

FACT SHEET

**VERMONT DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PESTICIDE GENERAL PERMIT (PGP) FOR POINT SOURCE DISCHARGES FROM THE
APPLICATION OF PESTICIDES TO WATERS OF
THE STATE OF VERMONT**



March 13, 2017

Part I: Background

Introduction

The Department of Environmental Conservation (Department) is reissuing the National Pollutant Discharge Elimination System (NPDES) pesticide general permit (“2017 PGP”) which authorizes the point source discharges of biological pesticides, and chemical pesticides that leave a residue, to waters of Vermont. The 2017 PGP replaces the Vermont’s 2011 PGP, which expired on October 31, 2016. This Fact Sheet describes the 2017 PGP. Conditions and requirements in the draft 2017 PGP remain largely unchanged from the 2011 PGP. The Department considered the information gathered during the implementation of the 2011 PGP, and will consider comments on this draft 2016 PGP in finalizing the PGP. Supporting information and materials for the 2017 PGP, including the response to comments document, included.

The 2017 PGP is proposed to renew authorizations for 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 Department is issuing this draft PGP for a thirty (30) day public comment period, which is described in more detail below.

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 compliant 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...” 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.

History

EPA regulates the sale, distribution and use of pesticides in the United States under the statutory framework of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to ensure that when used in conformance with FIFRA labeling directions, pesticides will not pose unreasonable risks to human health and the environment. All new pesticides, for which registration is required, must undergo a registration procedure under FIFRA during which the Vermont Agency of Agriculture Food and Markets (AAFM) assesses a variety of potential human health and environmental effects associated with use of the product. Under FIFRA, EPA is required to consider the effects of pesticides on the environment by determining, among other things, whether a pesticide “will perform its intended function without unreasonable adverse effects on the environment,” and whether “when used in accordance with widespread and commonly recognized practice [the pesticide] will not generally cause unreasonable adverse effects on the environment.” 7 U.S.C. 136a(c)(5). In Vermont, the AAFM has primary authority under FIFRA to enforce “use” violations. It also examines the ingredients of a pesticide, the intended type of application site and directions for use, and supporting scientific studies for human health and environmental effects and exposures. When a pesticide is approved for use, restrictions are imposed through labeling requirements that govern its use. The restrictions are intended to ensure that the pesticide serves an intended purpose and avoids unreasonable adverse effects. It is illegal under section 12(a)(2)(G) of FIFRA to use a registered pesticide in a manner inconsistent with its labeling.

Court Decision Requiring the Issuance of the PGP

The draft PGP will continue providing NPDES permit coverage for pesticide applications in Vermont. Pesticide applications are already required to obtain state permits pursuant to Vermont's Aquatic Nuisance Control Law (10 V.S.A. Chapter 50). These state law requirements have not changed.

In the past, several courts have addressed the question of whether the CWA requires NPDES permits for pesticide applications. These cases resulted in some confusion among the regulated community and other affected citizens about the applicability of the CWA to pesticides applied to waters of the United States. On November 27, 2006, EPA issued a final rule (hereinafter called the "2006 NPDES Pesticides Rule") clarifying two specific circumstances in which an NPDES permit was not required to apply pesticides to or around water. They were: 1) the application of pesticides directly to water to control pests; and 2) the application of pesticides to control pests that are present over, including near, water where a portion of the pesticides will unavoidably be deposited to the water to target the pests, provided that the application is consistent with relevant FIFRA requirements in both instances. The rule became effective on January 26, 2007. On January 7, 2009, the Sixth Circuit vacated EPA's 2006 NPDES Pesticides Rule under a plain language reading of the CWA. *National Cotton Council of America v. EPA*, 553 F.3d 927 (6th Cir., 2009). The Court held that the CWA unambiguously includes "biological pesticides" and "chemical pesticides" with residuals within its definition of "pollutant." Specifically, an application of chemical pesticides that leaves no excess portion is not a discharge of a pollutant, and the applicator need not obtain an NPDES permit. However, chemical pesticide residuals are pollutants as applied if they are discharged from a point source for which NPDES permits are required. Biological pesticides, on the other hand, are always considered a pollutant under the CWA regardless of whether the application results in residuals or not and require an NPDES permit for all discharges from a point source.

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 a distinct discharger or situations that require individual consideration. In contrast, a general permit covers activities for specific use and frequency. Given the few number of pesticide applications in Vermont requiring NPDES permit coverage, and the discharges from these operations, the Department believes that it makes administrative sense to issue a general permit, rather than issue each activity individual permits. This 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 regulated 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 somewhat after the EPA's 2016 draft pesticide general permit (administered by EPA in states (e.g. Massachusetts and New Hampshire) that are not delegated NPDES authority). For many entities, a permit application is not required. Permit coverage is automatically granted if the entity complies with the applicable requirements of the permit. The PGP clearly describes the categories of entities that must apply for coverage by submitting a Notice of Intent for coverage under this general permit (a.k.a. an application). These entities are based on the type of activity, and 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. The permit has been changed. These changes simplified language and entity characterization. It also now requires all entities to prepare a Pesticide Discharge

Management Plan, and includes more specificity for action thresholds, public notification, record management, and adverse incident reporting.

As indicated, coverage under the PGP is only required for discharges of pesticides directly into 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 controlling pests, such as those on agricultural crops or forest floors.

Part II: Structure of Permit

General

Throughout this fact sheet and the PGP, 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,” and is synonymous to the term “permittee.” For clarity, the terms “Decision-maker” and “Applicator” were removed and consolidated, under the definition of an Operator within this amended permit.

The permit is divided into nine parts: (1) discharge information and coverage under this permit, (2) technology-based effluent limitations, (3) operator’s responsibilities, (4) water quality-based effluent limitations, (5) monitoring requirements, (6) pesticide discharge management plan, (7) corrective action, (8) recordkeeping and annual reporting, (9) contacts, and (10) appeal of this decision. Additionally, the permit includes two appendices: Appendix A – Definitions and Abbreviations & Acronyms and Appendix B – Standard Permit Conditions.

Operators should carefully read each part of the permit to assess the requirements that 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, consolidation of terms, and broadening of requirements is intended to clarify the requirements for Operators while protecting the waters of State to the greatest extent possible.

Readers should be aware that the Department has consulted with the Vermont Department Fish & Wildlife to ensure that issuance of this permit will not jeopardize the continued existence of any federally or state listed endangered or threatened species or result in the destruction or adverse modification of their designated critical habitats.

Part III: Summary of Permit Conditions

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, its point source discharge 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 this discharge from NPDES permit requirements. All agricultural stormwater runoff and irrigation return flow are exempt from NPDES permits. Further, pesticide applications that do not reach waters of the State do not need permit coverage.

The 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. These use pattern are summarized below:

Mosquito and Other Flying Insect Pest Control

This use pattern includes the application 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 of contact or systemic herbicides to control vegetation and algae (and plant pathogens such as fungi) in waters of the State and at the 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 (e.g., lampricide), 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 during the control of pests over a forest canopy because of a pesticide application. These pests are not necessarily aquatic (e.g., airborne non-aquatic insects) but are detrimental to industry, the environment, and public health. The Department recognizes that mosquito adulticides are applied to forest canopies; however, this application is covered under the "Mosquito and Other Flying Insect Pest Control" use pattern.

The 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 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. According to the 2016 Water Quality Integrated Assessment Report (305(b) report, there are 44 miles of rivers and streams stressed from the use of pesticides, none of which are used in the aforementioned use patterns.

Pursuant to §1-03, Anti-Degradation Policy (Policy), of Vermont's Water Quality Standards and the Department's Interim Anti-Degradation Implementation Procedure dated October 12, 2010 (Procedure), the Department must apply the Policy and Procedure during the review of any permit. This includes direct discharge permits, such as the PGP. As provided in the Procedure, during the review of an application the Department 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 judgement. If the Department determines that a proposed discharge will result in a limited reduction in high quality water, the Department shall not issue a permit or approval unless the Department finds that allowing a limited reduction in

water quality satisfies the socioeconomic justification test in the Policy. In conducting anti-degradation review, the Department 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 follow 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.

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 the Department 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 Department.

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 specifying the Pest Management Measures that Operators must implement to meet these 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. Therefore, the determination of what measure is appropriate for your situation to meet the effluent limitation is key. 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.

Operators must document how such factors were considered in the implementation of their Pest Management Measures. The Department recognizes that not all 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 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.

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 a divagation of any applicable water quality standard, the Operator must take corrective action as required in Part 7 and Appendix B, Subpart B.3, up to and including the ceasing of the discharge, if necessary. 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 WQBELs 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 Department determines that a discharge will cause or contribute to divagation above any water quality standard, 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. If additional Pest Management Measures are required, the Department expects the Operator to vigilantly and in good-faith follow and document, the process for Pest Management Measure selection, installation, implementation and maintenance, and cooperate to eliminate the identified problem.

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. Traditional monitoring methods that a NPDES permit may require are end-of-pipe monitoring to show compliance with relevant water quality-based and technology-based effluent limitations prior to discharging. 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 waters is not typically required within NPDES permits unless it is required to determine, for example, compliance with mixing zone dilution standards or some other special permit condition.

The monitoring requirements of this permit are narrative, and demonstrate compliance by using currently established pesticide use routines for monitoring pest control. They are reasonable measures of good pest management practice employed to ensure not only environmental health and safety but also optimal pest control occurs. However, monitoring of pesticide discharges poses several challenges not generally encountered with NPDES permit situations. There is no “wastewater” discharge from pesticide applications analogous to typical end-of-pipe discharges. Thus, the monitoring program that the Department has developed for the 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 under the PGP establishes 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 where pesticides are applied for possible, observable adverse incidents, such as the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or potable water use. Visual monitoring includes post-application surveillance, such as to determine the efficacy of the pesticide application. Visual monitoring of this type is required of all Operators. The Department expects that post-application visual assessments are reasonably conducted by foot or from a vehicle, as well as a boat or plane in certain circumstances.

Pesticide Discharge Management Plan

All Operators required to submit an NOI must develop a Pesticide Discharge Management Plan (PDMP), except for any pesticide applications made in response to a declared pest emergency. The PDMP itself does not contain effluent limitations; rather it constitutes a tool both to assist Operators 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 Operators 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 requires routine review 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. Failure of an Operator 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 Operator 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 a PDMP is developed, it must be maintained for the duration of coverage under this general permit.

Corrective Action

The purpose of including corrective action requirements in this permit is to assist Operators to effectively meet the technology-based and water quality-based effluent limitations, and to implement the Pest Management Measures in this permit. Corrective actions are follow-up actions an Operator must take to assess and correct problems. Corrective action requirements apply at the time any authorized Operator begins discharging under this permit. These requirements are not tied to submission of an NOI. 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 document and conduct corrective action reviews in such cases constitutes a permit violation.

Recordkeeping and Annual Reporting

This permit requires all Operators 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 Operators, as well as separate requirements depending on the type of Operator. 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 these different recordkeeping responsibilities reflect the nature of involvement in pesticide application activities for the types of Operators described.

Records to be kept by all Operators

These records must be kept by all Operators, including those not submitting an NOI. Although this section is a universal requirement, these 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. Rationale for any determination that reporting of an identified adverse incident is not required; a copy of any corrective action documentation; and, a copy of any spill and leak or other unpermitted discharge documentation.

Contact and Mailing Addresses

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

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 in Vermont. Of note, Subsection B.1 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.

Permit Appendices

Appendix A – Definitions, Abbreviations, and Acronyms

Appendix B – Standard Permit Conditions

Part IV. Public Comment Period and Notice of Public Meetings

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 Department proposes to issue a general NPDES permit for pesticide discharges to Waters of the State.

An informational meeting will be held on April 10, 2017 at 2:00 PM at the Agency Annex, ANR Annex Building 190 Junction Rd, Berlin, VT 05602 to receive public comments on the draft general permit. Any person may submit oral or written comments at the public information meeting. In making a final determination on the general permit, the Department will consider all comments received at the public information meeting and all written comments received by 4:30 pm on April 19, 2017.

Comments should be sent to: Misha Cetner, Watershed Management Division, 1 National Life Drive, Montpelier, VT 05620 or ANR.WSMDShoreland@vermont.gov.

The draft general permit will be available for review on March 13, 2017 on the following website: <http://dec.vermont.gov/watershed/lakes-ponds/permit/pesticide-general-permit>.