



Department of
Environmental
Conservation

FACT SHEET

For

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT
FOR POINT SOURCE DISCHARGES
TO SURFACE WATERS OF NEW YORK
from
PESTICIDE APPLICATIONS**

Permit No. GP-0-21-003

Issued Pursuant to Article 17, Titles 7, 8 and Article 70
of the Environmental Conservation Law

October 13, 2021

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INTRODUCTION

The New York State Department of Environmental Conservation (NYSDEC) is proposing to renew, with modifications, the SPDES General Permit for Point Source Discharges to Surface Waters of New York from Pesticide Applications (Pesticides SPDES General Permit) as GP-0-21-003. It is anticipated that GP-0-21-003 will be effective on November 1, 2021 and will replace the previous Pesticides SPDES General Permit, GP-0-16-005, which expires on October 31, 2021.

Pursuant to Section 402 of the Clean Water Act (CWA), point source discharges to waters of the United States from the application of pesticides are unlawful unless they are authorized by a National Pollutant Discharge Elimination System (NPDES) permit or by a state permit program. New York's State Pollutant Discharge Elimination System (SPDES) is a NPDES-approved program with permits issued in accordance with the Environmental Conservation Law (ECL). The authority for a SPDES general permit is in ECL §70-0117(6). The Pesticide SPDES General Permit authorizes point source discharges to, in or over surface waters of New York State from the application of New York State registered pesticides labeled for aquatic uses. Authorization of such discharges under the Pesticide SPDES General Permit is required for operators applying pesticides for aquatic uses on or after the effective date of GP-0-21-003. Pursuant to ECL §17-0817(1) and 6 NYCRR 750-1.15, the Pesticide SPDES General Permit for discharges to surface waters of New York can be issued for a fixed term not to exceed five (5) years from the effective date of the permit.

SUMMARY OF CHANGES

The following is a summary of the notable changes in the draft GP-0-21-003; however, please note that other non-substantive changes, not identified below, have also been made in the draft GP-0-21-003.

Modification of Part II.A. - In accordance with NYCRR 750-1.21(d)(2), the draft permit allows all dischargers permitted to discharge in accordance with the previous general permit (GP-0-16-005) to discharge in accordance with this general permit. Those dischargers do not need to submit a new NOI.

Modifications of Part II.A., Part V.A. and Part VI - Notice of Intent (NOI) (Part II.A.) and Notice of Termination (Part V.A.) Submittal: A requirement to submit the NOI and NOT electronically has been added to the draft permit. Electronic submission of the NOI and NOT is consistent with EPA's 2021 draft NPDES Pesticide General Permit for Discharges From the Application of Pesticides General Permit NOI, as well as the intent of 40 CFR Part 127 and 6 NYCRR 750-2.5(e).¹ Paper submittal of an NOI will only be allowed after a properly completed waiver has been submitted to the Department. An Operator may receive a waiver from the Department if either: i) the Operator is physically located in a geographical area (i.e., zip code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or ii) the Operator has limitations regarding computer access or computer capability. The Department's Waiver Form, which will be located on the Pesticide General permit webpage, must be used to apply for a waiver.

Addition of Part II.C. – Modifying the Notice of Intent: This section clarifies the ability and process to modify the NOI, which was already allowed for under the previous permit.

Updated the reference to the 2018 NYS 303(d) List.

Minor edits have been made to the Standard Permit Conditions section to more accurately reflect the SPDES regulations at 6 NYCRR Subpart 750-2.

¹ **(e) Reporting of monitoring results and other information.**

(1) The permittee shall submit the results of any wastewater or ambient monitoring results required by the permit at the end of each month, unless otherwise specified by the department. Such reports shall be made on the reporting forms supplied to the permittee by the department, in a format acceptable to the department, or by the electronic transfer of data as approved by the department. Electronic submissions shall conform to the format, standards and other conditions specified by the department.

