

## NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to the Nebraska Department of Environmental Quality (NDEQ) Title 119, *Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System*, Ch. 23 006.07, *Public Notice of Hearing*, the Nebraska Department of Environmental Quality, Water Quality Division, Wastewater Section will be conducting a Public Hearing on March 22, 2011 at 2:00 P.M. at the Nebraska State Office Building, 301 Centennial Mall South, Room A/Lower Level, Lincoln, Nebraska regarding issuance of the National Pollutant Discharge Elimination System (NPDES) General Permit NEP100000. A public information session will be held prior to the Public Hearing from 1:30 P.M. to 2:00 P.M.

The Nebraska Department of Environmental Quality (NDEQ) proposes issuance of the National Pollutant Discharge Elimination System (NPDES) General Permit NEP100000 for the application of pesticides for the control of pests to, over, or near waters of the State provided the application is done in accordance with the eligibility requirements and other conditions and requirements set out in this General Permit. This permit divides the waters of the State into three groups. Groups I and Group II do not require submittal of a notice of intent. Pursuant to 40 Code of Federal Regulations (CFR) §122.28(b)(2)(v), the director of NDEQ is authorized to permit certain discharges under a general permit without requiring submission of a notice of intent where the director finds the notice of intent requirement would be inappropriate. For this general permit for pesticides, the director finds that the notice of intent would be inappropriate because the purpose of the discharge in accordance with the proposed general permit for pesticides is to allow extremely time-sensitive applications of pesticides to control aquatic borne pests and weeds. The director further finds that such aquatic pesticides have undergone the rigorous registration procedure under FIFRA during which the U.S. Environmental Protection Agency (EPA) assesses a variety of potential risks to human health and the environment effects associated with the use of the product and determined the pesticide will perform its intended function without unreasonable adverse effects on the environment when used in accordance with directions for use prior to approving registration for such use. During this registration process, EPA examines the ingredients of a pesticide, the intended type of application site and directions for use and supporting scientific studies for human health and environmental effects and exposures. In addition, the general permit for pesticides has requirements to keep the pesticide within the target area and has additional best management practices and requires a notice of intent in sensitive group III areas.

The draft general permit, fact sheet and supporting documentation were placed on Public Notice during the period of February 17, 2011 to March 19, 2011. The Public Notice comment period ending date of March 19, 2011 has been extended to the close of the Public Hearing. Written comments concerning the draft NPDES general permit number NEP100000 may be submitted to NDEQ at the address below until the close of the Public Hearing. The Public Hearing is being held by NDEQ due to the significant public interest in the draft general permit.

The draft general permit, fact sheet and other public information are available for review at NDEQ's Lincoln Office, 1200 N Street, Suite 400, the Atrium Building, PO Box 98922, Lincoln, Nebraska between 8:00 a.m. and 5:00 p.m. weekdays, excluding holidays. To request copies of the draft general permit and other information, call 402-471-3557 (TDD operator 711). Alternate format materials are available with advance request. A copy of this permit, fact sheet, and a short summary of permit changes incorporated from comments received during the Public Notice period are available on the Department's website at <http://www.deq.state.ne.us/>.