

**Vermont Agency of Natural Resources
Department of Environmental Conservation**

FACT SHEET

**Vermont Draft National Pollutant Discharge Elimination
System (NPDES) Pesticide General Permit (PGP) for Point
Source Discharges to Waters of the State from the
Application of Pesticides**

August 26, 2011

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Part I: Background

This draft Pesticide General Permit (PGP) is being proposed to authorize point source discharges from the application of pesticides to, over or near Waters of the State for the following pesticide use patterns: (1) mosquito and other flying insect pest control; (2) weed and algae control; (3) animal pest control; and (4) forest canopy pest control. The Vermont Department of Environmental Conservation (Department) is issuing this draft PGP for a thirty (30) day public comment period, which is described in more detail below.

1. Clean Water Act

Section 301(a) of the federal Clean Water Act (CWA) provides that “the discharge of any pollutant by any person shall be unlawful” unless the discharge is in compliance with certain other sections of the Act. 33 U.S.C. §1311(a). The CWA defines “discharge of a pollutant” as “(A) any addition of any pollutant to navigable waters from any point source, (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.” 33 U.S.C. §1362(12). A “point source” is any “discernible, confined and discrete conveyance” but does not include “agricultural stormwater discharges and return flows from irrigated agriculture.” 33 U.S.C. §1362(14). The term “pollutant” includes, among other things, “garbage... chemical wastes, biological materials ...and industrial, municipal, and agricultural waste discharged into water.”

A person may discharge a pollutant without violating the federal Clean Water Act by obtaining coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Vermont is a federally-delegated state for purposes of issuing NPDES permits and the Department administers the State’s NPDES program.

2. Court Decision Requiring the Issuance of this General Permit

The draft PGP will provide NPDES permit coverage for pesticide applications for the first time in Vermont. Discharges from many pesticide applications are already required to obtain state permits pursuant to Vermont’s Aquatic Nuisance Law (10 V.S.A Chapter 50). These state law requirements have not changed. However, beginning October 31, 2011, NPDES permits will also be required for discharges from pesticide applications for the four use patterns in light of the Federal Sixth Circuit Court of Appeals decision in National Cotton Council of America v. EPA, 553 F.3d 927 (6th Cir., 2009). The Sixth Circuit Court held that under the federal Clean Water Act, biological pesticides and chemical pesticides with residuals are “pollutants” that require NPDES permit coverage prior to discharge to waters. Prior to National Cotton, EPA had been regulating these types of applications through the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), including pesticide labeling requirements.

3. NPDES Permits

A NPDES permit authorizes the discharge of a pollutant or pollutants into Waters of the State under certain conditions. The Vermont NPDES program issues two types of permits: individual and general. An individual permit is a permit specifically tailored for an individual discharger or situations that require individual consideration. In contrast, a general permit covers multiple

facilities/sites/activities for a specific period of time (not to exceed 5 years). Given the significant number of pesticide applications in Vermont requiring NPDES permit coverage and the discharges common to these operations, the Department believes that it makes administrative sense to issue a general permit, rather than issuing individual permits. The general permit approach allows the Department to allocate resources in a more efficient manner and to provide more timely coverage and may significantly simplify the permitting process for the majority of pesticide dischargers. As with any NPDES permit, the federal Clean Water Act requires the general permit to contain technology-based effluent limitations, as well as any more stringent limits when necessary to meet the Vermont Water Quality Standards.

Vermont's PGP is modeled after a draft EPA pesticide general permit that will be administered by EPA in states that are not delegated NPDES authority (e.g. Massachusetts and New Hampshire). For many entities a permit application is not required; permit coverage is automatically granted as long as the entity complies with the requirements of the permit. The PGP clearly describes the categories of entities that must apply for coverage by submitting a Notice of Intent application; these entities are based on type of entity or acreage of annual pesticide application.

The PGP includes permit conditions necessary to meet the Clean Water Act and NPDES regulatory requirements. The permit includes both technology-based effluent limitations and water quality based effluent limitations. The permit also includes corrective action requirements, recordkeeping and reporting requirements, including reports for spills and adverse incidents. Certain categories of entities are also required to prepare a Pesticide Discharge Management Plan.

Coverage under the draft PGP is only required for discharges of pesticides to or over waters of the state. Irrigation return flows and agricultural stormwater runoff do not require NPDES permits, even when they contain pesticides or pesticide residues, as the CWA specifically exempts these categories of discharges from requiring NPDES permit coverage. This permit does not cover terrestrial applications for the purpose of controlling pests on agricultural crops or forest floors.

Part II: Structure of Permit

1. General

Throughout this fact sheet (and permit), the Department uses consistent terms when referring to what activity or discharge will be eligible for coverage and who will be responsible to comply with the terms of the permit. Specifically, the permit holder is referred to as the "Operator." This term has a similar meaning to the term "permittee" which is also used in the fact sheet; generally, the term permittee is specific to the period of time that an Operator or contractor is actually covered under the permit.

The permit is divided into nine parts: (1) coverage under this permit and limitations on coverage, (2) technology-based effluent limitations, (3) water quality-based effluent limitations, (4)

monitoring, (5) pesticide discharge management plan, (6) corrective action, (7) recordkeeping and annual reporting, (8) contact information and mailing addresses, and (9) permit conditions. Additionally, the permit includes two appendices: Appendix A Definitions, Abbreviations, and Acronyms and Appendix B Standard Permit Conditions.

Operators should carefully read each part of the permit to assess whether or what portion of the requirements in each part may apply to their activities. The permit establishes different requirements for different types of pesticide use patterns, different types of Operators, and different sizes of areas treated and managed for the control of pests. The organization of the permit is intended to clarify the applicable requirements for Operators to the greatest extent possible.

Readers should be aware that EPA is continuing to consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on EPA's draft general permit in order to meet EPA's obligation to insure that issuance of EPA's permit will not be likely to jeopardize the continued existence of any federally listed endangered or threatened species or result in the destruction or adverse modification of their designated critical habitats. This consultation among EPA and other federal Services may result in additional provisions being included in EPA's final general permit. The Department will evaluate any additional permit terms or conditions included by EPA in its final EPA permit, and, if appropriate, the Department may include similar additional terms and conditions in Vermont's final PGP.

Part III: Summary of Permit Conditions

1. Coverage under this Permit

Only Operators meeting the eligibility requirements outlined in the PGP may be covered under the permit. If an Operator does not meet the eligibility provisions of the PGP, the Operator's point source discharges to Waters of the State from the application of pesticides will be in violation of the CWA, unless the Operator has obtained coverage under another permit or the Clean Water Act exempts these discharges from NPDES permit requirements. Agricultural stormwater runoff and irrigation return flow are exempt from NPDES permits. Also, pesticide applications that do not reach Waters of the State do not need permit coverage. The draft PGP covers the discharge of pesticides (biological pesticides and chemical pesticides which leave a residue) to Waters of the State resulting from the following use patterns: (1) Mosquito and Other Flying Insect Pest Control; (2) Weed and Algae Control; (3) Animal Pest Control; and (4) Forest Canopy Pest Control as summarized below:

Mosquito and Other Flying Insect Pest Control

This use pattern includes the application, by any means, of chemical and biological insecticides and larvicides into or over water to control insects that breed or live in, over, or near Waters of the State. Applications of this nature usually involve the use of ultra low volume sprays or granular larvicides discharged over large swaths of mosquito breeding habitat and often are performed several times per year.

Weed and Algae Pest Control

This use pattern includes the application, by any means, of contact or systemic herbicides to control vegetation and algae (and plant pathogens such as fungi) in Waters of the State and at water's edge, including ditches and/or canals. Applications of this nature typically are single spot pesticide applications to control infestations or staged large scale pesticide applications intended to control pests in several acres of waterway. Pesticide applications in a treatment area may be performed one or more times per year to control the pest problem.

Animal Pest Control

This use pattern includes the application, by any means, of pesticides into Waters of the State to control a range of animal pests for purposes such as fisheries management, invasive species eradication or equipment operation and maintenance. Applications of this nature are often made over an entire or large portion of a waterbody as typically the target pests are mobile. Multiple pesticide applications to a waterbody for animal pest control are often made several years apart.

Forest Canopy Pest Control

This use pattern includes pest control projects in, over, or to forest canopies (aerially or from the ground) to control pests in the forest canopy where Waters of the State exist below the canopy. Applications of this nature usually occur over large tracts of land, and are typically made in response to specific pest outbreaks. The Department understands that for this use pattern pesticides will be unavoidably discharged into Waters of the State in the course of controlling pests over a forest canopy as a result of pesticide application. These pests are not necessarily aquatic (e.g., airborne non-aquatic insects) but are detrimental to industry, the environment, and public health. Note: the Department recognizes that mosquito adulticides are applied to forest canopies, and this application is covered under the "Mosquito and Other Flying Insect Pest Control" use pattern.

The draft PGP includes several limitations on coverage. Operators are not eligible for coverage under this permit for any discharges from a pesticide application to Waters of the State if the water is identified as impaired by a substance which either is an active ingredient in that pesticide or is a degradate of such an active ingredient. For purposes of this permit, impaired waters are those that have been identified by the Department as not meeting Vermont's Water Quality Standards. Impaired waters consist of both waters with EPA-approved or EPA-established total maximum daily loads (TMDLs) and waters for which EPA has not yet approved or established a TMDL. In addition, except for discharges from pesticide applications made to restore or maintain water quality or to protect public health or the environment that either do not degrade water quality or only degrade water quality on a short-term or temporary basis, Operators are not eligible for coverage under this permit for discharges to Waters of the State that are designated as Outstanding Resource Waters pursuant to 10 V.S.A. §1424a.

Pursuant to §1-03, Anti-Degradation Policy (Policy), of Vermont's Water Quality Standards and the Agency's Interim Anti-Degradation Implementation Procedure dated October 12, 2010 (Procedure), the Agency must apply the Policy and Procedure during the review of applications for any permit for a new discharge if during the application review process compliance with the

Standards is evaluated pursuant to applicable state or federal law. This includes direct discharge permits, such as the PGP. As provided in the Procedure, in the course of reviewing an application the Secretary shall determine whether the proposed discharge will result in a limited reduction in water quality in a high quality water by utilizing all credible and relevant information and the best professional judgment of Agency staff. If the Secretary determines that a proposed discharge will result in a limited reduction in high quality water, the Secretary shall not issue a permit or approval unless the Secretary finds that allowing a limited reduction in water quality satisfies the socioeconomic justification test in the Policy. In conducting anti-degradation review, the Secretary must also determine whether the existing uses of waters, and the level of water quality necessary to protect those existing uses, shall be maintained and protected and whether any Outstanding Resource Waters will be impacted by the project. Under the PGP, discharges to Waters of the State that are in compliance with the terms and conditions of the PGP will be considered in compliance with Vermont's Water Quality Standards, including the anti-degradation policy. The Department reserves the right to require an individual permit in Part 1.3.1 if the Department determines that individual permit coverage is more appropriate.

2. Technology-Based Effluent Limitations

The federal Clean Water Act requires that all point source discharges from existing facilities, or in this case, pesticide applications, meet technology-based effluent limitations representing the applicable levels of necessary control. Additionally, water quality-based effluent limitations (WQBELs) are required by CWA Section 301(b)(1)(C) as necessary where the technology-based effluent limitations are not sufficient to protect applicable water quality standards.

Technology-based effluent limitations are in many cases established by EPA in regulations known as effluent limitations guidelines, or "ELGs." EPA establishes these regulations for specific industry categories or subcategories after conducting an in-depth analysis of that industry. The federal Clean Water Act sets forth different standards for the ELGs based upon the type of pollutant or the type of permittee involved. Where EPA has not issued effluent guidelines for an industry, effluent limitations may be established for NPDES permits on a case-by-case basis based on the best professional judgment of the issuing Agency.

Under EPA's regulations, non-numeric effluent limitations, such as best management practices (BMPs), are authorized in lieu of numeric limitations, where "numeric effluent limitations are infeasible." 40 CFR § 122.44(k). For this permit, the Department is using the term "Pest Management Measures," as defined in Appendix A of the permit, to represent those practices used to meet the non-numeric effluent limitations. The Pest Management Practices constitute the levels of control that reduce the area and duration of impacts caused by the discharge of pesticides to Waters of the State. In addition, these effluent limitations provide for protection of water quality standards, including protection of beneficial uses of the receiving waters following completion of pest management activities.

There is variability in the Pest Management Measures that can be used to meet the effluent limitations. Therefore, the Department is not mandating the specific Pest Management Measures Operators must implement to meet the limitations. A given Pest Management Measure may be acceptable and appropriate in some circumstances but not in others. In this respect, the non-

numeric effluent limitations in this permit are similar to numeric effluent limitations, which also do not require specific control technologies as long as the limitations are met. Pest Management Measures can be actions (including processes, procedures, schedules of activities, prohibitions on practices and other management practices), or structural or installed devices to prevent or reduce water pollution. The key is determining what measure is appropriate for your situation in order to meet the effluent limitation. In this permit, Operators are required to implement site-specific Pest Management Measures to meet these effluent limitations. Operators must tailor these to their situations as well as improve upon them as necessary to meet the effluent limitations.

Some Decision-makers will have to document how such factors were taken into account in the implementation of their Pest Management Measures. The Department recognizes that not all of these considerations will be applicable to every pest management area nor will they always affect the choice of Pest Management Measures. If Operators find their Pest Management Measures are not minimizing discharges of pesticide adequately, the Pest Management Measures must be modified as expeditiously as practicable.

The non-numeric effluent limitations require Operators to “minimize” discharges of pesticide. Consistent with the control level requirements of the CWA, the term “minimize” means to reduce and/or eliminate pesticide discharges to Waters of the United States through the use of Pest Management Measures to the extent technologically available and economically achievable and practicable. The Department believes that for many pesticide applications minimization of the discharge of pesticides to Waters of the State can be achieved without using highly engineered, complex pest control systems. The limits may emphasize effective “low-tech” approaches, including using only the amount of pesticide product and frequency of pesticide application necessary to control the target pest, performing equipment maintenance and calibration, assessing weather conditions prior to pesticide application, accurately identifying the pest problem, efficiently and effectively managing the pest problem, and properly using pesticides.

3. Water Quality-Based Effluent Limitations

The federal Clean Water Act requires NPDES permits to include technology-based effluent limitations for all discharges, and then if necessary for a specific discharge, water quality-based effluent limitations (WQBELs). Permit writers are to assess whether the technology-based effluent limitations are protective of water quality standards, and if not, permit writers must also include WQBELs as necessary to ensure that the discharge will not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality. In developing WQBELs, permit writers must consider the potential impact of every proposed surface water discharge on the quality of the receiving water. Unlike individual permits that include requirements tailored to site-specific considerations, general permits, while tailored to specific industrial processes or types of discharges (e.g., from the application of pesticides), often do not contain site-specific WQBELs. Instead, in general, the Department includes a narrative statement that addresses WQBELs. In this permit the WQBEL is as follows:

All Operators must control discharges as necessary to meet applicable numeric and narrative Vermont water quality standards in accordance with the terms and conditions of this permit and Vermont state law.

If at any time an Operator becomes aware, or the Department determines, that the Operator's discharge causes or contributes to an excursion of any applicable water quality standard, the Operator must take corrective action as required in Part 6 and Appendix B, Section B.3, up to and including the ceasing of the discharge, if necessary.

The first sentence includes the general requirement to control discharges as necessary to meet water quality standards, while the second sentence implements this requirement in more specific terms by imposing on Operators a responsibility to take corrective action in response to an excursion of applicable water quality standards, whether discovered by the Department or by the Operator. Failure to take such corrective action is a violation of the permit. Additionally, the permit includes a provision, that the Department may determine that additional technology-based and/or water quality-based effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES permit.

When the Operator or the Department determines a discharge will cause or contribute to an excursion above any WQS, including failure to protect and maintain existing designated uses of receiving waters, the Operator must take corrective action to ensure that the situation is eliminated and will not be repeated in the future. (See Part 6.0). If additional Pest Management Measures are required, the Department expects the Operator to vigilantly and in good-faith follow and document, as applicable, the process for Pest Management Measure selection, installation, implementation and maintenance, and cooperate to eliminate the identified problem.

4. Site Monitoring

Monitoring is required in any NPDES permit to demonstrate compliance with the permit conditions. Monitoring requirements apply from the time any authorized Operator begins discharging under this permit. These requirements are not tied to submission of an NOI. There are a variety of monitoring methods that a "traditional" NPDES permit may require, including end-of-pipe monitoring to show compliance with relevant water quality-based and technology-based effluent limitations prior to discharging to a receiving waterbody. Monitoring may also pertain to actions taken to ensure that record keeping or other permit control activities are being properly implemented. Water quality monitoring of receiving streams is not typically required in NPDES permits unless it is required to determine among other things, compliance with mixing zone dilution standards or some other special permit condition.

The monitoring requirements of this permit are narrative and demonstrate compliance with permit conditions by using currently established pesticide use routines for monitoring pest control. The monitoring requirements of the permit are reasonable measures of good pest management practice that the conscientious Operator should be currently employing to ensure environmental health and safety and optimal control of pest organisms.

Monitoring of pesticide discharges poses several challenges not generally encountered in “traditional” NPDES permitting situations. For example, there is no “wastewater discharge” per se from pesticide applications that is analogous to end-of-pipe discharges. Thus, the monitoring program that the Department has developed for this PGP has been tailored to accommodate the unique situations related to pesticide applications. Routine visual monitoring is required in the PGP and can be used to determine if any pesticide use practices may need to be revised to ensure that avoidable adverse impacts to the environment do not occur. Monitoring records required by those Operators who submit NOIs will establish a history that may indicate if or when practices need to be reconsidered.

Visual Monitoring Requirements for Pesticide Applicators

Visual monitoring assessments are required as a means of identifying, for example, instances of detrimental impact to non-target organisms, disruption or degradation of wildlife habitat, or the prevention of designated recreational or municipal uses of a waterbody that may possibly be related to the Operator’s use of pesticides in a given area. This requirement consists of visually monitoring the area to and around where pesticides are applied for possible and observable adverse incidents, such as unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

Visual Monitoring Requirements for all Operators

Visual monitoring must also be conducted during any post-application surveillance, such as to determine the efficacy of the pesticide application. Visual monitoring of this type is required of all Operators but only if the Operator, be it the Applicator or the Decision-maker or both, performs post application surveillance in the course of business. The Department expects that post-application visual assessments are reasonably conducted on foot or from a stationary vehicle, although they might also be conducted from a moving vehicle, including a boat or plane, in certain circumstances.

5. Pesticide Discharge Management Plan (PDMP)

Any Decision-maker that is required to submit an NOI and is above the Small Business Administration (SBA) thresholds for a small business or a public entity that serves a population of 10,000 or greater must develop a PDMP, except for any pesticide applications made in response to a declared pest emergency situation. The Department defines this type of Decision-maker as a *large entity* in the permit. Large entity Decision-makers must prepare and submit the PDMP with the filing of the NOI. Any Decision-maker that is required to submit an NOI and is below the SBA thresholds for small businesses or is a public entity serving a population of fewer than 10,000, is not required to develop or submit a PDMP. The Department defines this type of Decision-makers as a *small entity* in the permit. EPA recognizes that SBA defines “small entities” as including government entities that serve populations of less than 50,000 persons.

The PDMP itself does not contain effluent limitations; rather it constitutes a tool both to assist the Decision-maker in documenting what pest management measures it is implementing to meet the effluent limitations, and to assist the permitting/compliance authority in determining whether the effluent limitations are being met. Developing a PDMP helps Decision-makers ensure they

have (1) taken steps to identify the pest problem, (2) evaluated pest management options, and (3) selected appropriate pest management measures to control pesticide discharges. A PDMP is a “living” document that requires reviews and must be kept up-to-date. Where pest management measures are modified or replaced to meet effluent limitations, such as in response to a Part 6.1 triggering condition, such changes must be documented in the PDMP. All changes to the PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, no later than 90 days after any change in pesticide application activities. Failure of a Decision-maker to develop and maintain an up-to-date PDMP is a violation of the permit. This recordkeeping violation is separate and distinct from a violation of any of the other substantive requirements in the permit (e.g., effluent limitations, corrective action, and monitoring, reporting, and state-specific requirements).

A PDMP must include identification of the pesticide discharge management team, a description of the pest problem, and a description of the pest management options evaluation. Decision-makers must also provide response procedures for spill response and adverse incident response. The size of a pest management area is determined by the Decision-maker responsible for and with the authority to conduct pest management activities. For example, the pest management area for a mosquito control district is the total area of the district. Once the plan is developed, the Decision-maker must maintain the plan thereafter for the duration of coverage under this general permit. For any Decision-maker for which the annual treatment area threshold triggers the NOI requirement (and the Decision-maker is a large entity), the Decision-maker must keep the plan up-to-date for the duration of permit coverage even if the annual treatment area subsequently falls below the annual treatment area threshold.

6.0 Corrective Action

The purpose of including corrective action requirements in this permit is to assist this new universe of NPDES Permittees with effectively meeting technology-based and water-quality-based effluent limitations and implementing Pest Management Measures in this permit. Corrective action requirements apply from the time any authorized Operator begins discharging under this permit. These requirements are not tied to submission of an NOI. Corrective actions in this permit are follow-up actions an Operator must take to assess and correct problems. They require review and revision of Pest Management Measures and pesticide application activities, as necessary, to ensure that these problems are eliminated and will not be repeated in the future. The permit makes clear that the Operator is expected to assess why a specific problem has occurred and document what steps were taken to eliminate the problem. The Department believes this approach will help Operators in complying with the requirements of the permit on a consistent basis.

It should be noted that a situation triggering corrective action is not necessarily a permit violation and, as such, may not necessarily trigger a modification of Pest Management Measures to meet effluent limitations. However, failure to conduct (and document) corrective action reviews in such cases does constitute a permit violation.

7. Recordkeeping and Annual Reporting

This permit requires all Decision-makers to maintain certain records to help them assess performance of Pest Management Measures and to document compliance with permit conditions. Recordkeeping and reporting requirements apply from the time any authorized Operator begins discharging under this permit. This permit requires a basic set of records to be maintained by all Decision-makers, as well as separate requirements depending on the type of Operator (i.e., Applicator, For-Hire Applicators, NOI submitting Decision-maker that is a small entity and NOI submitting Decision-maker that is a large entity). Operators can rely on records and documents developed for other programs, such as requirements under FIFRA, provided all requirements of the permit are satisfied.

The Department has found that it is appropriate and reasonable to require different records for different types of Operators, reasoning that the recordkeeping responsibilities assigned in the permit reflect the nature of involvement in pesticide application activities for the Operators described.

Records to be kept by all Operators (all Decision-makers)

These records must be kept by *all* Operators, including those not submitting an NOI. Although this section is a universal requirement, these particular records are necessary only in the event of an adverse incident, the case that corrective action was required, or in the event of a discharge resulting from a spill or leak.

- a. A copy of any Adverse Incident Reports;
- b. Rationale for any determination that reporting of an identified adverse incident is not required;
- c. A copy of any corrective action documentation; and,
- d. A copy of any spill and leak or other unpermitted discharge documentation.

8. Contact and Mailing Addresses

This part of the permit identifies contact information and mailing addresses for any applicable reporting requirements of this permit.

9. Standard Permit Conditions

Federal regulations require that all NPDES permits contain the standard permit conditions specified in 40 CFR 122.41. Appendix B incorporates those standard conditions with some minor revisions to more clearly address pesticide application operations covered under the PGP in Vermont. Of note, Subsection B.1 in Appendix B explains the Operator's duty to comply with the conditions of the permit with failure to do so constituting a violation of the Clean Water Act.

10. Permit Appendices

A. Appendix A. - Definitions, Abbreviations, and Acronyms

B. Appendix B. - Standard Permit Conditions

Part IV. Public Comment Period and Public Meetings

Notice of Public Information Meeting

Draft National Pollutant Elimination System (NPDES) Pesticide General Permit (PGP) for Point Source Discharges to Waters of the State of Vermont (State) from the Application of Pesticides

In compliance with the provisions of the Federal Clean Water Act (CWA), as amended, the Agency of Natural Resources (Agency) proposes to issue a general NPDES permit for pesticide discharges to Waters of the State.

Two Public Information Meetings will be held: 1) on September 15, 2011 at 5:30 PM at the Pavilion Building, 109 State Street, 4th floor conference room, Montpelier (A valid photo-ID is required to enter the Pavilion Building) and, 2) on September 19, 2011 at 5:30 PM at the Asa Bloomer State Office Building, 2nd Floor Conference Room, 88 Merchants Row, Rutland to receive public comments on the draft general permit. Any person may submit oral or written comments at the public information meeting. In addition, any person may submit written comments through 4:30 PM, September 30, 2011.

Comments should be sent to: Susan Brittin, VTDEC, Water Quality Division, 103 S. Main Street, Building 10 N., Waterbury, VT 05671-0408 or susan.brittin@state.vt.us.

In making a final determination on the general permit, the Agency will consider all comments received at the public information meeting and all written comments received by 4:30 pm on September 30, 2011.

The draft general permit will be available for review on August 25, 2011 on the website www.vtwaterquality.org/lakes.htm.