



# 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

## Table of Contents

- Section 1.0 Authority.....3**
- Section 2.0 Definitions .....3**
- Section 3.0 Authorization Under This General Permit.....6**
  - 3.1 Eligible Activities .....6
  - 3.2 Requirements for Authorization .....7
  - 3.3 Exceptions and Exclusions .....8
  - 3.4 Geographic Area .....9
  - 3.5 Effective Date and Expiration Date of this General Permit.....9
  - 3.6 Effective Date of Authorization .....9
  - 3.7 Transition to and from an Individual Permit.....9
- Section 4.0 Registration Requirements .....10**
  - 4.1 Who Must File a Registration .....10
  - 4.2 Scope of Registration .....11
  - 4.3 Contents of Registration .....11
  - 4.4 Where to File a Registration .....13
  - 4.5 Additional Information .....13
  - 4.6 Action by Commissioner .....13
- Section 5.0 Special Conditions.....14**
  - 5.1 Technology-Based Effluent Limitations .....14
  - 5.2 Water Quality-Based Effluent Limitations .....15
  - 5.3 Visual Monitoring .....15
  - 5.4 Additional Conditions .....16
  - 5.5 Pesticide Discharge Management Plan Modifications and Corrective Actions .....17
- Section 6.0 General Conditions .....18**
  - 6.1 Reliance on Registration .....18
  - 6.2 Duty to Correct and Report Violations .....19
  - 6.3 Duty to Provide Information .....19
  - 6.4 Certification of Documents .....19
  - 6.5 Date of Filing .....19
  - 6.6 False Statements .....19
  - 6.7 Correction of Inaccuracies .....20
  - 6.8 Transfer of Authorization .....20
  - 6.9 Other Applicable Law .....20
  - 6.10 Other Rights .....20
  - 6.11 Conditions found in RCSA 22a-430-36.10.....21
- Section 7.0 Commissioner’s Power .....21**
  - 7.1 Abatement of Violations .....21
  - 7.2 General Permit Revocation, Suspension, or Modification.....21
  - 7.3 Filing of an Individual Permit Application .....22
- Appendix A: Pesticide Discharge Management Plan Minimum Requirements .....23**

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

## 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](mailto:DEEP.WaterPermittingEnforcement@ct.gov).
- 5.4.2. On an annual basis, prior to December 31<sup>st</sup> 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](mailto:DEEP.WaterPermittingEnforcement@ct.gov).

Source Water Protection Unit, Drinking Water Section, Department of Public Health at [DPH.SourceProtection@ct.gov](mailto: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.



# **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 leu 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.



## Table of Contents

<b>Section 1. Authority</b> .....	<b>3</b>
<b>Section 2. Authorization Under This General Permit</b> .....	<b>4</b>
<b>Section 3. Obtaining Permit Coverage</b> .....	<b>5</b>
<b>Section 4. Registration Requirements</b> .....	<b>5</b>
<b>Section 5. Permit Conditions</b> .....	<b>7</b>
<b>5.1 Technology-Based Effluent Limitations</b> .....	<b>8</b>
<b>5.2 Water Quality-Based Effluent Limitations</b> .....	<b>8</b>
<b>5.3 Visual Monitoring</b> .....	<b>8</b>
<b>5.4 Plan Modifications and Corrective Actions</b> .....	<b>9</b>
<b>Section 6. The Pesticides Discharge Management Plan and Required Contents</b> .....	<b>9</b>
<b>6.1 Pesticide Discharge Management Team</b> .....	<b>9</b>
<b>6.2 Applicator Information</b> .....	<b>10</b>
<b>6.3 Problem Identification</b> .....	<b>10</b>
<b>6.3.1 Pest Problem Description</b> .....	<b>10</b>
<b>6.3.2 Action Threshold</b> .....	<b>10</b>
<b>6.3.3 General Location Map</b> .....	<b>10</b>
<b>6.3.4 Water Quality Standards</b> .....	<b>10</b>
<b>6.4 Pest Management Options Evaluation</b> .....	<b>10</b>
<b>6.5 Response Procedures</b> .....	<b>11</b>
<b>6.6 Documentation for Compliance with other Local, State, and Federal Laws</b> .....	<b>11</b>
<b>6.7 Integrated Pest Management Plan</b> .....	<b>11</b>
<b>6.8 Signature Requirements Section</b> .....	<b>11</b>
<b>Section 7. Electronic Reporting Requirement</b> .....	<b>11</b>
<b>Section 8. Public Participation</b> .....	<b>12</b>

## 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 operations<sup>1</sup>.

<sup>1</sup> 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.

General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides  
Fact Sheet March 2024  
CTPGP0000



## **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](mailto: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](mailto: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](http://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](mailto: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.



## ***Notice of Tentative Determination to Reissue a General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides***

### **1.0 Tentative Decision**

The Commissioner of the Department of Energy and Environmental Protection (“Commissioner”, “Department” or “DEEP”) hereby gives notice of a tentative decision to reissue and administer the General Permit for Point Source Discharges to the Waters of the State from the Application of Pesticides (“Pesticides General Permit” or “General Permit”) under the authority of Section 22a-430(b) of the Connecticut General Statutes authorizing discharges to surface waters.

### **2.0 Commissioner’s Findings**

DEEP originally issued the first General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides 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 purpose of this General Permit is to protect the waters of the State from discharges associated with the application of pesticides to deal with insects, weeds, algae, animals, or other pests.

In accordance with applicable federal and state law, the Commissioner has made a tentative decision that discharges in accordance with, and authorized under the Pesticides General Permit would not cause pollution of the waters of the State. The proposed General Permit, if reissued, contains effluent limits, best management practices, and permit conditions established in accordance with Section 22a-430 of the Regulations of Connecticut State Agencies necessary to protect the waters of the state.

Permittees are required to comply with all permit conditions and limitations of this General Permit. The General Permit is effective on the date it is issued by the Commissioner and expires five (5) years after the issuance date.

### **3.0 General Permit Regulatory Conditions**

3.1 The General Permit authorizes the discharges of pesticide applications to surface waters of the state of Connecticut. Any discharge of water, substance, or material into the waters of the state other than the ones specified in the General Permit are not authorized by this General Permit. Any entity which initiates, creates, originates, or maintains such and falls under the requirements of Section 4.1.2 must apply for approval under this General Permit, all other entities that fall into the activities listed in Section 4.1.1 of this General Permit are automatically covered and shall comply with the permit terms and conditions.

### 3.2 Proposed Administrative Changes

The proposed General Permit will no longer require the submittal of a registration form for all permittees. Permittees that fall within the activities listed in Section 4.1.1 of this General Permit will receive permit coverage automatically, provided that the permittee complies with all of the permit terms and conditions in the General Permit. Additionally, the following discharges that exceed numeric treatment thresholds specified in Section 4.1.1. are required to receive approval of a general permit registration:

- Applications of pesticides to State waters by water companies not required to be permitted under Section 22a-66z of the Connecticut General Statutes;
- Applications of biopesticides for the control of aquatic pests not otherwise required to be authorized under Section 22a-66z of Connecticut General Statutes; and
- 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.

The proposed General Permit has increased the scope of eligible activities to include the forest canopy pesticide use pattern.

### 3.3 Effluent Limitations & Best Management Practices

This General Permit includes requirements to follow water quality based effluent limitations and technology based effluent limitations, including best management practices to ensure that these effluent limitations are met.

New to this proposed General Permit are the requirements for visual monitoring during and post pesticide application. This monitoring is required to be documented and any adverse incidents are to be reported to DEEP.

Additionally, all permittees that are covered under this permit are required to create, maintain, and update as needed, a Pesticides Discharge Management Plan with Integrated Pest Management Plan components.

### 4.0 Commissioners Authority

The Commissioner is authorized to issue this General Permit pursuant to Sections 22a-430 and 22a-430b of the Connecticut General Statutes (CGS) and the Water Discharge Permit Regulations, Section 22a-430-3 and 22a-430-4 of the Regulations of Connecticut State Agencies. The Commissioner is authorized to require persons covered under this permit to obtain an individual permit pursuant to CGS Section 22a-430b.

### 5.0 Public Comment

Interested persons may obtain a copy of this public notice, the proposed General Permit and the General Permit fact sheet on the DEEP website at [www.ct.gov/deep/publicnotices](http://www.ct.gov/deep/publicnotices). The General Permit materials are also available for inspection at the DEEP Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division, 79 Elm Street, Hartford,

Notice of Tentative Decision

General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides  
CTPGP0000

CT from 8:30am – 4:30pm, Monday through Friday. Questions may be directed to Patrick Bieger at [Patrick.bieger@ct.gov](mailto:Patrick.bieger@ct.gov).

Prior to making a final decision on the proposed General Permit, the Commissioner shall consider written comments from interested persons that are received within thirty (30) days of this public notice. Written comments should be directed to: Audra Dickson, Water Permitting and Enforcement Division, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127 or may be submitted via electronic mail to: Patrick Bieger at [Patrick.bieger@ct.gov](mailto:Patrick.bieger@ct.gov). Electronic mail is recommended.

### **6.0 Petitions for Public Hearing**

The Commissioner may conduct a public hearing if the Commissioner determines that the public interest will be best served thereby or shall hold a hearing upon receipt of a petition signed by at least twenty-five persons. Petitions should include the name of the general permit 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 proposed general permit and, if resolution is reached, withdraw the petition. Original signed petitions may be scanned and sent electronically to [deep.adjudications@ct.gov](mailto:deep.adjudications@ct.gov) or may be mailed or delivered to: DEEP Office of Adjudications, 79 Elm Street, 3rd floor, Hartford, CT 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.

*Emma Cimino*

---

Emma Cimino  
Deputy Commissioner

Date: April 12, 2024

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action and Equal Opportunity Employer that is committed to complying with the Americans with Disabilities Act. To request an accommodation contact us at 860-418-5910 or [deep.accommodations@ct.gov](mailto:deep.accommodations@ct.gov).