



**Department of  
Environmental  
Conservation**

**AQV (1/2022)**

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC)  
DIVISION OF MATERIALS MANAGEMENT - BUREAU OF PESTICIDES  
MANAGEMENT**

**APPLICATION FOR A PERMIT TO USE A PESTICIDE  
FOR THE CONTROL OF AN AQUATIC PEST - TITLE 6 NYCRR PART 327/328/329**  
<http://www.dec.ny.gov/chemical/8530.html>

**SUBMIT THE APPLICATION 3 MONTHS BEFORE THE PROPOSED TREATMENT  
A CHECK OF \$100 MUST ACCOMPANY THE PERMIT APPLICATION  
REFER TO THE ATTACHED APPLICATION INSTRUCTIONS**

<b>FOR DEC USE:</b>
Application Number _____
Water Body Name _____
Date Received _____
Fee Receipt Number _____
Type of Application _____
New ___ Previous # _____
NYCDEP/APA/Other _____

**1. PERMIT APPLICANT INFORMATION**

Name of Permit Applicant/Association/Agency:		
Name of Authorized Person signing the Application: (if on behalf of an Association/Organization)		
Mailing Address		
City:	State:	Zip Code:
Telephone Number:	Email:	Website:
<b>The Permit Applicant is a (check appropriate):</b>		
Riparian Owner:	Lessee:	Association of Riparian Owners:
<b>If the Permit Applicant is an Association of Riparian Owners/Lesseees, a copy of the Board of Directors resolution in support of the proposed pesticide application must be attached</b>		
Other: (please explain)		

**2. PESTICIDE APPLICATOR INFORMATION**

Name of Pesticide Business/Agency performing application (if applicable):			
Business/ Agency Registration Number:	Telephone Number:	Contact:	
Business Mailing Address:			
City:	State:	Zip Code:	Email:
Name of Certified Applicator(s) performing application:			
Certified Applicator(s) Identification Number:		If certified in Category 11 (Aerial) did the applicator make pesticide recommendations? Select one: Yes No	
Business Address: (if different than Mailing Address)			
City:	State:	Zip Code:	Telephone Number:

**3. PERMIT HISTORY**

Have you previously been issued an aquatic permit for this water body?	Yes	No
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If Yes, provide the prior permit number(s):

Is the application identical to one covered by a previous permit?	Yes	No
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If Yes, provide the prior permit number:

Describe any other permitted projects, alternative pest management projects, or relevant studies concerning the water body? (attach separate documentation)

**4. WATER BODY INFORMATION**  
(Read the AQV instructions and use the Mapping Tools as needed)

Name of water body	DEC water classification (e.g. Class A, Class B):
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Address or location of water body:	County where water body is located:
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Town where water body is located:	Rare, Threatened or Endangered plants or animals present (RTE)?	Yes	No
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Are fish present?	Yes	No	Are fish stocked?	Yes	No
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**If fish are present, see the Instructions for AQV Section #4.**

Are there any regulated freshwater or tidal wetlands associated with the proposed treated waters (including downstream if applicable)?	Yes	No
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Do application sites include lands under the control of the DEC?	Yes	No
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If Yes, please specify:

Total water body size in acres:	Average depth in feet:	Latitude:	Longitude:
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**Water body uses (Check all that apply):**

Swimming	Irrigation	Livestock watering	Potable water uses	Domestic water uses	Fishing
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Other uses (list)

**5. A DETAILED MAP MUST BE INCLUDED WITH THIS APPLICATION**

- The exact map scale size and average depths of the water body.
- The outline and average depths of the application site(s), or with all streams/treated sites/catch basins clearly identified.
- Inlets and outlets to the water body. (if the applicant can't control the outflow, also include the downstream watershed map information for Attachment D - Downstream Modeling)
- Location of known designated bathing sites, livestock watering sites, water intakes, public lands contiguous to the water body, public boat launches and any other features relevant to the application.
- Wetlands contiguous or downstream of the water body.

<b>6. WATER BODY APPLICATION INFORMATION</b> (Fill Out the Applicable Lettered Section)	
<b>A. Whole or Partial Water Body Application:</b>	
Total number of application sites:	
Surface acres of each application site:	
Total application area in surface acres:	
Average depth of each application site:	
Total number of acre feet:	
<b>B. Stream Application for Black Fly or Lamprey Control:</b>	
Miles of streams treated:	Stream flow estimates in cubic feet per second (cfs):
<b>C. Mosquito Larvaciding Application:</b>	
Number of sites or catch basins:	Total acreage/sq ft:
<b>7. PESTICIDE APPLICATION INFORMATION</b> (A COMPLETE PESTICIDE LABEL MUST BE ATTACHED TO THE APPLICATION)	
Pesticide name:	
Pesticide active ingredient:	
% Active Ingredient:	
Pesticide EPA Registration Number:	
Formulation:	
Application rate: (e.g. gals/acre ft. or gals/surface acre)	
Dosage rate: (e.g. ppm, ppb)	
Total number of applications: (including bump/split applications)	
Approximate date(s) of application: (including bump/split applications)	
Amount of pesticide needed per application:	
Total amount of pesticide needed per calendar year:	
Target pest: (scientific and common name)	
Method of application (e.g. sprayed on surface, bag dragged behind boat):	
If the proposed application involves an aircraft, indicate FAA Number(s):	

### 8. WATER USE RESTRICTIONS

List all the applicable water use restrictions as stated on the label/SLN, in 6 NYCRR 327.6, or the applicable water quality standards.

Swimming	
Irrigation	
Livestock watering	
Potable water uses	
Fishing	
Other	

### 9. OUTFLOW AND DOWNSTREAM MODELING

Does this water body have an outlet?	Yes	No
If yes, can the applicant hold the water during and for the required water use restrictions after the application?	Yes	No
<input type="checkbox"/> <b>Check the box if the applicant proposes to hold the water for the required water use restrictions, fill out Attachment C, and describe how the water will be held.</b>		
<input type="checkbox"/> <b>Check the box if the applicant cannot hold the water for the required water use restrictions, see Attachment D, and complete the Downstream Modeling spreadsheet.</b>		

### 10. RIPARIAN OWNER/USER NOTIFICATIONS

If there is more than one riparian owner, or vested riparian users, these riparian owners and users must be notified in writing of the application and the water use restrictions, and their right to object. (See Attachment A - Sample Riparian Letter) If there will be outflow of treated waters through lands owned by other than the sole water body riparian owner, they too must be notified. (See Attachment D - Downstream Modeling)

### 11. CERTIFICATION OF NOTIFICATION OF RIPARIAN OWNERS AND USERS

The applicant must complete and sign the Certification of Notification of Riparian Owners and Users below. A copy of the notification letter and a list of riparian owners/users to whom the notification letter was sent must accompany this application. Check all appropriate statements:

<input type="checkbox"/>	All owners of real property abutting the body of water proposed to be treated pursuant to this application, a list of whom is attached to this application, have been notified by letter of the proposed pesticide permit. This list includes property owners abutting the outflow from this body of water, if the water is not to be held in the treated water body for the period of time during which use of water is restricted. Such letters were mailed or personally delivered on _____. A copy of the letter is attached. Date
<input type="checkbox"/>	A review of the appropriate real property tax records indicates that no person other than the applicant owns any real property abutting the water body proposed to be treated.
<input type="checkbox"/>	A person(s), not owning abutting real property, possesses vested legal right to use the water body proposed to be treated. All such persons, and the nature of their right to use of the water proposed to be treated is attached. Such letters were mailed or personally delivered on _____. A copy of the letter is attached. Date
<input type="checkbox"/>	To my knowledge, no person other than the applicant possesses any vested legal right to use the water body treated pursuant to this application.
Name:	If Applicant is not an individual, include the title of signatory:
Signature:	Date:

**12. AFFIRMATION:**

The applicant/applicator guarantees that they will employ the listed pesticides in conformance with all conditions of the permit and agrees to accept the following conditions as a prerequisite to the issuance of a permit: that the issuance of the permit is based on the accuracy of all statements presented by the applicant/applicator; that damage resulting from the inaccuracy of any computations, improper application of the pesticide, or legal responsibility for the representations made in obtaining approvals or releases, or the failure to obtain approvals or releases from the riparian owners/users likely to be affected is the sole responsibility of the applicant/applicator.

I hereby affirm under penalty of perjury that information on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class "A" misdemeanor pursuant to Section 210.45 of the Penal Law.

Signature of Permit Applicant or Representative:

Title

Date:

Signature of Certified Applicator:

Title

Date:

**13. NOTES**

## INSTRUCTIONS TO COMPLETE FORM AQV

A permit for the use of a pesticide for the control of an aquatic pest in waters of the State must be obtained in accordance with the rules and regulations of the State of New York in Parts 327, 328 and 329 of Title 6 New York Code of Rules and Regulations (6 NYCRR), adopted pursuant to Article 15, Title 3 of the Environmental Conservation Law (ECL). The following numbered directions correspond to the numbered blocks on the "Application for a Permit to Use a Pesticide for the Control of an Aquatic Pest (AQV)" form. 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 pesticide application date to provide the DEC with sufficient time for application review. If all the information is not provided, or if the information is not correct, the application will be incomplete and returned to the applicant for correction. Application review may not begin until a signed, complete, original application has been received by the DEC. Additional copies may be needed as determined by DEC Regional offices.

**EXCEPTIONS FROM HAVING TO OBTAIN A PERMIT:** A permit shall not be required for the application of a pesticide to a pond of one acre or less in size which has no outlet to surface water. In addition,

Part 327 Aquatic Vegetation Pesticide Permits shall not be required:

- for the use of copper sulfate for the purpose of algae control by a duly constituted water supply agency in its water supply waters; or
- for control of aquatic vegetation in waters one acre or less, having no outlet to other waters, and which lie wholly within the boundaries of lands privately owned or leased by the individual(s) making or authorizing such treatment.

Part 328 Aquatic Undesirable Fish Pesticide Permits shall not be required:

- for control of fish by the DEC on waters completely enclosed by or bordered by lands owned or leased by the DEC or the State.

Part 329 Aquatic Insect Pesticide Permits shall not be required:

- for the use of pesticides for controlling biting aquatic insects in temporary ponds or ponds not containing fish and which have no outlet to other waters and lie wholly within the boundaries of lands privately owned or leased by the individual(s) making or authorizing such treatment.

**NOTE:** Waters which are exempt may nevertheless be subject to Article 24/Part 663 Freshwater Wetlands Permit, Article 25/Part 661 Tidal Wetlands Permit, 6 NYCRR Part 190 Temporary Revocable Permit, or State Pollutant Discharge Elimination System (SPDES) General Permit for Point Source Discharges to Surface Waters of New York State from Pesticide Applications requirements. It is the responsibility of the applicant to determine if any other permit is needed prior to making a pesticide application.

The applicant must notify the Regional DEC Pest Management staff 7-14 days prior to the actual pesticide application to the water body. For permits requiring water use restrictions, the Regional Pest Management staff must also be notified within 24 hours after the application (or the first business day following the application for Friday, weekend or holiday applications). In addition, the applicant must allow the Regional Pest Management staff access to the water body and the ability to observe the pesticide application. The applicant must also give notice of the proposed date to the appropriate Regional, State or County Department of Health 7-14 days prior to the application, where the water body or outflow waters serve as water supplies.

### 1. PERMIT APPLICANT INFORMATION

The name of the permit applicant proposing the application should be provided. If the application is being prepared for an organization, association or an agency, the applicant should be the organization/agency. If the entity is incorporated, please use the name registered with the NYS Division of Corporations. If the applicant is

not an individual, please provide the name of the person authorized to submit the application for the organization. NOTE: The individuals signing the application must be the individuals identified on the application form. The application must be signed by an authorized individual, such as a riparian owner, an authorized representative of a lake association, or an authorized agency employee.

Check the appropriate block to identify whether the applicant is a riparian owner or lessee, or an organization, agency, or other entity. If the applicant is an Association of Riparian Owners/Lesseees, a copy of the Board of Directors resolution in support of the proposed application must be attached.

A check in the amount of \$100 per permit application, made payable to "Commissioner, NYSDEC", must accompany the permit application.

## 2. PESTICIDE APPLICATOR INFORMATION

Please provide the certified applicator information as identified on the application. Attach a list of certified applicators, if necessary. If applicable, provide the name and address, registration number and website/e-mail information of the Pesticide Business/Agency conducting the pesticide application.

## 3. PERMIT HISTORY

Put in your prior permit numbers from the previous year, if applicable.

List or attach separate documentation for any other permitted projects, alternative pest management projects, or relevant studies concerning the water body.

The DEC encourages and promotes the development of Lake Management Plans which incorporate information on addressing the aquatic pest problem by utilizing integrated aquatic pest management practices such as control of nutrient and sediment runoff, use of benthic vegetation barriers, mechanical vegetation harvesting, and herbivorous fish. Information on management plan development and integrated pest management is available from your local DEC Regional Office, or refer to "A Primer on Aquatic Plant Management in New York State" on our website at: [https://www.dec.ny.gov/docs/water\\_pdf/ch6apr05.pdf](https://www.dec.ny.gov/docs/water_pdf/ch6apr05.pdf)

## 4. WATER BODY INFORMATION

The EAF Mapper Application, found on our website at: <https://www.dec.ny.gov/permits/90201.html> is an Internet-based Geographic Information System (GIS) specifically designed to facilitate the identification of protected resources. The EAF Mapper can be used to fill in a Short Environmental Assessment Form (SEAF) which will identify the resources to answer the questions in AQV Section #4.

The Environmental Resource Mapper, found on our website at: <http://www.dec.ny.gov/animals/38801.html>, is an interactive mapping application that can be used to identify some of New York State's natural resources and environmental features that are state protected, or of conservation concern.

These mapping tools may be used to answer some questions in AQV Section #4. Currently included on the maps are locations of:

- Freshwater wetlands regulated by the State of New York (outside the Adirondack Park). Contact the Adirondack Park Agency for wetlands within the Adirondack Park.
- New York's streams, rivers, lakes, and ponds.
- Water quality classifications.
- Animals and plants that are listed as Rare, Threatened or Endangered (RTE) in New York (generalized locations).
- Significant natural communities, such as rare or high-quality forests, wetlands, and other habitat types.

If fish are present, list the related application requirements specified on the label and explain how you will comply with these requirements. Place the information in the Notes Section # 13 of the permit application or attach documentation. Examples of these requirements, typically found in the Environmental Hazards portion of the pesticide label, include but are not limited to determining water hardness, dissolved oxygen, pH, and/or alkalinity, and prohibitions when Koi or sensitive fish species are present.

Except in the Adirondack Park, where the Adirondack Park Agency (APA) administers the Freshwater Wetlands Act, under the ECL Article 24 Freshwater Wetlands Act and the ECL Article 25 Tidal Wetlands Act, The Division of Environmental Permits in DEC regulates activities, including pesticide applications, in freshwater and tidal wetlands, and in their adjacent areas. Contact the DEC Regional DEP staff or the APA if you have any questions about obtaining a wetlands permit.

Indicate if any of the application sites include lands under the control of the DEC. Such applications of pesticides require authorization from the DEC Division having jurisdiction. The permit will not be valid for such waters unless signed by the Director of the Division (or designee) in the area provided for this authorization.

If the water can't be held at the water body outlet, identify the water body information, uses, protected resources and wetlands along the outlet stream based on the Attachment D - Downstream Modeling.

## 5. DETAILED MAP

A copy of relevant portion of the 7 ½' U.S.G.S. quadrangle map containing the water body or stream(s) proposed for application must be attached. In addition, an expanded scale drawing showing in detail, including but not limited to, the following features of the application sites (if necessary, more than one such drawing should be submitted).

- A detailed map of the water body, with outlines of the weed beds, and outlines of site(s) proposed for application, or a diagram of all streams/surface acreage/catch basins proposed to be treated. All sites to be treated must be clearly identified. Be sure to include map scale.
- Length of shoreline in proposed application site(s) in feet; or length of target stream(s) proposed for application in feet.
- Width of proposed application site(s) outward from the shore (in feet).
- Depth soundings in site(s) proposed for application and their location(s). Information must be sufficient to determine correct pesticide application dosage if calculation is based upon the volume of water to be treated.
- Inlet and outlet streams, and location of any outflow control devices.
- Names and locations of known public and private water supply intakes, livestock watering sites, bathing sites, public boat launches or public lands in vicinity of the application sites and on the outlet waters.
- Any NYSDEC regulated freshwater or tidal wetland.

Detailed information on the dates and dosage rates of specific application sites may need to be illustrated on the map for the Attachment D - Downstream Modeling. If the water can't be held at the water body outlet, include a map, including the water quality classifications, along the outlet stream for the Attachment D - Downstream Modeling.

## 6. WATER BODY APPLICATION INFORMATION

For this section, choose the type of application and provide totals for the entire proposed permitted project. More detailed information on individual application dates and application sites may be required on the map or for the next application section.

**A. Whole or Partial Water Body Application** – Separate the application sites when you are treating ½ the water body at a time even if you propose to treat the entire water body. Provide information for each



application site, application date or dosage rate. Enter the totals for the entire proposed permitted project on the form but use the map or separate documentation to identify individual application sites, if necessary.

**B. Stream Application for Black Fly or Lamprey Control** - Identify total miles of streams proposed for application. Give the stream flow estimates in cubic feet per second (cfs).

**C. Mosquito Larvaciding** - Provide the total number of application sites or catch basins/sewers and the total acreage/sq ft, proposed for application.

## 7. PESTICIDE APPLICATION INFORMATION

Provide the information for each separate pesticide product proposed for application. Only one pesticide product may be requested on each permit application. Each individual application site, date of application, including split and bump applications must be accounted for. Use separate documentation or the map if necessary.

Specify the proposed date(s) of application. These must be the dates contained in the notification notice sent to all riparian owners. If the proposed dates change for any reason, the riparian owner(s) must be re-notified of the date change.

## 8. WATER USE RESTRICTIONS

List all the water use restrictions as stated on the pesticide product label or accompanying Special Local Need (SLN) labeling.

Consult the DEC regulations in 6 NYCRR 327.6 for specific restrictions on Copper Sulfate, Diquat and 2,4,-D on our website at: <http://www.dec.ny.gov/regs/2491.html>.

Information on the DEC Water Quality Standards in 6 NYCRR 703 may be found on our website at: <http://www.dec.ny.gov/chemical/23853.html>

The New York State Department of Health (DOH) maximum contaminant levels (MCL) tables for public water supplies, including the 50 ppb unspecified organic contaminant (UOC) standard, may be found in the DOH regulations in Title 10, Section 5-1.52.

## 9. OUTFLOW AND DOWNSTREAM MODELING

Indicate whether the waterbody has an outlet, and if "yes" show the location of the outlet on the detailed map of the waterbody. If the waterbody has an outlet, indicate whether the water level in the waterbody can be controlled during and for the required period of time after the application. Some pesticide products contain water use restrictions as either label requirements or in regulation. Outflow from the treated waterbody must not be permitted if the pesticide label states that there must be little or no outflow from the waterbody.

If the water level is going to be held for the required water use restrictions, describe how the water will be held and if necessary, complete a Drawdown Study. The study should include calculations and drawings of the outlet, dam, etc. and clearly indicate how the water will be held. See Attachment C - Drawdown and Outflow Studies for more details. The data used in these calculations are based on normal conditions. If extreme weather is anticipated the pesticide application should not occur. Modifications to the spillway, or capping a standpipe, to control the water may require a DEC Dam Safety Permit. Contact the DEC Bureau of Flood Protection and Dam Safety if you have any questions. DEC Bureau of Habitat staff may require that a minimum stream flow be maintained. If the water level is not going to be held, data will be needed to demonstrate how far the outlet waters will flow during the water use restriction period in order to identify potential adversely affected downstream riparian owners. See Attachment D - Downstream Modeling for more details.

## 10. RIPARIAN OWNER/USER NOTIFICATIONS

An example of a notification letter, which is specific to only aquatic vegetation control, is attached at the end of this instruction sheet (Attachment A). This suggested letter contains the minimum wording necessary to satisfy riparian owner/user notification. You may add additional information. Certification that these written notices were provided must be completed in Section 11 of the AQV, Certification of Notification of Riparian Owners and Users.

Riparian owners are persons who own property along the shore of the proposed application sites. The ownership of the riparian property surrounding or bordering the waterbody proposed for application must be established, and if there is to be outflow during the restriction period along any outlet, this ownership must also be established.

Riparian users are those users of a waterbody who have a vested right to the use of the waterbody. Examples of such a vested right include a person with deeded access to the waterbody for recreational or other purposes, or a person who has a vested right to withdrawal and use of water from the waterbody.

If there is more than one riparian owner, or if there are one or more vested riparian users, these riparian owners/users must be notified in writing of the application and their right to object.

If there will be outflow of treated waters through lands owned by parties other than the sole waterbody riparian owner, they too must be notified.

Riparian owner/user notification must include:

- The date of the notice.
- Name of Applicant/Association and a contact phone number.
- The purpose of the proposed aquatic pesticide application.
- The pesticide(s) to be used. A copy of the pesticide product label (or the label with only the application directions not relevant to the proposed application deleted) must accompany the letter. According to ECL 33-0905.5, this information may be provided in either a written, digital or electronic form which shall be determined by the recipients.
- The anticipated water use restrictions.
- The date(s) of the proposed application. If application dates change from those stated in the notice or if dates are uncertain, a contact person and phone number with hours of availability must be provided.
- The fact that they may object to the application, how to file an objection, the location of the DEC Regional Office and the contact person where they may register their disapproval of the proposed application.
- The period of time, no more than 21 calendar days, to respond to the DEC if they do not consent to the proposed application.
- A statement that lack of comment will be considered agreement to the application.

By conditions imposed in the permit, the applicant may also be responsible for the posting of notification signs along shorelines, public access points, bathing sites, and swimming sites for notice of fishing, swimming and other restrictions as a result of the pesticide application. In addition, applicants may be required to mark or buoy the sites to be treated prior to application.

For public notice of aerial or community wide applications for aquatic insect larvacide applications, for nuisance or public health purposes, the DEC may require additional notification procedures to satisfy ECL 33-0905 - Prior Label Notification Requirements, such as posting the application information in a publication of largest circulation in the area. See Attachment B - ECL 33-0905 - Prior Label Notification Requirements.

## 11. CERTIFICATION OF NOTIFICATION OF RIPARIAN OWNERS AND USERS

Check the appropriate blocks and have the authorized individual sign and date. In cases where regulations or label directions require that treated water not be used for a stated period of time, the applicant must submit proof with the application that the water use restrictions can be enforced. The enforcement may occur by either securing consent from riparian owners/users or demonstrating that riparian owners/users will not be significantly adversely impacted.

## 12. AFFIRMATION

The application must be signed by an authorized individual, such as a riparian owner, an authorized representative of a lake association, or an authorized agency employee. NOTE: The individual signing the application must be the authorized person identified on the application form. Also include the individual's title, if a representative of a lake association or employee of an agency, and the date of endorsement. The Certified Applicator who is actually associated with the pesticide application must sign the application.

### MAIL THE COMPLETED APPLICATION, ATTACHMENTS, AND APPLICATION FEE TO THE APPROPRIATE REGIONAL DEC OFFICE LISTED BELOW:

Region 1	Nassau, Suffolk	50 Circle Road, Stony Brook, NY 11790-3409 - (631) 444-0340
Region 2	New York City	1 Hunters Point Plaza, 47-40 21 <sup>st</sup> Street, Long Island City, NY 11101-5407 - (718) 482-4994
Region 3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester	21 South Putt Corners Road, New Paltz, NY 12561-1696 (845) 256-3097
Region 4	Delaware, Green, Otsego, Schenectady, Albany, Schoharie, Montgomery, Rensselaer, Columbia	1130 North Westcott Road, Schenectady, NY 12306 (518) 357-2045
Region 5	Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren, Washington	232 Golf Course Road, Warrensburg, NY 12885 - (518) 623-1200
Region 6	Herkimer, Jefferson, Lewis, Oneida, St. Lawrence	Utica State Office Building, 207 Genesee Street, Utica, NY 13501 (315) 793-2554
Region 7	Broome, Cayuga, Chenango, Cortland, Tioga, Onondaga, Oswego, Madison, Tompkins	1285 Fisher Avenue, Cortland, NY 13045-1090 - (607) 753-3095
Region 8	Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Wayne, Schuyler, Seneca, Steuben, Yates	6274 East Avon-Lima Road, Avon, NY 14414-9519 - (585) 226-2466
Region 9	Allegany, Cattaraugus, Niagara, Erie, Chautauqua, Wyoming	700 Delaware Avenue, Buffalo, NY 14209 - (716) 851-7220

**Attachment A: Sample Riparian Owner/User - Notification/ Consent Letter**

Date of Notice: \_\_\_\_\_

Dear Riparian Property Owner/User:

To control the excessive growth of the aquatic plant species \_\_\_\_\_ (indicate plant species or algae) in \_\_\_\_\_ (name of water body), the \_\_\_\_\_ (name of applicant) proposes to conduct an application of the aquatic herbicide(s) \_\_\_\_\_ (product name).

A copy of the aquatic herbicide label(s) has been attached to this notice.

We anticipate the application to occur on \_\_\_\_\_ (list all proposed dates) and will proceed only after \_\_\_\_\_ (applicant name) obtains a permit for the application from the DEC. Prior notification of the exact dates of application will be provided by \_\_\_\_\_ (posting of shoreline, mailing, door to door, etc.).

As an affected riparian owner/user, you have the right to consent or object to the restrictions of water use resulting from the proposed application. The water use restrictions associated with use of the above pesticides are checked below:

- Swimming and bathing are prohibited for \_\_\_\_\_
- Fishing and/or fish consumption is prohibited for \_\_\_\_\_
- Livestock watering is prohibited for \_\_\_\_\_
- Irrigation or spraying of agricultural crops is prohibited for \_\_\_\_\_
- Use of potable water is prohibited for \_\_\_\_\_
- Use of water for domestic purposes is prohibited for \_\_\_\_\_
- Other \_\_\_\_\_ (Specify)

**You have twenty-one (21) days to respond to this notice.** If you would like to object to the proposed application(s), you must file a written document stating your objection to the proposed application. Your objection must demonstrate that your use of the water body will be significantly adversely affected.

**If you do not respond to this notice, your lack of response will be considered to be consent to the proposed application.** If you have any questions on the permitting process, please contact the DEC representative listed above.

Send your objections to the proposed pesticide application to the person listed below:

Name of Contact Person  
NYS Department of Environmental Conservation (DEC)  
Region \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

If you would like further information about the pesticide application, or information on the exact dates of the pesticide application, please contact the following person:

Name of Contact Person: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Hours Contact Person is Available: \_\_\_\_\_

## Attachment B: ECL 33-0905 - PRIOR LABEL NOTIFICATION REQUIREMENTS

For aerial or community wide aquatic insect larvacide applications, for nuisance or public health purposes, the DEC may require additional notification procedures to satisfy ECL 33-0905 - Prior Label Notification Requirements.

### Option 1

Prior notice of the pesticide application(s) shall be provided by supplying the proposed application dates, and copies of the information, including all warnings, contained on the label(s) of the pesticide to be applied, or an actual copy of the product(s) label, to owners, owners agent, or the occupants of all buildings and structures on the premises of the pesticide application site. According to ECL 33-0905.5, this information may be provided in either a written, digital or electronic form which shall be determined by the recipients.

### Option 2

Prior notice of the pesticide application shall be provided by newspaper publication at least twice, once at least one week in advance of the proposed pesticide application and once during the application season. A publication that includes the following information will satisfy your notification obligations:

- A. A detailed statement describing the proposed application, the purpose of the application and the sponsor of the application;
- B. The product name, EPA product registration number(s) and common chemical names of the pesticide(s) to be applied, and the U.S. Environmental Protection Agency toxicity category of "danger", "warning" or "caution" for each pesticide to be applied;
- C. The proposed date(s) of the pesticide application.
- D. The target pest(s) of the application;
- E. A detailed description and/or map of the specific application sites. Specific reference should be made to a map that is on file in a public office in the municipality where the application is to be conducted, as well as the hours during which the map is available for public viewing;
- F. The New York State Department of Environmental Conservation's Regional office telephone number, the regional Poison Control Center phone number and the National Pesticide Telecommunications Network telephone number 1-800-858-PEST; and
- G. The name, address and telephone number of a contact person located at the project sponsor's place of business and the hours of availability of the contact person, a statement that the contact person will answer questions regarding the proposed pesticide application, a statement that inquiries concerning symptoms of pesticide poisoning for the pesticides of concern should be made to the regional Poison Control Center and, unless the applicator and the sponsor agree otherwise in writing, a statement that the sponsor will be advised of the specific pesticide application date on the calendar day prior to the proposed application and may be contacted to obtain that information.

**Attachment C: DRAWDOWN AND OUTFLOW STUDIES**

If the applicant proposes to hold the water, the applicant must describe how the water will be held for the period of time the pesticide water use restrictions are in effect, or until a test approved by the DEC proves the pesticide concentration is less than the water use restriction. If the outflow is to be stopped by means of an advance water drawdown, a Drawdown Study must be completed. (see example below)

Describe how water will be held (e.g. description of the dam or diversion, dam safety permit number)	
<b>Drawdown Study:</b>	
Acres of watershed:	
Acres of water body:	
Rainfall data during the water use restriction period (inches): (see link below)	
Evaporation data during the water use restriction period (see table below) (inches):	
Runoff Coefficient (C): (see table below)	
Inflow = (runoff coefficient x inches of rainfall x acres of watershed)	
Evaporation = (inches x acres of lake)	
Amount to draw down water (Q) = (Inflow minus Evaporation divided by acres of lake)	

**Drawdown Study Example:**

Watershed Area: 19 acres

Lake Area: 4 acres

Rainfall: 3.26 inches (14 day hold time in June) (see NOAA weather station data link below)

Evaporation: 3.5 inches (14 day hold time in June) (see Evaporation Data Table below)

Runoff Coefficient: 0.45 - Forest, good cover, some clay soils (see Runoff Coefficient Table below)

- Q =
1. Inflow (runoff coefficient x inches of rainfall x acres of watershed)
  2. Subtracted by Evaporation (inches x acres of lake)
  3. Divided by acres of lake

$$\text{Inflow} = 0.45 \times 3.26 \text{ inches} \times 19 \text{ acres} = 27.87 \text{ acre-inches}$$

$$\text{Evaporation} = 3.5 \text{ inches} \times 4 \text{ acres} = \underline{14.00 \text{ acre-inches}}$$

$$(27.87 - 14.00 = 13.87 \text{ acre-inches})$$

**Q = 13.67 acre-inches / 4 acres = 3.47 inches or 0.29 feet (to draw down the water)**

### Estimating the Watershed Runoff Coefficient (C):

$$C = (C1 \times A1) + (C2 \times A2) \dots (Cn \times An) / A \text{ (total lake watershed acreage)}$$

Determine the total acreage for each land use description in the watershed and multiply it by the appropriate runoff coefficient in the table below and then divide by the total watershed acreage to determine the watershed runoff coefficient used in the calculations above.

### Runoff Coefficient Table (C):

Land Use Description		A Sandy Soils	B	C	D Clay Soils
Agricultural Land	Without conservation treatment	0.49	0.67	0.81	0.88
	With conservation treatment	0.27	0.43	0.61	0.67
Pasture or range land	Poor condition	0.38	0.63	0.78	0.84
	Good condition	-	0.25	0.51	0.65
Meadow	Good condition	-	-	0.44	0.61
Forest	Thin stand, poor cover	-	0.34	0.59	0.70
	Good cover	-	-	0.45	0.59
Open space, lawns, parks, golf courses	Good conditions (Grass cover 75% or more)	-	0.25	0.51	0.65
	Fair conditions (Grass cover 75% or less)	-	0.45	0.63	0.74
Commercial or Business	85% impervious	0.84	0.90	0.93	0.96
Industrial	72% impervious	0.67	0.81	0.88	0.92
Residential	Average Lot Size				
	1/8 acre lot size	0.59	0.76	0.86	0.90
	1/4 acre lot size	0.25	0.55	0.70	0.80
	1/3 acre lot size	-	0.49	0.67	0.78
	1/2 acre lot size	-	0.45	0.65	0.76
	1 acre lot size	-	0.41	0.63	0.74
Paved parking lots, roofs, driveways		0.99	0.99	0.99	0.99
Streets and Roads	Paved with storm sewers	0.99	0.99	0.99	0.99
	Gravel	0.57	0.76	0.84	0.88
	Dirt	0.49	0.69	0.80	0.84

**Rainfall Data:**

The National Oceanic and Atmospheric Administration (NOAA) Online Weather Data (NOWData) is a data query system providing basic climate statistics to the public.

Aquatic pesticide permit applicants can access the monthly precipitation normal in inches, for the month of the proposed pesticide application, from the closest New York weather station to the water body, under the Weather Station Data - NOWData link on the Northeast Regional Climate Center website at: <http://www.nrcc.cornell.edu/>. If the aquatic pesticide permit applicant proposes to hold the water for 7 days, use one quarter of the value given for the calculations above.

**Evaporation Data: (NOAA Technical Report NWS 34 Mean Monthly Pan Evaporation - December 1982)**

Use evaporation data from the closet station to the water body. These evaporation values are the 30 day mean in inches, so if you want to hold the water for 7 days use one quarter of this value for the calculations above.

	May	June	July	August	September	October
Aurora Research Farm	5.26	6.36	6.98	5.78	4.04	2.79
Boonville	5.23	5.92	6.47	5.36	3.40	2.69
Canton	5.83	7.33	6.93	5.57	3.65	2.65
Downsville Dam	4.66	5.09	5.51	4.88	3.32	2.15
Geneva Res. Farm	5.59	6.70	7.60	6.03	4.10	2.73
Greenport Power House	5.0	5.50	6.18	5.20	3.95	3.30
Lockport	4.77	5.87	6.42	5.40	3.68	2.35
Mineola	6.31	7.19	8.0	6.73	5.32	3.74
Mt. Pleasant Farm	5.09	5.90	6.35	5.49	3.83	2.55
New York Central Park	5.06	6.02	7.86	5.88	4.0	3.01
Voorheesville	5.05	5.57	6.16	5.20	3.52	2.30



## ATTACHMENT D: DOWNSTREAM MODELING

If the water is not going to be held, data will be needed to demonstrate how far the outlet waters will flow during the pesticide water use restriction period in order to identify potential adversely affected downstream riparian owners or users. If not provided on the map or in the application, detailed information on the locations, dates of application, and dosage rates of specific application sites may be required to estimate the concentration of the pesticide at the outlet.

The purpose of the Downstream Modeling spreadsheet, which is available from DEC Pest Management staff and on the DEC website, is to model the pesticide's movement downstream. It shows the distance downstream from the treated water body, where riparian owner and user notification of the water use restrictions must be provided, from the outlet to a point below the notification value (e.g. drinking water restriction). The spreadsheet is used to estimate concentrations of pesticide and travel time to a given point in flowing waters using United States Geological Survey (USGS) reference gage water flow and watershed data. Pesticide dilution is estimated using a USGS reference gage from which the flow of the watershed in question may be obtained by correlating it to the flow and corresponding area from the reference gage, along with watershed information from downstream tributaries and inputs.

The Downstream Modeling spreadsheet is only an estimate but will provide a scientific basis for notification of downstream riparian owners and users about the pesticide's water use restrictions. The spreadsheet is available from Regional Pest Management staff and on the DEC website with the AQV application. Instructions for completing the Downstream Modeling and links to the required data are included in the spreadsheet.