



October 07, 2022

RE: Reissuance of Pesticide General Permit

Dear Permittee:

In accordance with regulations adopted pursuant to Chapter 46-12 of the General Laws of Rhode Island, as amended, the Rhode Island Department of Environmental Management (DEM) intends to reissue the Rhode Island Pollutant Discharge Elimination System (RIPDES) Pesticide General Permit (PGP). The DEM is sending you this letter as its records indicate that you are licensed or certified to apply pesticides in Rhode Island.

Discharges of pesticides and herbicides into waters of the United States require coverage under the RIPDES program. In 2012 DEM issued its first general permit that covered these discharges. This permit was reissued in 2017. The 2017 PGP expired on June 21, 2022. The DEM has developed a draft 2022 permit.

As was done in the 2017 reissuance, DEM has decided that the need to submit a separate RIPDES application, or Notice of Intent (NOI), remains unnecessary. Instead, the application of pesticides shall be automatically authorized on the effective date of the RIPDES permit or the effective date of the applicable DEM Division of Agriculture approval, whichever is later. The RIPDES permit does not expand the Division of Agriculture's current approval process.

The draft RIPDES PGP contains the following provisions:

- DEM's draft RIPDES permit applies to "Decision-makers" (those who determine how to control pests, including financial considerations) and "Applicators" (those who apply or supervise the application of the pesticide).
- Four pesticide use patterns will be authorized under the PGP. The use patterns are the discharge of pesticides to Waters of the State resulting from: (1) Mosquito and Other Flying Insect Pest Control; (2) Weed and Algae Control; (3) Aquatic Pest Control; (4) Forest Canopy Pest Control.
- Permit Coverage is not required for pesticide applications that do not result in point source discharges to Waters of the State such as for the purpose of controlling pests on agricultural crops, forest floors, or range lands, where waters of the state are present.
- It remains a violation to apply pesticides in a manner inconsistent with their labels and for pesticides to drift into Waters of the State.

The draft RIPDES permit will be out for public notice and comment starting on October 12, 2022, and DEM is accepting comments through November 18, 2022. Once the public comment period closes, DEM intends to review and respond to all comments as expeditiously as possible.

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A public hearing has been tentatively scheduled for November 17, 2022, at 5:00 PM at the DEM's Providence Headquarters and will only be held if DEM receives a request from twenty-five (25) people, a government agency or subdivision, or an association having no less than twenty-five (25) members on or before 4:00 PM, Monday, November 14, 2022. Please call Cameron Murray at (401) 222-4700 ext. 2777274 prior to the hearing date to see if the hearing will be held. A copy of the draft General Permit and its Fact Sheet, outlining the basis of the permit's conditions/limits, may be downloaded at:

<http://www.dem.ri.gov/programs/water/permits/ripdes/>.

If you have any questions about the requirements outlined in this letter or if you would like to discuss any of the conditions contained in the draft RIPDES 2022 PGP, do not hesitate to contact Cameron Murray of the RIPDES Permitting Program at (401) 222-4700, ext. 2777274 or cameron.murray@dem.ri.gov. For any other questions regarding the application of pesticides, please contact Al Gettman at 401-789-6280 for mosquito abatement concerns or Howard Cook at 401-222-2781 ext. 2774504 for all other pesticide concerns.

Sincerely,



Heidi Travers, P.E.
Environmental Engineer IV

ecc:

Joseph Habereck, DEM
Aaron Mello, DEM
Cameron Murray, DEM

Howard Cook, DEM
Ken Ayres, DEM
Scott Marshall, DEM