



Public Interest Center | P.O. Box 1049 | Columbus, OH | 43216-1049

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Ohio EPA To Hold Public Hearing on Proposed Pesticide Discharge Permit

Ohio EPA is proposing a new general permit to regulate discharges from pesticide applications and is taking public comments through February 3, 2011. A public hearing will be held on January 27, 2011.

A recent federal court decision dictates that pesticide discharges in, over or near surface waters must be covered by a discharge permit. Prior to this ruling, pesticide application had been considered exempt from Clean Water Act (CWA) permitting since another act regulated these chemicals. The federal court required pesticide discharges to be covered under discharge permits, with coverage required by April 9, 2011.

Ohio EPA will hold a public hearing to take comments on the proposed general permit on January 27, 2011 at 10:30 a.m. at Ohio EPA Central Office, conference room C, Lazarus Government Center, 50 West Town Street, Columbus. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the proposed permit. Visitors should bring a photo ID.

The draft permit would cover four pesticide use categories:

- mosquito and other aquatic nuisance control;
- aquatic weed and algae control;
- area-wide pest control; and
- aquatic nuisance animal control.

The permit would require best management practices of pesticides based on common industry practices; visual monitoring when applying chemicals noting its effects on nearby water bodies; and reporting of adverse incidents.

Some facilities would be required to submit a notice of intent (NOI) when applying pesticides. Applications to water requiring notice would include direct application to:

- drinking water reservoirs;
- control nuisance fish such as lamprey fish;
- high quality waters in the state; and
- highest quality wetlands.

Additional activities would require an NOI application if pesticide treated areas exceed thresholds (640 land acres, 20 water acres or 20 linear miles of stream or stream bank):

- direct application to other wetland areas;
- aerial spraying of Lake Erie for weed control; and
- aerial spraying of forests for pest control such as gypsy moths.

Those who apply pesticides that exceed thresholds would be required to develop a pesticide management discharge plan and other pest monitoring, evaluation and control measures regardless of whether they are required to file a notice of intent.

Statewide general permits have a five-year duration and are reviewed and revised as needed at the end of that period. A general permit is one permit covering many locations that have similar discharges. General permits are used to allow discharges that will have a minimal impact on the environment. An individual could request coverage under the draft general permit by submitting an application, notice of intent and paying applicable fees.

Copies of the [draft permit, a fact sheet explaining the permit, and a public notice](#) are available for review.

Those wishing to submit written comments or be on Ohio EPA's interested parties mailing list for this general permit should mail or e-mail [Eric Nygaard](#), Ohio EPA Division of Surface Water, Permits and Compliance Section, P.O. Box 1049, Columbus, Ohio 43216-1049. Comments should be submitted in person or by mail no later than February 3, 2011. Comments received after this date may not be considered as part of the official record for this hearing.