

U.S. Environmental Protection Agency
Public Notice of Draft NPDES Permit(s)

Pesticide General Permit for Point Source Discharges From the Application of Pesticides

On June 4, 2010, the U.S. Environmental Protection Agency (EPA) provided public notice of its Draft National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit for Point Source Discharges From the Application of Pesticides in the Federal Register (Volume 75, No. 107, pages 31775 – 31785). The public comment period for the permit extended through July 19, 2010. Issuance of the final permit is required by April 9, 2011 by mandate of the U.S. Sixth Circuit Court of Appeals. The draft general permit regulates discharges to waters of the United States from the application of (1) biological pesticides, and (2) chemical pesticides that leave a residue for the following pesticide use patterns: mosquito and other flying insect pest control for human health, aquatic weed and algae control, aquatic nuisance animal control, and forest canopy pest control, where pesticides are disseminated to, on over or near public waters. The New Mexico Environment Department (NMED) has been provided the opportunity to submit comment on the draft national permit and EPA will be considering revisions as a result of input from the public comment period.

Copies of the draft fact sheet, general permit, and public notice are available at: <http://www.epa.gov/>.

EPA cannot issue or deny the NPDES permit for the State of New Mexico until NMED has granted or denied certification under 40 CFR 124.55, or waived its right to certify. Certification will be in writing and include:

- 1) conditions which are necessary to assure compliance with the applicable provisions of Clean Water Act Sections 208(e), 301, 302, 303, 306 and 307 and with appropriate requirements of State law;
- 2) any conditions more stringent than those in the draft permit which the State finds necessary to meet the requirements listed in (1) above. For each more stringent condition, the certifying agency shall cite the Clean Water Act or State law references upon which that condition is based. Failure to provide such a citation waives the right to certify with respect to that condition; and
- 3) a statement of the extent to which each condition of the draft permit can be made less stringent without violating the requirements of State law, including water quality standards. Failure to provide this statement for any condition waives the right to certify or object to any less stringent condition which may be established during the EPA permit issuance procedure.

Within 33 days from the date it receives the revised draft permit, NMED will notify EPA if it will grant or deny certification, or to waive its right to certify. If additional time is needed, it may be granted if a request is submitted within this time period, otherwise, the State will be deemed to have waived its right to certify. The State must send a notice of its action, including a copy of any certification, to:

Water Quality Protection Division Director
U.S. Environmental Protection Agency
1445 Ross Ave.
Dallas, TX 75202

For additional information, or to submit comments on the State's potential certification, please contact Glenn Saums, NMED at: glenn.saums@state.nm.us