



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

Permit No. CTPGP0000

Issuance Date: [To be determined]

Effective Date: [To be determined]

Expiration Date: [To be determined]

This National Pollutant Discharge Elimination System General Permit for the Point Source Discharges to Waters of the State from the Application of Pesticides is issued in accordance with Section 22a-430 of Chapter 446k, Connecticut General Statutes (“CGS”), and Regulations of Connecticut State Agencies (“RCSA”) adopted thereunder, as amended, and Section 402(b) of the Clean Water Act (“CWA”), as amended, 33 USC 1251, et. seq., and pursuant to an approval dated September 26, 1973, by the Administrator of the United States Environmental Protection Agency for the State of Connecticut to administer a NPDES permit program. Persons shall comply with all conditions of this permit including the following sections of the RCSA which have been adopted pursuant to section 22a-430 of the CGS and are hereby incorporated into this permit.

This permit becomes effective on [To be determined date]. This permit and the authorization to discharge shall expire on [To be determined].

Issued: [To be determined]

Emma Cimino

Emma Cimino
Deputy Commissioner

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

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Section 1.0 Authority

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

Section 2.0 Definitions

“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.

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

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

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

“Annual Treatment Area Threshold” means an area (in acres) or linear distance (in miles) in a calendar year to which a permittee is authorizing and/or performing pesticide applications in that area for activities covered under this permit.

For calculating annual treatment areas for Mosquitoes and Other Flying Insect Pest Control and Forest Canopy Pest for comparing with any threshold in Section 4.1.1.4, count each pesticide application activity to a treatment area (i.e., that area where a pesticide application is intended to provide pesticidal benefits within the pest management area) as a separate area treated. For example, applying pesticides three times a year to the same 3,000 acre site should be counted as 9,000 acres of treatment area for purposes of determining if such an application exceeds an annual treatment area threshold. The treatment area for these two pesticide use patterns is additive over the calendar year.

For calculating annual treatment areas for Weed and Algae Control and Animal Pest Control for comparing with any threshold in Section 4.1.1.4, calculations should include either the linear extent of or the surface area of waters for applications made to waters of the State or at water's edge adjacent to waters of the State. For calculating the annual treatment area, count each treatment area only once, regardless of the number of pesticide application activities performed on that area in a given year. The treatment area for these two pesticide use patterns is not additive over the calendar year.

“Applicator” means any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities) that result in a discharge to waters of the United States.

“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.

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

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

“Commissioner” means commissioner as defined by Section 22a-423 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 (10) days after identification of the need for pest control. Such declaration may be made in accordance with the terms specified in Title 40 Section 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” or “DEEP” means the Department of Energy and Environmental Protection.

“Discharge(s)” means the emission of any water, substance or material into the waters of the State, whether or not such substance causes pollution.

“Individual permit” means a permit issued to a named permittee 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.

“National Pollutant Discharge Elimination System” or “NPDES” means the program for issuing, modifying, revoking, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act and Chapter 446k of the Connecticut General Statutes and regulations adopted thereunder.

“NPDES Permit” means a permit authorizing a discharge to the surface waters of the state either directly, or indirectly by means other than through a publicly owned treatment works (POTW) or the ground waters, which is issued by the Commissioner pursuant to Section 22a-430 of the Connecticut General Statutes.

“Permittee” means any person or municipality who is covered 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 ensure compliance with the terms, conditions, and limits in this general permit.

“Pesticide residue” – for the purpose of determining whether an NPDES permit is needed for discharges to waters of the United States from pesticide application, means that portion of a pesticide application that is discharged from a point source to waters of the United States and no longer provides pesticidal benefits. It also includes any degradates of the pesticide. [40 CFR 122.2]

“Point Source” means any discernible, confined, and discrete conveyance including but not limited to, any pipe, ditch, channel, tunnel, conduit, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. Point source does not include agricultural stormwater discharges and return flows from irrigated agriculture.

“Publicly owned treatment works” means a treatment works treating domestic sewage that is owned by a municipality or State.

“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 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.

“Surface Water” means those waters as defined in Section 22a-426-1 of the Regulations of Connecticut State Agencies.

“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 3.0 Authorization Under This General Permit

3.1 Eligible Activities

Provided the requirements of Section 3.3 of this general permit are satisfied, this general permit authorizes the discharge of (1) biological pesticides or (2) chemical pesticides that leave a residue (collectively called pesticides), when the pesticide application is for one or more of the following pesticide use patterns:

- 3.1.1 Mosquito and Other Flying Insect Pest Control – to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water.
- 3.1.2 Weed and Algae Pest Control – to control weeds, algae, and pathogens that are pests in water and at water’s edge, including 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.
- 3.1.3 Animal Pest Control – to control animal pests in water and at water’s edge, including 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. Animal pests in this use category include fish, lampreys, insects, mollusks, and pathogens.
- 3.1.4 Forest Canopy Pest Control – application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where, to target the pests effectively, a portion of the pesticide unavoidably will be applied over and deposited to water.
- 3.1.5 Application of a pesticide or chemical to state waters authorized in accordance with Section 22a-66z of the General Statutes.
- 3.1.6 Application of pesticides by aircraft authorized in accordance with Section 22a-54(e) of the General Statutes when a portion of the pesticide unavoidably will be applied over and deposited to water.
- 3.1.7 Application of pesticides for the control of aquatic pests not otherwise required to be authorized under Section 22a-66z of the General Statutes.
- 3.1.8 Application of pesticides to state waters by water companies not required to be permitted under Section 22a-66z of the General Statutes.
- 3.1.9 Application of pesticides to state waters by or under the direction of any state or federal agency.

3.2 *Exceptions and Exclusions*

- 3.2.1 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.

- 3.2.2 Activities exempt from NPDES permitting requirements, including non-point source runoff of pesticides from agricultural runoff and other terrestrial applications not specifically identified as requiring coverage under this general permit, are not subject to this general permit.

3.3 Requirements for Authorization

This general permit authorizes each of the activities listed in Section 3.1 of this general permit provided all activities eligible to be authorized under this general permit are conducted in accordance with the following requirements, if applicable.

3.3.1 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 the Commissioner has issued an approval of registration with respect to such activity.

3.3.2 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.

3.3.3 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.

3.3.4 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.

3.3.5 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.

3.3.6 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.

3.3.7 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.

- 3.3.8 The pesticide application is conducted in accordance with a written Pesticide Discharge Management Plan (PDMP) that, at a minimum, meets the requirements detailed in Appendix A of this general permit.
- 3.3.9 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 pursuant to Section 22a-426 of the Regulations of Connecticut State Agencies.
- 3.3.10 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).
- 3.3.11 Pesticide applications are conducted in accordance with the pesticide's registration and labeling.

3.4 *Geographic Area*

This general permit applies throughout the State of Connecticut.

3.5 *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 after the issuance date. The general permit may be administratively continued in effect until the Department has reissued the permit.

3.6 *Effective Date of Authorization*

- 3.6.1 For an activity not required to be registered in accordance with Section 4.0 of this general permit, such activity is authorized by this general permit on the effective date of this general permit listed in Section 3.5 or on the date the discharge is initiated, whichever is later. Such activity must be performed in accordance with all applicable requirements of this general permit.
- 3.6.2 For registrants requiring approval under Section 4.1.2 of this general permit, the effective date of authorization under this general permit is the date the Commissioner issues a written approval of registration.

3.7 *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:

- 3.7.1 *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 permittee may seek a modification to the permit to exclude such operation or activity from the individual permit or if the operation or activity is the sole operation or 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 operation or activity under this general permit takes effect.
- 3.7.2 *Transition from Authorization under this General Permit to an Individual Permit.* If an activity or operation 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 4.0 Registration Requirements

4.1 Who Must File a Registration

- 4.1.1 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:
- 4.1.1.1 Any state or federal agency for which use of pesticides is part of their primary responsibility relating to the control of pest species, regardless of the total area to be treated;
 - 4.1.1.2 Mosquito control districts, or similar pest control districts;
 - 4.1.1.3 Irrigation and weed control districts, or similar pest control districts;
 - 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.
- 4.1.2 Entities that conduct the following applications shall submit and receive an approval of registration by the Commissioner if in exceedance of the annual treatment area thresholds presented in Section 4.1.1.4 of this general permit:

- 4.1.2.1 Applications of pesticides to state waters by water companies not required to be permitted under Section 22a-66z of the General Statutes;
- 4.1.2.2 Applications of Biopesticides; and
- 4.1.2.3 Applications of pesticides at the water's edge, including 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.

4.2 *Scope of Registration*

A permittee shall submit one registration for all activities taking place at a single site for which the permittee seeks authorization under this general permit. Activities taking place at more than one site may not be consolidated on one registration form.

4.3 *Contents of Registration*

4.3.1 Fees

4.3.1.1 The registration fee of \$200.00 established by Section 22a-6f of the General Statutes 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.

4.3.1.2 The registration fee shall be paid to the Department of Energy and Environmental Protection. The registration fee is non-refundable.

4.3.2 Registration Form

- 4.3.2.1 Any person or municipality who is required to register per Section 4.1 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 4.3.2.1 through 13 of this subsection:
- 4.3.2.2 Legal name, e-mail address, mailing address, and telephone number of the permittee. If the permittee 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.
- 4.3.2.3 Legal name, e-mail address, mailing address, and telephone number of the primary contact for departmental correspondence or inquiries, if different from permittee.

- 4.3.2.4 Legal name, e-mail address, mailing address, and telephone number of the permittee's attorney or other representative involved with this activity, if applicable.
- 4.3.2.5 Legal name, e-mail address, mailing address, and telephone number(s) of all owners of the site(s) to be treated.
- 4.3.2.6 Legal name, e-mail address, mailing 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 Management Program of DEEP.
- 4.3.2.7 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.
- 4.3.2.8 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 and number on such copy.
- 4.3.2.9 The permittee shall submit a certification that they have developed and will implement the elements of a Pesticide Discharge Management Plan that is consistent with the PDMP minimum requirements specified in Appendix A of this general permit.
- 4.3.2.10 The certified PDMP shall include provision(s) to ensure that pesticide applications are conducted as a component of an Integrated Pest Management (IPM) Plan that meets the minimum requirements of Appendix A of this general permit.
- 4.3.2.11 A list of prior applications of pesticides to the waterbody that have been conducted during the previous three (3) years.

- 4.3.2.12 The following certification signed by the permittee 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.
- 4.3.2.13 Any information required by the Commissioner to determine that the proposed pesticide application is conducted in accordance with state and federal law.

Note: The permit registration form is currently under development and may include additional data elements upon completion to comply with the federal eRule.

4.4 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

The Commissioner may require that a permittee file a registration electronically pursuant to 40 CFR 127.

4.5 Additional Information

The Commissioner may require a permittee 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.

4.6 Action by Commissioner

- 4.6.1 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 4.2 of this general permit. Any registration refiled after such a rejection shall be accompanied by the fee specified in Section 4.3.1 of this general permit.

- 4.6.2 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.
- 4.6.3 Denial of a registration under this subsection shall constitute notice to the permittee that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit.
- 4.6.4 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.
- 4.6.5 Rejection, denial, or approval of a registration shall be in writing.

Section 5.0 Special Conditions

5.1 Technology-Based Effluent Limitations

The following technology-based effluent limitations are applicable to all permittees for any discharges authorized under this permit, with compliance required upon beginning such discharge.

To meet the effluent limitations of this permit, all permittees must implement Section 5.1 to minimize the discharge of pesticides to waters of the State from the application of pesticides, through the implementation of a PDMP as defined in Appendix A.

- 5.1.1 Permittees shall use only the amount of pesticide and frequency of pesticide application necessary to control the target pest, using equipment and application procedures appropriate for this task.
- 5.1.2 Permittees shall maintain pesticide application equipment in proper operating condition, including requirements to calibrate, clean, and repair such equipment and prevent leaks, spills, and other unintended discharges.
- 5.1.3 Permittees shall assess weather conditions (e.g., temperature, precipitation, and wind speed) in the treatment area to ensure application is consistent with all applicable pesticide requirements.
- 5.1.4 Permittees 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).
- 5.1.5 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 ensure that application rates are controlled, spillage minimized and unintended discharges prevented.
- 5.1.6 Pesticide applications shall be conducted as a component of an PDMP and IPM Plan that meets the minimum requirements in of Appendix A of this

general permit.

- 5.1.7 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.

5.2 *Water Quality-Based Effluent Limitations*

The permittee shall assure that the applications of pesticides does not cause an exceedance of the Connecticut Water Quality Standards. The permittee must control discharges as necessary to meet applicable numeric and narrative state water quality standards for discharges authorized under this permit, with compliance required upon beginning such discharge. The following specific prohibitions apply to all discharges under this permit:

- 5.2.1 No discharge shall contain, or cause in the receiving stream, a visible oil sheen or floating solids, or cause visible discoloration or foaming in the receiving waterbody.
- 5.2.2 No discharge shall cause acute or chronic toxicity to organisms outside those specified in the PDMP and IPM Plan in the receiving water body.

If at any time the permittee becomes aware (*e.g.*, through self-monitoring or by notification from the state), or the Commissioner determines, that the permittee's discharge causes or contributes to an excursion of any applicable water quality standard, the permittee must take corrective action as required in Section 5.5 up to and including the ceasing of the discharge, if necessary.

5.3 *Visual Monitoring*

5.3.1 Visual Monitoring During Application

During any pesticide application with discharges authorized under this permit, the permittee must visually assess the area to and around where pesticides are applied for possible and observable adverse incidents as defined in Section 2 caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

5.3.2 Visual Monitoring Post-Application

During any post-application surveillance of any pesticide application with discharges authorized under this permit, the permittee must visually assess the area to and around where pesticides were applied for possible and observable adverse incidents as defined in Section 2 caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

5.3.3 Documentation of Visual Monitoring

The permittee must document the findings of all visual monitoring or, if no visual monitoring was conducted, the reason why no visual monitoring was conducted.

5.3.4 Visual Monitoring Reporting

Any adverse incident, including the exposure of any person not in the employment 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, through the DEEP's Water Permitting and Enforcement Division's electronic and online Noncompliance Notification Form, available here: [Noncompliance Notification Form](#)

Not later than five (5) days after such notification, a written report of such incident shall be submitted to the Water Permitting and Enforcement Division using the Water Permitting and Enforcement Division's electronic and online Noncompliance Follow-Up Report Form, available here: [Noncompliance Follow-Up Report Form](#)

5.3.5 Additional Monitoring

If the Commissioner determines that additional monitoring is appropriate to ensure compliance with the permit's technology-based and/or water quality-based effluent limitations, the Commissioner shall notify the permittee of additional monitoring requirements. Any such notice shall briefly state the reasons for the additional monitoring; locations and parameters to be monitored; frequency and period of additional monitoring; sample types; and reporting requirements.

5.4 *Additional Conditions*

- 5.4.1. If requested by the Commissioner, the permittee shall provide for the Commissioner's review a PDMP and IPM Plan as described in Sections 4.3.2.9 and 10 of this general permit. Submittals shall be directed to the Water Permitting and Enforcement Division at DEEP.WaterPermittingEnforcement@ct.gov.
- 5.4.2. On an annual basis, prior to December 31st of each year, water companies that have conducted any application of pesticides 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:

Water Permitting and Enforcement Division at
DEEP.WaterPermittingEnforcement@ct.gov.

Source Water Protection Unit, Drinking Water Section, Department of Public Health at DPH.SourceProtection@ct.gov.

- 5.4.3. 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 48 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 to a point of contact designated by the local wetland agency. Evidence of this notice shall be provided to the Commissioner upon request.

5.5 Pesticide Discharge Management Plan Modifications and Corrective Actions

The permittee must modify the PDMP whenever necessary to address any of the conditions for corrective action in Section 5.5.2, or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to the PDMP must be made before the next pesticide application that results in a discharge but no later than ninety (90) days after any change in pesticide application activities. The person who modified the PDMP and the person, municipal, or company representative conducting the pesticide application must sign the certification below and keep a signed copy of the certification with the modified PDMP.

“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.

5.5.1 Corrective Actions

All permittees must comply with the provisions of Section 5 for any discharges authorized under this permit, with compliance required upon beginning such discharge.

5.5.2 Situations Requiring Revision of the PDMP

Permittees must review and, as necessary, revise the PDMP to address the following situations:

- 5.5.2.1 An unauthorized release or discharge associated with the application of pesticides (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs;
- 5.5.2.2 The permittee becomes aware or DEEP concludes that the PDMP is not adequate/sufficient for the discharge to meet applicable water quality standards;
- 5.5.2.3 Any monitoring activities indicating failure to meet applicable technology-based effluent limitations in Section 5.1 or water quality-based effluent limitations in Section 5.2;
- 5.5.2.4 An inspection or evaluation of activities by a local, state, or tribal entity revealing that modifications to the PDMP are necessary to meet the effluent limitations in this permit; or
- 5.5.2.5 The permittee observes or is otherwise made aware of an adverse incident as defined in Section 2.

5.5.3 Corrective Action Deadlines

If a permittee determines that changes to a PDMP are necessary to eliminate any situation identified in Section 5.5.2, such changes must be made before or, the next pesticide application that results in a change, unless the application is made due to a Declared Pest Emergency.

Section 6.0 General Conditions

6.1 *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.

6.2 *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 using the [Noncompliance Notification Form](#) such violation and such corrective action to the Commissioner within two (2) hours of the permittee's learning of such violation. Within five (5) days of the notification, a [Noncompliance Follow-Up Report Form](#) must be submitted that details all corrective action(s) taken to mitigate and prevent further violations.

6.3 *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 within thirty (30) days of such request. Such information shall be certified in accordance with Section 6.4 of this general permit.

6.4 *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 permittee 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.”

6.5 *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.

6.6 *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.

6.7 *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 6.4 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.

6.8 *Transfer of Authorization*

An approval of registration under this general permit is transferable only in accordance with the provisions of Section 22a-60 of the General Statutes. Any person or municipality proposing to transfer an approval of registration shall submit a license transfer form to the Commissioner to transfer the previous permit authorization to a new permittee. The new permittee is not authorized by this general permit until the transfer is approved by the Commissioner.

6.9 *Other Applicable Laws*

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.

6.10 *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.

6.11 Conditions found in Regulations of Connecticut State Agencies 22a-430-3

All permittees must comply with the following sections of the Regulations of Connecticut State Agencies, where applicable, which have been adopted pursuant to Section 22a-430 of the Connecticut General Statutes and are hereby incorporated into this permit.

Section 22a-430-3: General Conditions

- (a) Definitions
- (b) General
- (c) Inspection and Entry
- (d) Effect of a Permit
- (e) Duty to Comply
- (f) Proper Operation and Maintenance
- (g) Sludge Disposal
- (h) Duty to Mitigate
- (i) Facility Modifications; Notification
- (j) Monitoring, Records and Reporting Requirements
- (k) Bypass
- (l) Conditions Applicable to POTWs
- (m) Effluent Limitation Violations (Upsets)
- (n) Enforcement
- (o) Resource Conservation
- (p) Spill Prevention and Control
- (q) Instrumentation, Alarms, Flow Recorders
- (r) Equalization

Section 7.0 Commissioner's Powers

7.1 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.

7.2 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.

7.3 *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 and if received 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.

Draft

Issued By: DRAFT
Emma Cimino
Deputy Commissioner

DATE: XXXXXXXX

Appendix A

Pesticide Discharge Management Plan Minimum Requirements

All permittees must prepare a Pesticide Discharge Management Plan (PDMP), except when applications are made in response to a Declared Pest Emergency Situation, as defined in Section 2.

The PDMP does not contain effluent limitations; the effluent limitations are specified in Section 5. The PDMP documents how the permittee will implement the effluent limitations in Section 5. In the PDMP, the permittee may incorporate by reference any procedures or plans in other documents that meet the requirements of this permit. If the permittee relies upon other documents to comply with the effluent limitations in this permit, such as a pre-existing Pest Management Plan, the permittee must attach to the PDMP a copy of any portions of any documents that are used to document the implementation of the effluent limitations. 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. Integrated Pest Management guidance is available the State of Connecticut Department of Energy and Environmental Protection's (DEEP) website, here: <https://portal.ct.gov/DEEP/Pesticides/Integrated-Pest-Management/Integrated-Pest-Management> & <https://portal.ct.gov/-/media/DEEP/pesticides/Certification/Supervisor/aweeds.pdf>.

Section 1: Applicator Information

1. Name and address of applicator;
2. Applicator's mailing address, telephone number, and email address;
3. Name and title of authorized person signing the PDMP;
4. Emergency contact information;
5. Name of pesticide business/agency performing application;
6. Business/agency address, city, state, and zip code;
7. Name of certified applicator(s) performing the application;
8. Certified applicator identification number;
9. Certified applicator telephone; and
10. If applicable, the names and addresses of any other person(s) involved with the application of pesticides.

Section 2: Pest Management Area Description

For each pest management area, the following information shall be included.

1. Target Pest(s);
2. Waterbody type;
3. Waterbody name (where known);
4. County;
5. Town;

6. USGS Quad* indicating the location of the waterbody to be treated and area to be treated;
7. Total waterbody size (acres or linear miles); and
8. 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).

Section 3: Integrated Pest Management and Control Measures to Minimize Discharges

An Integrated Pest Management (IPM) Plan must include at a minimum the following elements:

1. Identification of the problem or impacts that the pest is causing;
2. Identification of the level of pest population that can be tolerated before a pesticide application is warranted;
3. 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:
 - a. 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);
 - b. Biological controls, such as grass carp, milfoil beetles, etc. that have been attempted to control the target pest; and
 - c. Any other conventional or unconventional effort undertaken to control the target pest without the use of pesticides.
4. 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; and
5. Other practices as determined by the permittee.

Section 4: Control Measures – Pesticide/Treatment Information

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

1. The product name, with a copy of the product label(s);
2. The date of pesticide application;
3. The total amount of each pesticide applied; and
4. The rate/dose of pesticide(s) applied.

Section 5: Response Procedures

The permittee must document the following procedures in the PDMP:

1. Spill Response Procedures – at a minimum, the permittee must have:
 - a. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases to waters of the State. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the PDMP team; and
 - b. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.
2. Adverse Incident Response Procedures – At a minimum, the permittee must have:
 - a. Procedures for responding to any adverse incident resulting from pesticide applications; and
 - b. Procedures for notification of the adverse incident to both internal and external personnel, including regulatory agencies. Contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.
3. Visual Monitoring Procedures – At a minimum, the permittee must have:
 - a. A description of the schedule and procedures followed to assess the treatment area for adverse incidents as well as efficacy of the pesticide application;
 - b. The process for determining the location of any visual monitoring;
 - c. A schedule and procedures for visual monitoring;
 - d. The person (or position) responsible for conducting visual monitoring; and
 - e. Procedures for documenting visual monitoring, including the date, time, and location.
4. Equipment Maintenance:
 - a. For each piece of equipment used, list dates of routine maintenance, servicing and calibration. Include procedures followed for each step.

Section 6: Documentation to Support Compliance with other Local, State and Federal Laws

The permittee must keep with the PDMP documentation of other permits, Licenses, and Certifications that they have received from other Local, State, and Federal agencies that pertain to the actions that are approved under this general permit.

Section 7: Signature Requirements

The permittee must sign, date, and certify the PDMP in accordance with Section 6.4 of this general permit.