



# BRP WM 04

## Instructions and Supporting Materials

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### Introduction

MassDEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the MassDEP Web site at <http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html> in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

*Instructions & Support Materials* files in Microsoft Word™ format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

*Permit Applications* in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word™ 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF™ format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



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#### 1. What is the purpose of this permit?

This license serves two major functions. First, it provides a review of chemical applications to aquatic systems (traditionally lakes and ponds) to ensure that they are being implemented utilizing currently acceptable procedures and materials, in order to maintain environmental and public health to the maximum extent possible under the circumstances. Second, it provides a means for keeping records, for future reference, of chemicals that have been introduced into specific areas.

This license grants approval to apply chemicals for the control of nuisance aquatic vegetation in accordance with authority granted to the Department of Environmental Protection by Massachusetts General Laws c. 111, s. 5E.

**Note:** This permit is now administered by the Office of Watershed Management, not the Division of Water Pollution Control. As a result, the permit code number has changed, effective November 30, 1994, but all other aspects of these permits remain the same. BRP WM 04 was formerly BRP WP 38.

#### 2. Who must apply?

Anyone wishing to apply chemicals to bodies of water **except** under the following conditions:

- a. When treatment is undertaken by employees and agents of the Departments of Environmental Protection, Environmental Management, and Fisheries, Wildlife and Environmental Law Enforcement, or of the Reclamation Board, or of related Federal agencies, while in the conduct of their official duties;

**OR**

- b. When treatment is undertaken with algaecide approved by MassDEP and used by legally established water supply agencies to control taste and odors;

**OR**

- c. When treatment is undertaken in privately owned (single owner) ponds from which there are no flowing outlets.

#### 3. What other requirements should be considered when applying for this permit?

##### a. What prerequisites should be considered before applying for this permit?

- Chemical treatments to water using general use pesticides shall only be performed by an applicator currently licensed by the Massachusetts Department of Agricultural Resources Pesticide Program in the aquatics category. Chemical treatments to Bordering Vegetated Wetlands (310 CMR 10.55(2)(a)) and Salt Marsh (310 CMR 10.32(2)) using general use pesticides and techniques that insure chemicals are not applied to water shall only be performed by an applicator currently licensed by the Massachusetts Department of Agricultural Resources Pesticide Program. Chemical treatments using restricted use pesticides shall only be performed by an applicator currently certified by the Massachusetts Department of Agricultural Resources Pesticide Program..
- Chemicals used for treatments must be currently approved for use in the state by the Pesticide Bureau.
- A final Order of Conditions or a Negative Determination of Applicability (Wetlands Protection Act) must be obtained prior to the treatment.



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#### b. What concurrent applications are related to this permit?

- Since chemical treatments constitute the alteration of wetland resources, a Notice of Intent must be filed in accordance with the Wetlands Protection Act (MGL c. 131, s. 40) and Wetlands Protection Regulations (310 CMR 10.00).

**Note:** These additional requirements are intended to serve as a guide to the applicant. It does not necessarily include **all** additional requirements.

#### 4. What is the application fee?

Current fees are available on the MassDEP Website:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/timely-action-fees-and-payments.html#1>

#### 5. What is the Primary Permit Location? What is the Reserve Copy Location?

*Primary Permit Location:*

Department of Environmental Protection  
Division of Watershed Management  
8 New Bond Street  
Worcester, MA 01606

*Reserve Copy Location:*

**Not Required.**

#### 6. Where can I get a copy of the timelines?

The timelines are available on the MassDEP Website:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/timely-action-fees-and-payments.html#1>

#### 7. What is the annual compliance fee?

There is no annual compliance fee for this permit.

#### 8. How long is this permit in effect?

The license is in effect for nine months from the date of issuance.

#### 9. How can I avoid the most common mistakes made in applying for this permit?

- Be sure to include the **current** Pesticide Bureau License Number for the Applicator.
- Be sure that a Notice of Intent (Wetlands Protection Act) has been filed with the local Conservation Commission and that arrangements have been made to forward a copy of either the Order of Conditions or Negative Determination of Applicability to the Office of Watershed Management (see address above).
- Be sure that an accurate, good quality map, which designates treatment areas, is attached to the application.
- Submit fee and *one copy* of the MassDEP Transmittal Form  
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html> to:  
Department of Environmental Protection  
P. O. Box 4062  
Boston, MA 02211.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Watershed Management - Herbicide Application

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### **10. What are the regulations that apply to this permit? Where can I get copies?**

These regulations include, but are not limited to:

- a. Wetlands Regulations, 310 CMR 10.00.
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

These may be purchased at:

**State Bookstore (in State House)**  
Room 116  
Boston, MA 02133  
617-727-2834

**State Bookstore**  
436 Dwight Street  
Springfield, MA 01103  
413-784-1376



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Watershed Management - Herbicide Application  
**BRP WM 04 Application Completeness Check List**

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- The MassDEP Transmittal Form is completed:  
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>
- The application form has been filled out. All questions have been completed.
- An accurate, good quality map, which indicates treatment areas, is attached to the application.
- A Notice of Intent (Wetlands Protection Act) has been filed with the local Conservation Commission and arrangements have been made to forward a copy of the Order of Conditions or Negative Determination of Applicability to:

Department of Environmental Protection  
Division of Watershed Management  
8 New Bond Street  
Worcester, MA 01606

To submit the application package:

- Checklist items have been completed.
- Send a copy of the application package along with the *one* page from the MassDEP Transmittal Form to:

Department of Environmental Protection  
Division of Watershed Management  
8 New Bond Street  
Worcester, MA 01606

- Send fee in the form of check or money order made payable to *Commonwealth of Massachusetts*, along with the *one* page from the MassDEP Transmittal Form to:

Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211



# BRP WM 04

## Application to Apply Herbicides(s) to the Waters of the Commonwealth

Transmittal Number \_\_\_\_\_

Facility ID (if known) \_\_\_\_\_

### A. Instructions

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Pursuant to the authority granted to the Department of Environmental Protection, by Massachusetts G.L.c. 111, s5E, a license is required for application of chemicals to water bodies for the control of nuisance aquatic vegetation, except under the following conditions:

1. When treatment is undertaken by employees and agents of the Departments of Environmental Protection, Environmental Management, and Fisheries, Wildlife and Environmental Law Enforcement or the state Reclamation Board or of related Federal agencies, while in the conduct of their official duties; or
2. when treatment is undertaken with algicides approved by the Department and used by legally established water supply agencies to control taste and odors; and

3. when treatment is undertaken in privately owned (single owner) ponds from which there are no flowing outlets. Although a license is not required under the aforementioned conditions, any state or municipal agency or private person planning an herbicide application to a water body exempt from this license requirement is requested to inform the Department by letter of such treatment for the purpose of record keeping.

This license application to chemically treat waters for control of nuisance aquatic vegetation must be completed and submitted to the Division of Watershed Management, 8 New Bond Street, Worcester, MA 01606, at least 30 days prior to the proposed date(s) of treatment.

### B. Applicant Information

1. Licensed Applicator:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Pesticide Bureau License Number

2. Representing Project Proponent:

\_\_\_\_\_  
(e.g. town, lake association, or private party)

\_\_\_\_\_  
Telephone Number

3. Date submitted:

\_\_\_\_\_

4. Proposed date(s) of treatment:

\_\_\_\_\_



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## Application to Apply Herbicides(s) to the Waters of the Commonwealth

Transmittal Number \_\_\_\_\_

Facility ID (if known) \_\_\_\_\_

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### C. Waterbody Information

1. Name of waterbody: \_\_\_\_\_
2. Location of waterbody: \_\_\_\_\_  
(city/town)
3. Area of waterbody: \_\_\_\_\_  
(acres)
4. Depth: \_\_\_\_\_  
Maximum depth \_\_\_\_\_  
Mean depth \_\_\_\_\_
5. Description of ownership of waterbody (check one):  
 Great Pond     Great Pond enhanced by flowage     Private Pond (with flowing outlet)  
 Other (please describe) \_\_\_\_\_

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### D. Treatment

Extent of proposed treatment (Check One) and provide acreage to be treated:

- Entire water body    Acres: \_\_\_\_\_
- Entire shoreline    Acres: \_\_\_\_\_
- Partial treatment    Acres: \_\_\_\_\_

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### F. Mapping Information

A map of the waterbody must be submitted with this application. This map should be of good quality and must contain the following information:

- a. Relative abundance and species composition of vegetation in the pre-treatment area.
- b. If partial treatment is proposed, the map must clearly show the areas to be treated.
- c. Location of all public and private bathing beaches.
- d. Name and location of any public and/or private water supply wells or intakes within 400 feet of the shoreline.
- e. Location of all inlet and outlet streams.
- f. Location of any livestock watering or access areas.
- g. If separate areas of the waterbody are to be treated with different chemicals, then this information must be clearly indicated.



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## Application to Apply Herbicides(s) to the Waters of the Commonwealth

Transmittal Number \_\_\_\_\_

Facility ID (if known) \_\_\_\_\_

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### G. Water Use

1. Is the water from the lake or pond used for:

- |                       |                              |                             |
|-----------------------|------------------------------|-----------------------------|
| Private Water Supply? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Watering Livestock?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Contact Recreation?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Irrigation?           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Public Water Supply?  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Cooling Water?        | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

2. Describe any uses made of the lake or pond water within 400 feet of the shoreline or within one mile of the outlet. Make special note of any public water supply wells or intakes:

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### H. Vegetation

List the vegetation to be controlled in descending order of abundance (genus name of macrophyton and/or major phytoplankton groups):

a. _____	b. _____
c. _____	d. _____
e. _____	f. _____
g. _____	h. _____



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## Application to Apply Herbicides(s) to the Waters of the Commonwealth

\_\_\_\_\_  
Transmittal Number

\_\_\_\_\_  
Facility ID (if known)

### I. Chemical Information

1. List chemicals:	1.	2.	3.	4.
Chemical Names(s) (trade name)	_____	_____	_____	_____
Chemical Form (dry/liquid)	_____	_____	_____	_____
Total Weight/Volume Applied (lbs/gallons)	_____	_____	_____	_____
Acres Treated (for each chemical)	_____	_____	_____	_____
Application Rate (lbs or gal/acres)	_____	_____	_____	_____
Planned Maximum Concentration (ppm)	_____	_____	_____	_____

2. Briefly describe treatment method including any additional information on chemicals applied or remarks concerning this particular treatment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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## Application to Apply Herbicides(s) to the Waters of the Commonwealth

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Facility ID (if known) \_\_\_\_\_

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### J. Additional Information

The applicant is hereby advised of the following:

- a. Within fourteen days of the date of treatment authorized in this license, the licensee is required to submit a written response to the Department certifying the treatment date, application rate, and the total weight/volume for each chemical used in the treatment.
- b. The licensee shall not apply chemicals in a manner contrary to, or inconsistent with, the application conditions set forth in Section I A. in the license without the prior written approval of the Department.
- c. The applicant is hereby notified that chemical treatments to control aquatic nuisances in public or private lakes and ponds of the Commonwealth involve the alteration of wetland resource areas protected under MG.L. c. 131, s. 40, the Wetlands Protection Act, and 310 CMR 10.00, Massachusetts Wetlands Protection Regulations.
- d. A final Order of Conditions or a Negative Determination of Applicability must be obtained from the local Conservation Commission prior to application of chemicals under any license issued by the Department.
- e. Shoreline areas of the lake must be posted with signs warning the general public of any water use restrictions stated on the chemical label for a minimum of one week. This is especially important at bathing beaches and other areas of common access. These signs shall clearly state that the chemical treatment is being conducted pursuant to a license issued by the Department of Environmental Protection.
- f. The Department may require the licensee to cease application of chemicals to a body of water at any time following the issuance of a license if the Department determines that chemical treatment will be ineffective, or will result in unreasonable restrictions on current water uses, or will produce unnecessary adverse side effects on nontarget vegetation.
- g. Chemical applications shall be performed in accordance with the manufacturers label directions, existing pesticide use laws, and any conditions imposed by local or state agencies.
- h. Chemical treatments shall only be performed by an applicator currently licensed by the Massachusetts Department of Food and Agriculture Pesticide Bureau in the aquatic weed category.
- i. Issuance of a license does not release the licensee from liability resulting from the use of chemicals or from negligent or reckless application of chemicals specified in this application.

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### K. Certification

The applicant hereby certifies the truth of the above statements and agrees to accept the following conditions as a prerequisite to the issuance of a license: that the issuance of the license is based on the accuracy of all statements presented by the applicant; that damage resulting from the inaccuracy of any computations, improper application of the chemical(s), or legal responsibility for the representations made in obtaining required approvals or releases, or failure to obtain said approvals or releases is the sole responsibility of the applicant.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date