

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 5
232 Golf Course Road, Warrensburg, NY 12885
P: (518) 623-1282 | F: (518) 623-3603
www.dec.ny.gov

May 15, 2015

Mr. Joe Finn
157 Neilson Road
Saratoga Springs, NY 12866

**Re: DEC Permit # 5-4199-00002/00018
Aquatic Pesticide Permit for Saratoga Lake
Saratoga (Co.)**

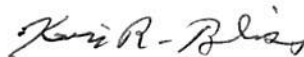
Dear Permittee:

Enclosed is the New York State Department of Environmental Conservation ("Department") Freshwater Wetland and Aquatic Pesticide permits for the above referenced project, issued in accordance with the applicable provisions of the Environmental Conservation Law ("ECL"). Please note the permit expiration date is May 1, 2016, though work shall be completed by August 31, 2015. Future application will require resubmission to the DEC. This permit does not eliminate the need to obtain approvals required from any other agencies.

It is the responsibility of the permittee and their agent to read and comply with all permit conditions and referenced plans. As noted within the permit, you must notify the Department prior to commencing work on your project. This permit is valid only for the activity expressly authorized. Work beyond the scope of the permit will be considered as work without a permit. Failure to comply with these terms may be treated as a violation of the ECL. Work done under this permit is subject to inspection by Department staff.

If you have any questions regarding the terms and conditions of the permit, please contact me at the above number, or Mr. Brian Primeau at (518) 623-1267. Thank you for your cooperation.

Sincerely,

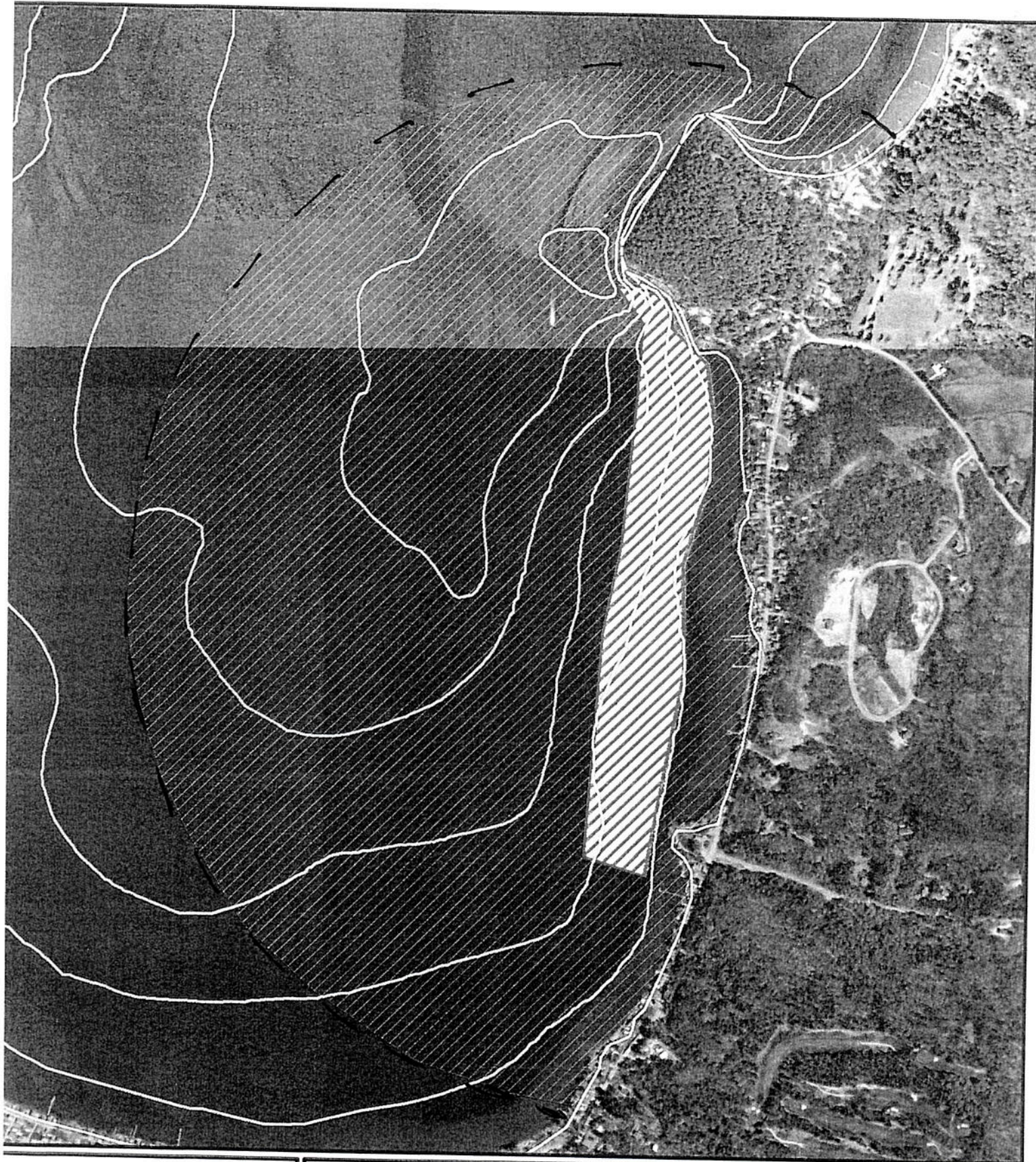


Kevin R. Bliss
Deputy Regional Permit Administrator

Enclosures




ecc w/enc: DEC Division of Law Enforcement
Jed Hayden, DEC
Brian Primeau, DEC
Marc Bellaud, Aquatic Control Technology
Edward D. Kinowski, Stillwater Town Supervisor





Saratoga Lake
 Saratoga, NY
 Estimated Dilution Area

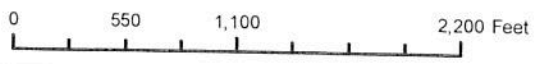
Legend:

-  Estimated dilution area (~600 ac)
-  2015 Potential Treatment Area (50 ac)
-  Bathymetry (6')



AQUATIC CONTROL TECHNOLOGY
 11 JOHN ROAD
 SUTTON, MASSACHUSETTS 01590
 PHONE: (508) 865-1000
 WEB: WWW.AQUATICCONTROLTECH.COM

FIGURE:	SURVEY DATE:	MAP DATE:
1	10/15/14	2/11/15





PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

JOE FINN
157 NEILSON RD
SARATOGA SPRINGS, NY 12866

Facility:

SARATOGA LAKE
SELECT AREAS OF SARATOGA LAKE
SARATOGA SPRINGS, SARATOGA, MALTA
AND STILLWATER, NY

Facility Location: In MULTIPLE TOWNS in SARATOGA COUNTY

Facility Principal Reference Point: NYTM-E: 602 NYTM-N: 4763.2
Latitude: 43°00'52.7" Longitude: 73°44'53.9"

Project Location: Portions of Saratoga Lake within Town of Stillwater

Authorized Activity: Herbicide treatment of Saratoga Lake to include 48 acres in the southeast corner of Lake with Sonar One applied at 10-20 ppb per application. Up to 5 herbicide applications are authorized through August 31, 2015. Portions of the treatment area include Class II state protected wetland M-8 and its regulated adjacent area.

Permit Authorizations

Freshwater Wetlands - Under Article 24

Permit ID 5-4199-00002/00018

New Permit Effective Date: 5/15/2015 Expiration Date: 5/1/2016

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 5-4199-00002/00019

New Permit Effective Date: 5/15/2015 Expiration Date: 5/1/2016

Aquatic Pesticides - Under Article 15, Title 3

Permit ID 5-4199-00002/00020

New Permit Effective Date: 5/15/2015 Expiration Date: 5/1/2016

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: KEVIN R BLISS, Deputy Regional Permit Administrator
Address: REGION 5 WARRENSBURG SUB-OFFICE
232 GOLF COURSE RD
WARRENSBURG, NY 12885



Authorized Signature: Kevin R. Bliz

Date 5/15/15

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: FRESHWATER WETLANDS; EXCAVATION & FILL IN NAVIGABLE WATERS; AQUATIC PESTICIDES

1. Authorized Pesticides	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
SonarOne Aquatic Herbicide	67690-45	fluridone: 1-methyl 3-phenyl-5-[3-(trifluoromethyl)phenyl]-4(1H) pyridinone. @ 5.0%	Not to exceed 363 pounds per application (5 total allowed)	Single applications may not exceed 20 ppb and the sum of all applications may not exceed 100 ppb.	August 31, 2015

2. Agency Notification The permittee/applicant must provide notice of the treatment date, in a manner determined by the Pesticide Control Specialist, to the Pesticide Control Specialist and any other individuals listed here 7 to 14 days before the pesticide treatment:

John W. Bennett, Pesticide Control Specialist 2, NYSEC Bureau of Pest Management, 232 Golf Course Road, Warrensburg, NY 12885, (518) 623-1266, e-mail: john.bennett@dec.ny.gov

3. Certified Pesticide Applicator ("Applicator") and Identification Number This permit authorizes the following applicator(s): Marc Bellaud, ID C0806081, of Aquatic Control Technology, Business Registration No.: 07865

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.

4. Public Notification Prior To Treatment Suitable warning signs approved by the Department listing the water use restrictions shall be posted along the shoreline near the treatment area and at least



1000 feet beyond the expected zone of dilution. The signs shall be posted until fluridone concentrations are below 1 ppb and must be removed no later than 5 days after the water use restrictions have expired as determined by sample results and agreed upon in writing by the Department.

The signs shall include the following information:

NOTICE
SARATOGA LAKE WILL BE / HAS BEEN TREATED WITH HERBICIDES FOR AQUATIC
VEGETATION CONTROL.
DO NOT USE TREATED WATER TO IRRIGATE PLANTS UNTIL THESE SIGNS HAVE
BEEN REMOVED.

DATE(S) OF TREATMENT: _____

For more information contact: _____ Phone: _____

Signs with more specific irrigation restrictions may be used if approved by the DEC Pesticide Control Specialist referenced herein.

5. 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.

6. Treatment Restrictions & Sampling Required a.) Do not use water from treated areas for irrigation of greenhouse and nursery plants or for hydroponic farming until fluridone concentrations are below 1 ppb (<1 ppb) as determined by FasTest.

b.) Do not use treated water to irrigate tobacco, tomatoes, peppers or other plants within the Solanaceae Family and newly seeded crops or newly seeded grasses such as overseeded golf course greens if measured fluridone concentrations are greater than 5 ppb. Do not use treated water to irrigate established turf, established crops and other plants for 30 days after application or if fluridone concentrations are greater than 10 ppb. Do not use treated water to irrigate established tree crops for 7 days after application or if concentrations are greater than 10 ppb.

c.) Samples are required. Water sampling using FasTEST laboratory analysis must be conducted in accordance with the April 10, 2015 letter (Re: Additional information for 2015 Saratoga Lake Permit Application) from Marc Bellaud to Kevin Bliss. Results of the analysis must be provided to the Pesticide Control Specialist referenced herein upon receipt. Water use restrictions cannot be lifted without prior written concurrence from the Department.

7. 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.

8. Final Report Content (Continued) In addition to the information identified above, the Final Report submitted to DEC shall also contain the application date(s), dosage rate or target concentration for each application, the total quantity of pesticide used during each application, and the site of treatment.

9. 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.

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

11. 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.

12. Pesticide Control Specialist When used in this permit, the Pesticide Control Specialist is:
[Pesticide Control Specialist]

John W. Bennett, Pesticide Control Specialist 2
NYSDEC Bureau of Pest Management
232 Golf Course Road, Warrensburg, NY 12885
(518) 623-1266, e-mail: john.bennett@dec.ny.gov

13. 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.

14. 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.

15. Target Species This permit authorizes treatment for: Eurasian watermilfoil (*Myriophyllum spicatum*)

16. Authorized Area To Be Treated The following areas are authorized to be treated: Areas designated on maps provided as part of the application submitted and referenced herein, including up to 48 acres within the southeast corner of the lake, portions containing class II state-protected wetland M-8 and its regulated adjacent area.



17. 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.

18. 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 lawfully 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.

19. 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.

20. 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 Aquatic Control Technology dated 3/12/15 and amended by emails of 4/10/15 (Re: Additional Information for 2015 Saratoga Lake Permit Application) and 5/1/15 and 5/5/15, containing the treatment area map dated 5/1/15 (Fig1rev_Final Treatment Area.pdf).

21. 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.

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
REGION 5 WARRENSBURG SUB-OFFICE
232 GOLF COURSE RD
WARRENSBURG, NY12885

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

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority 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.

