

TITLE 6 NEW YORK CODE OF RULES AND REGULATIONS PARTS 327 AND 328
APPLICATION FOR A PERMIT TO USE A PESTICIDE FOR THE CONTROL OF AN AQUATIC PEST

Dear Applicant:

A permit for the use of a pesticide for the control of an aquatic pest must be obtained in accordance with the Rules and Regulations of the State of New York, adopted pursuant to Article 15, Title 3 of the Environmental Conservation Law and Parts 327 and 328 of Title 6 New York Code of Rules and Regulations.

EXCEPTIONS to this permit requirement are:

- The use of copper sulfate for algae control by or on behalf of a duly constituted water supply agency in its water supply waters, or the
- The treatment of waters for aquatic vegetation control which have no outlet to other waters, which are one acre or less in size, and which lie wholly within boundaries of lands privately owned or leased by the individual making or authorizing such treatment.

Please read the instructions carefully and complete the application form accordingly. Completed applications with all requested attachments must be submitted at least 3 months before the proposed treatment date to provide the Department with sufficient time for application review. Application packets received by this office which are determined to be incomplete or incorrect will result in the issuance of a Notice of Incomplete Application, and the application will be returned. Application review will not begin until a complete, accurate application has been received by the Department.

All aquatic permit applications must include the original signed application with copies of all required information. Additional copies may be needed as determined by DEC Regional offices. Refer to the Checklist for the exact number required for your Regional DEC office. If you have been issued permits in the past, you may be eligible to have your existing permit renewed under an abbreviated review process if no changes in the existing application are proposed. Contact your local DEC office to determine if you are eligible.

If multiple ownership applies, applicants must certify that all affected riparian owners and users have been properly notified of the proposed aquatic pesticide application by completing a “Certification of Notification of Riparian Owners and Users” form which confirms this notification. In addition, every application must include a complete list of names and permanent addresses of all affected riparian owners and a copy of the letter sent to them as described in the instructions and on the checklist.

By conditions imposed in the permit, the applicant may be responsible for providing public notice of fishing, swimming and other restrictions which may be placed on the treated water as a result of the pesticide application, and may be required to post notification signs along shorelines, public access points, bathing areas, and swimming areas. In addition, applicants may be required to mark or buoy the areas to be treated prior to treatment.

Normally, the applicant must notify the Regional Pesticide staff at least 7 working days prior to the actual application of the pesticide to the water body. Be sure to check this requirement on any permits you are issued. In addition, the applicant must allow the Regional Pesticide staff access to the water body and the ability to observe the pesticide application, if this is requested. The applicant may be required to provide monitoring data on non-target impacts and on water quality.

The Department has developed this guidance to ensure that potential applicants understand their responsibilities in the permit application process. If potential applicants have further questions, they are encouraged to contact their local Regional Pesticide staff.

AQV (04/09)