



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

TOWN OF CAZENOVIA
7 ALBANY ST
CAZENOVIA, NY 13035-1201
(315) 655-4852

Facility:

CAZENOVIA LAKE
NORTHERN END OF CAZENOVIA LAKE
CAZENOVIA, NY

Facility Location: in CAZENOVIA in MADISON COUNTY

Facility Principal Reference Point: NYTM-E: 429.044 NYTM-N: 4755.061
Latitude: 43°56'41.6" Longitude: 76°52'11.1"

Authorized Activity: Application of the aquatic herbicide triclopyr, trade name Renovate OTF, to Cazenovia Lake in order to control the nuisance plant Eurasian Watermilfoil. The application will occur between June 1 and July 3, 2009 over 234 acres of Lake's northern littoral zone, including portions of the Class 1 State-Protected Wetland OR-3, which extends into the lake's northern waters.

Permit Authorizations

Aquatic Pesticides - Under Article 15, Title 3

Permit ID 7-2522-00139/00003

New Permit

Effective Date: 6/1/2009

Expiration Date: 7/3/2009

Freshwater Wetlands - Under Article 24

Permit ID 7-2522-00139/00004

(Freshwater Wetland ID OR-3)

New Permit

Effective Date: 6/1/2009

Expiration Date: 7/3/2009

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: JOANNE L MARCH, Deputy Regional Permit Administrator

Address: NYSDEC REGION 7 HEADQUARTERS
615 ERIE BOULEVARD WEST
SYRACUSE, NY 13204 -2400

Authorized Signature:



Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: AQUATIC PESTICIDES; FRESHWATER WETLANDS

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the Town of Cazenovia, including modifications as depicted in the FEIS.

2. Authorized Pesticides Table 1:

Authorized Pesticide	EPA Registration Number	Name, % or Weight of Active Ingredient	Total Amount of Pesticide Authorized	Not To Exceed Dosage Rate	Shall Be Applied Not Later Than
Triclopyr (Renovate OTF)	67690-42 SLN NY-070004	14%	up to 41, 640 lbs.	2.0 ppm	July 3, 2009

3. Target Species This permit authorizes treatment for: Eurasian Watermilfoil

4. Autumnal Water Starwort The barrier to protect Autumnal Water Starwort is to be constructed and maintained per the specifications provided in the town's response to DEIS comments document dated May 11, 2009.

5. Authorized Area To Be Treated The following areas are authorized to be treated: 234 acres of Cazenovia Lake's northern littoral zone

6. USE OF THE TREATED WATERS AND THOSE WATERS AFFECTED BY THE TREATMENT WILL BE PROHIBITED OR RESTRICTED AS FOLLOWS:

- a. Warning signs approved by the Department must be posted as described in the attached conditions and must remain posted for 120 days following the treatment or analysis confirms residues are \leq 1ppb.
- b. Applications by ground equipment will only be permitted with a low wind velocity, not greater than 10 mph, unless applied using a slurry injection system.
- c. Do not swim in treatment area for 3 hours after treatment.
- d. Labeled minimum setback distances for applications near potable water intakes must be followed unless label exemptions are met. If exemptions are met, potable water must be provided through



acceptable means to those riparian owners and users that are affected until sample results indicate that concentrations of active ingredient are at or below 50 ppb.

- e. Do not apply through any type of chemigation irrigation system.
- f. Irrigation for plants other than established grasses is prohibited for 120 DAYS after application or analysis confirms residues are \leq 1ppb.
- g. Do not exceed 2.0 ppm a.e. (acid equivalent) triclopyr for treatment area per annual growing season.
- h. Do not use treated water for irrigating greenhouse, nursery, or broadleaf plants for 120 days unless analysis confirms residues are \leq 1ppb.
- i. This permit for the use of the specified chemical is valid for only one treatment **or split application**. If split treatment, restrictions of the 120 days begin at the end of the last treatment.
- j. Applicant shall conduct sampling and analysis at outflow, and 1/4 mile and 1/2 mile down stream from outflow to determine movement of concentrations from application site. Sampling at these sites shall be conducted for a period of three weeks with scheduled intervals beginning at the end of each application (if a split application occurs). The first sample to be collected at 24 hours; 72 hours; and 1 week intervals thereafter, respectively.
- k. All sampling results shall be reported to the NYS DEC Bureau of Pesticides Management in DEC Region 7 when received by applicant.
- l. Applicant shall provide a comprehensive lake management plan by the end of the 2009 calendar year.

7. Riparian Owner and User Notification The permittee must provide prior actual notice of the date(s) of treatment and of the water use restrictions to any affected riparian owner, riparian user and known users.

8. Riparian Owner and User Notification, Continued Riparian owner notification, by the Town of Cazenovia, must include a reminder that alternate drinking and irrigation water sources are available through the Town.

9. Notification in Newspaper Notification of pesticide application must be published in a newspaper of general circulation at least 24 hours prior to the application. Notification must include:

- a. Pesticide to be used
- b. Date of application
- c. Contact person and telephone number in the Department of Health for further information
- d. Contact person in DEC and telephone number
- e. Description of areas to be treated
- f. Method of application
- g. Warning information from label
- h. Purpose of applications



10. Agency Notifications The following must be notified at least (7) seven days, unless modified by the Department, before the time of the pesticide treatment:

Donald J. Nelson, Pesticide Control Specialist 2, NYS DEC Bureau of Pesticides Management, 1285 Fisher Ave., Cortland, NY 13045-1090, (607) 753-3095 Ext. 232, FAX: (607) 753-8532.

Madison County Health Department of Health, County Office Building, P.O. Box 605, Wampsville, NY 13163; 315-366-2361, shall be notified at least 72 hours prior to the application.

a.) A representative of the DEC (Pesticide Control Specialist) must be present during all pesticide treatments. No treatment subject to this permit will take place if this representative is not present.

-For good cause and upon request by the permittee, this permit condition may be waived by the Department if a representative cannot be present at a scheduled treatment.

b.) Any waiver must be explicitly granted by the Department in writing and may not be implied by the absence of the Department's representative. Any waiver granted by the Department shall be effective only for the specific application and treatment date/time for which it was granted.

11. Posting of Warning Signs Prior to Treatment The shoreline and all public access sites including public boat launch sites shall be posted. The posting will be required at a distance of no more than 50 feet for portions of shoreline with waterfront that contain structures, such as but not limited to, residences, commercial establishments, or other buildings within the treatment area. The posting of the shoreline shall also be required at the corresponding beginning and the corresponding ending of the treatment area. This posting will be done to all public access sites including public boat launch sites. The posting shall be of suitable warning signs bearing the water use restrictions prior to treatment and for the required number of days thereafter or depending upon the assay results. These signs shall be signs approved by the Department must be posted as described in the attached conditions and must remain posted for 120 days following the treatment or analysis confirms residues are ≤ 1 ppb.

This sign shall state: "WARNING. This water body has been treated with a pesticide for aquatic weed control. Do not swim or bathe in the water body for 3 hours after treatment. Do not use water for potable purposes until concentrations are at or below 50 ppb. Do not use water for preparing agricultural sprays for food crops or irrigation purposes for 120 days after treatment or analysis confirms residues are ≤ 1 ppb.

DATE OF TREATMENT: _____

For more information contact: _____ Phone: _____"

12. No Right to Treat Lands and Waters under Department Control This permit grants no right to treatment of lands under control of the Department nor relieves the permittee of the responsibility to obtain permission from the Department for any treatment of waters lying under their control, unless a specific signed authorization appears on this permit.



13. No Right to Treat Non-Target Waters This permit does not authorize the treatment of pesticides to non-target water or water lying on or passing through the property of others without their consent. The permittee or applicator must obtain landowner consent before treatment. The permittee and applicator are responsible for damages suffered by riparian owners or others as a result of their activities conducted under this permit.

14. Follow Product Label Directions The applicator must follow all pesticide label directions. Where label and labeling directions, permit conditions and regulations address the same point, the more prohibitive requirements must be complied with. A copy of the product labeling, including any applicable Special Local Need (SLN) labeling, must be on site during all treatments. The applicator, and all others handling the product, must wear appropriate personal protective clothing as required by label directions.

15. Certified Pesticide Applicator ("Applicator") and Identification Number This permit authorizes the following applicator(s): Stephen Wilson, Allied Biological, Certified Applicator ID No. C4862242, Business Registration No. 14440

The applicator must possess a valid Commercial Pesticide Applicator Certification identification card in Category 5A issued by the Department, and must have the card with him/her at the time of treatment. The certified applicator must be on site during all treatments. However, "Pesticide Technicians" and/or "Pesticide Apprentices," may apply the pesticides under this permit to the extent allowed by 6 NYCRR Part 325.7.

16. Special Authorization Required for Multiple Treatment This permit is valid for only one treatment during the calendar year and the treatment may be not repeated without special authorization from the Department.

17. Pesticide Control Specialist When used in this permit, the Pesticide Control Specialist is:

Pesticide Control Specialist
NYSDEC REGION 7 CORTLAND SUB-OFFICE
1285 FISHER AVE
CORTLAND, NY13045 -1090

Don Nelson at 607-753-3095 ext. 232

18. Rescheduling Notification

- a. In the event that pesticide treatment must be rescheduled, the permittee/applicator must contact the Pesticide Control Specialist a minimum of 24 hours prior to the date of the original treatment date.
- b. In the event that no treatment is made, and the permit is not used, the permittee/applicator must notify the Pesticide Control Specialist no more than 7 days after the expiration date of the permit.



19. Final Report Required The permittee/applicator shall submit a Final Report to the Pesticide Control Specialist no later than December 1 of each year. The Final Report shall identify all pesticides used to control aquatic vegetation by product name, active ingredient and EPA Registration Number, the total quantity of each pesticide used during the season, the areas of treatment and any additional information, which has been made a part of this permit, as determined by the Department.

This permit requirement does not relieve the permittee, pesticide applicator, registered agency, or registered pesticide business of the statutory obligation to comply with annual reporting requirements set forth in Article 33, Section 1205 of the Environmental Conservation Law.

20. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

21. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

22. No Interference with Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

23. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

24. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.



GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 7 HEADQUARTERS
615 ERIE BOULEVARD WEST
SYRACUSE, NY13204 -2400

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, Aquatic Pesticides.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;



- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.