

STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

TO: Applicants Seeking Aquatic Herbicide Application
Permits

FROM: Elizabeth M. Lopes-Duguay
Sr. Environmental Scientist
Division of Agriculture

DEPT: Environmental Management

SUBJECT: INSTRUCTIONS FOR COMPLETING APPLICATION FOR AQUATIC
NUISANCE SPECIES USING PESTICIDES.

Pursuant to Rhode Island General Laws, any individual intending to apply (or hire a contractor to apply) pesticides/herbicides to any stream, lake or freshwater pond (public or private) within the state must obtain a permit from the Department of Environmental Management.

Also, any herbicide/pesticide applications to any public waterbodies require that the treatment is conducted by a RI certified/licensed commercial pesticide applicator.

Permit applicants seeking to apply pesticides/herbicides must submit the DEM's "*Application for Permit to Control Aquatic Nuisance Species using Pesticides*" to the Division of Agriculture at least 45 days prior to the intended treatment date. Since DEM is responsible for ensuring that the application of pesticides to waterbodies do not pose an environmental or public health risk, all applications are then subject to review by an internal DEM review committee, before any permit is issued.

Please note: In addition, in response to a lawsuit against the US Environmental protection Agency (EPA), the United States Court of Appeals for the 6th District has ruled that discharges from pesticides and herbicides into waters of the United States require coverage under the EPA's National Pollutant Discharge elimination System (NPDES). In Rhode Island, the authority to issue NPDES permits has been delegated by EPA to the RI Department of Environmental Management (DEM) and permits are administered through DEM'S Rhode Island Pollutant Discharge Elimination System (RIPDES) Program.

Since DEM'S Division of Agriculture has an established permitting/approval program in place that reviews and authorizes the use of pesticides, DEM has made the determination that the need to submit a separate RIPDES

application or Notice of Intent (NOI) is not necessary. Instead DEM'S Office of Water Resources and the Division of Agriculture have drafted a general RIPDES permit that will apply to pesticides and aquatic herbicide application and will recognize the current permitting process with the Division of Agriculture.

The final Permit and Regulations can be found on DEM'S website at the following link:

<http://www.dem.ri.gov/programs/benviron/water/permits/ripdes/index.htm>.

PLEASE COMPLETE THE ATTACHED APPLICATION AS FOLLOWS:

- A Question 1 - List the name and the address of the owner of the waterbody, as well as company, municipal office or community association information. In the case of multiple ownership, (e.g. pond association) please list the primary responsible person for that waterbody and/or Association. **PLEASE MAKE SURE YOU PROVIDE EMAIL ADDRESS AND PHONE NUMBER IN CASE WE NEED TO CONTACT YOU.**
- B Complete Questions 2, 3, & 4 regarding the location and type of area to be treated. Any waterbodies under CRMC jurisdiction must include an approved and active Assent with the Application package.
- C Complete questions 5, 6 and include a copy of the town plat and lot map and if the waterbody is under multiple ownership a letter from the responsible person verifying that all property owners are aware of the application. A copy of the letter and names and addresses of property owners must accompany the application. Also, include names and addresses of any individuals who may object to the treatment.
- D Question 7, if private non bedrock wells are within 50 feet of the water's edge, you must indicate these properties on a map. Information must include the property owner names & addresses. Any concerns or questions from property owners regarding their non-bedrock wells should contact Tom Angelone, DEM/Office of Water Resources at 401-222-4700 x7607
- E Complete Question 8, 9 & 10. A topographic map showing roads must identify the exact location of the treatment area, within that waterbody, as well as identifying any community wells or public water supplies, potable reservoirs within 2 miles of the waterbody. You must indicate if the community or public wells are within 200 feet of the water body if they are drilled or dug wells and/or indicate high capacity wells within 400 feet.

- F Complete question 10, 11, 12, 13, & 14 regarding watershed hydrology. If there are any outlets to the body of water, you must indicate if it can be controlled at the time of application and identify what water body the outlet flows into.
- G Question 15, Please list each invasive plant species that is being targeted for control, including the common and scientific name of each.
- H Question 16, list each product that is being used, including the manufacturer, active ingredient, targeted weed species, application rate (e.g. 6 oz./50 gallons H₂O per 100 sq. ft.) being use and the EPA registration number. Copies of each of the product label must be included with the application
- I Complete questions 17, 18, 19 about the treatment area. Please list all possible treatment dates or time periods
- J Complete Questions 20, 21, 22, 23 & 24. Information regarding impaired waters can be found on the website listed. Please included all impairments sited, not just pesticide impairments
- K Complete question 25, 26 & 27 to determine if the project may be subject to DEM Wetlands Jurisdiction. If the project results in soil disturbance, prior authorization from the DEM Water Quality/Wetlands Restoration Team may be required.
- 1) Complete Questions 28,29,30,31, & 33. ()If contracted, applicator must possess a state issued commercial pesticide applicator license or certification)
 - 2) The Owner or Primary Responsible person (as listed in Question 1) must sign the application.

If you have any questions, please feel free to contact Elizabeth M. Lopes-Duguay at 401-222-2781, ext. 4510 or liz.lopesduguay@dem.ri.gov.

PLEASE NOTE THAT ISSUANCE OF THIS PERMIT DOES NOT EXEMPT YOU FROM COMPLYING WITH OTHER APPLICABLE FEDERAL OR STATE STATUTORY REQUIREMENTS.

Incomplete applications will be returned to the applicant which will delay the review process. Please submit application for processing at least 45 days prior to the intended treatment date to:

Ms. Elizabeth M. Lopes-Duguay
DEM/Division of Agriculture
235 Promenade Street
Providence, RI 02908

cc: Kenneth D. Ayars, Chief

DEM Aquatic Herbicide Internal Review Committee

rev.1/29/2016

Aquatic App Instruction Ltr

