall comply with subparagraphs (A) to (C), inclusive of this subdivision:

- (A) Only one product containing hydrogen peroxide, sodium carbonate peroxyhydrate/sodium percarbonate, and/or peracetic acid/ peroxyacetic acid shall be used in the same treatment area at the same time, and there shall be at least 48 hours between treatments.
- (B) No products containing hydrogen peroxide, sodium carbonate peroxyhydrate/sodium percarbonate, and/or peracetic acid/ peroxyacetic acid shall be used near waterbody margins with a depth of two feet or less between March 1st and July 1st.
- (C) Notwithstanding the maximum application rates allowed by product

labels, the application rates of products containing hydrogen peroxide, sodium carbonate peroxyhydrate/sodium percarbonate, and/or peracetic acid/ peroxyacetic acid used in state waters shall not exceed the concentrations prescribed in subclauses (i) to (ii), inclusive of this subparagraph.

- (i) For liquid formulations, the application rate shall not exceed 2 gallons of product per acre-foot of water.
- (ii) For solid formulations, the application rate shall not exceed 23 pounds of product per acre-foot of water.

(5) Condition When the Water Body Being Treated is Located in an Aquifer Protection Area

If the permittee is treating a water body that is located within an aquifer protection area, the pesticide applicator shall be aware that the ground water and surface water in such area contribute to a public drinking water supply. Although properly applied pesticides pose no threat to the water resources, the pesticide applicator shall take all necessary precautions to prevent spills or other accidental releases of chemicals to the ground or surface water. If a spill or accidental release of a pesticide occurs, the applicator shall report the spill to DEEP's 24-Hour Emergency Spill Reporting line at 860-424-3338.

(5)(6) Conditions When Using a State-owned Boat Launch

If a state-owned boat launch will be used to access a water body, the permittee shall:

- (A) Prior to entering and upon leaving the water, decontaminate all vessels in accordance with the decontamination protocol in Attachment 2 of this general permit;
- (B) Only launch and retrieve vessels. No commercial activities shall be conducted;
- (C) Ensure that access to the boat ramp is unhindered to the public at all times;
- (D) Remove any and all posted signage upon project completion; and
- (E) At least two weeks prior to each treatment, contact DEEP's Boating Division (deep.boating@ct.gov) and Fisheries Division (deep.inland.fisheries@ct.gov) to ensure there will be no conflict with prior planned events and to notify licensed boaters and anglers of potential lake closures.

(b) Notification Requirements

- (1) If the water body to be treated has public access, or has more than one shoreline property owner, the permittee shall comply with the applicable notification and posting requirements prescribed in section 22a-66a(1)(e) of the Regulations of Connecticut State Agencies.
- (2) The permittee shall notify the DEEP State Parks and Public Outreach Division and the Water Planning and Management Division (deep.aquaticherbicides@ct.gov) at least 72 hours prior to each treatment.

(c) **Record Keeping and Reporting Requirements**

(1) The permittee shall record and maintain records prescribed in subparagraphs (A) to (G), inclusive of this subdivision for at least five years from the date of treatment.

(A) Name of the permittee.

(B) Name of the person(s) applying the pesticide(s).

(C) Registration number.

(D) Name of the treated water body and town in which the treated water body is located.

(E) Date(s) the water body was treated.

(F) Pesticides used, including the name and quantity of the pesticide used for each date of application and the target species for each approved pesticide and any other required information. Chemical quantities shall be recorded as prescribed in clauses (i) to (iii), inclusive of this subparagraph.

(i) All solid authorized pesticides shall be recorded in pounds.

(ii) Liquid authorized pesticides containing the following active ingredients shall be recorded in gallons. A pesticide with any percentage of an active ingredient(s) listed below is included except where a percentage is specified:

2,4-D (dimethylamine salt);

Acid Blue 9/Acid Yellow 23;

Aluminum sulfate;

Carfentrazone-ethyl (e.g. Stingray);

Copper (ethanolamine complex);

Copper (ethylenediamine complex);

Copper (ethylenediamine complex/ triethylamine complex);

Copper (triethylamine complex);

Copper sulfate pentahydrate;

Diquat dibromide;

Endothall (dipotassium salt);

Endothall (dipotassium salt)/2,4-D (dimethylamine salt);

Endothall (Mono(N,N-diethylalkylamine);

Florpyrauxifen-benzyl;

Flumioxazin;

Fluridone (6.3%);

Hydrogen Dioxide/Peroxyacetic Acid;

Hydrogen Peroxide/Peroxyacetic Acid;

Imazamox (ammonium salt); Penoxsulam;

Poly Aluminum Chloride;

Triclopyr; and

Triclopyr /2,4-D (dimethylamine salt).

(iii) Liquid authorized pesticides containing the following active ingredients shall be recorded in quarts. A pesticide with any

percentage of an active ingredient listed below is included except where a percentage is specified:

Fluridone (41.7% and 3.79%);
Glyphosate (isopropylamine salt); and
Glyphosate (diammonium salt).

(iv) Liquid approved pesticides containing the following active ingredient shall be recorded in pints:

Imazapyr (isopropylamine salt).

(G) The surface area or volume of the water body treated with each approved pesticide used.

- (2) The permittee shall report to the commissioner, on a form prescribed by the commissioner, the information prescribed in subdivisions (1)(A) and (1)(C) to (1)(G), inclusive of this subsection. Such report shall be submitted no later than December 31st of the year in which a pesticide was used.
- (3) If no pesticides were used to treat a water body pursuant to the authority provided by a registration under this general permit, the permittee shall submit the report required by subdivision (2) of this subsection, indicating that no pesticides were applied that year.

(d) *Recording and Reporting Violations*

Failure to maintain records regarding the use of approved pesticides to control aquatic vegetation, fish populations and other aquatic organisms in state waters as prescribed in subsection (c)(1) of this section may subject the permittee to injunction, penalties and any other sanctions provided by law.

Section 6. General Conditions

(a) *Reliance on Registration*

When evaluating a registration, the commissioner relies on information provided by the registrant. If such information proves to be false or incomplete, the authority provided by 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 within five (5) days of the permittee's learning 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, the permittee shall provide such information in writing within thirty (30) days of 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 and/or report, 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 hereto, 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. 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*

Within 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 registration is pending and after the commissioner has approved such request.

(h) *Transfer of Authorization*

Authorization under this general permit is not transferrable.

(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.

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 Permit Application***

If the commissioner notifies a permittee in writing that such permittee must obtain an individual 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 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. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued:

DRAFT

Attachment 1: Waterbodies that are not Eligible for Authorization Under this General Permit

<u>Waterbody Name</u>	<u>Town</u>
Amos Lake	Preston
Anderson Pond (Blue Lake)	North Stonington
Angus Park Pond (Eastbury Pond)	Glastonbury
Aspinook Pond	Lisbon, Griswold, Canterbury
Avery Pond	Preston
Babcock Pond	Colchester
Baldwin Pond	Meriden
Ball Pond	New Fairfield
Bantam Lake	Morris, Litchfield
Bashan Lake	East Haddam
Batterson Park Pond	Farmington
Baummer Pond	Naugatuck
Beach Pond	Voluntown, Rhode Island
Beachdale Pond	Voluntown
Beaver Brook Park Ponds	Windham
Beaver Park Pond/Lagoon	New Haven
Beseck Lake	Middlefield
Bicentennial Pond	Mansfield
Bigelow Pond	Union
Billings Lake	North Stonington
Birge Pond	Bristol
Black Pond	Middlefield, Meriden
Black Pond	Woodstock
Black Rock Lake	Thomaston, Watertown
Black Rock Pond	Watertown

Blackhall Pond	Old Lyme
Bolton Lakes (Lower, Middle, Upper)	Bolton, Coventry, Vernon
Branford Supply Pond	Branford
Broad Brook Mill Pond	East Windsor
Bunnells Pond (Beardsley Park Pond)	Bridgeport
Burr Pond	Torrington
Candlewood Lake	Brookfield, Danbury, New Milford, New Fairfield, Sherman
Cedar Lake	Chester
Center Springs Park Pond	Manchester
Chapmans Mill Pond	Clinton
Christensen's Pond	Granby
Colebrook Reservoir	Colebrook
Colony Park Pond	Ansonia
Connecticut River	Haddam
Congamond Lakes	Suffield
Crescent Lake	Southington
Crystal Lake	Ellington, Stafford
Crystal Lake	Middletown
Day Pond	Colchester
Dodge Pond	East Lyme
Dog Pond	Goshen
Eagleville Lake	Coventry, Mansfield
East Twin Lake (Washing Lake)	Salisbury
Fountain Lake	Seymour, Ansonia
Freshwater Pond	Enfield
Gardner Lake	Salem, Bozrah, Montville

Gay City Park Pond	Hebron
Glasgo Pond	Griswold
Gorton Pond	East Lyme
Great Hollow Pond	Monroe
Green Falls Reservoir	Voluntown
Halls Pond	Eastford, Ashford
Hallville Pond	Preston
Hamilton Reservoir	Union
Hampton Reservoir	Hampton
Hancock Brook Lake	Plymouth
Hanover Reservoir	Canterbury, Sprague
Hatch Pond	Kent
Hewitt Fly Pond	North Stonington
Higganum Reservoir	Haddam
Highland Lake	Winchester
Holbrook Pond	Hebron
Hop Brook Lake	Middlebury, Waterbury
Hopeville Pond	Griswold
Horse Pond	Salem
Howells Pond	Hartland
Keney Park Pond	Hartford
Kensington Pond	Berlin
Konolds Pond	Woodbridge
Lake Chamberlain	Bethany
Lake Hayward	East Haddam
Lake Housatonic	Shelton

Lake Kenosia	Danbury
Lake Lillinonah	Brookfield, Bridgewater, Newtown, Southbury, New Milford
Lake McDonough	Barkhamsted, New Hartford
Lake of Isles	North Stonington
Lake Saltonstall	Branford, East Haven
Lake Stibbs	Southbury
Lake Waramaug	Kent
Lake Williams	Lebanon
Lake Wintergreen	Hamden
Lake Zoar	Monroe, Oxford, Newtown, Southbury
Lakewood Lake	Waterbury
Lantern Hill Pond	Ledyard
Leonard Pond	Kent
Little Pond (Little Bantam)	Litchfield
Little Pond	Thompson
Long Pond	North Stonington, Ledyard
Mad River Impoundment	Winchester
Maltby Lakes	Orange, West Haven
Mamasasco Lake	Ridgefield
Mansfield Hollow Reservoir	Mansfield, Chaplin, Windham
Mansfield Training Ponds	Mansfield
Mashapaug Lake	Union
Messerschmidt Pond	Deep River, Westbrook
Mill Pond	Essex
Millers Pond	Durham
Mirror Lake (Hubbard Park Pond)	Meriden

Mohawk Pond	Cornwall, Goshen
Mohegan Lake	Fairfield
Mohegan Park Pond (Spaulding Pond)	Norwich
Mono Pond	Columbia
Moodus Reservoir	East Haddam
Moosup Pond	Plainfield
Morey Pond	Ashford, Union
Mount Tom Pond	Litchfield, Washington, Morris
Mudge Pond	Sharon
Nells Rock Reservoir	Shelton
North Farms Reservoir	Wallingford
Northfield Brook Lake	Thomaston, Litchfield
Norwich Pond	Lyme
Pachaug Pond	Griswold
Park Pond	Winchester
Pasture Pond	Plainfield
Pattaconk Lake	Chester
Pattagansett Lake	East Lyme
Pickerel Lake	Colchester, East Haddam
Pickett's Pond	Derby
Pierrepoint Pond	Ridgefield
Pine Acres Lake	Hampton
Powers Lake	East Lyme
Prospect Town Park Pond	Prospect
Quaddick Reservoir	Thompson
Quinnebaug Lake	Killingly

Quonnipaug Lake	Guilford
Rainbow Reservoir	Windsor
Rogers Lake	Lyme, Old Lyme
Rogers Park Pond	Danbury
Roseland Lake	Woodstock
Ross Pond	Killingly
Rowan's Pond (Butternut Park Pond)	Middletown
Saint Martha's Pond	Enfield
Salmon Brook Pond	Glastonbury
Saugatuck Reservoir	Easton, Redding, Weston
Scholfield Pond (Oxoboxo Brook)	Montville
Schreeder Pond	Killingworth
Scoville Reservoir	Wolcott
Shenipsit Lake	Ellington, Tolland
Silver Lake	Meriden, Berlin
Somersville Mill Pond	Somers
Southford Falls Pond	Oxford, Southbury
Squantz Pond	New Fairfield, Sherman
Stanley Quarter Park Pond	New Britain
Starret Pond	Redding
Stillwater Pond	Torrington
Stratton Brook Park Pond	Simsbury
Taftville Reservoir	Norwich
Twin Brooks Pond	Trumbull
Tyler Pond	Goshen
Uncas Lake	Lyme

Upper Fulton Park Pond	Waterbury
Valley Falls Park Pond	Vernon
Versailles Pond	Sprague
Walker Reservoir	Vernon
Wangumbaug Lake (Coventry Lake)	Coventry
West Branch Reservoir	Colebrook
West Hill Pond	Barkhamsted, New Hartford
West Side Pond	Goshen
West Thompson Reservoir	Thompson
West Twin Lake	Salisbury
Wharton Brook Pond	Wallingford
Winchester Lake	Winchester
Wononskopomuc Lake (Lakeville Lake)	Salisbury
Wood Creek Pond	Norfolk
Wyassup Lake	North Stonington



Attachment 2: Aquatic Invasive Species Decontamination Protocol

Upon removing a boat from any waterbody, the permittee shall:

- (A) Carefully inspect the boat, trailer, and equipment for any possible contamination, including all interior and exterior boat surfaces, anchors, lines, downriggers, fishing gear, boots, clothing, buckets, tools, and other items exposed to water. During the inspection, the permittee shall remove all plant fragments, mud, and debris and dispose of such materials in an area that will not result in the introduction of any plant fragments, mud or debris into any watercourse or catch basin that discharges into a watercourse;
- (B) Inspect the boat hull for rough spots, these may be newly attached zebra mussels. All rough areas shall be thoroughly cleaned until smooth. See paragraph (D)(i) below for cleaning instructions; .
- (C) Drain all water from the boat, bilge, engines, jet drives, live wells, and other equipment “high and dry” well away from open water and remove all standing water that cannot be drained. Such water shall be released in an area that will not result in the introduction of drained or otherwise removed water into any watercourse or catch basin that discharges into a watercourse; and
- (D) Not use a boat, trailer, or equipment until the boat, trailer, or equipment has been completely dry for at least 5 days after use or the permittee performs at least one of the procedures prescribed in paragraph (i) and one of the procedures in paragraph (ii) below.
 - (i) For a boat or trailer, the permittee shall:
 - (I) Wash the trailer and boat outside and inside, including livewells, bilge, and pumps, with hot water (over 120 degrees);
 - (II) Steam clean the boat or trailer; or
 - (III) If hot water or steam is not available, wash the boat or trailer with detergent and water under high pressure.
 - (ii) For equipment, the permittee shall:
 - (I) Dip the equipment into 100% vinegar for at least 20 minutes;
 - (II) Soak the equipment in 1% salt (NaCl) solution for 24 hours;
 - (III) Soak the equipment in 5% bleach solution for approximately one hour;
 - (IV) Wash the equipment with hot water (over 104 degrees);
 - (V) Steam clean the equipment; or
 - (VI) If hot water or steam is not available, wash the equipment with detergent and water under high pressure.