



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

Fact Sheet

General Permit No. CTPGP0000

Draft

This fact sheet sets forth the significant factual, legal, and policy considerations examined during preparation of this draft master general permit. This action has been prepared in accordance with the Connecticut State Statutes and its implementing regulations, the Regulations of Connecticut State Agencies. Issuance of a master general permit serves to simplify and streamline the National Pollutant Discharge Elimination System (“NPDES”) permitting process for similar types of discharges; in lieu of each facility having to obtain an individual permit. This general permit provides permit conditions and limitations to protect waters of the State from pollution.



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Section 1. Authority

In 1965 the Connecticut Clean Water Task Force was commissioned to investigate the condition of rivers and harbors in Connecticut. In 1966 the Connecticut Clean Water Task Force developed an action program called Clean Water for Connecticut. Then, in 1967 Connecticut's Clean Water Bill was signed into law, inaugurating the state's modern water pollution control program. And in 1970, the Connecticut Water Quality Standards were first approved by the federal government. The Department of Environmental Protection was created in 1971 and Congress began writing the federal legislation for the first national Clean Water Act- using Connecticut's Clean Water Act as a guide.

Congress passed the Federal Water Pollution Control Act of 1972 ("Clean Water Act" or "CWA") on October 18, 1972, 33 U.S.C. 1251 et seq., with the objective to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." section 101(a), 33 U.S.C. 1251(a). To help achieve this objective, the CWA provides that "the discharge of any pollutant by any person shall be unlawful" except in compliance with other provisions of the statute, CWA section 301(a), 33 U.S.C. 1311(a). The Water Quality Act of 1987 amended the CWA, adding CWA section 402(p), requiring implementation of a comprehensive program for addressing municipal and industrial stormwater discharges. 33 U.S.C. 1342(p).

Pursuant to the Federal Clean Water Act, discharges resulting from the application of pesticides are required to have a permit authorizing discharge of pollutants to surface waters of the state. The Connecticut Department of Energy and Environmental Protection ("DEEP" or "Department") is a delegated authority to implement the federal National Pollutant Discharge Elimination System ("NPDES") Program. In accordance with this delegation, DEEP has been provided the authority to promulgate regulations and issue permits in accordance with the Connecticut General Statutes ("CGS") and Regulations of Connecticut State Agencies ("RCSA").

DEEP originally issued the first General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides ("general permit") in 2012, in response to the January 7, 2009, decision by the United States Court of Appeals for the Sixth District in the case of the National Cotton Council of America, et. Al v. United States Environmental Protection Agency. The general permit was renewed most recently on May 15, 2017. The purpose of the general permit is to protect the waters of the state from pollution originating from the discharge to waters of the state from the application of pesticides.

The Commissioner of DEEP is issuing this general permit under the authority of Section 22a-430b of the CGS and the RCSA.



Section 2. Authorization Under This General Permit

This general permit is a renewal of the existing general permit and continues to authorize the discharge of biological or chemical pesticides that leave a residue to waters of the State.

The following eligible activities continue to be authorized under this permit:

- Applications in accordance with Section 22a-66z of the General Statutes;
- Applications of pesticides by aircraft in accordance with Section 22a-54(e) of the General Statutes;
- Application of biopesticides for the control of aquatic pests not otherwise required to be authorized under Section 22a-66z of the General Statutes;
- Application of pesticides to state waters by water companies;
- Applications of pesticides to state waters by or under the direction of any state or federal agency; and
- The following use patterns:
 - Mosquito and other flying insect pest control;
 - Weed and algae pest control; and
 - Animal pest control.

The following use pattern was added as an eligible activity to this permit to address discharges from forest canopy pesticide applications, consistent with Environmental Protection Agency's (EPA) Pesticide "General Permit (PGP) for Discharge from the Applications of Pesticides", effective October 31, 2021:

- 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.

In 2021, EPA determined that the above eligible activities, including the four use patterns, encompass the majority of pesticide applications that would result in point source discharges of pollutants to waters of the State.

This permit does not cover, nor is permit coverage required, for pesticides applications that do not result in a point source discharge of pollutants to waters of the State, such as for the purpose of controlling pests on agricultural crops, forest floors, or range lands. Additionally, agricultural stormwater and irrigation return flow are exempt from this and other NPDES permits, in accordance Clean Water Act ("CWA") Section 502(14).

The existence of this general permit does not alter the requirement that discharges of pollutants to waters of the State that are not covered by this permit be covered by an individual permit or another general permit.



Coverage under this general permit does not relieve requirements for pesticides, their applicators, and applications to comply with and obtain coverage under an Aquatic Pesticide Permit administered by DEEP's Pesticide Management Program, or statutes and regulations pursuant to Section 22a-66z, 22a-66a(h), 22a-54(e), 25-32a, or other statutes and regulations governing the use and registration of pesticides within the State.

DEEP recognizes that pesticide applications to water of the State will likely require authorization from the Pesticide Management Program, the Department of Health (for water companies), and other regulatory bodies. DEEP's goal with this permit is to ensure adequate protection for State waters by providing NPDES coverage, while maintaining consistent cross-programmatic requirements for pesticide use through Integrated Pest Management.

Section 3. Obtaining Permit Coverage

Any discharge of water, substance, or material into the waters of the State other than the ones specified in this permit are not authorized by this general permit. 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 CGS prior to the occurrence of such discharge.

Discharges from permittees eligible for coverage under this general permit are not expected to exceed any surface water standards provided all applicable discharges are in accordance with the general permit terms and conditions.

Section 4. Registration Requirements

The following table expands on the eligible activities specified in Section 2 by defining which activities require coverage and registration under this permit:



PGP Registration Category		PGP Registration Requirements		Regulated by Pesticide Management Program
		Automatic Coverage	Registration Requiring DEEP Approval	
1.	Any state of federal agency for which pest management for land resource stewardship is an integral part of the organization's operations.	X		X
2.	Mosquito control districts, or similar pest control districts.	X		X
3.	Irrigation and weed control districts, or similar pest control districts.	X		X
4.	Waterbody treatment area exceeding 80 acres.	X		X
5.	Treatment area above 6,400 acres.	X		X
6.	Shoreline application exceeding 20 miles.	X		X
7.	If exceeding the numeric treatment thresholds identified in rows 4, 5, or 6 above: applications of pesticides to State waters by water companies not required to be permitted under Section 22a-66z of the CGS.		X	
8.	If exceeding the numeric treatment thresholds identified in rows 4, 5, or 6 above: applications of biopesticides for the control of aquatic pests not otherwise required to be authorized under Section 22a-66z of CGS.		X	
9.	If exceeding the numeric treatment thresholds identified in rows 4, 5, or 6 above: applications of pesticides 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.		X	
10.	All other pesticide applications to State waters.			X

DEEP has developed the above registration categories consistent with the requirements in EPA's 2021 and proposed 2026 PGPs. In EPA's PGP development, they determined that the numeric thresholds listed above appropriately capture the relatively large decision-makers engaged in the applicable pesticide use patterns applications, addressing those which have the greatest potential for impact to waters of the United States. Additionally, EPA determined that regardless of treatment area, the regulation of other entities engaged in land stewardship activities involving the routine control of pests is necessary because these entities will likely meet or exceed the numeric thresholds due to the nature of their organization's operations¹.

¹ U.S. Environmental Protection Agency, "2021 NPDES Pesticide General Permit Fact Sheet", pg. 26-30, <https://www.regulations.gov/document/EPA-HQ-OW-2020-0005-0077>.



The general permit grants automatic permit coverage to following categories:

- Any person or municipality for which pest management for land resource stewardship is an integral part of the organization’s operations;
- Mosquito control districts, or similar pest control districts;
- Irrigation and weed control districts, or similar pest control districts; and
- Applications by other entities with a waterbody treatment area exceeding 80 acres; treatment area above 6,400 acres; and shoreline applications exceeding 20 miles.

Automatic coverage means these categories of discharges are not required to submit a registration but are required to comply with all conditions of the general permit, including Water Quality Based Effluent Limits (“WQBELs”), Technology Based Effluents Limits (“TBELs”), development and implementation of a Pesticide Discharge Management Plan, and visual monitoring requirements, to ensure discharges do not adversely impact waters of the State.

The registration approval requirements have been removed for these activities because their pesticide use, and treatment plan is dually regulated and approved by DEEP’s Pesticide Management Program under an Aquatic Pesticides Permit. Registration approval was eliminated to reduce duplicative requirements and redundant technical review and approval of pesticide applications for entities that require both NPDES and Pesticides Management Program coverage.

Applications of pesticides by water companies; applications 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; and applications of biopesticides for the control of aquatic pests not otherwise required to be authorized under Section 22a-66z of CGS, are required to submit and receive approval of registrations under this permit. These applications are not regulated by DEEP’s Pesticides Management Program and the Commissioner requires approval of general permit registrations prior to authorizing any pesticide application and discharge.

Section 5. Conditions of This General Permit

This general permit renewal now includes conditions for non-numeric TBELs, WQBELs, and increased visual monitoring requirements. The general permit conditions and the submittal of both the Pesticide Discharge Management Plan (“PDMP”), with Integrated Pest Management (“IPM”) components, remain unchanged. The general permit includes additional special conditions in Section 5.5 related to the updating of PDMPs and corrective actions that are consistent with the previous iteration of this general permit.



5.1 Technology-Based Effluent Limitations

The general permit maintains the best management practices that requires all permittees to maintain equipment used to apply, measure, and monitor pesticides; follow pesticide labeling; assess weather conditions prior to applying pesticides; and conduct activities following a PDMP developed with IPM principals. In addition, applications to maintain public infrastructure activities are required to be conducted by the certified personnel. The TBELs in this permit are consistent with those required of EPA’s 2021 PGP.

5.2 Water Quality-Based Effluent Limitations

New to this general permit renewal are the inclusion of WQBELs. These narrative limitations require permittees to control the discharge of pollutants as necessary to meet applicable water quality standards. Specific restrictions include that no discharge shall cause a visible oil sheen or floating solids or cause visible discoloration or foaming of the receiving waterbody; and that the discharge cannot cause acute or chronic toxicity to organisms outside those targeted in the PDMP.

The Commissioner expects that compliance with the other conditions in this permit (e.g., the technology-based limitations, corrective actions, etc.) will result in discharges of pollutants that are controlled as necessary to meet applicable water quality standards.

Any violation of the Connecticut Water Quality Standards through monitoring or a notification from the Commissioner, requires the permittee to take corrective actions as required in the general permit, which may include cessation of the discharge.

5.3 Visual Monitoring

During a pesticide application and post-application, permittees are required to conduct visual monitoring to assess the area to and around where pesticides are applied for possible and observable adverse incidents. The findings of visual monitoring, or if no visual monitoring was conducted, and the reason why monitoring could not be conducted, shall be documented.

All observable adverse incidents 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, must be reported to the Commissioner’s Water Permitting and Enforcement Division (“WPED”) through the new online Noncompliance Notification Form (Include web address). Within five days of submitting the notification, a written follow up report is required to be submitted using the WPED’s new online Noncompliance Follow-Up Report Form.

The Commissioner may require additional visual monitoring or sampling for any activity authorized under this general permit.



5.4 Plan Modifications and Corrective Actions

This general permit requires permittees to modify their PDMP if any unauthorized release or discharge of pesticides occur; the permittee or Commissioner concludes that the PDMP is not sufficient to meet water quality standards; monitoring activities indicate failure to meet TBELs and WQBELs; an inspection reveals modifications are required to meet the conditions of the permit; or the permittee identifies or is made aware of an adverse incident cause by pesticide application and discharge.

Changes to the PDMP must be made before the next application of pesticides if practicable, otherwise modifications must be made as soon as possible after the next application, but no later than 90 days after becoming aware of the need to modify the plan. The person who modified the PDMP and the person, municipal representative, or company representative conducting the pesticide application must sign, date, and certify the PDMP. The changes made to the plan may be requested by the Commissioner at any time for review.

Section 6. The Pesticides Discharge Management Plan and Required Contents

The PDMP documents how the permittee will comply with the effluent limitations of the permit, including the identification of the pesticide treatment plan, and implementation of IPM plan when selecting the pesticide(s) to be used.

IPM is a term used to describe a systematic method of managing pests using non-chemical pest management methods and the judicious use of pesticides when pest populations exceed acceptable levels. When pesticide applications are necessary, priority is given to using the least toxic pesticide as first choice.

Significant reductions in the volumes and toxicity of pesticides applied can be achieved when an IPM program has been implemented properly. The reductions result from the elimination of scheduled pesticide applications that are often made as preventive treatments. Precision applications of low toxicity pesticides rather than typical baseboard applications or treatment of an entire property also have proven to greatly reduce the total volumes of pesticides applied.

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 any documents that are used to comply with effluent limitations.

The PDMP shall be comprised of the following components:

6.1 Pesticide Discharge Management Team

The PDMP requires the names and contact information for all individuals responsible for, managing pests in the management area (application area), developing, and revising the PDMP, and developing, revising, and implementing corrective actions and other permit requirements.

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6.2 Applicator Information

The PDMP requires the name, address, certified applicator identification number, and contact information of all businesses/agencies conducting pesticide application.

6.3 Problem Identification

The PDMP requires a description of the pest problem, action threshold(s), location map, and water quality standards.

6.3.1 Pest Problem Description

The PDMP shall provide a description of the pest problem at the management area, including identification of the target pest(s), source(s) of the pest problem, and source of data used to identify the problem.

6.3.2 Action Threshold

The PDMP shall describe the action threshold(s) for the pest management area, including data used in developing the action thresholds(s) and method(s) to determine when the action threshold(s) has been met.

6.3.3 General Location Map

A general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) shall be included in the plan. The map shall identify the geographic boundaries of the area to which the plan applies and the location of the waters of the State, and a description of the pest management area, including waterbody and treatment area size.

6.3.4 Water Quality Standards

The plan shall document any Tier 3 (Outstanding National Resource Waters) and any water(s) identified as impaired by a substance which either is an active ingredient or a degradant of such an active ingredient.

6.4 Pest Management Options Evaluation

The permittee must document the evaluation of the pest management options including combination of the pest management options to control the target pest(s). Pest management options include the following: no action, prevention, mechanical/physical methods, cultural methods, biological control agents, and pesticides. In the evaluation, the permittee must consider the impact to water quality, impact to non-target organisms, feasibility, cost effectiveness, and any relevant previous measures used to manage pests at the location.



6.5 Response Procedures

The PDMP must document what procedures would be followed in response to a spill, to an adverse incident, and to any other concerns found during visual monitoring.

6.6 Documentation for 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.

6.7 Integrated Pest Management Plan

The IPM component of the PDMP must identify the impacts of the target pest, a description of previous measures used to minimize the effects of future pest problems and reduce the need to apply pesticides, and other practices used to control pests.

For each pesticide to be used at the site, the following information is required: the product name and label, date of pesticide application, amount of each pesticide applied, and rate/dose of pesticides applied.

For each piece of equipment used, the dates of routine maintenance, servicing, and calibration shall be identified and listed, including the applicable operation, maintenance, and calibration procedures.

6.8 Signature Requirements

The PDMP must be signed, dated, and certified in accordance with the certification requirements found in the general permit.

Section 7. Electronic Reporting Requirement

On October 22, 2015, the EPA published the NPDES Electronic Reporting Rule (“NPDES eRule”), 40 CFR 127. The rule replaces most paper-based NPDES reporting requirements with electronic reporting and details in Appendix A to Part 127—Minimum Set of NPDES Data, the data required to be sent to EPA’s Central Data Exchange (“CDX”). DEEP is working to develop capability to receive electronic submittals of registrations by the December 21, 2025 deadline found in 40 CFR 127.



Section 8. Public Participation

Prior to making a final decision to approve or deny any application, the Commissioner shall consider written comments on the application from interested persons that are received within 30 days of this public notice. Written comments should be directed to Patrick Bieger, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127 or patrick.bieger@ct.gov. The Commissioner may hold a public hearing prior to approving or denying an application if in the Commissioner's discretion the public interest will be best served thereby and shall hold a hearing upon receipt of a petition signed by at least twenty-five persons. Notice of any public hearing shall be published at least 30 days prior to the hearing.

Petitions for a hearing should include the application number noted above and also identify a contact person to receive notifications. Petitions may also identify a person who is authorized to engage in discussions regarding the application and, if resolution is reached, withdraw the petition. Original signed petitions may be scanned and sent electronically to deep.adjudications@ct.gov or may be mailed or delivered to: DEEP Office of Adjudications, 79 Elm Street, 3rd floor, Hartford, 06106-5127. All petitions must be received within the comment period noted above.

If submitted electronically, original signed petitions must also be mailed or delivered to the address above within ten days of electronic submittal. If a hearing is held, timely notice of such hearing will be published in a newspaper of general circulation. For additional information go to www.ct.gov/deep/adjudications.

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act (ADA). If you are seeking a communication aid or service, have limited proficiency in English, wish to file an ADA or Title VI discrimination complaint, or require some other accommodation, including equipment to facilitate virtual participation, please contact the DEEP Office of Diversity and Equity at 860-418-5910 or by email at deep.accommodations@ct.gov. Any person needing an accommodation for hearing impairment may call the State of Connecticut relay number - 711. In order to facilitate efforts to provide accommodation, please request all accommodations as soon as possible following notice of any agency hearing, meeting, program, or event.