



Department of Environmental Quality, Water Division

PESTICIDE APPLICATION

TO SURFACE WATERS OF THE STATE OF MICHIGAN

Authorized by Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the Public Health Code, 1978 PA 368, as amended, and the administrative rules promulgated thereunder.

AQUATIC NUISANCE CONTROL GENERAL PERMIT

GENERAL PERMIT NO. ANCG03-97

AQUATIC NUISANCE CONTROL ACTIVITIES FOR PONDS

Date Issued: April 8, 2003

In compliance with the provisions of the Public Health Code, 1978 PA 368 (Act 368), as amended; Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); and the administrative rules promulgated thereunder; pesticides are authorized to be applied to waters of the state (waterbody) for the control of nuisance aquatic plants and algae in accordance with the requirements and conditions set forth in this general Aquatic Nuisance Control permit (the permit).

The applicability of this permit shall be limited to chemical treatment of a waterbody which will not negatively impact human health and will have no more than minimal short-term adverse impacts on the natural resources and environment.

In order to constitute a valid authorization to chemically treat waters of the state, this permit must be complemented by a certificate of coverage issued by the Department of Environmental Quality (DEQ). The following will be identified in the certificate of coverage:

- certificate of coverage number
- date issued
- permittee name and address
- waterbody name and location for which authorization to chemically treat is granted

The terms and conditions of this permit shall apply to the permittee for the identified waterbody on the effective date of a certificate of coverage issued by the DEQ.

The provisions of this permit are severable.

All contact with the DEQ as required by this permit shall be to the DEQ representative identified in the certificate of coverage, Inland Lakes and Remedial Action Unit, Water Division, DEQ, located at 525 Allegan Street, Lansing, Michigan, 48933, telephone number 517-241-1300, and fax number 517-335-4381.

PART I

Section A. Qualified Waterbodies

A waterbody qualifying for approval to be chemically treated under this permit must meet all of the following criteria:

- has an intermittent or controllable discharge, or no discharge
- has a surface area of less than ten (10) acres
- has no contiguous wetlands associated to it
- does not discharge to a designated trout stream
- does not have federal or state endangered, or threatened species pursuant to Part 365 of Act 451, or critical habitat, associated with it
- has been identified by the DEQ and the Department of Natural Resources as having minimal resource value to the state

Section B. Authorizations and Coverage Provisions

1. Authorized Areas

Chemical treatment for control of nuisance aquatic plants is authorized only to waters of the state as defined by this permit, specified by the issued certificate of coverage, and identified on the treatment map(s) submitted with the application.

Areas where chemical treatment for control of nuisance aquatic plants is undertaken must be either under the legal control of the permittee or the party(ies) who has/have granted the permittee permission to do the treatment.

2. Application Requirements

Follow all label instructions to protect self, others, and the environment.

The application of chemicals to waters of the state is restricted to the following pesticides, at the stated maximum application rates:

Products for algae control	Maximum rate of application
<i>Copper sulfate</i>	<i>2.6 lbs/acre foot</i>
<i>Copper sulfate (chara)</i>	<i>4.4 lbs/acre foot</i>
<i>Chelated copper algaecides</i>	<i>0.6 gal/acre foot</i>
<i>Chelated copper algaecides (chara)</i>	<i>1.2 gal. acre foot</i>
<i>Cutrine Plus – granular</i>	<i>60 lbs/acre</i>
<i>EarthTec</i>	<i>0.33 gal/acre foot</i>
<i>EarthTec (chara)</i>	<i>0.55 gal/acre foot</i>
<i>Hydrothol 191</i>	<i>2.2 pints/acre foot</i>
<i>Hydrothol 191 – granular</i>	<i>11 lbs/acre foot</i>
<i>Aquashade</i>	<i>0.25 gal/acre foot</i>
<i>Water dyes (tracer)</i>	<i>0.01 gal/acre foot</i>
<i>Water dyes (ponds)</i>	<i>0.25 gal/acre foot</i>

Products for submerged vegetation control	Maximum rate of application
<i>Komeen</i>	<i>10 gal/acre</i>
<i>Nautique</i>	<i>10 gal/acre</i>
<i>Reward</i>	<i>2 gal/acre</i>
<i>Aquathol K</i>	<i>1.9 gal/acre foot</i>
<i>Aquathol K – granular</i>	<i>81 lbs/acre foot</i>
<i>Aquathol Super K – granular</i>	<i>13.2 lbs/acre foot</i>
<i>2,4-D – granular[ester] (milfoil)</i>	<i>100 lbs/acre</i>
<i>2,4-D – granular (Coontail)</i>	<i>200 lbs/acre</i>
<i>Hydrothol 191</i>	<i>1 gal/acre</i>
<i>Hydrothol 191 – granular</i>	<i>81 lbs/acre foot</i>

Products for emergent vegetation control	Maximum rate of application
<i>2,4-D – granular</i>	<i>200 lbs/acre</i>
<i>Glyphosate</i>	<i>7.5 pints/acre</i>

Products used as Adjuvants	Maximum rate of application
<i>Cygnat Plus</i>	<i>2.5 pints/acre foot</i>
<i>PolyAn</i>	<i>1.0 gal/acre foot</i>

Area(s) of impact shall not be treated within the minimum length of time for each chemical or active ingredient as follows:

Chemical or Active Ingredient	Treatment Restrictions
<i>Copper Sulfate</i>	<i>7 days minimum between treatments</i>
<i>Chelated Copper Products</i>	<i>7 days minimum between treatments</i>
<i>Endothall</i>	<i>5 days minimum between treatments</i>
<i>2,4-D</i>	<i>14 days minimum between treatments</i>
<i>Diquat Dibromide</i>	<i>14 days minimum between treatments</i>
<i>Nautique</i> <i>Komeen</i>	<i>No treatment prior to July 15, 2003, and only one treatment is approved thereafter.</i>
<i>Glyphosate</i>	<i>24 hours minimum between treatments</i>

3. Special Conditions

Treat only when there is no discharge from waterbody.

Do not apply granular endothall or granular 2,4-D products within 75 feet of ANY well OR within 250 feet of wells less than 30 feet deep. Distances are measured from the well location not from the shoreline. Compliance with these isolation distances is critical. The permittee is responsible for locating the water wells and for observing the appropriate isolation requirements.

The use of water dyes may not be appropriate in waterbodies used for swimming.

Water dyes must be retained within the treated waterbody.

For any waterbody with an outlet, the use of water dyes allowed by this permit excludes water dyes that are labeled as herbicides (e.g., Aquashade®).

Algae treatments using copper sulfate and/or chelated copper products shall not exceed a total copper ion concentration of 0.25 ppm per acre-foot in the waterbody.

When using Hydrothol 191 granular herbicide, spread pellets evenly in narrow margins or stripes to control target plants so fish are not killed. Apply product from shoreline out so fish are not trapped. Do not treat more than 10 percent of the waterbody at a time with doses greater than 1.0 ppm.

For treatment of waterbodies in Ingham County, the permittee must notify the Ingham County Drain Commission a minimum of two working days prior to application of chemical(s). Notification must be made to Mr. Randy Abbott at 517-676-8381, or fax 517-676-8364, between 8:00 a.m. and 5:00 p.m., Monday through Friday. Notification must include the date, time, and location(s) of the proposed chemical use.

Upon receipt of written notification from the DEQ, chemical treatment may NOT proceed unless a DEQ representative is present, or the permittee must notify the DEQ a minimum of two working days prior to application of chemical(s), for a specified waterbody. Notification must be made to the Inland Lakes and Remedial Action Unit at 517-241-1300 between 8:00 a.m. and 5:00 p.m., Monday through Friday. Notification must include the date, time, and locations of the proposed chemical use.

For a permittee who is a licensed commercial pesticide applicator, and who does not have a DEQ approved emergency notification procedure on file with the Inland Lakes and Remedial Action Unit, an accurate map or written description of the exact locations where each herbicide was applied must be submitted to the DEQ within 24 hours of the completion of each treatment. The map or description must be faxed to the DEQ at 517-335-4381. Notification is not required for copper product or water dye treatments.

4. Notification and Posting Requirements

The permittee is required to notify, in writing, an owner of any waterfront property within 100 feet of the area of impact, not less than seven days, and not more than 45 days, before the initial chemical treatment. Requirements for written notification are provided in R 323.3106(h) promulgated pursuant to Part 125, Campgrounds, Swimming Areas, and Swimmers' Itch, of the Public Health Code, 1978 PA 368, as amended. If the owner is not the occupant of the waterfront property or the dwelling located on the property, then the owner is responsible for notifying the occupant.

Notice of the chemical application must be posted prior to each chemical application, in accordance with R 323.3106(d). In addition, a 24-hour water use restriction for swimming shall be indicated on the signs for each chemical application of diquat dibromide, water dye, 2,4-D, endothall, fluridone, and/or glyphosate.

Section C. Reporting Requirements

1. Environmental Impacts

The permittee is required to contact the DEQ at 517-241-1300 if any fish or wildlife damage occurs in association with any chemical application to a waterbody.

2. Treatment Report

A treatment report, on a DEQ form, must be returned before November 30, 2003 even if treatment is not undertaken. Submit report to:

INLAND LAKES AND REMEDIAL ACTION UNIT
WATER DIVISION
DEPARTMENT OF ENVIRONMENTAL QUALITY
PO BOX 30273
LANSING, MI 48909-7773

3. Records Retention

The permittee shall maintain written permissions and records of treatment, including treatment date, chemicals applied and amounts, and a map indicating the area of impact, for 1 year from the date of each chemical application. The records shall be made available to the DEQ upon request.

Section D. Activities Not Authorized by This Permit

1. Noncompliance

Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit. Noncompliance with these terms and conditions, and/or the initiation of other regulated activities not specifically authorized by this permit, shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the DEQ may initiate criminal and/or civil proceedings to correct project deficiencies, protect natural resource values, and secure compliance with statutes.

2. Property Rights

This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits or complying with other state statutes.

3. Indemnification

Permittee covenants not to sue the State of Michigan or any of its departments, boards, commissions, officers, employees, or agents for any claim whether legal or equitable, arising under, or in any manner related to the privileges granted in this permit.

Permittee hereby releases, waives, and discharges the State of Michigan and all of its departments, boards, commissioners, officers, employees, and agents from any and all liability to permittee, its officers, employees, and agents for all losses, injury, or damage to person or property, or death, and any claims or demands, therefore, arising under, or in any manner related to, the privileges granted in this permit, whether caused by the State of Michigan or any of its departments, agencies, boards or commissions, or any of their officers, employees, or agents.

Permittee covenants and agrees to indemnify and save harmless the State of Michigan and all of its departments, agencies, boards, commissions, officers, employees, and agents from any and all claims, demands, judgments and expenses, including attorney fees, for any and all loss, damage, or injury to persons or property, or death arising under, or in any manner related to (a) this permit, (b) the activities authorized by this permit, or (c) the use or occupancy of the premises that are the subject of this permit as well as any other state-owned lands. The indemnification and save harmless agreement is intended to and shall extend to all loss, damage, or injury to person or property, or death, approximately caused in whole or in part, by the negligence or other tortuous conduct of the State of Michigan, its departments, boards, commissions, officers, employees, or agents.

4. Pesticide Registration

Pesticides used in waters of the state for aquatic nuisance control shall be registered with the EPA, pursuant to section 3 of FIFRA, and the Michigan Department of Agriculture (MDA), pursuant to section 8307, 1994 PA 451, MCL 324.8307, for the nuisance control activity for which it is proposed.

This general permit expires December 31, 2003

Richard M. Hobla

Richard M. Hobla, Chief
Inland Lakes and Remedial Action Unit
Water Division