

# NPDES General Permit for Pesticides To, Over, and Near Waters Of the State

?

When do I Need Coverage and do I Need a  
Notice of Intent (NOI)?



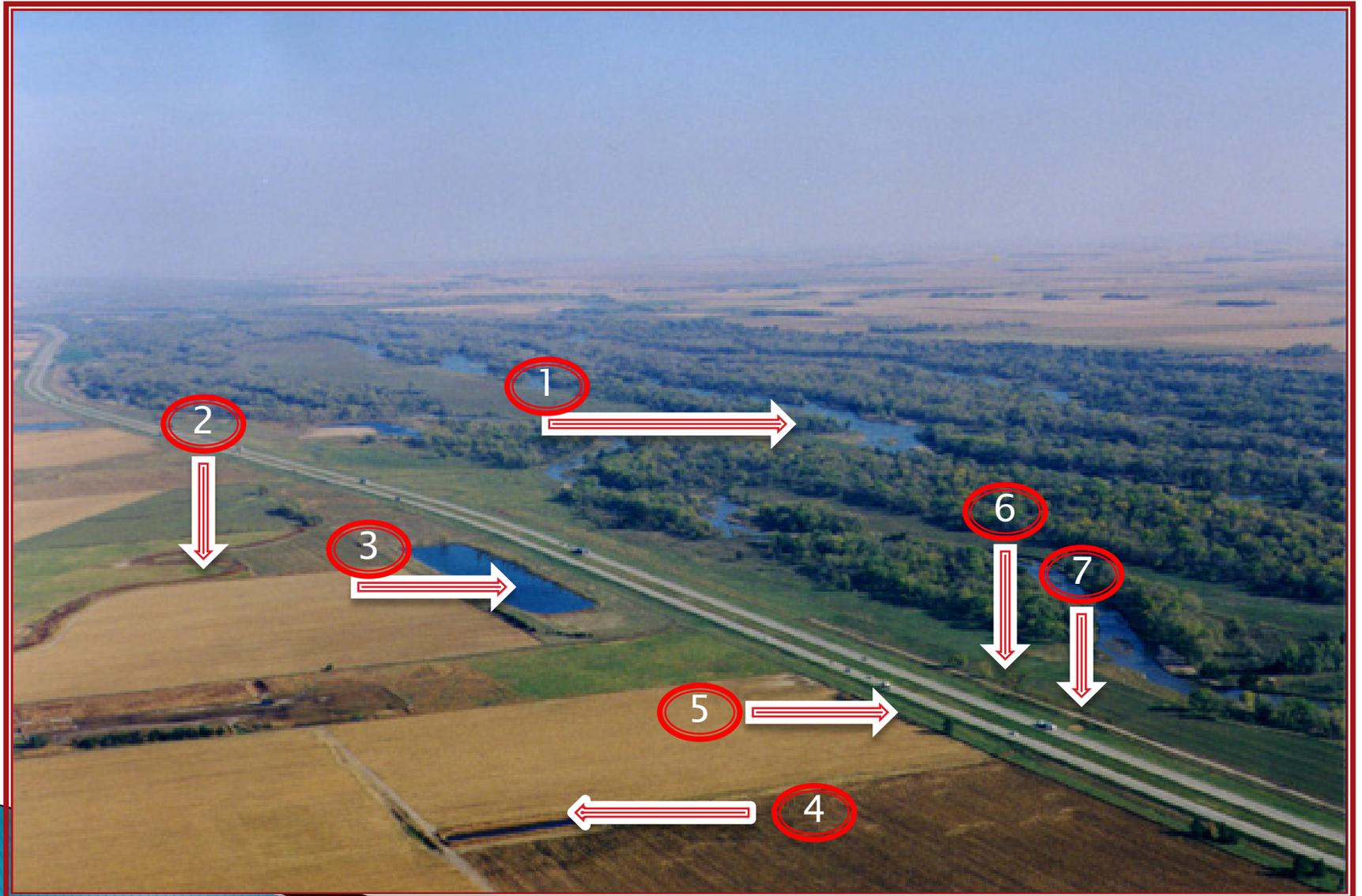
# What are waters of the State

- ▶ Waters of the state shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state

# Waters Exempted for the Clean Water Act and this Permit

- ▶ Clean Water Act
  - Irrigation Return Flow
  - Runoff from farmland
- ▶ Others
  - Wastewater Treatment Facilities

# Waters of the State?



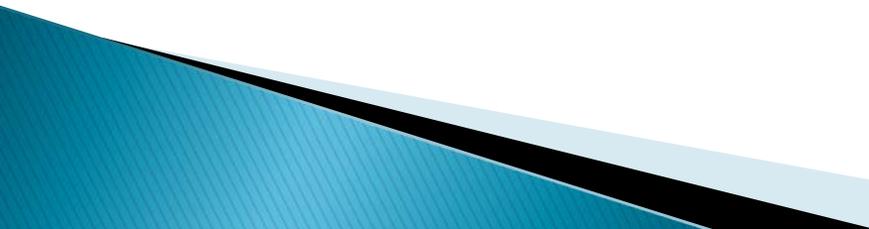
# No Water Present



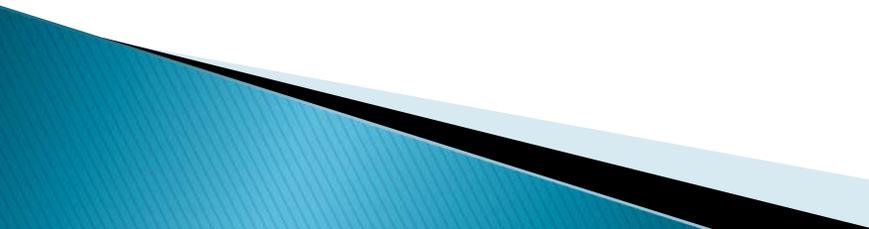
# Group I Waters–No NOI Required

- ▶ An Impoundment that is designed not to discharge
- ▶ A stream, creek, lake, reservoir, canal, or other similar flowing or discharging water for which the management authority or pesticide applicator can manage the surface discharge for 24 hours from application, or longer if required by the label, to avoid downstream impacts by the following:
  - The water level is below the discharge inlet sufficiently to prevent discharge
  - Drawdown of the water level is done before application
  - Discharge structures are closed before application
  - Inflow is diverted before application
  - Precipitation events that occur are not likely to result in a discharge

# Group I Waters – No NOI Required (cont.)

- ▶ A Wetland, bog or marsh that does not surface discharge for at least 24 hours after application, or longer if required by the label
  - ▶ Waters of the state where no water is present in the water body at the time of application and precipitation events that occur are not likely to result in a discharge from the water body for at least 24 hours after application, or longer if required by the label
  - ▶ **Not Group 3 Waters**
- 

# Group II Waters – No NOI Required

- ▶ Flowing or discharging waters in a conveyance similar to a ditch, creek, stream, canal, or a lake when the management authority or pesticide applicator is unable to suspend discharge for at least a minimum of 24 hours, or longer if required by the label
  - ▶ **Not Group 3 Waters**
- 

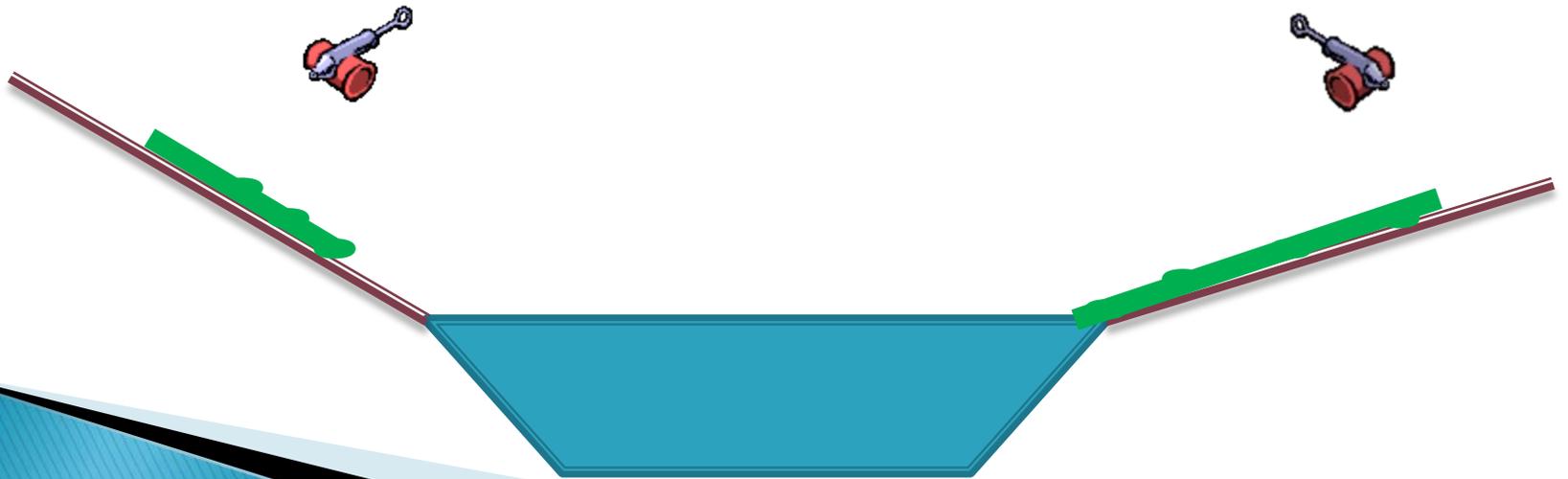
# Group III Waters – NOI Required

Group III waters are:

- ▶ State resource waters as listed in Nebraska Title 117. The Current Title 117 is located at [www.deq.state.ne.us](http://www.deq.state.ne.us) “Laws & Regulations”.
- ▶ Listed as impaired on the current Nebraska Clean Water Act 303(d) list for any of the ingredients in the pesticide or residuals from the application of the pesticide. The current Nebraska Clean Water Act 303(d) list is available at [www.deq.state.ne.us](http://www.deq.state.ne.us) “Surface Water Monitoring and Assessment Programs”, Integrated Reports.
- ▶ Waters where Threatened and Endangered Species (T&E) or critical habitats are present in the target area and there is not a standard procedure established that addresses the application of the pesticide in accordance with the endangered species recommendations by the Nebraska Game and Parks Commission (NGPC) in publication or on the NGPC website  
[outdoornebraska.ne.gov/wildlife/programs/nongame/consultation.asp](http://outdoornebraska.ne.gov/wildlife/programs/nongame/consultation.asp) or NDEQ web site [www.deq.state.ne.us](http://www.deq.state.ne.us) sites or the U.S. Fish and Wildlife Service web site <http://www.fws.gov/nebraskaes>.
- ▶ Application of pesticides to, over, or near water within 250 feet of the Group III waters (i), (ii), or (iii) identified above, where the application of pesticides is to a flowing or discharging waters that has a direct surface water connection, so the flowing or discharging waters flow directly into the Group III waters (i), (ii), or (iii).
- ▶ Application of pesticides to, over, or near water within 250 feet of a surface water intake for public drinking water, where the application of pesticides is to surface water that has a direct surface water connection and contribution to the surface water supplying water to the intake for public drinking water.

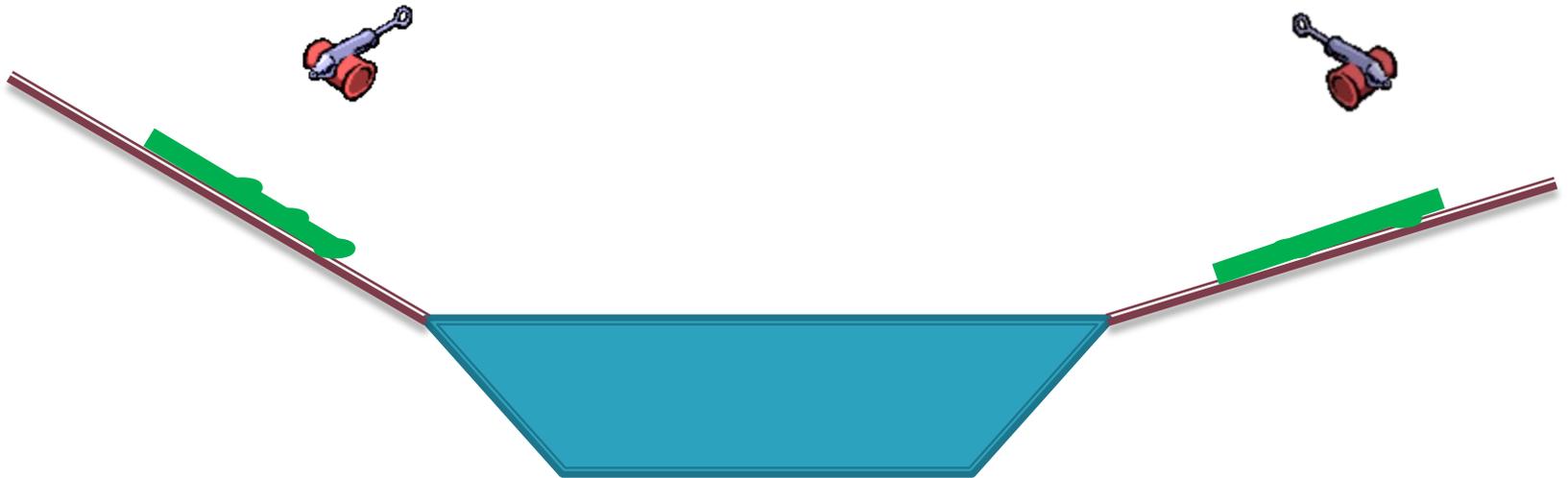
# What is Near Water?

- ▶ The application of pesticides where the application migrates to waters of the State due only to the influence of gravity within 24 hours or less from application.



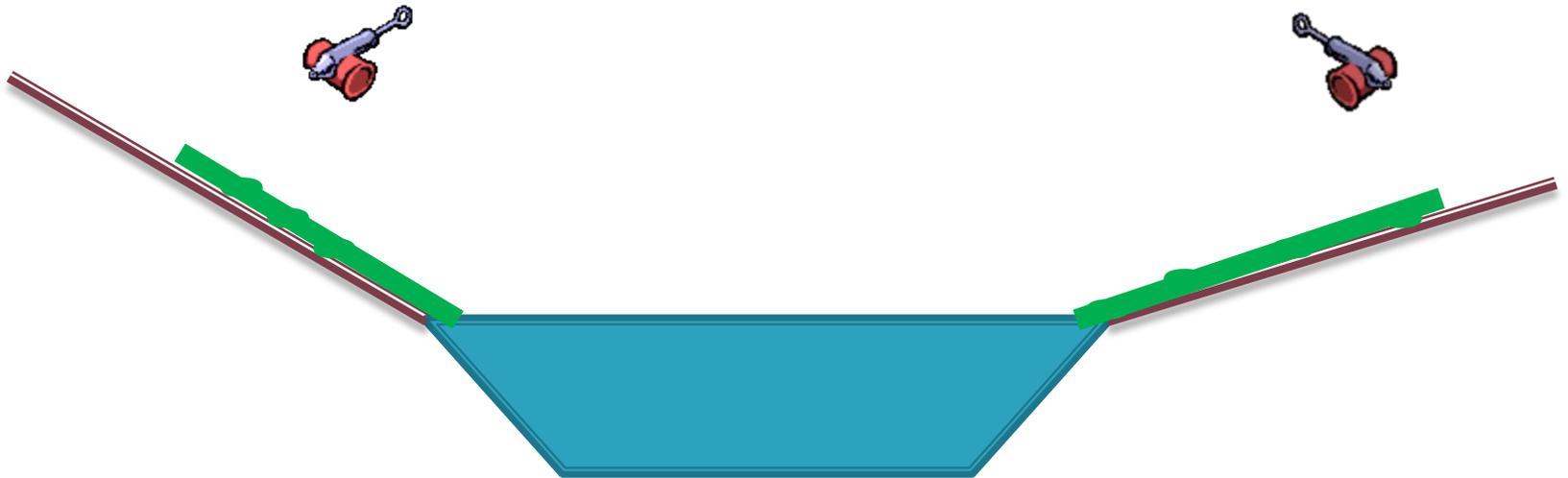
# NOT NEAR

- ▶ Not eligible for the permit

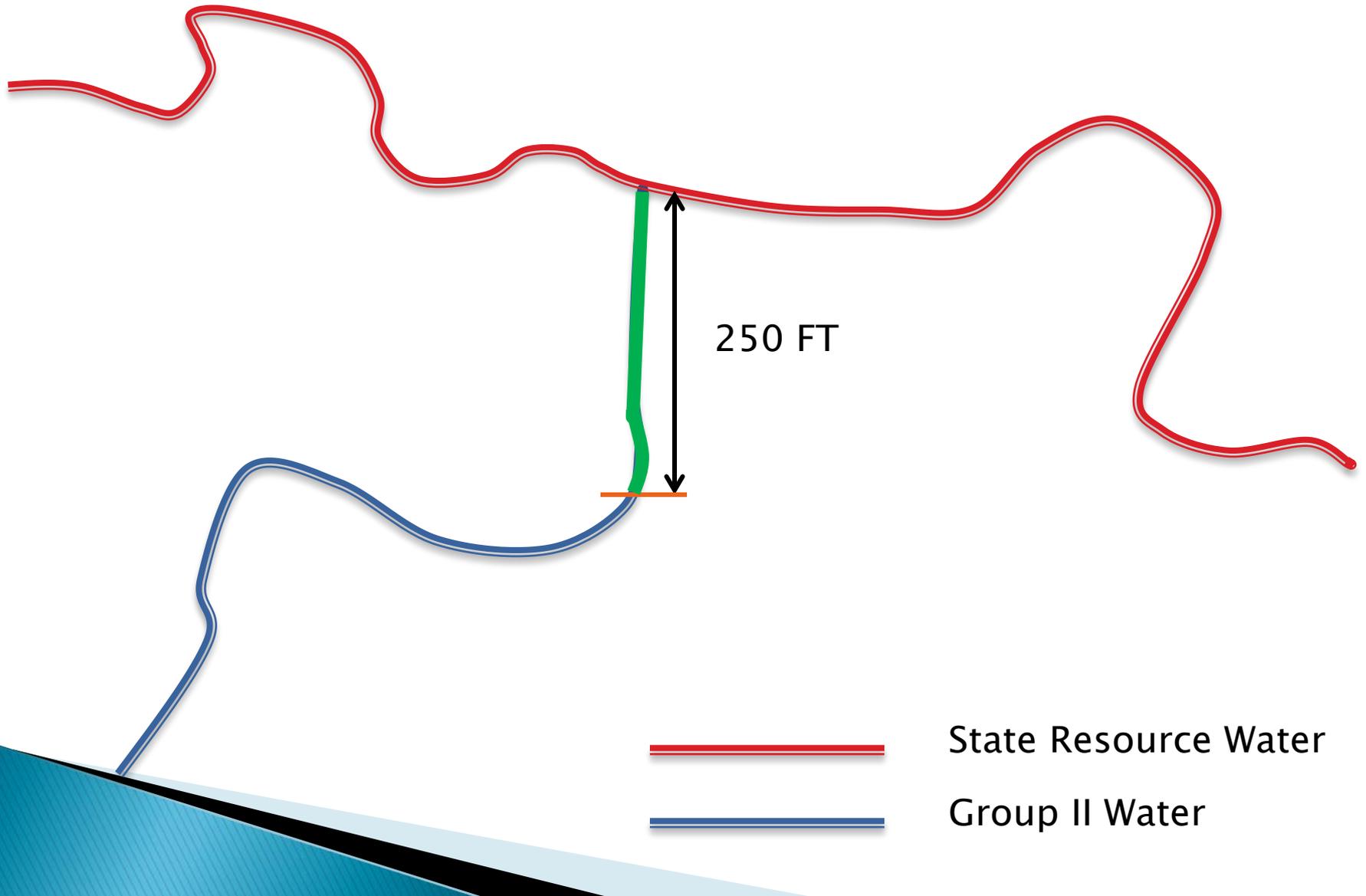


# NEAR

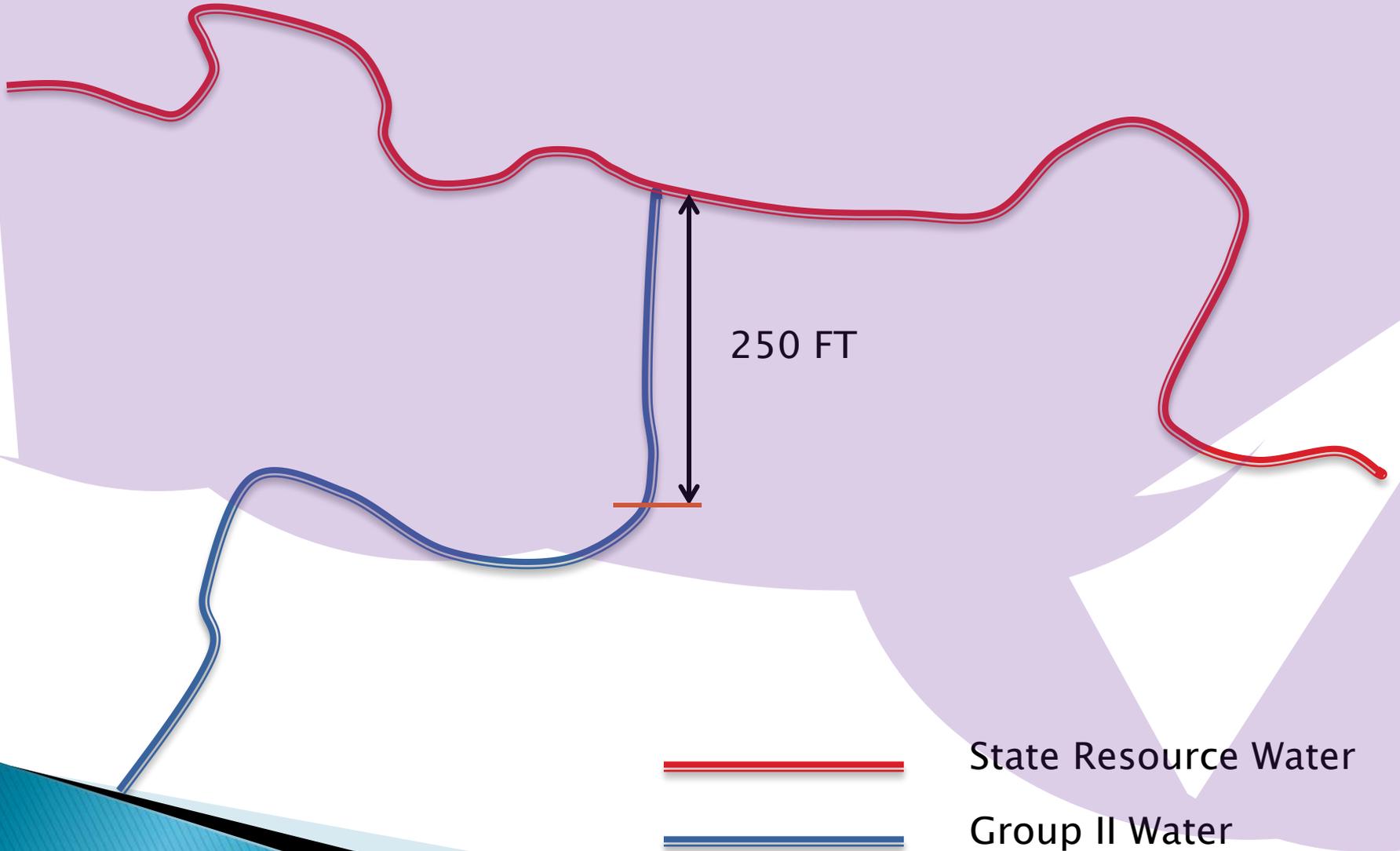
- ▶ Permit Coverage applies



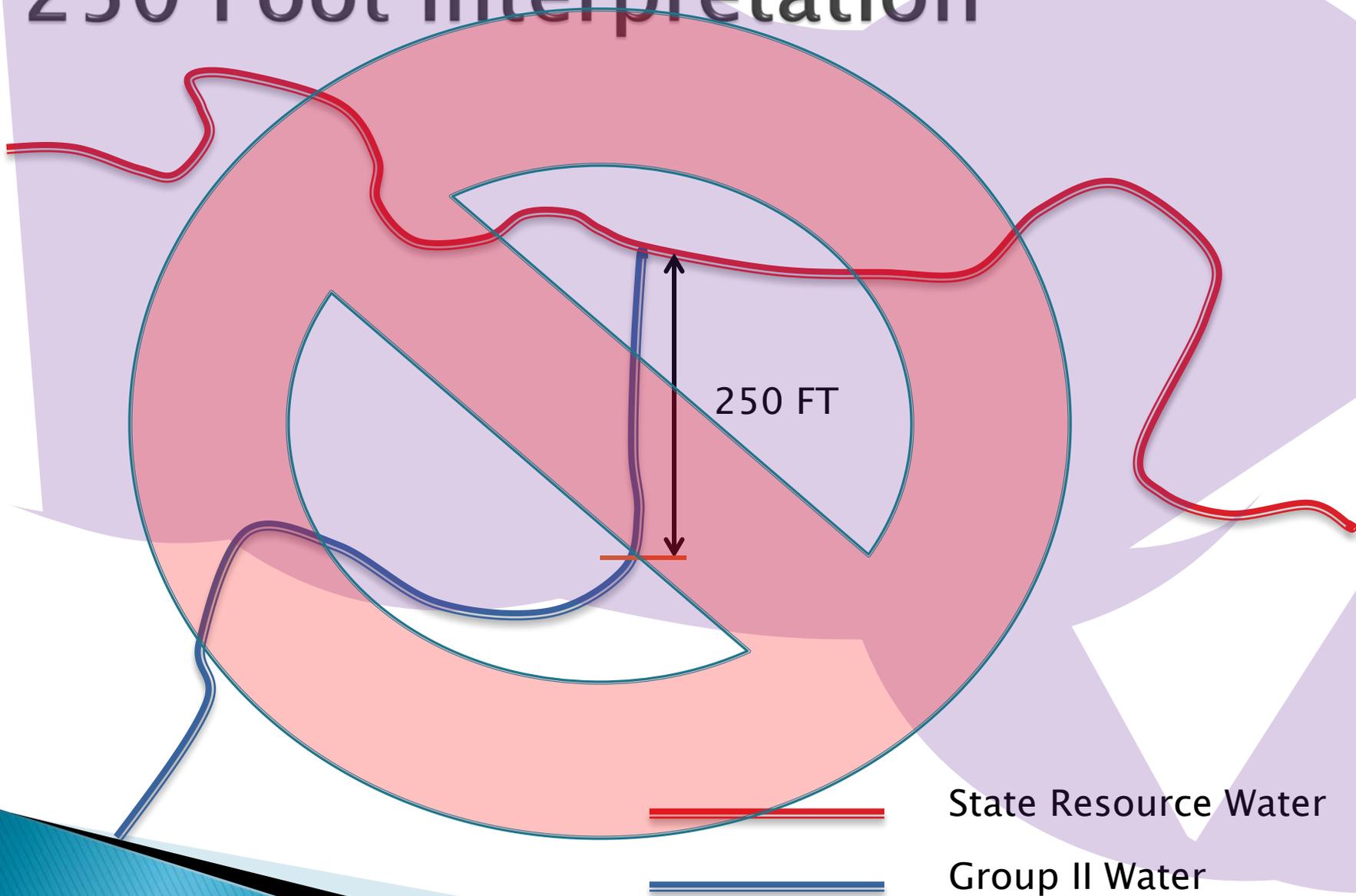
# 250 Foot Interpretation



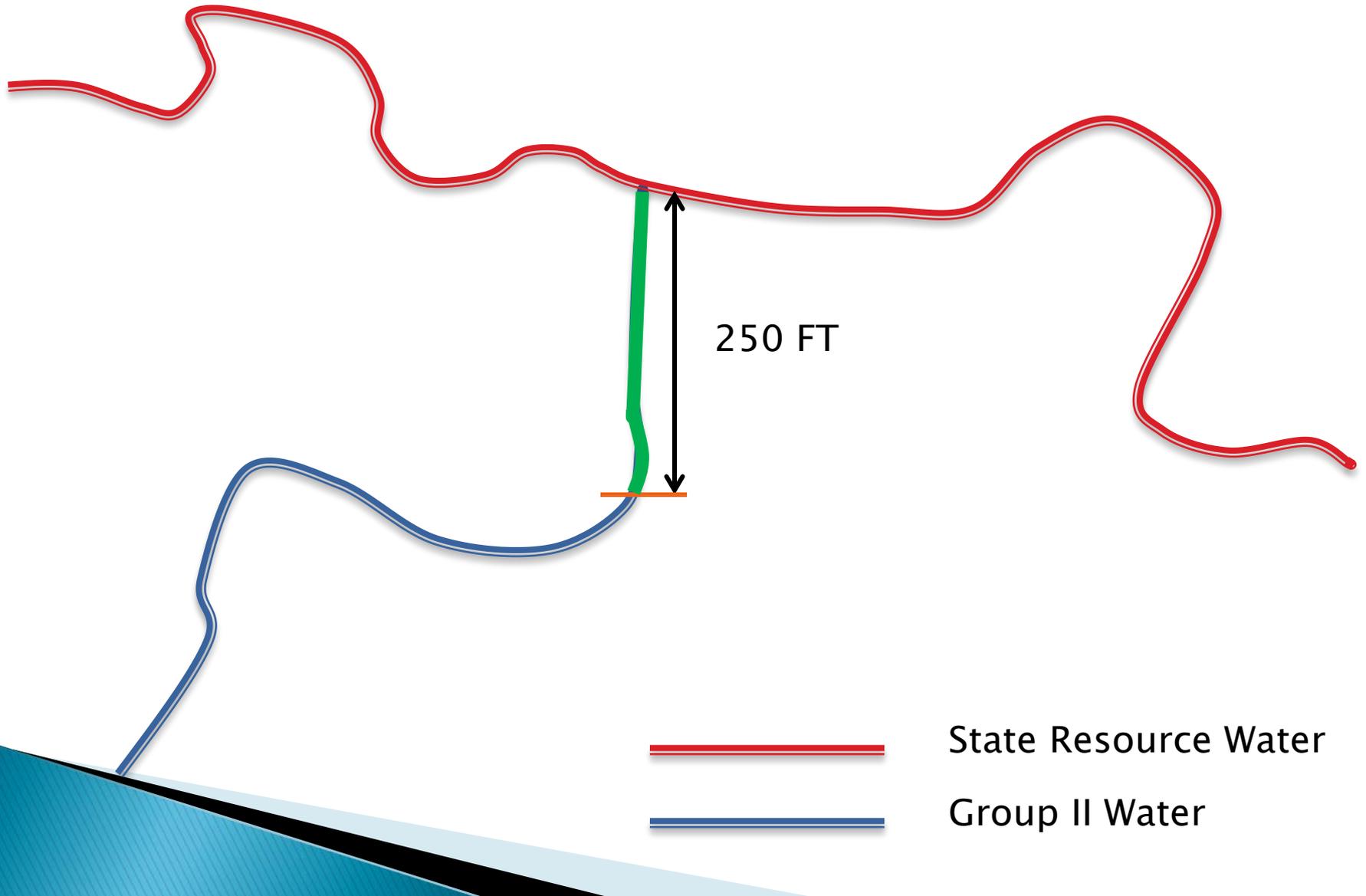
# 250 Foot Interpretation



# 250 Foot Interpretation



# 250 Foot Interpretation



# Do I need coverage?

## Not Covered

Application of Pesticides That are not To, Over or Near Water

Run off from Agriculture Irrigation Return Flow

Wastewater Facilities

## Covered By Permit To, Over, or Near Water

Group I & II waters  
No NOI or Paper work Submitted to NDEQ

Group III  
NOI Required

# Permit Eligibility

- ▶ This general permit authorizes discharges of *pesticides* to, over, or *near waters of the state* for the purposes of pest control. If you do not meet the requirements that are a pre-condition to eligibility, the pesticide application constitutes an unpermitted discharge and a violation of NDEQ Title 119. To be eligible for this permit the permit applicant must:
  - ▶ Have control or management authority of the water body or bodies that pesticides are being discharged to treat or be delegated management authority, or have an agreement with such person who has control or management authority.

# Applicator Eligibility

- ▶ The permit applicant, or the permit applicant in conjunction with their pesticide applicator, must be able to properly evaluate the treatment options that optimize treatment of the pest and minimize impacts to the environment.
- ▶ Be able to identify the water body and designated uses as assigned in NDEQ Title 117–[Nebraska Surface Water Quality Standards](#).



# Applicator Eligibility

- ▶ Be able to identify Threatened and Endangered (T&E) species and their habitat listed by the Nebraska Game and Parks Commission or the U.S. Fish and Wildlife Service.
- ▶ Be able to meet pesticide product label requirements.
- ▶ An individual making any application to the Department where that individual would derive public benefit from the state must also submit with the application a completed United States Citizenship Attestation Form, in accordance with Neb. Rev. Stat. §§ 4-108 through 4-114. The form is available at the NDEQ web site. [www.deq.state.ne.us](http://www.deq.state.ne.us).

# Contents of the NOI

General NPDES Permit Number NEP100000

Notice of Intent  
Page 1 of 2

## NOTICE of INTENT for the Pesticide General Permit

This Notice of Intent (NOI) is a request for coverage under the NPDES General Permit for Pesticides NEP100000 for application of pesticides to waters of the State of Nebraska. Complete this form and submit it along with any requested or supporting documents to the Department. The Department must receive the NOI request at least seven (7) working days before intended application. Authorization status will be posted on the Departments web site at [www.deq.state.ne.us](http://www.deq.state.ne.us).

### Owner or Management Authority

Company _____		
First Name _____	Last Name _____	MI _____
Address (Line 1) _____		
Address (Line 2) _____		
City _____	State _____	Zip _____
Phone _____	Cell _____	e-mail _____

### Reason for Submittal of NOI

Please check all that apply:

<input type="checkbox"/> State Resource Water A
<input type="checkbox"/> 303(d) listed ingredients or residuals
<input type="checkbox"/> Threatened and Endangered Species (T&E) or Critical Habitat
<input type="checkbox"/> Flowing stream confluence within 250 feet of state resource water, 303(d) listed water or T&E
<input type="checkbox"/> Public drinking water surface water intake contribution
<input type="checkbox"/> Other: _____

### Pesticide Being Applied

	Pesticide Name	FIFRA Label No.	Type	Active Ingredient(s)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____

### Location of Target Area

Select one	Name	Multiple Targets in List	Map is required
<input type="checkbox"/> State Wide	_____	<input type="checkbox"/> List Attached	<input type="checkbox"/> Map Attached
<input type="checkbox"/> State Park or Forest:	_____ or _____	<input type="checkbox"/> List Attached	<input type="checkbox"/> Map Attached
<input type="checkbox"/> County or Counties:	_____ or _____	<input type="checkbox"/> List Attached	<input type="checkbox"/> Map Attached
<input type="checkbox"/> Municipalities:	_____ or _____	<input type="checkbox"/> List Attached	<input type="checkbox"/> Map Attached
<hr/>			
<input type="checkbox"/> Lake:	_____	<input type="checkbox"/> Stream: _____	<input type="checkbox"/> Map Attached
GPS Location of Mid-Point: _____ degrees N/S		_____ degrees E/W	

General NPDES Permit Number NEP100000

Notice of Intent  
Page 2 of 2

### Targeted Pests

Attach list if more than 12

1. _____	2. _____	3. _____	4. _____
5. _____	6. _____	7. _____	8. _____
9. _____	10. _____	11. _____	12. _____

### Best Management Practices (BMP)

Select all that were considered as options to or in conjunction with the pesticide to reduce the amount of pesticide applied.

At least one must be selected.

<input type="checkbox"/> No Treatment
<input type="checkbox"/> Environmental controls (oxygen, benthic barriers, shading, water level control, etc.)
<input type="checkbox"/> Mechanical Removal (hand pulling, weed rollers, mechanical harvesters, mowing, dredging, etc.)
<input type="checkbox"/> Biological Control Agent (grass carp, ladybugs, etc.)
<input type="checkbox"/> Biopesticide (larvicides)
<input type="checkbox"/> Other _____

### Threatened and Endangered Species or Critical Habitat

<input type="checkbox"/> No Threatened and Endangered Species or Critical Habitat	_____
<input type="checkbox"/> Letter of No Effect	(enclose letter)
<input type="checkbox"/> Letter of No Effect based on conditions	(enclose letter)
<input type="checkbox"/> Additional consultation required	(enclose letter)

### Certification and Signature

I have examined and am familiar with the information submitted on this pesticide general permit application. To the best of my knowledge the information supplied is true and accurate.

Signature of certifying official\* \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

\*For facilities subject to the terms and conditions of the General Pesticide Permit (NPDES Permit NEP100000), this form must be signed by the Certifying official as defined in Part V of the permit

Send original NOI (no photocopies or faxes) for NPDES General Permit NEP100000 to the following address:

Nebraska Department of Environmental Quality  
Wastewater Section  
Suite 400, The Atrium  
1200 'N' Street  
PO Box 98922  
Lincoln Nebraska 68509-8922

NOTICE of INTENT  
for the  
Pesticide General Permit

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**Owner or Management Authority**

_____			
Company			
_____	_____	_____	
First Name	Last Name	MI	
_____			
Address (Line 1)			
_____			
Address (Line 2)			
_____	_____	_____	
City	State	Zip	
_____	_____	_____	_____
Phone	Cell		e-mail

**Applicator or Agency with control  
of the water of the state**

### Reason for Submittal of NOI

Please check all that apply:

<input type="checkbox"/>	State Resource Water A
<input type="checkbox"/>	303(d) listed ingredients or residuals
<input type="checkbox"/>	Threatened and Endangered Species (T&E) or Critical Habitat
<input type="checkbox"/>	Flowing stream confluence within 250 feet of state resource water, 303(d) listed water or T&E
<input type="checkbox"/>	Public drinking water surface water intake contribution
<input type="checkbox"/>	Other: _____

### Pesticide Being Applied

	Pesticide Name	FIFRA Label No.	Type	Active Ingredient(s)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____

# Title 117, Threatened and Endangered Species Review, and the Pesticide Label



## Location of Target Area

Select one	Name	Multiple Targets in List	Map is required
<input type="checkbox"/> State Wide		<input type="checkbox"/> List Attached	<input type="checkbox"/> Map Attached
<input type="checkbox"/> State Park or Forest: _____	or	<input type="checkbox"/> List Attached	<input type="checkbox"/> Map Attached
<input type="checkbox"/> County or Counties: _____	or	<input type="checkbox"/> List Attached	<input type="checkbox"/> Map Attached
<input type="checkbox"/> Municipalities: _____	or	<input type="checkbox"/> List Attached	<input type="checkbox"/> Map Attached
<hr style="border-top: 1px dashed black;"/>			
<input type="checkbox"/> Lake: _____		<input type="checkbox"/> Stream: _____	<input type="checkbox"/> Map Attached
	Name		Name
GPS Location of Mid-Point: _____	degrees N/S	_____	degrees E/W

# Where is the Group III Water located?

<b>Targeted Pests</b>			
Attach list if more than 12			
1.	2.	3.	4.
5.	6.	7.	8.
9.	10.	11.	12.

**Best Management Practices (BMP)**

Select all that were considered as options to or in conjunction with the pesticide to reduce the amount of pesticide applied.

At least one must be selected.

- No Treatment
- Environmental controls (oxygen, benthic barriers, shading, water level control, etc.)
- Mechanical Removal (hand pulling, weed rollers, mechanical harvesters, mowing, dredging, etc.)
- Biological Control Agent (grass carp, ladybugs, etc.)
- Biopesticide (larvicides)
- Other \_\_\_\_\_

**What are you trying to get rid of, and what other options are there?**

**Threatened and Endangered Species or Critical Habitat**

No Threatened and Endangered Species or Critical Habitat

Letter of No Effect

(enclose letter)

Letter of No Effect based on conditions

(enclose letter)

Additional consultation required

(enclose letter)

**Certification and Signature**

I have examined and am familiar with the information submitted on this pesticide general permit application. To the best of my knowledge the information supplied is true and accurate.

\_\_\_\_\_  
Signature of certifying official\*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\*For facilities subject to the terms and conditions of the General Pesticide Permit (NPDES Permit NEP100000), this form must be signed by the Certifying official as defined in Part V of the permit

Send original NOI (no photocopies or faxes) for **NPDES** General Permit NEP100000 to the following address:

**Nebraska Department of Environmental Quality**  
**Wastewater Section**  
Suite 400, The Atrium  
1200 'N' Street  
PO Box 98922  
Lincoln Nebraska 68509-8922

**Enclose the letter from the Threatened and Endangered Species Review, PUMP Plan, sign, date, and mail to DEQ**

# STATE RESOURCE WATERS AND PUBLIC WATER SUPPLY SURFACE INTAKES

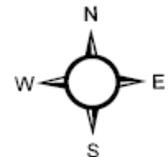
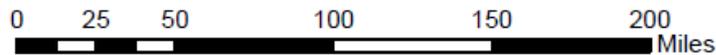


## State Resource Waters

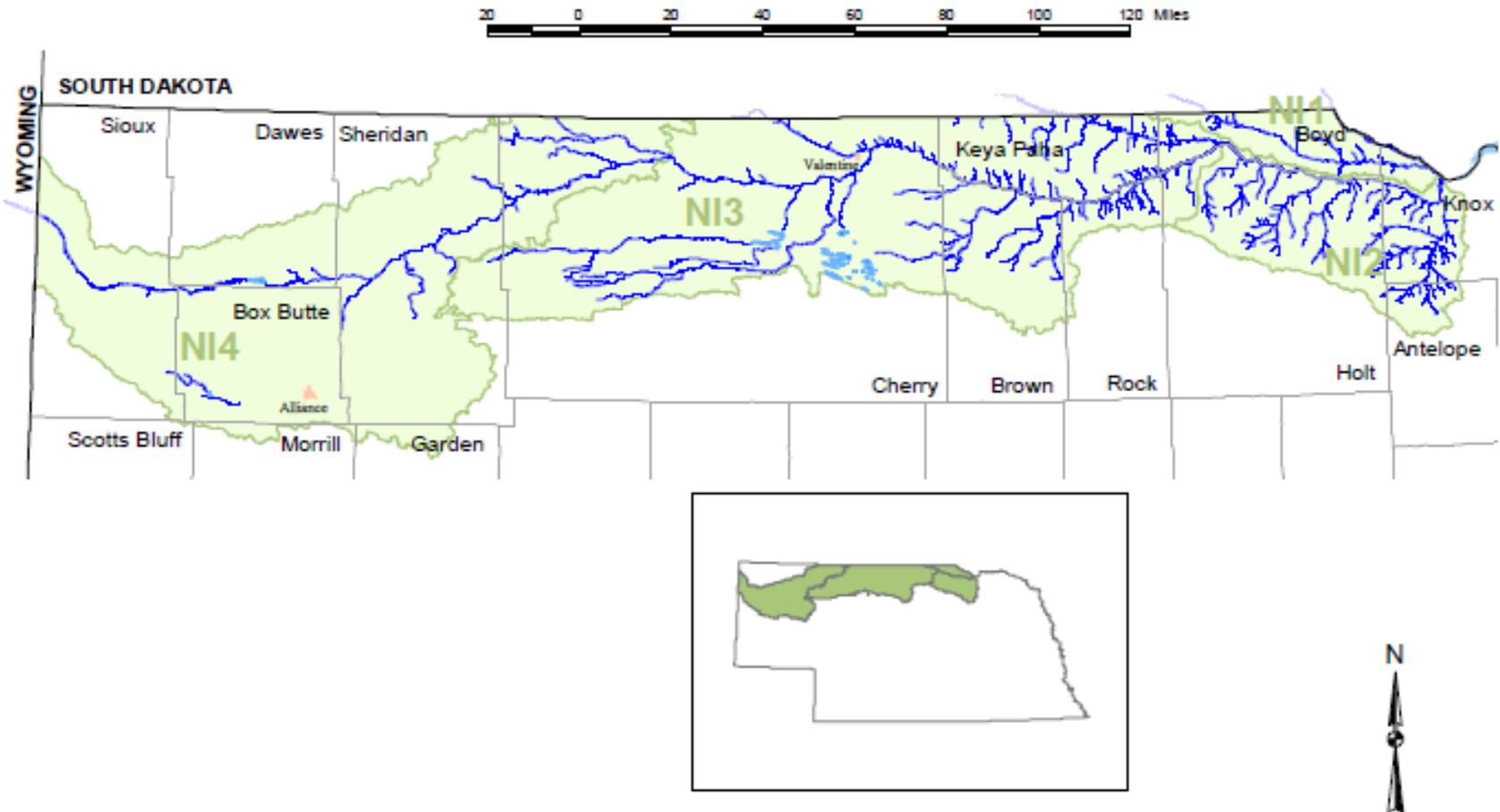
- Streams
- Lakes

## Public Drinking Water Supply

- Surface Water Intakes



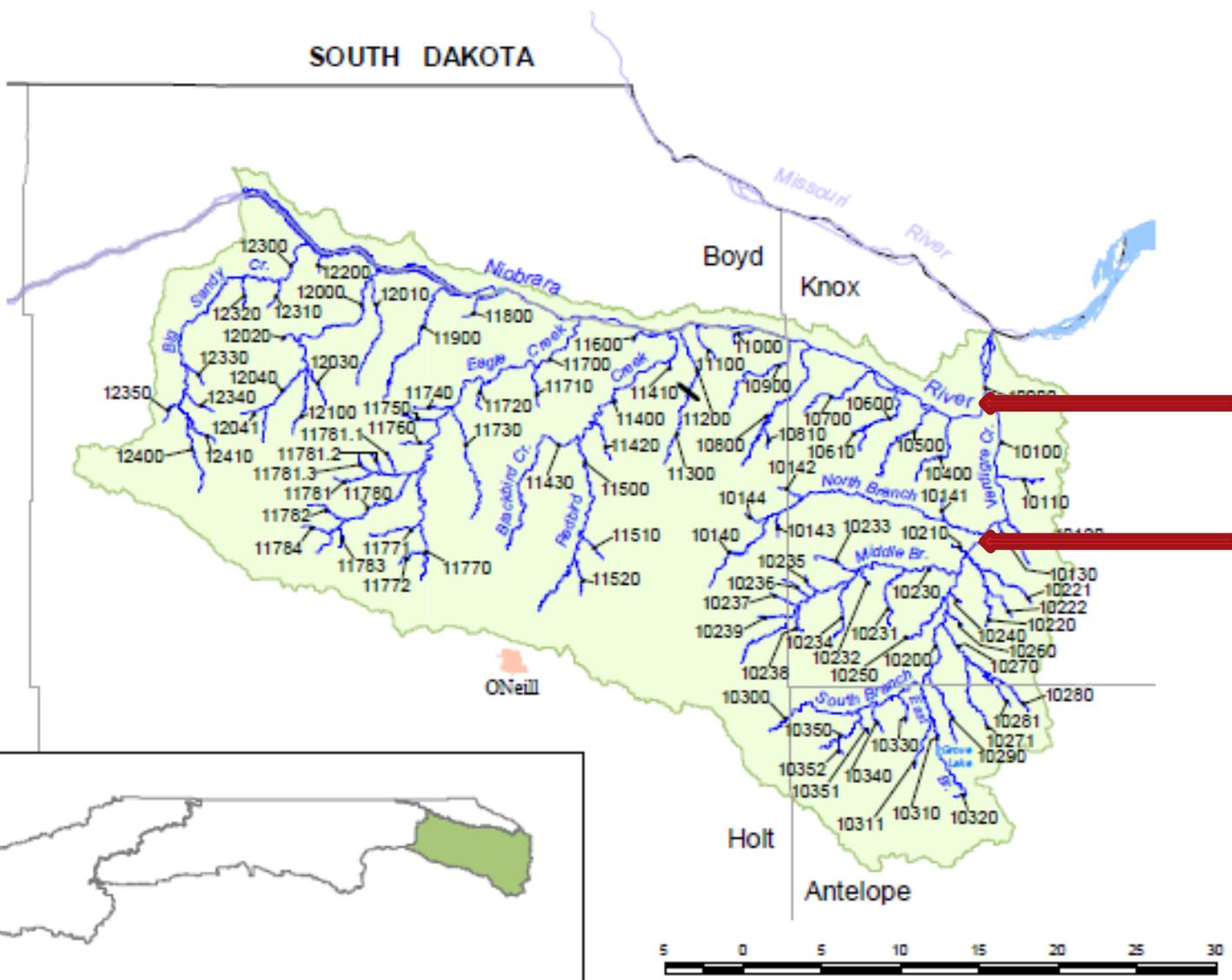




**Niobrara River Basin (and Subbasins)**

# Subbasin NI2

SOUTH DAKOTA



0 5 10 15 20 25 30 Miles

RIVER BASIN: Niobrara

Subbasin: NI2



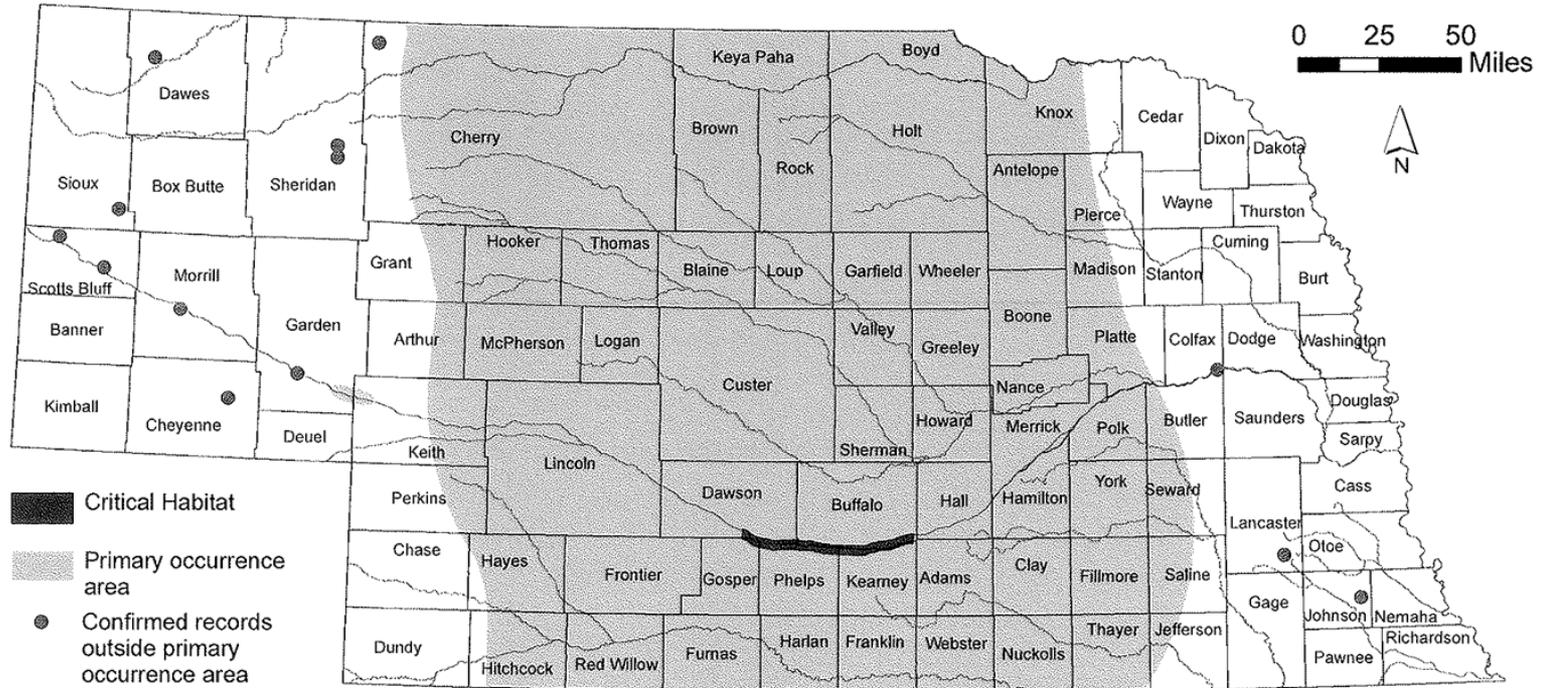
STREAM SEGMENT	SEGMENT NUMBER	USE CLASSIFICATION									COMMENTS
		STATE RESOURCE WATER	RECREATION	AQUATIC LIFE		WATER SUPPLY		INDUSTRIAL	AESTHETICS	KEY SPECIES	
				COLDWATER	WARMWATER	PUBLIC DRINKING WATER	AGRICULTURAL				
Niobrara River - Keya Paha River to Missouri River	10000	A*	●		A		A	●		1,1,1,1,3,1,4	
Verdigre Creek - North Branch Verdigre Creek to Niobrara River	10100	A**	●		A		A		●		
Unnamed Creek (Sec 29-31N-6W)	10110				B		A		●		
Unnamed Creek (Sec 9-30N-6W)	10120				B		A		●		
Unnamed Creek (Sec 8-30N-5W)	10130				B		A		●		
North Branch Verdigre Creek	10140		●	B			A		●	12	Sensitive Species
Unnamed Creek (Sec 11-30N-7W)	10141				B		A		●		
Unnamed Creek (Sec 31-31N-8W)	10142				B		A		●		
Unnamed Creek (Sec 1-30N-9W)	10143				B		A		●		
Unnamed Creek (Sec 11-30N-9W)	10144				B		A		●		
Verdigre Creek - Confluence of South Branch and East Branch Verdigre Creeks (Sec 33-29N-7W) to North Branch Verdigre Creek	10200		●		B		A		●		
Unnamed Creek (Sec 24-30N-7W)	10210				B		A		●		
Unnamed Creek (Sec 24-30N-7W)	10220				B		A		●		
Unnamed Creek (Sec 30-30N-6W)	10221				B		A		●		
Unnamed Creek (Sec 31-30N-6W)	10222				B		A		●		
Middle Branch Verdigre Creek	10230		●	B			A		●	12	Sensitive Species
Unnamed Creek (Sec 29-30N-7W)	10231				B		A		●		
Unnamed Creek (Sec 26-30N-8W)	10232				B		A		●		
Unnamed Creek (Sec 26-30N-8W)	10233				B		A		●		
Unnamed Creek (Sec 35-30N-8W)	10234				B		A		●		
Unnamed Creek (Sec 32-30N-8W)	10235				B		A		●		
Lamb Creek	10236				B		A		●		
Unnamed Creek (Sec 6-29N-8W)	10237				B		A		●	12	Sensitive Species
Unnamed Creek (Sec 6-29N-8W)	10238				B		A		●		



\*State Resource Water designation applies from the Western Knox County line (Sec 7,T32N,R8W) to its mouth at the Missouri River.

\*\*State Resource Water designation applies from the north boundary of the town of Verdigre (Sec 5,T30N,R6W) to its mouth at the Niobrara River.

# Whooping Crane (*Grus americana*): Migration Use Area and USFWS-designated Critical Habitat



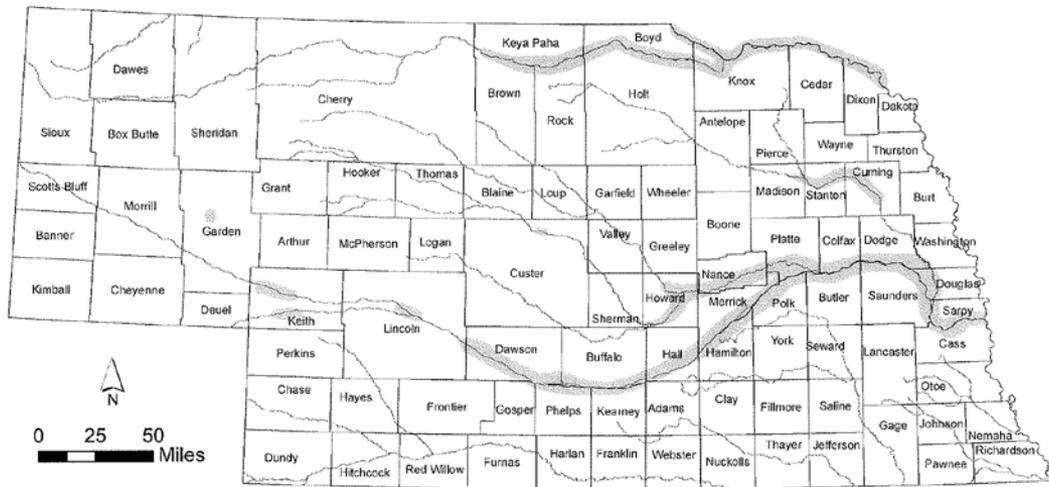
The primary occurrence area is a modification of the area identified by the U.S. Fish and Wildlife Service (USFWS) as encompassing 95% of documented Whooping Crane migratory stopovers between 1975 and 2007. The modification consisted of incorporating additional locations known to have repeated use. Data source: USFWS. State-specific Nebraska flyway for Whooping Crane. Vector digital data Unpublished shapefile received October 27, 2008 from USFWS, Region 6, Grand Island, NE.

Critical Habitat areas are considered essential for the conservation of a listed species. Data source: U.S. Fish and Wildlife Service, Region 2. 2003. Whooping Crane critical habitat. Vector digital data. Downloaded October 29, 2008 from <http://crithab.fws.gov>.

Confirmed records are current through Fall 2010 (Source: USFWS, Region 6).

Map produced by the Nebraska Natural Heritage Program, Nebraska Game and Parks Commission, July 6, 2011.

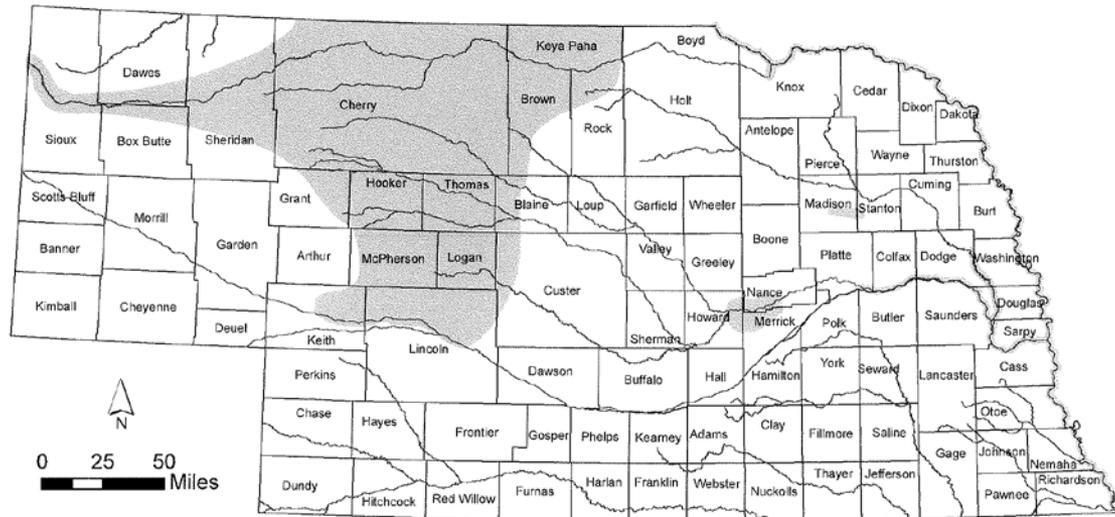
Estimated Current Nesting Range of Piping Plover (*Charadrius melodus*)  
and Interior Least Tern (*Sternula antillarum athalassos*)



Garden County portion of map pertains to Piping Plover only.

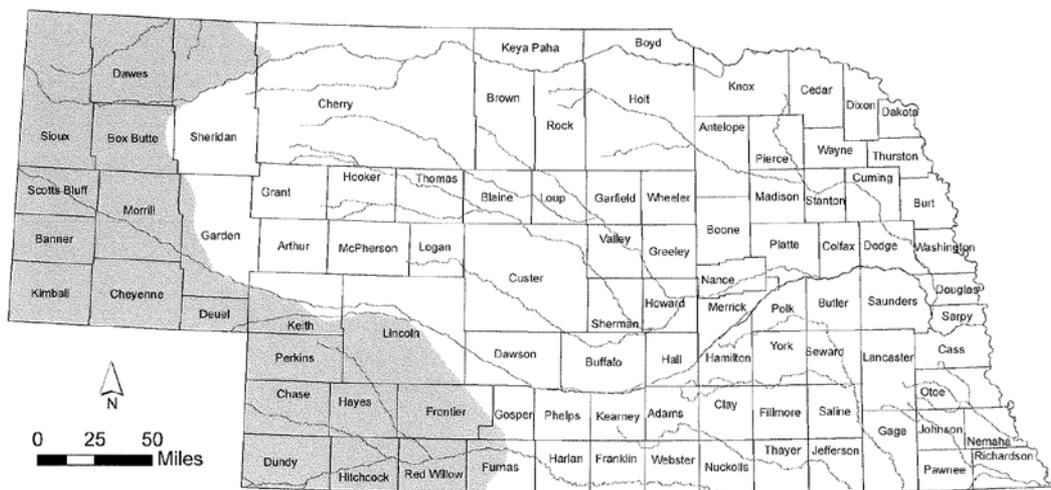
Nebraska Natural Heritage Program,  
Nebraska Game and Parks Commission  
January 2011

## Stream and River Reaches of Concern for Nebraska Fish Species



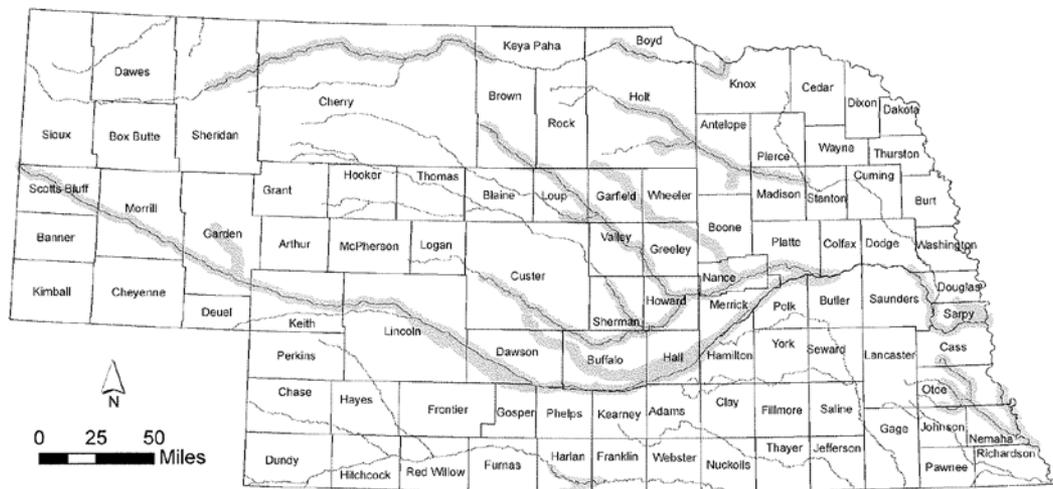
Nebraska Natural Heritage Program,  
Nebraska Game and Parks Commission  
September 2011

### Estimated Current Range of Swift Fox (*Vulpes velox*)



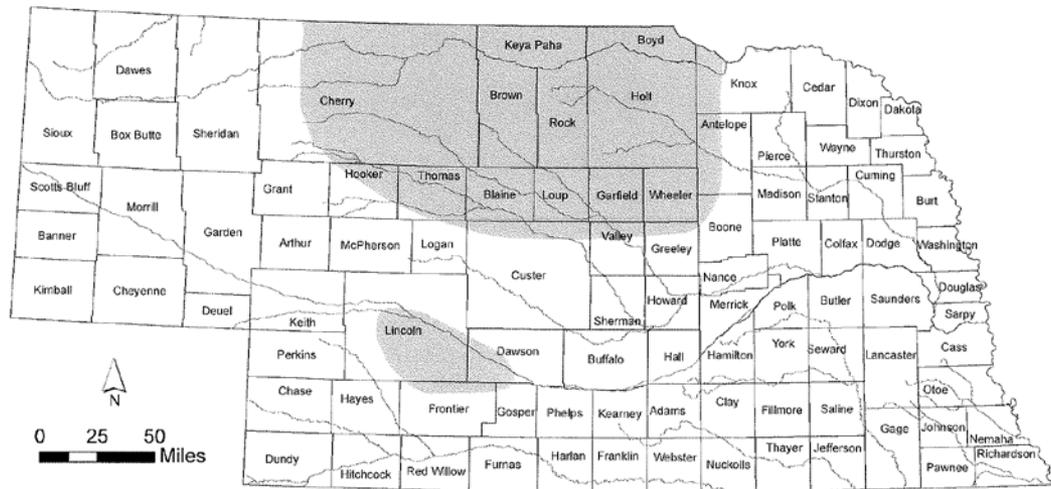
Nebraska Natural Heritage Program,  
Nebraska Game and Parks Commission  
May 2011

### Estimated Current Range of River Otter (*Lutra canadensis*)



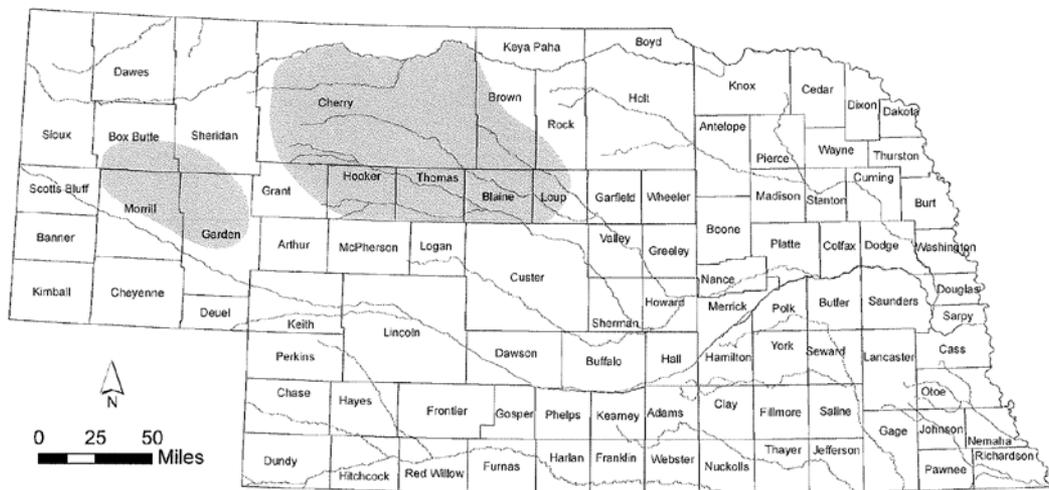
Nebraska Natural Heritage Program,  
Nebraska Game and Parks Commission  
March 2011

## Estimated Current Range of American Burying Beetle (*Nicrophorus americanus*)



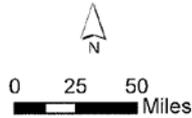
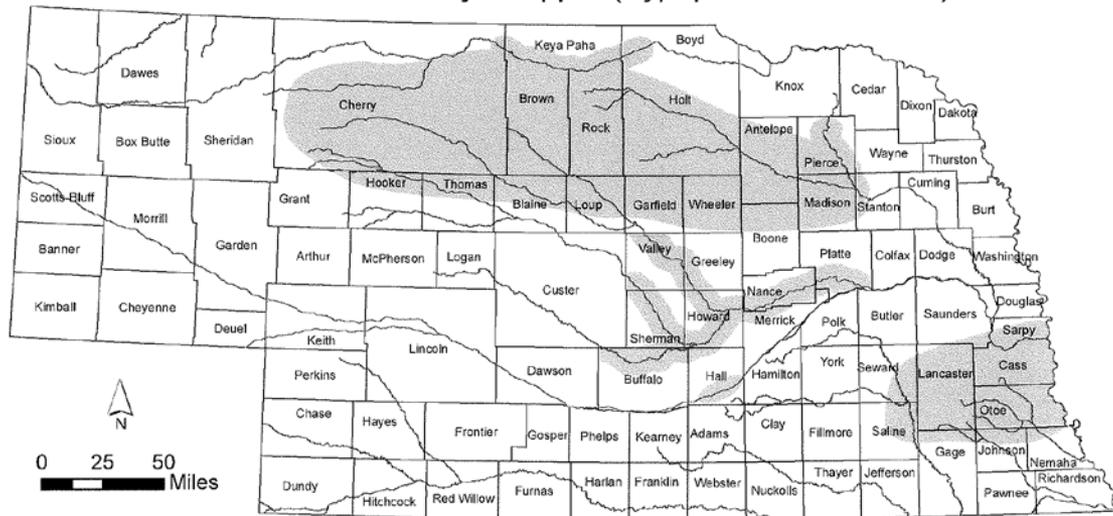
Nebraska Natural Heritage Program,  
Nebraska Game and Parks Commission  
September 2011

### Estimated Current Range of Blowout Penstemon (*Penstemon haydenii*)



Nebraska Natural Heritage Program,  
Nebraska Game and Parks Commission  
May 2011

Estimated Current Range of  
Western Prairie Fringed Orchid (*Platanthera praeclara*)  
and Small White Lady's Slipper (*Cypripedium candidum*)



Nebraska Natural Heritage Program,  
Nebraska Game and Parks Commission  
September 2011

# Contacts

- ▶ Travis Porter
  - ▶ [travis.porter@nebraska.gov](mailto:travis.porter@nebraska.gov)
  - ▶ (402) 471-4209
  
  - ▶ NDEQ Web site
  - ▶ [www.deq.state.ne.us](http://www.deq.state.ne.us)
- ▶ Steven M. Goans, P.E.
  - ▶ [steve.goans@nebraska.gov](mailto:steve.goans@nebraska.gov)
  - ▶ (402) 471-2580