

Ecology General Permits – Update as of July 14, 2011

Aquatic Invasive Species Management The permit was issued on April 20, 2011- effective May 20, 2011 with no appeals. The permit manages use of chemicals and other products to control aquatic invasive species animals and non-native invasive marine algae. It is unique in the nation for these uses. So far no state agency has stepped forward and requested coverage. We hope that WDFW will do so soon.

Aquatic Mosquito Control The permit was last reissued in June 2010. The permit is to allow chemical management of mosquitoes through the use of larvicides and adulticides.

Aquatic Noxious Weed Control Kathy Hamel is working on reissuing this permit sometime in early 2012. When reissued it will cover spartina and emergent noxious weeds like purple loosestrife. It is possible that Japanese eelgrass will be listed as a noxious weed on commercial shellfish beds. Ecology is discussing allowing treatment of Japanese eelgrass on commercial beds.

Aquatic Pesticide Permits (complete list) In addition to the permits that are already listed on this page, Ecology also has three individual permits: Fish Management (issued to Fish and Wildlife for rotenone), Invasive Moth Control (issued to Department of Agriculture for mostly gypsy moths), and Oyster Growers Permit (issued to the Willapa Bay/Grays Harbor Oyster Growers Association for the control of burrowing shrimp).

Aquatic Plant and Algae Management Ecology reissued this permit on February 16 with an effective date of March 18, 2011. There were no appeals. This permit covers the in-water treatment of both noxious weeds like Eurasian watermilfoil and native nuisance plants. It is one of the more controversial permits because it allows chemical treatment of water for recreation and aesthetics.

Boatyard Reissued 3/2/11, Effective 6/1/11 – with the Antidegradation Plan Accepted.

Concentrated Animal Feeding Operation (CAFO) This permit expires July 21, 2011. It covers livestock operations that confine animals for 45 days or more in any 12 month period in an area where there is no available forage and that have a discharge. Ecology is currently considering how best to approach updating this permit in order to meet federal rule requirements and court rulings.

Construction Stormwater Reissued December 16, 2010; effective date January 1, 2011 through December 31, 2015. Initially appealed on 3-4 minor points; appeals dropped in June 2011. With the 2010 permit, applicants now must prove in advance of permit issuance that stormwater discharges from their sites will not cause or contribute to impaired water bodies (from the 303[d] list). The new application process also questions whether contaminated soils or groundwater are at the site. Both of these changes have resulted in Ecology having a better understanding of the nature of construction sites so that Ecology staff can better determine the appropriate permitting fit and permitting requirements for each site. The 2010 construction stormwater general permit requires applicants to supply monthly discharge monitoring reports (DMRs) online using Ecology's "WAWebDMR" system. This on-line system is used to track an average of 2,000 construction sites' monthly reports. The on-line system will save Ecology staff time and costs, reducing paper workload by close to 100,000 pieces of paper per year for this permit alone. The next step will be to automate the application process for the permit.

Fresh Fruit Packing Managed out of our CRO, (Cory Hixon) permit was issued 2009 and expires 2014.

Industrial Stormwater Permit was issued effective January 1, 2010 and appealed by several parties, including the Boeing Co, Columbia Riverkeeper, Copper Development Asst., Gunderson Rail Services, Olympians for Public Accountability, Puget Soundkeeper Alliance and Arther West. The PCHB held a hearing in this matter on January 24 through February 3, 2011, at the PCHB office in Tumwater, Washington. The PCHB issued its final ruling on the appeal on April 25, 2011 (Download PDF: [PCHB 09-135-141](#)). The PCHB ruling validated the permit as written, on 69 out of 71 issues. Regarding the two exceptions, Ecology was ordered to modify permit conditions related to 1) suspension of sampling based on “consistent attainment” (Condition S4.B.6) and 2) the timing and sequence of corrective actions in Condition S8. Ecology plans to modify the permit to address the PCHB order. Prior to modifying the permit, Ecology will release a draft permit modification for public comment per [WAC173-226-130](#). All permittees and interested parties will be notified when the draft permit is released. If you have questions, please contact Jeff Killelea, 360-407-6127 or Jeff.Killelea@ecy.wa.gov.

Irrigation System Aquatic Weed Control A study titled “Effects of Endothall Exposure on Survival of Salmon and Steelhead Smolts during Seawater Transition” was commissioned on behalf of the Irrigation Districts by the Washington State Water Resources Association. The NPDES Permit Modification (March 2010) placed some restrictions on Endothall to protect anadromous salmonids. Endothall is less toxic to fish than some other alternatives. The current permit expires on February 20, 2013.

Municipal Phase I and Phase II Permits , the preliminary draft comment period on two new sections of the permits - Low Impact Development and monitoring, officially closed June 17th. About 75 entities commented: 6 phase I jurisdictions, 30 western WA phase II jurisdictions, 11 Eastern WA jurisdictions, 2 ports, 16 private associations, including environmental and business organizations, 3 state agencies, EPA and 1 Tribe. Since this comment period was informal, Ecology is not preparing a Response to Comments but the draft permits that come out in October will be our response. The final draft permits are scheduled to be issued in October 2011.

Sand and Gravel Permit was issued effective 10/1/10 and appealed by Puget SoundKeeper Alliance (PSA), and Washington Aggregates & Concrete Association (WACA) intervened for Ecology. We have a tentative settlement between Ecology and PSA, and one issue outstanding with WACA. A draft permit modification per settlement agreement and the draft antidegradation plan were open for public review and comment (June 1-July 8). Reissuance of the modified permit is scheduled for 8/4/11.

Upland Fin-Fish Hatching and Rearing On June 28, 2010, Ecology issued the Upland Fin-fish Hatching and Rearing NPDES General Permit. The permit controls the discharge of pollutants from upland hatcheries.

Water Treatment Plants Ecology reissued the general permit with minor changes on July 15, 2009.

WSDOT Municipal Stormwater Ecology issued the permit on February 4, 2009 with an effective date of March 4, 2009. Ecology made minor modifications to the permit on May 1, 2009. On March 3, 2009, the Puget Soundkeeper Alliance appealed the WSDOT Stormwater Permit. A stipulated stay/settlement agreement was reached in January 2010. The modification adds substantive language to the permit. Permit will be modified again in November to add new TMDL requirements to the permit.