



Massachusetts Department of Environmental Protection
Bureau of Resource Protection — Wetlands and Waterways — Herbicide
BRP WM 04 Application Completeness Instructions

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Introduction

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.

Frequently Asked Questions for Completing a WM 04 Herbicide Application

1. 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 containing copper by a public water system. However, the public water system shall notify the Department in writing prior to the application of such algaecides. [310 CMR 22.20B(8), the Drinking Water Regulations];

OR

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

2. 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. The website listing the approved chemicals is found here: <https://www.mass.gov/herbicides-for-aquatic-vegetation-management>
- A valid Order of Conditions, Negative Determination of Applicability (Wetlands Protection Act), Administrative Consent Order or similar authorization 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.

3. How do I apply for this application?

The application is an online form that can be found at: <https://eplace.eea.mass.gov/citizenaccess>

You will need to create an account to access the form. Once logged in, click on the large blue button on the right "File an online Application". From there you will need to select the application you wish to file. Additional visual instructions to assist you in selecting the application and in completing the form are available at: <https://www.mass.gov/media/2106916/download>

Please note: To find this application, you will click on "Energy and Environmental Affairs" and check "Apply for DEP Authorization". At that point, this application is located under Water Management (WM).

Once you submit the application you will receive an email that will provide you the record number. If you have not submitted everything on ePlace, this record number should be used when submitting supporting documentation or payment by mail.

From the "My Records" button, you will be able to view the status of your application through the review and approval process. This is also where you can amend an existing license.

4. What is the application fee?

Current fees are available on the MassDEP Website:
<https://www.mass.gov/lists/massdep-fees-timelines#permit-application-timelines-and-fees-schedule->

The ePlace online WM04 herbicide application form will take you directly to a screen where you can pay the fee. The fee can be paid online via credit card or electronic check with a service fee. You can also choose to pay by mail (send a check or money order). Payments sent by mail should be in the form of a check or money order made payable to Commonwealth of Massachusetts. The record number should be written on the check or money order. Mail the payment to:

MassDEP
P.O. Box 4062
Boston, MA 02211

Once you submit the application online you will receive an email that will provide you the record number as well as a reminder on how to mail payment of the permit fee. The Department will not begin review of the application until the fee is paid.

5. Where can I get a copy of the timelines?

The timelines are available on the MassDEP Website:
<https://www.mass.gov/lists/massdep-fees-timelines#permit-application-timelines-and-fees-schedule->

6. What is the annual compliance fee?

There is no annual compliance fee for this permit.



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7. How long is this permit in effect?

The license is in effect until the end of the calendar year from the date of issuance.

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

- a. Be sure to include the **current** Pesticide Bureau License Number for the Applicator in the online Herbicide application.
- b. Be sure that a Notice of Intent (Wetlands Protection Act) has been filed with the local Conservation Commission and that you have attached and submitted a copy of the valid Order of Conditions, Negative Determination of Applicability or similar authorization with the online Herbicide application.
- c. Be sure that an accurate, good quality map, which designates treatment areas, is attached and submitted with the online Herbicide application.

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

These *related* 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.
- c. Drinking Water Regulations, 310 CMR 22.20B(8)).

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

Unofficial copies of the above regulations are available on MassDEP's website at: <http://www.mass.gov/dep/>.

Important Contacts

- For technical assistance regarding online filing, contact the ePlace Help Desk Team at (844) 733-7522 or ePLACE_helpdesk@state.ma.us
- For other specific WM04 application-related questions, contact David Wong at the Herbicide program at (617) 874-7155
- To see a copy of your application after submittal, also see: <https://eeaonline.eea.state.ma.us/EEA/PublicApp>