



IN THE MATTER OF : *DEP-WPED-GP-026*

*GENERAL PERMIT
FOR POINT SOURCE DISCHARGES
ASSOCIATED WITH THE
APPLICATION OF PESTICIDES* : *MAY 8, 2012*

FINAL DECISION

I have reviewed the hearing officer's Proposed Final Decision. I affirm his decision and accept his recommendation to issue the proposed General Permit. I concur with the hearing officer's recommended modifications to the draft permit as further modified or clarified by DEEP staff's exceptions numbered 1, 2, 3, 4, and 5.

Exception #1

In order to provide the clarification sought by staff, I concur that Finding of Fact 4.d. applies only to pesticide applications that are required to register under the general permit.

Exception #2

The definition of "Approval of Registration" will be expanded to include the italicized: "means an approval of registration issued under Section 4 of this general permit. *For the purposes of this general permit, an approval of registration will be deemed equivalent to the requirements for submittal of a Notice of Intent under the USEPA's Pesticide General Permit issued on October 11, 2011.*"

Exception #3

To maintain proper formatting, the NOTICE TO LOCAL WETLAND AGENCIES insertion will be lettered section 5(h) in the Specific Conditions of this General Permit section.

Exception #4

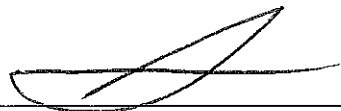
I recognize and fully support the hearing officer's attempt to require electronic filing at the outset of this general permit. Electronic filing and other "e-government" initiatives are a major

part of the agency's transformation efforts. However, at this time, DEEP staff lacks a readily available format to support true electronic filing. As DEEP moves towards making electronic filing a reality, it looks forward to Staff having readily available electronic information that it can share at the touch of a button and that the public will eventually be able to view on its own. I accept staff's recommendation for further modification of this language because it provides the flexibility to accommodate e-filing as part of the future state of DEEP permitting. As soon as the system is in place, the Commissioner will provide instructions on any new electronic filing requirements. In the meantime, the department may accept electronic versions of paper documents as part of the application and registration process (e.g. .PDF formatted documents) and will indicate so in any instructions or fact sheets it develops for potential permittees upon issuance of this General Permit.

Exception #5

The language of 5(h) to be inserted in the permit regarding notice to local wetlands agencies shall be modified as follows: For applications that require an aquatic pesticide permit under General Statutes §22a-66z or §22a-54(e) or an approval of registration under section 4 of this general permit, or both, written notice must **shall** be provided to the local wetlands agency for the municipality(ies) where the actual pesticide application will occur at least forty eight hours prior to the actual application, unless such pesticide application is being conducted in response to a declared pest emergency situation. ~~Local wetland agencies may specify a point of contact for this notice and must accept notification~~ **Such notification shall be made electronically via e-mail or facsimile to a point of contact designated by the local wetland agency.** Evidence of this notice shall be provided to the Commissioner upon request.

The modifications noted above shall be incorporated into the final permit submitted for signature. I affirm the remainder of the Proposed Final Decision.



Macky McCleary, Deputy Commissioner