



Compliance Advisory

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Compliance & Enforcement #2021-04 Issued: 03/23/2021

Treatment and Applications at New Jersey Aquatic Sites

WHO IS AFFECTED BY THIS ADVISORY?

Any person or business applying a substance, or mixture of substances to a NJ aquatic site to enhance and improve water quality and clarity. An "aquatic site" means those areas meeting the definition of waters of the state or wetland.

WHY IS DEP ISSUING THIS ADVISORY?

The Department is aware of the practice of using certain products for the purpose of removing nutrients, muck, organics, odors, nitrogen, etc. from a waterbody. Specifically, water clarifiers and enhancers that are applied directly to aquatic sites, which can indirectly affect and/or control algal blooms. There is potential for these applications to pose a threat to the ecosystem by disrupting the naturally occurring biota.

WHAT IS DEP DOING?

The Department is providing this advisory to clarify the permit requirements for applying product(s) to an aquatic site. The type of permit(s) required is largely dependent on the product being used. New Jersey's Clean Water Act prohibits the discharge of any pollutant except when done in accordance with a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit. Additionally, Federal and State regulations mandate a permit for most pesticide applications to aquatic sites.

WHAT SHOULD I DO?

Consider the type of treatment or application you are planning for an aquatic site and use the information provided below to obtain the appropriate Department permit(s).

The application of a pesticide product to an aquatic site requires an Aquatic Pesticide Permit. Pesticide permit information, including additional specifics about aquatic pesticides, aquatic sites and the permit application link are provided online at www.nj.gov/dep/enforcement/pcp/bpo-permits.htm.

In addition, a NJPDES Pesticide Application Discharge (PGP) General Permit authorizing the application of pesticides into, over, or near surface waters of the State is required. Submission of a permit application may be required depending on certain criteria such as type of entity and

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treatment quantity. In some limited circumstances, certain entities or treatment quantities are exempt from submitting a PGP application. The permit application, submission criteria, and requirements can be found on the NJPDES Category PGP website: https://www.nj.gov/dep/dwq/gp_pesticide.htm. See also the [frequently asked question \(FAQ\)](#) website link provided below.

For other biological or ‘natural’ products, that are not pesticides, a NJPDES Category B Individual permit must be obtained. A permit application form can be obtained online by visiting https://www.nj.gov/dep/dwq/forms_surfacewater.htm and navigating to Discharge Category B - Individual Permit for Industrial or Commercial or Thermal Discharge. Applying for an individual NJPDES permit is required regardless of the amount of product being applied and area being treated. Please note the permit required for biological products or ‘natural’ products is an Individual Permit under NJPDES, not to be confused with the NJPDES PGP General Permit.

WHO SHOULD I CONTACT WITH QUESTIONS?

Bureau of Surface Water and Pretreatment Permitting

(609) 292-4860
pesticidegp@dep.nj.gov

Bureau of Pesticide Compliance and Enforcement

(609) 984-6568
pcp@dep.nj.gov

WHERE CAN I GET MORE INFORMATION?

The following websites can be accessed for additional information:

Frequently asked questions about the NJPDES PGP General Permit:

https://www.nj.gov/dep/dwq/pdf/PGP_FAQs.pdf

For further information regarding Harmful Algal Blooms: <https://www.state.nj.us/dep/hab/>

To comment on this compliance advisory visit: <https://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of Department requirements. It does not include all potentially applicable requirements. If you have any questions related to compliance, please contact one of the Department offices listed above.