

JUN 14 1991

MEMORANDUM OF AGREEMENT  
BETWEEN  
THE NEW JERSEY PINELANDS COMMISSION  
AND  
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF ENVIRONMENTAL QUALITY  
PESTICIDE CONTROL ELEMENT

I. Purpose and Applicability

This Memorandum of Agreement between the New Jersey Division of Environmental Quality and the New Jersey Pinelands Commission (herein referred to as the "Commission") is intended to formalize a framework for coordinating the policies and activities of the Pesticide Control Element with respect to N.J.A.C. 7:30-9.3 and those of the Commission under the Pinelands Comprehensive Management Plan, (N.J.A.C. 7:50-1 et seq.) and the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.). In accordance with N.J.S.A. 13:18A-6, the Commission may enter into this memorandum of Agreement as the Commission has been given the ability to enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all things necessary, convenient, or desirable for the purposes of the Commission.

II. Mutual Understandings and Agreements

- A. In the Pinelands Area, the Commission and the Pesticide Control Element agree to the following distinction:
1. "Lakes" and "ponds" will refer to seasonal or permanent standing bodies of water.
  2. "Aquatic sites" will herein refer to all areas, other than lakes and ponds which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. However, specific areas where hydrophytes are being grown as an agricultural crop shall not be considered to be aquatic sites.
- B. With regard to the application of pesticides to lakes and ponds, the Commission and the Pesticide Control Element understand that:

1. This activity will not require a formal application to the Commission; however, the Division of Environmental Quality will provide the Commission with the following information when the Pesticide Control Element receives an application for a permit to apply pesticides to a lake or pond:
    - a. A description of the proposed activity noting the exact pesticide to be utilized and the purpose it is intended to serve.
    - b. A map indicating the location of the proposed activity.
  2. Within (15) days of the receipt of the information set forth in (B.1) above, the Commission will notify the Pesticide Control Element if the permit application raises any issues with respect to the standards of the Pinelands Comprehensive Management Plan.
  3. The Pesticide Control Element will not issue the permit for the application of the pesticide to the lake or pond in question until the notice provided for in (B.2.) has been issued by the Commission. The permit will only be approved if the Commission states that the granting of the permit does not raise any issues.
  4. Should the applicant propose to use a pesticide other than that noted on the permit issued by the Pesticide Control Element, the proposed activity will not be permitted until the Commission has reviewed the proposal pursuant to the provisions set forth in (B.1-3) of above.
- C. With regard to the application of pesticides to an aquatic site, the Commission and the Division of Environmental Quality mutually understand and agree that:
1. An application to the Commission is required.
  2. Upon receiving an application for this activity, the Commission will determine if the application is complete. Should the application be deemed in-

complete, a written statement will be issued to the applicant identifying the deficiencies in the application.


3. Upon receiving a completed application, a Certificate of Filing or Certificate of Compliance will be issued by the Pinelands Commission. If it is not demonstrated that the application of the pesticide will be carried out in a manner consistent with the standards of the Pinelands Comprehensive Management Plan, the Pinelands Commission will issue a Certificate of Non-Compliance or an Inconsistent Certificate of Filing noting the inconsistencies represented by the proposed activity.
4. The Pinelands Commission will provide the Pesticide Control Element with its determinations made in accordance with (C.3), which will specify the pesticide(s) to be applied to the aquatic site.
5. In accordance with N.J.A.C. 7:50-4.17 and 4.34 which prohibits any permitting agency from deeming an application complete without the individual(s) first obtaining a Certificate of Filing or Certificate of Compliance from the Commission, the Pesticide Control Element will not deem an application to apply pesticides to an aquatic site complete unless the applicant has received a Certificate of Filing or Certificate of Compliance. The Pesticide Control Element will deny a permit for this activity if either a Certificate of Non-Compliance or Inconsistent Certificate of Filing has been issued by the Commission.
6. The issuance of a consistent Certificate of Filing or a Certificate of Compliance will authorize the Pesticide Control Element to issue permits for 3 calendar years, provided there is no change in the proposed pesticide. After 3 years a new application must be submitted to the Pinelands Commission pursuant to the provisions of (C.1-5).
7. A notice will be provided with all permits issued by the Pesticide Control Element that any change in the pesticide(s) to be applied to the aquatic site may not occur until the applicant has completed an application with the Commission and a Certificate of Filing or Certificate of Compliance has been issued by the Commission for the application of the alternative pesticide(s) to the aquatic site.


8. The Pesticide Control Element will forward copies of all permits which are issued for the application of pesticides to aquatic sites in the Pinelands Area.

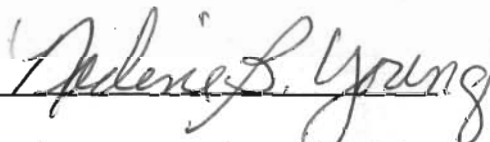
III. Effective Date and Duration

- A. This Memorandum of Agreement shall take effect upon approval by the authorized representative of both parties and subsequent to the Governor's review for a period of ten (10) days.
- B. This agreement shall remain in effect until otherwise amended or terminated by either party upon 60 days written notice.

IV. Signatures

  
NJ Pinelands Commission

  
NJDEP Division of Environmental  
Quality, Pesticide Control  
Element

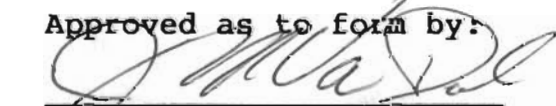
Attest: 

Attest: Raymond A. Ferrarin, A'sst. Dir.

Date: June 17, 1991

Date: 6/12/91

Approved as to form by:

  
Deputy Attorney General  
State of New Jersey

Date: 6/19/91

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