



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
GLEN LAKE PROTECTIVE ASSOCIATION  
PO BOX 4135  
QUEENSBURY, NY 12804  
(518) 761-7015

**Facility:**  
GLEN LAKE  
GLEN LAKE RD  
QUEENSBURY, NY 12804

**Facility Location:** in QUEENSBURY in WARREN COUNTY  
**Facility Principal Reference Point:** NYTM-E: 607.217 NYTM-N: 4801.975

**Authorized Activity:** Apply the granular aquatic herbicide Aquathol Super K to areas of Glen Lake totalling up to ~50 acres, including portions of regulated Freshwater Wetlands GF-21 and GF-15, to control Eurasian watermilfoil, Illinois Pondweed and Claspingleaf Pondweed; in accordance with the referenced plans.

**Permit Authorizations**

**Aquatic Pesticides - Under Article 15, Title 3**

Permit ID 5-5234-00521/00001

New Permit

Effective Date: 5/25/2005

Expiration Date: 6/25/2009

**Freshwater Wetlands - Under Article 24**

Permit ID 5-5234-00521/00002

New Permit

Effective Date: 5/25/2005

Expiration Date: 6/25/2009

**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: MARC S MIGLIORE, Deputy Regional Permit Administrator

Address: NYSDEC REGION 5 WARRENSBURG SUB-OFFICE  
232 HUDSON ST  
PO BOX 220  
WARRENSBURG, NY 12885-0220

Authorized Signature: \_\_\_\_\_

Date 5/25/05



**Permit Components**

AQUATIC PESTICIDES

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**AQUATIC PESTICIDES PERMIT CONDITIONS**

**1. Posting of Signs Prior to Treatment** The shoreline, and all public access sites including public boat launch sites, shall be posted with suitable signs bearing the water use restrictions prior to treatment and for the required number of days thereafter depending upon the assay results. These signs shall state:

"WARNING! GLEN LAKE HAS BEEN TREATED WITH A HERBICIDE FOR AQUATIC VEGETATION CONTROL ON \_\_\_\_\_ (Date and Time Inserted). DO NOT SWIM OR BATHE IN THE LAKE FOR 24 HOURS AFTER TREATMENT. DO NOT USE FISH FROM LAKE FOR FOOD OR FEED FOR 72 HOURS AFTER TREATMENT. DO NOT USE LAKE WATER FOR DOMESTIC PURPOSES - DRINKING, WATERING ANIMALS OR LIVESTOCK, WATERING FLOWERS, LAWNS OR GARDENS FOR 168 HOURS (7 DAYS) AFTER TREATMENT!"  
FOR FURTHER INFORMATION CONTACT: \_\_\_\_\_ (Insert contact name)

GLEN LAKE PROTECTIVE ASSOCIATION, INC.

**2. Pesticide Employment Dates** Proposed date of treatment between May 28, 2005 and June 15, 2005.

**3. Authorized Pesticide and % or Weight of Active Ingredient** The pesticide authorized for use is Aquathol Super K (EPA Registration No. 4581-388) with 63% dipotassium salt of endothall as an active ingredient.

**4. Amount of Pesticide Authorized** The amount of pesticide authorized shall not exceed 4400 pounds total pesticide over 50 surface acres of treatment area.

**5. Permissible Dosage Rate** The dosage rate of pesticide shall not exceed the label rate of 4.0 ppm.

**6. Prohibited or Restricted Use of the Waters and Those Waters Affected by the Treatment** Swimming or bathing in the lake for 1 day after treatment is prohibited. The use of fish from the lake for food or feed for 3 days after treatment is prohibited. The use of lake water for domestic purposes - drinking; watering animals or livestock; watering flowers, lawns or gardens; irrigating plants or mixing sprays for agricultural or ornamental plants for 7 days is prohibited.

**7. Notification Requirements** THE FOLLOWING MUST BE NOTIFIED AT LEAST SEVEN DAYS BEFORE THE TIME OF THE PESTICIDE TREATMENT:

PESTICIDE CONTROL SPECIALIST:

John W. Bennett



ADDRESS:

NYSDEC  
Bureau of Pesticides Management  
232 Hudson St. PO Box 220  
Warrensburg, New York 12885-0220  
(518) 623-1200

PHONE:

Failure to provide this notice will be used as a basis for a permit denial in 2006 and is in violation of the Environmental Conservation Law and the permittee is subject to prosecution under these Laws.

**8. Consent of Property Owner(s) before Treatment** Issuance of the permit does not authorize the treatment of water lying on or passing through the property of others without their consent, nor relieve the permittee/applicator of any legal necessity to obtain such consent before treatment nor relieve them of responsibility for damages to riparian owners or others. Prior notice of the date(s) of treatment shall be given as required in Aquatic Pesticides Permit Conditions Nos. 7 and 8.

**9. Possession of a Valid Commercial Pesticide Applicator Certification** The applicator must possess valid Commercial Pesticide Applicator Certification in Category 5A with the permit issuing agency. The certified applicator must be on site during all treatments. The use of individuals now referred to as "Pesticide Technician" and/or "Pesticide Apprentice" in current regulation, is permitted as described in Title 6 NYCRR Part 325.7. In addition, the applicator, if contracted to complete the treatment, must possess valid registration as a Pesticide Application Business with the Bureau of Pesticides Management.

**10. Follow Product Label Directions** The applicator must follow all product label directions. A copy of the product labeling must be on site during all treatments. The applicator, and all others handling product, must wear appropriate personal protective clothing as required by label directions.

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

**12. Compliance with ECL and Rules and Regulations Required** The permittee shall comply with Articles 15 and 33 of the ECL and 6 NYCRR Parts 320 to 329 of the applicable regulations.

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following  
Permits: 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 his agent as part of the permit application. Such approved plans were prepared by the Glen Lake Protective Association, and received by the DEC on 3/2/05.

**2. 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.

**3. 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.

**4. 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.

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

**6. 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 5 WARRENSBURG SUB-OFFICE  
232 HUDSON ST  
PO BOX 220  
WARRENSBURG, NY 12885 -0220

**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 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 permittees 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.