

Statewide

Ohio EPA Permit No. OHG870003

**National Pollutant Discharge Elimination System (NPDES) Permit Program
PUBLIC NOTICE
OF
ISSUANCE OF THE DRAFT GENERAL NPDES PERMIT AND PUBLIC HEARING
FOR
PESTICIDE APPLICATION DISCHARGERS**

Ohio Environmental Protection Agency
Division of Surface Water, Permits Section
50 West Town Street
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2001

Public Notice No.: 22-04-005

Date of Issue of Public Notice: April 14, 2022

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has issued a draft renewal of the general National Pollutant Discharge Elimination System (NPDES) permit that provides coverage to pesticide application dischargers in the state of Ohio. This draft permit represents a renewal of the pesticide application discharge permit issued on January 1, 2017.

This permit is mandated by federal court decisions. Beginning on April 9, 2011, pesticide applications, including applications to ditch banks and aerial spraying and fogging, must obtain coverage under a NPDES permit if they occur "in, over or near" surface waters. For pesticide applications described under Part II.A. of the general permit, a notice of intent shall be submitted to Ohio EPA in order to obtain coverage under this general permit. Pesticide applications which are not described under Part I.C.4 or Part II.A. of the general permit may, at the discretion of the Director and his authority under Title 40 Part 122.28(b)(2)(v) of the Code of Federal Regulations, be authorized to discharge under this general permit without a notice of intent.

The draft permit covers the same four pesticide use categories that the federal program covers: Mosquito and Other Aquatic Nuisance Insect Control, Aquatic Weed and Algae Control, Area-Wide Pest Control, and Aquatic Nuisance Animal Control.

It has been determined that a lowering of water quality of various waters of the State associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio. Provision (D)(1)(j) of rule 3745-1-05 of the Ohio Administrative Code was applied to this general permit. This provision excludes the need for the submittal and subsequent review of technical

alternatives and social and economic issues related to the degradation. Other rule provisions, however, including public participation and appropriate intergovernmental coordination will be required and considered prior to acting upon this determination.

An Ohio EPA public hearing to accept comments on the draft permit renewal has been scheduled for 2:30 PM, June 1, 2022. The hearing will be held virtually. To register for the hearing go to <https://attendee.gotowebinar.com/register/5071429635609474572> . The public hearing will end when everyone in attendance has had an opportunity to provide comments related to the draft permit renewal. All interested persons are entitled to be represented and give written and/or oral comments on the draft permit. The purpose of the hearing is to obtain additional information that will be considered by the Director of Ohio EPA prior to any further action on the draft permit.

Ohio EPA will continue to accept written comments on the draft permit through the close of business on June 8, 2022. Comments received after this date may not be considered as part of the official record of the hearing. Persons wishing to be on the Ohio EPA's interested parties' mailing list for this project or wishing to submit comments for Ohio EPA's consideration may do so in writing to Ohio EPA's Division of Surface Water, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 or via email to: EPA.DSWComments@epa.ohio.gov.

Copies of the draft general NPDES permit and the associated fact sheet and documentation can be obtained on the Ohio EPA-DSW web page at <https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/pesticide-application-discharges--general-permit> or by calling 614-644-2001.