

**ENVIRONMENTAL PROTECTION COMMISSION[567]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 455B.173(11), the Environmental Protection Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 64, “Wastewater Construction and Operation Permits,” Iowa Administrative Code.

The purpose of these amendments is to reissue the existing National Pollutant Discharge Elimination System (NPDES) Pesticides General Permit known as General Permit No. 7 (GP7). This general permit allows for the discharge of pesticides to waters of the United States. The current general permit was issued on March 30, 2011, and expires on March 29, 2016. Pesticide applications covered under GP7 include those for control of aquatic nuisance insects; weeds, algae, fungi, bacteria, and fish parasites in water and at water’s edge; aquatic nuisance animals; and forest canopy pests at water’s edge. Irrigation return flows and agricultural storm water discharges are not covered under GP7 because they are specifically exempted from the Clean Water Act’s permitting requirements. There are no fees associated with GP7.

In addition to renewing GP7, the Commission is proposing to further reduce the regulatory burden on pesticide applicators by removing the existing requirement that large applicators must submit a Notice of Intent (NOI) for coverage under GP7. Under the renewed permit, all pesticide applications meeting the eligibility criteria will be automatically covered, without the need to submit an NOI. The Commission is also proposing to remove all requirements that were specific to large applicators, including the development and implementation of integrated pest management plans and the creation of annual reports.

The Commission intends to file these amendments as Adopted and Filed Emergency After Notice, to be effective on May 18, 2016, pursuant to Iowa Code section 17A.5(2)“b”(2), following public comment and public hearings. The normal effective date should be waived and the amendments should be made effective on May 18, 2016, as the amendments confer a benefit on the public by simplifying requirements for permit coverage and by minimizing any lapse in permit coverage.

Any interested person may submit written comments on the proposed amendments on or before April 12, 2016. Written comments or questions regarding the proposed amendments should be directed to Wendy Hieb, Iowa Department of Natural Resources, 502 East 9th Street, Des Moines, Iowa 50309-0034; via fax at (515)725-8202; or via e-mail at [wendy.hieb@dnr.iowa.gov](mailto:wendy.hieb@dnr.iowa.gov).

A public hearing where persons may present their views orally or in writing will be held on April 5, 2016, at 10 a.m. in the Fourth Floor Conference Rooms of the Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the proposed amendments.

Any persons who intend to attend the public hearing and have special requirements, such as hearing or mobility impairments, should contact the Department to advise of any specific needs.

After analysis and review of this rule making, no impact on jobs has been found. The general permit has been in place for four years and is accepted by pesticide applicators as a necessary tool to allow for the discharge of pesticides to waters of the United States. In addition, the Commission is proposing to reduce the regulatory burden on applicators as part of the reissuance of the general permit by removing the requirement to submit a Notice of Intent for coverage. The Commission is also proposing to remove all requirements that were specific to large applicators, including the development and implementation of integrated pest management plans and the creation of annual reports.

These amendments are intended to implement Iowa Code sections 455B.173(11) and 455B.186. The following amendments are proposed.

ITEM 1. Rescind subparagraph **64.3(4)“b”(7)**.

ITEM 2. Amend subrule 64.15(7) as follows:

**64.15(7)** “Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States From the Application of Pesticides,” NPDES General Permit No. 7, effective ~~March 30, 2014~~ May 18, 2016, to ~~March 29, 2016~~ May 17, 2021.