

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
625 Broadway
Albany, New York 12233-1550

In the Matter

- of the -

Proposed Draft State Pollutant Discharge
Elimination System (SPDES) General Permit for
Pesticide Application to Surface Waters of New York

Permit No. GP 0-11-001

SUMMARY HEARING REPORT

- by -

_____/s/_____
Daniel P. O'Connell
Administrative Law Judge

January 26, 2011

Proceedings

A legislative hearing convened at 1:00 p.m. on January 7, 2011 in Public Assembly Room 129 A and B at the Department's Central Office located at 625 Broadway, Albany, New York to provide members of the public with the opportunity to comment about a proposed draft State Pollutant Discharge Elimination System (SPDES) General Permit for Pesticide Application to Surface Waters in New York. The proposed draft SPDES General Permit is identified as GP 0-11-001, and would be effective for five years.

Staff from the New York State Department of Environmental Conservation, Division of Water (Department staff), requested an administrative law judge (ALJ) from the Department's Office of Hearings and Mediation Services to conduct the legislative hearing. The matter was assigned to ALJ Daniel P. O'Connell.

Department staff published the Notice of Availability for Comment and Announcement of Public Information Meeting (the Notice) in the Department's *Environmental Notice Bulletin (ENB)* on December 22, 2010. Department staff also published the Notice in the following newspapers on December 22, 2010: *Newsday*, *The Albany Times Union*, *The Utica Observer-Dispatch*, *The Syracuse Post-Standard*, *The Rochester Democrat*, and *The Buffalo News*. In addition to the legislative public hearing session on January 7, 2011, the Notice provided a written comment period until January 21, 2011. As set forth in the Notice, written comments were directed to the attention of Kevin Roberts in the Division of Water, Bureau of Water Permits.

The proposed draft SPDES General Permit is issued pursuant to Environmental Conservation Law (ECL) article 17 (Water Pollution Control), and ECL article 70 (Uniform Procedures Act). The legislative hearing was held pursuant to ECL article 70, and implementing regulations at Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) part 621.

Summary of Oral Statements

Approximately 30 people attended the legislative public hearing on January 7, 2011. The only speakers were two members of Department staff from the Division of Water. An audio

recording of the proceedings was made and, subsequently, transcribed.

The following is a brief summary of the statements made at the legislative hearing held on January 7, 2011. Department staff will be preparing a responsiveness summary with respect to all comments received.

Koon Tang is the Director for the Bureau of Water Permits, and stated that the Department staff developed the proposed draft SPDES General Permit to comply with directives set forth in recent federal court decisions concerning the review of the 2006 National Pollutant Discharge Elimination System (NPDES) Pesticides Rule by the US Environmental Protection Agency (US EPA). In addition, Mr. Tang outlined the schedule related to Department staff's development of the proposed draft SPDES General Permit, the public review process and, if necessary, Department staff's revision of the proposed draft SPDES General Permit based on a review of the comments received.

Kevin Roberts from the Bureau of Water Permits provided an overview of the proposed draft SPDES General Permit. Among, other things, Mr. Roberts explained that the terms and conditions of the proposed draft SPDES General Permit identify the eligible activities; outline the procedures to obtain the permit; and outline the operating requirements as well as the requirements for maintaining and retaining records. Mr. Roberts stated that standard permit conditions are outlined in Part VII of the proposed draft SPDES General Permit.

Written Comments

As provided by the Notice, all written comments were directed to Mr. Roberts' attention. Therefore, any written comments received are not summarized in this Hearing Report. Those interested in reviewing the written comments filed with respect to the proposed draft SPDES General Permit should contact Mr. Roberts in the Department's Division of Water, Bureau of Water Permits (625 Broadway, 4th Floor, Albany, New York 12233-3505).