

Vermont Department of Environmental Conservation
AQUATIC NUISANCE CONTROL PERMIT PROGRAM
Updated February 2010 – Effective through June 30, 2010

Under 10 V.S.A. Chapter 47 § 1263a., a permit is required for activities used to control nuisance aquatic plants, insects or other aquatic life including lamprey in waters of the State of Vermont. The Vermont Department of Environmental Conservation (VTDEC), Water Quality Division, manages this permit program.

The following activities and control methods require an aquatic nuisance control permit:

- use of **pesticides** (any substance produced, distributed or used for preventing, destroying, or repelling nuisance aquatic vegetation, insects or other aquatic life including lamprey. Pesticide includes unicellular organisms or extracts from unicellular organisms and does not include biological controls.)
- use of the aquatic pesticide ***Aquashade***
- use of **copper compounds** to control algae
- use of **chemicals** other than pesticides
- use of **bottom barriers** (fiberglass screening, felt-like mats, black nylon films, etc., laid on the lake bottom to inhibit nuisance plant growth)
- use of **powered mechanical devices** (harvesters, hydrorakes, motorboat-pulled cutter bars or battery-operated cutter devices, etc.)
- use of **structural controls** (physical barriers, etc.)
- use of **biological controls** (multi-cellular organisms)

All of the activities listed above require an aquatic nuisance control permit except:

- The use of copper compounds to control algae in waters with a surface area of one acre or less, located entirely on one individual's property, and with an outlet where the flow can be controlled for at least three days following application of the copper compound.
- Activities to control mosquitos that are regulated by the Vermont Department of Agriculture, Food and Markets. Their toll free number 1-800-675-9873.
- The use of “pond clarifiers” or products sold under various trade names containing bacteria that according to the labels “reduce sludge, odors and excess nutrients.” However, since the use of these products involves putting something into waters of the state, a discharge permit is needed for their use. Contact the VTDEC Wastewater Management Division at (802) 241-3822 for information.
- Pulling nuisance aquatic plants by hand.

Note: The use of pesticides, bottom barrier materials or powered mechanical devices may require a Conditional Use Determination from the State Wetlands Office. Contact the VT Wetlands Office at (802) 241-3770 to determine if a Conditional Use Determination is required.

Determining Plant or Algae Type

An accurate identification of aquatic plants and algae is necessary to determine the appropriate course of action to correct a problem. Some control measures can actually cause an increase in the nuisance species. VTDEC biologists may be available to help identify plant or algae samples submitted to the Water Quality Division. Call the Division at (802) 241-3790 for instructions on how to submit samples for identification.

Application Process

VTDEC staff is available to help you in filling out applications. An application form for the use of Pesticides, Structural Controls or Biological Controls should be submitted at least 180 days before the proposed beginning date of the project. An application form for the use of a Powered Mechanical Device or Bottom Barrier should be submitted at least 75 days before the proposed beginning date of the project. Generally these time frames reflect the amount of time needed for final action on an application once it is accepted as complete. Application forms are revised periodically. Contact the VTDEC at 802-241-3790 to determine if you have the most current one.

Public Review and Comment Process

As required by 10 V.S.A., Chapter 47, Section 1263a(i), the Secretary of the Agency of Natural Resources has adopted revised Public Review and Comment Procedures for Aquatic Nuisance Control Permit Applications and General Permits effective January 30, 2003. Upon receipt of a complete application for an individual aquatic nuisance control permit, the Department shall classify the proposed control activity as posing either negligible or more than negligible environmental risk. An opportunity for the public to review and comment on aquatic nuisance control applications and general permit applications will be based on the classification of the proposed control activity as posing either negligible or more than negligible environmental risk.

Based on the classification of the permit application, appropriate opportunity for public notice and comment period will be established. The VTDEC will accept comments or requests for a public informational meeting for not less than 10 days following the publication of the application in the paper. The VTDEC, a municipality or 25 or more persons in interest may initiate an informational meeting on a permit application or a draft decision, if deemed necessary. If a meeting is held, the applicant will be required to explain the proposed activity.

Appeal Process

A decision by the Department to issue or deny a permit may be appealed to the Environmental Court, 2418 Airport Road, Suite 1, Barre, Vermont 05641-8701, telephone (802) 828-1660, within 30 days of the date the decision is issued, pursuant to 10 V.S.A. § 1269.

Permit Duration

Permits for pesticides, Aquashade, copper based products, or chemicals other than pesticides may be issued for up to five years. Permits for bottom barriers, powered mechanical devices, structural controls, or biological controls may be issued for up to ten years.

A completed application form, all required application information and attachments, and the appropriate application fee must be submitted for your application to be deemed complete. Submit all materials at least 180 days before the date you would like to begin the proposed activity for pesticides, Aquashade, copper based products, structural controls, biological controls or chemicals other than pesticides and at least 75 days before the date you would like to begin the proposed activity for bottom barrier or powered mechanical devices to:

**Vermont Department of Environmental Conservation
Water Quality Division
103 South Main Street - Building 10 North
Waterbury, VT 05671-0408**

Aquatic Nuisance Control Permit Application Fees

The appropriate fee must accompany all applications. Municipalities and any department of the Agency of Natural Resources are exempt from the application fee. Payment should be made payable to the **Treasurer, State of Vermont**. The appropriate application fees, effective 2004 pursuant to 3 V.S.A. Section 2822(j), are listed below:

A. **Projects in private ponds:** natural ponds not more than 20 acres in size or artificial ponds of any size, owned by one person and located entirely on the owner's property, and stocked at the owner's expense with fish artificially hatched or reared, provided that the sources of water supply for the pond are entirely upon the owner's premises or that fish do not have access to the pond from waters not under the owner's control or from waters stocked at the expense of the state (defined in 10 V.S.A. Section 5210). If you believe your pond is private, please provide documentation to support this with your permit application.

FORM A:	Pesticides	\$75.00
FORM B:	Aquatic Pesticide <i>Aquashade</i>	\$50.00
FORM C:	Copper Based Products Used as Algicides	\$50.00
FORM D:	Chemicals Other Than Pesticides	\$75.00
FORM E:	Bottom Barriers	\$35.00
FORM F:	Powered Mechanical Devices	\$35.00
FORM G:	Structural Controls	\$75.00
FORM H:	Biological Controls	\$75.00

B. **Projects in all other waters**

FORM A:	Pesticides	\$500.00
FORM B:	Aquatic Pesticide <i>Aquashade</i>	\$500.00
FORM C:	Copper Based Products Used as Algicides	\$500.00
FORM D:	Chemicals Other Than Pesticides	\$500.00
FORM E:	Bottom Barriers	\$75.00
FORM F:	Powered Mechanical Devices	\$175.00
FORM G:	Structural Controls	\$300.00
FORM H:	Biological Controls	\$300.00

Requests for Permit Modifications

Requests for modifications to an existing Aquatic Nuisance Control Permit are determined by the VTDEC to be either minor or major. Minor modifications are typically a change to some detail contained in a permit condition. They do not require a review of the findings of the permit. Major modifications typically require the Department to re-visit one or more of the findings required for that control activity to assure that the finding can still be made.

A minor modification request should be made by the permit holder in the form of a letter addressed to the VTDEC. A major modification request should be submitted by the permit holder by completing an appropriate permit application form for the control activity and submitting the application to the VTDEC. The appropriate application fee must accompany the application form. Major modifications are subject to public notice.

To clarify whether a modification request is minor or major, contact the VTDEC at (802) 241-3790.

For further information, please visit our website at www.vtwaterquality.org

The Vermont Department of Environmental Conservation is an equal opportunity agency and offers all persons the benefits of participating in each of its programs and competing in all areas of employment regardless of race, color, religion, sex, national origin, age, disability, sexual preference, or other non-merit factors. This document is available upon request in large print, braille or audiocassette.

VT Relay Service for the Hearing Impaired
1-800-253-0191 TDD>Voice - 1-800-253-0195 Voice>TDD