

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE OF DRAFT NPDES GENERAL PERMIT
FOR PESTICIDE APPLICATIONS
PUBLIC NOTICE NO: 2011 – 3B – PGP - RD
DATE OF NOTICE: MARCH 5, 2011
RESPONSE DATE DUE: APRIL 4, 2011

I. The Indiana Department of Environmental Management (IDEM) proposes to issue a new NPDES Pesticide General Permit in response to the 6th Circuit Court of Appeals decision in National Cotton Council of America et al. v. U.S. Environmental Protection Agency (553 F.3d 927) that must be in place by April 9, 2011. The purpose of this NPDES general permit is to establish additional requirements for point source discharges from the application of pesticides to waters of the state. These requirements will be consistent with the U.S. Environmental Protection Agency (EPA) pesticide general permit requirements published under 40 CFR 122. The NPDES general permit pertains to pesticide applications on waters of the state of Indiana and land areas adjacent to waters of the state.

II. Applicability: This NPDES general permit shall be applicable to persons who:

- (1) discharge pesticides to waters of the state from the application of biological pesticides or chemical pesticides which leave a residue of the pesticide or its degradates; and
- (2) seek coverage under the general permit for those discharges.

The following categories of pesticide discharges can be covered under this general permit:

- (1) Mosquitos and Other Flying Insect Pest Management;
- (2) Aquatic Weed and Algae Control;
- (3) Aquatic Nuisance Animal Control;
- (4) Forest Canopy Pest Control;
- (5) Ditch Bank or Conveyance Weed Control;
- (6) Control of Aquatic Vegetation under a DNR Permit; and
- (7) Aquatic Weed and Algae Control in Private Ponds.

IDEM has determined that submission of a notice of intent under this general permit will only be required for certain permittees who have pesticide applications that would exceed a threshold listed in the general permit. This includes:

- (1) a unit of federal or state government with pest control responsibility that exceeds an annual treatment area threshold in Table 1 of the draft permit,
- (2) an entity that employs or contracts with persons to apply pesticides in a use pattern listed in Table 1 for pesticide applications that:

1. exceed an annual treatment area threshold in Table 1 of the draft permit; and
 2. are not covered under another entity's general permit coverage; and
- is not a small business as defined in IC 5-28-2-6, and

(3) an entity that applies pesticides to outstanding state resource waters designated in 327 IAC 2-1-2(3), 327 IAC 2-1-11(b) or 327 IAC 2-1.5-19(b).

III. IDEM Contact Person: Mrs. Catherine Hess, Office of Water Quality /NPDES Permits Branch, IGCN Room 1255, MC 65-42, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251, at 317/232-8704 or chess@idem.IN.gov.

IV. Comments: Interested persons are invited to submit written comments regarding the draft NPDES general permit. All comments or requests should be sent to the attention of Mrs. Catherine Hess at the above address and must be received by IDEM no later than April 4, 2011. Any request for a public hearing shall be made in writing and shall include: the name and address of the person making the request, the interest of the person making the request, persons represented by the person making the request, the reason for the request and the issues proposed for consideration at the hearing. The department will determine whether to hold a public hearing based upon the comments and the rationale for the request. All written comments received during the Public Notice period will be considered in the formulation of the final NPDES general permit.

V. Additional Information: The draft NPDES general permit is posted on IDEM's web site at <http://www.in.gov/idem/5338.htm>. The draft NPDES general permit is available for review at the IDEM, Office of Water Quality/NPDES Permit Branch, IGCN 12th floor/Rm 1255, 100 N. Senate Avenue, Indianapolis, Indiana from 9:00 a.m. to 4:00 p.m., M - F, excluding state holidays (copies 10¢ per page). Copies of the draft permit documents are also available at the local health departments and at IDEM's Regional Offices. The document is also available via email request. Please tell others you think would be interested in this matter. See these sites for information concerning your rights and responsibilities: <http://www.IN.gov/idem/5474.htm> and <http://www.IN.gov/idem.5803.htm>.

VI. Notice of Final Permit Determination: IDEM will provide notice of the final determination on this permit to all persons who submit written comments or who submit a written request for notification to the IDEM Contact Person (listed above).