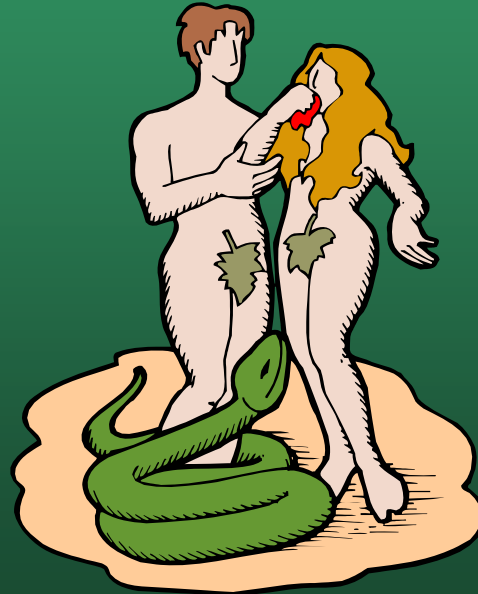




# IN THE BEGINNING

There were Short Term Water Quality Modification  
Permits  
(and life was good...sort of)





# Why NPDES Permits?

- May 8, 1996, acrolein (Magnacide H) leaked from a waste gate into Bear Creek and killed an estimated 90,000+ juvenile steelhead and salmon.
- January 5, 1998, Headwaters et al. sues for \$4.5 million alleging the District had discharged and was continuing to discharge pollutants into waters of the US without an NPDES permit thus violating the Clean Water Act.
- 2001 – Talent Irrigation District Ninth Circuit Court decision affected nine western states.
- Washington and California developed comprehensive aquatic pesticide NPDES permits – other states did not.



# NPDES Permitting

- 2009 – Another federal court decision mandated that ALL states MUST have NPDES permits in place by April 2011 later extended to October 2011.
- EPA issued a general NPDES permit for aquatic pesticides on October 31, 2011.
- In Washington the EPA permit applies to Federal lands and to Tribal lands.



# Aquatic Pesticide **Individual** Permits

- WDFW - Fish Management
- WSDA - Invasive Moth Control
- Willapa Bay/Grays Harbor Oyster Growers Association – Burrowing Shrimp



# Aquatic Pesticide **General** Permits

- Aquatic Invasive Species Management (animals and marine algae)
- Aquatic Mosquito Control
- Irrigation System Aquatic Weed Control
- Japanese Eelgrass (commercial clam beds in Willapa Bay, issue in 2013 or 2014)
- **Aquatic Plant and Algae Management**
- **Aquatic Noxious Weed Management**



## Aquatic Plant and Algae Permit

- Regulates all submersed, floating and floating leaved noxious weed treatments.
- Ecology also allows treatment of native nuisance plants in this permit.
- Coverage issued by Ecology for each body of water (except for governments).
- This permit was recently reissued – effective May 4, 2012
- For pesticide applications **directly** to waters of the state



## Aquatic Plant and Algae Permit

- Coverage takes a minimum of 60 days to acquire
- Applicants must satisfy SEPA and place a legal notice in a local newspaper
- Annual permit fee ~ \$400+
- Several changes to the permit including
  - Additional notification steps
  - Lake treatment sponsors (generally lake groups) must certify that they have the legal authority to administer common lake areas



# Aquatic Noxious Weed Management Permit

- Became effective February 17, 2012
- Regulates the use of pesticides and other products applied to manage Washington state-listed noxious weeds and Washington state quarantine-listed weeds where pesticides or other products may **indirectly** enter surface waters of the state.
- "Surface waters of the state" includes lakes, rivers, ponds, streams, inland waters, saltwaters, wetlands and all other surface waters and water courses within the jurisdiction of the state of Washington.
- **\*\*\*Does not apply to Federal or Tribal lands.\*\*\***





# Indirect Application

- An **indirect** application occurs when there may be inadvertent and incidental overspray or dripping of a chemical from the treated plants into waters of the state.



# Changes to the Permit

- What activities are covered and not covered
- Plants authorized for treatment - definition expanded to enable a quicker response to new invaders
- Fish timing windows removed
- Herbicides and adjuvants allowed
- Posting/notification requirements simplified
- WSDA will update the *IPM Plan for Freshwater Emergent Noxious and Quarantine Listed Noxious Weeds* by February 1, 2013



# Activities Covered

- Freshwater and marine noxious- and quarantine-listed weed management activities that result in a discharge of herbicides, adjuvants, and marker dyes **indirectly** into streams, rivers, estuaries, marine areas, wetlands, along lake shorelines, and other wet areas to control state noxious and quarantine listed weeds.
- Also covers the treatment of noxious- and quarantine-listed weeds for roadside/ditch bank management activities where chemicals may **indirectly** enter the water.



# Activities Not Covered

- In-water application of chemicals directly into lakes, ponds, streams, or rivers to manage freshwater noxious and quarantine-listed weeds.
- The Aquatic Plant and Algae Management General Permit is the appropriate permit for any in-water projects.



# Plants Authorized for Treatment

- Authorizes treatment for non-native and potentially invasive plants not listed on the state noxious and quarantine weed lists as determined by the WSNWCB, WSDA, WISC or Ecology.
- Don't have to wait for the plant to be listed by WSNWCB or WSDA.



# Fish Timing Windows Removed

- Because in-water treatments are no longer allowed under this permit.
- Decision supported by the monitoring conducted by WSDA. Years of monitoring streamside applications show little to no herbicides persist in streams (mostly non-detects).

Table 1. Summary of water sample analysis for herbicide concentrations.

Application	Equipment	Analyte	Site	County	Target Plant(s)	Pre-treat (ppb)	1 hour post-treat (ppb)
backpack		glyphosate	Yakima River	Yakima	Parrotfeather	ND	343
boat mounted spray-tank		glyphosate	Chehalis River	Grays Harbor	Purple loosestrife	ND	ND
backpack		glyphosate	Spring Lake	King	Water lily, Yellow flag iris, Purple loosestrife	ND	30
backpack		glyphosate	Spring Lake	King	Water lily, Yellow flag iris, Purple loosestrife	ND	120
backpack		glyphosate	Cottage Creek	King	Purple loosestrife	ND	ND
backpack		glyphosate	Yakima River	Yakima	Purple loosestrife	ND	ND
boat mounted spray-tank		glyphosate	Spring Lake	King	Yellow flag iris	ND	50
backpack		imazapyr	Naches River	Yakima	Knotweed	ND	ND
boat mounted spray-tank		triclopyr	Foster Island	King	Garden loosestrife	ND	3.6
pressurized spray-tank		imazapyr	Willapa River	Pacific	Knotweed	ND	ND
injection		glyphosate	Little Creek	Skamania	Knotweed	ND	50
injection		glyphosate	Washougal River	Skamania	Knotweed	ND	12.1
backpack		imazapyr	Willapa River, Trap Creek	Pacific	Knotweed	ND	ND
injection		glyphosate	Newaukum River	Lewis	Knotweed	ND	ND
backpack		imazapyr	Buena Creek	Yakima	Yellow flag iris	ND	205
injection		glyphosate	Big River	Clallam	Knotweed	Not available	ND
boat mounted spray-tank		triclopyr	Borst Lake	King	Purple loosestrife	ND	27.4
injection		glyphosate	Canyon Creek	Skamania	Knotweed	ND	ND
injection		glyphosate	Big River	Clallam	Knotweed	ND	ND

ND = not detected  
ppb = parts per billion



# Herbicides Retained

- 2,4-D amine (e.g. AquaKleen, Navigate)
- Glyphosate (e.g. Rodeo, AquaNeat)
- Imazapyr (e.g. Habitat, Polaris)
- Triclopyr TEA (e.g. Renovate)



# Herbicides Added

- Imazamox (e.g. Clearcast)
- Flumioxazin (e.g. Clipper)
- Penoxsulam (e.g. Galleon SC)
- Carfentrozone-ethyl (e.g. Stingray)
- Bispyribac-sodium (e.g. Tradewind)





# Herbicides Removed

- 2,4-D ester
- Diquat
- Endothall
- Fluridone



# Adjuvants Allowed

- Agri-Dex™
- AquaSurf™
- Bond™
- Bronc Max™
- Bronc Plus Dry-EDT™
- Class Act NG™
- Competitor™
- Cut-Rate
- Cygnet Plus™
- DestinyHC™
- Dyne-Amic™
- Exciter™
- Fraction™
- Interlock™
- Kinetic™
- Level 7™
- LI-700™
- Liberate™
- Magnify™
- One-Ap XL™
- Pro AMS Plus
- Sinker™
- Spray-Rite™
- SuperbHC™
- Tactic™
- Tronic



# Notification and Posting Requirements – Spartina

- WSDA publishes notice in the Washington State Register and on it's website
- WSDA issues a press release each treatment season
- Post all public access areas within 2 miles of a treatment area
- Post signs before starting treatment, in English and the language commonly spoken in the area if not English



## Notification and Posting Requirements - Freshwater Weeds

- Permittee must notify private residents or businesses **immediately adjacent** to treatment area prior to chemical application, notice may be provided the same day as treatment.
- Must provide notice via a notification form, letter, flyer or personal conversation. Must include:
  - Purpose of treatment
  - Herbicide(s) used
  - Any re-entry or water use restrictions
  - Location of the treated area(s) in relation to the residence or business (can include a map)



## Notification and Posting Requirements - Freshwater Weeds

- Ecology does not require posting on private properties that do not have any public access so long as Permittee follows the notification procedure.



# Posting In Lieu of Notification

- Permittee may post the treated areas on private properties where advance notification of **adjacent landowners** is difficult.
- If it is obvious that many people other than the landowners are accessing the site, the permittee must post the treated area following the requirements for **Posting Public Access Areas**.



## Notification and Posting Requirements - Freshwater Weeds

- Permittee does not need to post or provide notification in private areas with limited site accessibility where people are highly unlikely to enter the treated areas.



# Posting Public Access Areas

- Permittee must post signs around the treated area any time the treated site is within 200 feet of a public access area including
  - Swimming beaches
  - Public boat launches
  - Parks
  - Resorts
  - Community areas
  - Privately owned community access areas
  - Any other area where the public may readily access the treated areas.





# Posting Public Access Areas

- Permittee must use the freshwater templates provided in Appendix C of the permit, but may add additional treatment-related information to the sign as needed. If applying more than one chemical in an area, permittee must list all herbicides on the sign.
- Signs must be a minimum of 8 1/2 inches by 11 inches.

# CAUTION

Imazapyr (2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl)-3-pyridinecarboxylic acid) will be applied under permit near/to these waters on \_\_\_\_\_ to control aquatic vegetation.

There are no swimming or recreation restrictions or advisories when using this product.

Applicator to put additional label restrictions or advisories here:

Potable Water Restrictions:

Irrigation Restrictions:

Fishing Restrictions:

Stock Watering Restrictions:

For more information contact the applicator: \_\_\_\_\_

Phone number: (\_\_\_\_) \_\_\_\_\_

Or the Department of Ecology at (\_\_\_\_) \_\_\_\_\_

**THIS SIGN SHALL REMAIN IN PLACE SO LONG AS THERE ARE WATER RESTRICTIONS PLUS 24 HOURS.**

# CAUTION

Imazapyr will be applied under permit on \_\_\_\_\_ to control the noxious weed(s) \_\_\_\_\_. (Applicator to list the weeds treated here)

Treated locations are behind the signs. Do not enter the treated area until \_\_\_\_\_. (Applicator to post a time at least 4 hours after he/she expects to finish the treatment. If the label re-entry period is longer than 4 hours, the applicator must use the label re-entry time)

There are no swimming or recreation restrictions.

For more information about this treatment, contact: \_\_\_\_\_

Phone number: (\_\_\_\_) \_\_\_\_\_ (Applicator to list a number for a contact that can explain the treatment to the caller)

Or the Department of Ecology at (\_\_\_\_) \_\_\_\_\_



# Posting Public Access Areas

- Permittee must place the signs within 10 feet of the edge of the treated area and at each end of the treated area.
- If the treated area has a shoreline length greater than 150 feet and the public has access, the permittee must post, at a minimum, one sign for every 100 feet of shoreline.
- Where weeds occur sporadically in an area, permittee may consider flagging them.



# Posting Public Access Areas

- Must post the signs before treatment but no more than 48 hours before treating.
- Post signs so that they are secure from the normal effects of weather but cause minimal damage to property.
- Remove signs after the reentry period has expired.
- Post signs in English and the language commonly spoken in the area if not English.



# Exclusions from the Permit

- Constructed detention or retention ponds designed specifically for wastewater or stormwater.
- Any constructed water body five acres or less in surface area
- Any constructed water body ten acres or less in surface area under single ownership with no public access
- Upland farm ponds
- **no discharge to other surface waters of the state during and for two weeks after treatment.**



# Exclusions from the Permit

- Treatment conducted on seasonally dry surfaces (including seasonally dry wetlands) so long as the treatment occurs when the area is dry and the active ingredient is not biologically available when the water returns.
- Research activities when applying chemical or products to water bodies under a State Experimental Use Permit (less than one acre).



# Who Is Covered by the Permit

- Ecology issued the Aquatic Noxious Weed Management Permit to WSDA – holds sole coverage.
- WSDA may choose to contract with government entities, NGO's and private applicators or individuals for noxious weed control on an annual basis.
- People/entities apply to WSDA on-line to treat aquatic noxious weeds.
- Must sign a contract and become **“Limited Agents”** of WSDA.



# Limited Agents

- Limited agents agree to comply with the terms, conditions, and requirements of the NPDES permit.
- Limited agents must submit a year-end summary of pesticide use under this agreement.
- Submit copies of the associated spray records to WSDA **if requested**.





# Advantages

- No permit fees.
- Easy, on-line application and reporting (although you have to print and sign the application before submission).
- Rapid turn-around - allow three-weeks, but in an emergency WSDA can turn these around within days.
- WSDA develops and maintains the IPM plan for this permit.
- WSDA conducts any required monitoring for the permit.



# Limited Agent Process

- Apply online and print, sign and submit a **Notice of Intent** to WSDA.
- WSDA emails an **Application and Agreement for Limited Agent Status** to applicant. Sign and return to WSDA.
- WSDA issues a **Letter of Limited Agent Status** to applicant.
- End of season, applicant goes back online and enters annual treatment report data.



# How To Apply

- [http://www.ecy.wa.gov/programs/wq/pesticides/final\\_pesticide\\_permits/noxious/noxious\\_index.html](http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/noxious/noxious_index.html)
- Agr.wa.gov
  - Plants, Insects
  - NPDES Permits
  - Information on the Permit
- Google: **Aquatic Noxious Weed Control NPDES General Permit**
- Secure Access Washington Account



# Reporting and Recordkeeping

- Maintain records of all treatments and retain them for at least 5 years from the date of treatment.
- Enter treatment data into the SAW web-based reporting database by December 31, 2012.

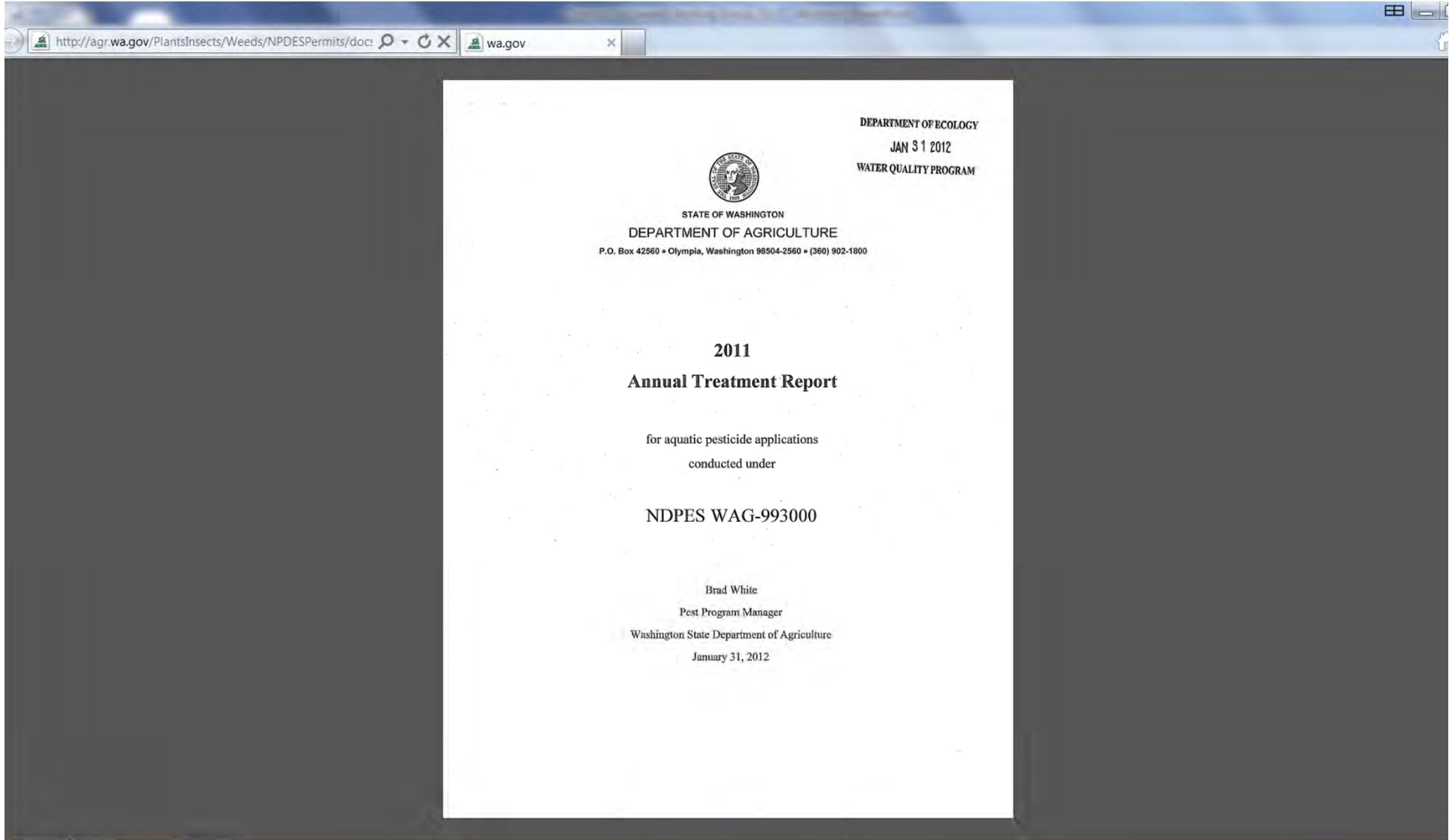


# Year End Reporting

- Common name of each waterbody treated.
- The WRIA name and number for each treated waterbody.
- Species name of the target weed(s) or “Other”.
- Name of the herbicide(s) used and the EPA registration numbers for each.
- Actual amount of herbicide (gallons or pounds) used to treat the weeds at that waterbody.
- Actual number of acres that were treated.



# WSDA Annual Treatment Report



DEPARTMENT OF ECOLOGY  
JAN 31 2012  
WATER QUALITY PROGRAM



STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE  
P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

**2011  
Annual Treatment Report**

for aquatic pesticide applications  
conducted under

**NDPES WAG-993000**

Brad White  
Pest Program Manager  
Washington State Department of Agriculture  
January 31, 2012



## Washington State Department of Ecology Aquatic Noxious Weed Annual Treatment Report Data

Report Generated on: 1/27/2012 12:19:26 PM

Herbicide Used	Application Year	Waterbody Name	County	Targeted Plant	Amount Applied	Acres Treated
	2011	Clark's Creek	Pierce	Other	0.4800 Gal	0.1400
	2011	Commencement Bay	Pierce	Other	0.0872 Gal	0.5085
	2011	Dunlap Bay	Skagit	Loosestrife	0.0530 Gal	1.0000
	2011	Barr Creek	Snohomish	Other	0.0100 Gal	0.0230
	2011	Canyon Creek	Snohomish	Other	0.0170 Gal	0.0350
	2011	Catherine Creek	Snohomish	Other	0.0195 Gal	0.1033
	2011	Cemetery Creek	Snohomish	Other	0.1562 Gal	0.4339
	2011	Jim Creek	Snohomish	Other	0.4120 Gal	0.9610
	2011	Little Bear Creek	Snohomish	Other	0.2900 Gal	0.9600
	2011	North & South Forks of the Stillaguamish	Snohomish	Other	4.9000 Gal	47.7000
	2011	Tychman Slough	Snohomish	Other	1.2109 Gal	3.3551
	2011	unnamed tributaries to SF Stillaguamish (multiple)	Snohomish	Other	0.1760 Gal	0.3600
	2011	Whitehorse Creek	Snohomish	Other	0.9660 Gal	3.4920
	2011	Lake Terrell	Whatcom	Loosestrife	1.2000 Gal	0.6000
	2011	Lower Yakima River & its backwater	Yakima	Loosestrife	19.5200 Gal	11.1600
				<b>Gal Total</b>	<b>48.7748 Gal</b>	<b>260.4308</b>
	2011	Columbia River	Chelan	None	0.0000 None	0.0000
	2011	Entiat River	Chelan	None	0.0000 None	0.0000
	2011	Lake Chelan	Chelan	None	0.0000 None	0.0000
	2011	Black River	Thurston	None	0.0000 None	0.0000
	2011	Nisqually River Estuary	Thurston	None	0.0000 None	0.0000



## 2011 Totals

- 2,4-D Amine - .03 gallons - .5 acres treated
- 2,4-D Ester – None
- Diquat – 40 gallons - 22 acres treated
- Glyphosate – 1,567 gallons - 3,614 acres
- Imazapyr – 586 gallons – 2,523 acres treated
- Triclopyr – 49 gallons – 260 acres treated
- Adjuvants – 675 gallons





# Any Questions?

## WSDA's Permit Coverage

Greg Haubrich

Phone: 509-249-6973

Email: [ghaubrich@agr.wa.gov](mailto:ghaubrich@agr.wa.gov)

## Other NPDES Permits

Kathy Hamel

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Email: [Kathy.Hamel@ecy.wa.gov](mailto:Kathy.Hamel@ecy.wa.gov)