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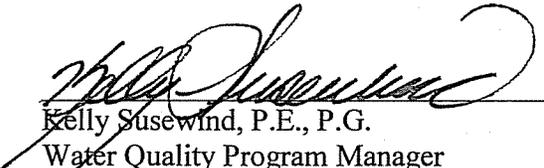
## **AQUATIC INVASIVE SPECIES MANAGEMENT GENERAL PERMIT**

National Pollutant Discharge Elimination System and  
State Waste Discharge General Permit

**State of Washington**  
**Department of Ecology**  
Olympia, Washington 98504

In compliance with the provisions of  
Chapter 90.48 Revised Code of Washington  
(State of Washington Water Pollution Control Act)  
and  
Title 33 United States Code, Section 1251 et seq.  
The Federal Water Pollution Control Act (The Clean Water Act)

Until this permit expires, is modified or revoked, Permittees that have properly obtained coverage under this general permit are authorized to discharge in accordance with the special and general conditions that follow.

  
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Water Quality Program Manager  
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## SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for submittal requirements.

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
S2.B	Application for Coverage	Once	At least 60 days prior to the start of discharge
S5.B	Adaptive Management Plans	As necessary	18 months after first treatment for each organism or category of organisms
S7.A	Monitoring Plan	Annually	February 1, 2012
S9.A	Monitoring Report	Annually	February 1, 2013
S9.B	Treatment Report	Annually	February 1, 2012
S9	Reporting Permit Violations	As necessary	
G5	Permit Actions	As necessary	
G6	Reporting Planned Changes	As necessary	
G13	Transfer of Permit Coverage	As necessary	
G18	Duty to Reapply	Once per permit cycle	Within 180 days of permit expiration date

## SPECIAL PERMIT CONDITIONS

### S1. PERMIT COVERAGE

#### A. Activities Covered Under This Permit

This general permit covers management activities for *nonnative invasive*<sup>1</sup> aquatic animals and nonnative invasive marine *algae* that result in the discharge of chemicals or *control* products into *surface waters of the state of Washington*. Surface waters include fresh, brackish, marine, and estuarine waters. Products regulated under this permit include *algaecides, herbicides, insecticides, molluscicides, piscicides* and any other chemical or product appropriate for use in managing these organisms.

Management activities are organized into two categories: Marine Projects and Freshwater Projects. The permit may have different requirements for each category and for the different chemicals or products allowed for use.

#### 1. Marine Projects

Marine projects occur in marine or estuarine waters and target nonnative invasive animals and nonnative invasive algal species.

- a. The Washington Department of Ecology (Ecology) only **allows** marine projects for:
  - i. Animal species as identified in Washington Administrative Code (WAC) 220-12-090.
  - ii. Animals or marine algae listed on the Washington Aquatic Nuisance Species Committee “watch list” of invasive species or on the Washington Invasive Species Council (WISC) management priority list.
  - iii. Animals listed by the United States Fish and Wildlife Service (USFWS) as injurious wildlife under the Lacey Act (18 U.S.C. 42; 50 CFR 16).
  - iv. Nonnative *potentially invasive* marine animals and algae not listed on the above lists, as determined by Ecology in consultation with the Washington Department of Fish and Wildlife (WDFW), or the Washington Department of Natural Resources (WDNR), or the Washington Department of Agriculture (WSDA), or the WISC, or the Washington Aquatic Nuisance Species (ANS) Committee, or applicable federal agencies such as the USFWS.

#### 2. Freshwater Projects

Freshwater projects occur in rivers, streams, lakes, ponds, brackish inland water bodies, *wetlands*, or wet areas and target nonnative invasive freshwater animals. Ecology

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<sup>1</sup> The text of this permit contains italicized and bolded words or phrases. These words or phrases are the first usage in this permit and are defined in the Glossary, Appendix A.

regulates chemicals and products allowed for freshwater algae and freshwater in-water macrophyte management under the Aquatic Plant and Algae Management National Pollutant Discharge Elimination System (NPDES) permit (WAG-994000) and any subsequent permits issued for this activity.

- a. Ecology only allows freshwater projects for:
  - i. Prohibited or unlisted freshwater animals as identified in WAC 220-12-090.
  - ii. Freshwater animals listed on the Washington Aquatic Nuisance Species Committee “watch list” of invasive species or on the Washington Invasive Species Council (WISC) management priority list.
  - iii. Freshwater animals listed by the USFWS as injurious wildlife under the Lacey Act (18 U.S.C. 42; 50 CFR 16).
  - iv. Nonnative potentially invasive freshwater animals not listed on the above lists, as determined by Ecology in consultation with WDFW, or WDNR, or WSDA, or WISC, or the ANS Committee, or applicable federal agencies such as the USFWS.

## **B. Activities That May Not Need Coverage Under This Permit**

The use of **pesticides** on the following sites may not require coverage under this permit:

1. Constructed detention or retention ponds designed specifically for wastewater or stormwater treatment that do not have an outlet to surface waters of the state, or ponds that do not discharge to other water bodies during or for two weeks after treatment.
2. Constructed detention and retention ponds where Ecology regulates its discharge under another permit and the permit allows chemical treatment.
3. Any **constructed water body** five acres or less in surface area with no discharge to other surface waters of the state during treatment and for two weeks after treatment.
4. **Upland farm ponds** with no discharge to other surface waters of the state during treatment and for two weeks after treatment.
5. Treatment conducted on **seasonally dry land surfaces** (including seasonally dry wetlands) as long as treatment occurs when the area is dry and the active ingredient is not biologically available when the water returns.
6. Research activities when applying chemicals or products to water bodies under a State Experimental Use permit (see S4.C).

## C. Geographic Area Covered

This general permit covers the activities listed in S1.A throughout surface waters of the state of Washington and in marine waters up to twelve-miles offshore or to the international border when applicable.

## S2. APPLICATION FOR COVERAGE

### A. Who May Apply for Coverage

Any state government entity may apply for coverage. This permit covers activities outlined in S1.A performed by government entities, *non-governmental organizations* or *private applicators*. *Washington State government agencies* holding permit coverage may, in turn, contract with other state or local government entities, non-governmental organizations, or private applicators or individuals to conduct activities outlined in S1.A of this permit. Contractors must agree to carry out treatments in a manner that complies with the permit. Either the *Permittee* or contractor (per individual agreement) may carry out notification, monitoring, reporting, documentation, planning, and other administrative permit tasks.

### B. How to Obtain Coverage

Any state government entity seeking to obtain coverage for activities covered under this permit must:

1. Submit an application for coverage no later than 60 days prior to the planned discharge date. A complete application must include a completed and signed Notice of Intent (*NOI*) and a completed and signed State Environmental Policy Act (SEPA) checklist.
2. Publish twice, one week apart, a public notice in a local newspaper of general circulation that an application for permit coverage has been made pursuant to WAC 173-226-130(5).
3. Publish the public notice only after Ecology has received the complete application for coverage.
4. Use the Public Notice Template provided as Appendix B of this permit. The applicant may add additional information to the template provided that the required information remains as stated on the template.
5. Submit an original copy of the portion of the newspaper publication containing the Public Notice and newspaper date to Ecology for each week the Public Notice is published, or submit a signed, notarized affidavit of publication indicating what is included in the Public Notice and the dates that the Public Notice will be published.
6. At the end of the 30-day comment period, Ecology will consider comments about the applicability of this permit to the proposed discharge activity before deciding to issue permit coverage.

7. Ecology will notify new applicants of their status concerning coverage under this permit. If the applicant does not receive notification of the coverage decision from Ecology, coverage under this permit will automatically commence on the 61<sup>st</sup> day following Ecology's acceptance of a completed application.

### C. How to Terminate Permit Coverage

A Permittee may request termination of permit coverage by submitting a Notice of Termination form (NOT) to Ecology. The Permittee will continue to incur an annual permit fee unless it submits a NOT.

## S3. DISCHARGE LIMITS

### A. Short-term Modification of Water Quality Standards

1. WAC 173-201A-410 allows short-term exceedance of the criteria and classifications established by this regulation so long as certain conditions are met. Such activities must be conditioned, timed, and restricted in a manner that will minimize water quality degradation to existing and characteristic uses.
  - a. If the Permittee has followed the requirements of WAC 173-201A-410 in developing a long-term integrated pest management plan (IPMP), in compliance with the Administrative Procedures Act (chapter 34.05 RCW), and in compliance with SEPA (chapter 43.21C RWC and 197-11 WAC), the Permittee may exceed the Water Quality Standards for multiple *short duration application* for up to five years.
  - b. If the Permittee has not followed the requirements in WAC 173-201A-410 in developing the IPMP, then the Permittee must ensure that the short-term water quality exceedance duration is limited to *hours or days* for a specific application.
2. The permit allows the application of pesticides to waters of the state to manage aquatic invasive species so long as the Permittee meets all the terms and conditions of this permit and the transitory water quality impact is limited to the *vicinity* of the product application and limited to the minimum time necessary to accomplish the desired aquatic invasive species control objectives.
3. The applications authorized by this permit must not cause lasting or long-term harm to the environment.

### B. Impaired Water Bodies

1. Except for emergencies, the Permittee must not cause further impairment of any *303(d)-listed water body* for any parameter. Phosphorus (in freshwater), dissolved oxygen, copper, temperature, and pH are specific parameters of concern.

2. The Permittee must not treat any 303(d) fresh water body listed for copper with copper unless the sediment copper concentration in the proposed treatment area is 110 mg/L or lower.
3. The Permittee must consider and apply one or more of the following mitigation measures to prevent further impairment (outside of the confines of the short-term modification of water quality standards allowed under this permit) when treating a 303(d)-listed water body (listed for the parameter), when the treatment has the potential to impact phosphorus, dissolved oxygen, temperature, or pH:
  - a. **Limiting** the area treated at any one time.
  - b. Timing treatment (early treatment versus late season treatment).
  - c. Chemical/product choice.
  - d. Manual removal of dead organisms (e.g. fish, tunicates).
  - e. Aeration.

#### **S4. RESTRICTIONS ON THE APPLICATION OF PRODUCTS**

##### **A. Authorized Discharges**

1. Beginning on the effective date of this permit and until Ecology replaces or revokes this permit; the permit authorizes the Permittee to discharge the chemicals or products listed in this permit into surface waters of the State.
2. The Permittee may apply chemicals or products under this permit only for the management of aquatic invasive animals or invasive marine algae that meet the criteria outlined in S1.A. Temporary and limited impacts on non-target organisms are acceptable only to the extent needed to control the targeted organisms.
3. This permit does not cover activities that Ecology regulates under other NPDES permits, such as routine fish management using rotenone.
4. All discharges must comply with all applicable local, state, and federal laws, rules, and ordinances (see G9), and any additional requirements as specified in this permit.
5. The Permittee must coordinate with WSDA to ensure pesticide label approval prior to beginning any discharge activities. Authorization of pesticide discharge under this permit does not indicate registration approval under the Federal Insecticide Fungicide Rodenticide Act (FIFRA).

## **B. Chemicals and Products Authorized For Use under this Permit**

1. Ecology identifies specific restrictions on the use of each chemical or product in Tables 1 and 2. Not all chemicals or products can be used in both marine and freshwaters.
2. Ecology allows application of the following listed chemicals or products and any other chemicals or products after they are approved through Ecology's approval process (see S10) so long as the Permittee makes the application in compliance with all the terms and conditions of this permit:
  - a. Sodium chloride for marine and freshwater application.
  - b. Potassium chloride for marine and freshwater application.
  - c. Chlorine compounds including chlorine dioxide, sodium chlorite, sodium hypochlorite, and calcium hypochlorite for marine and freshwater application.
  - d. Acetic acid for marine and freshwater application
  - e. Calcium hydroxide/oxide (lime) and carbon dioxide for marine and freshwater application.
  - f. Rotenone for freshwater application.
  - g. Antimycin-A for freshwater application.
  - h. Potassium permanganate (KMnO<sub>4</sub>) for freshwater application.
  - i. Endothal (e.g., Hydrothol 191™): mono(N,N-dimethylalkylamine) salt of 7-oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid for freshwater application.
  - j. Sodium carbonate peroxyhydrate for freshwater application.
  - k. Methoprene for freshwater application.
  - l. Chelated copper compounds for freshwater application.
  - m. *Pseudomonas fluorescens* strain CLO145 for freshwater application.
  - n. Heating/cooling (temperature alteration) for marine and freshwater application.

## **C. Experimental Use Permits**

1. Permittees may apply other chemicals not listed in this permit on a limited basis in the context of a research and development effort under the jurisdictions of the Environmental Protection Agency (EPA) and WSDA through the issuance of a federal Experimental Use Permit (40 CFR 172). Permittees must also obtain coverage under this general permit for any aquatic invasive species control project conducted under a federal

Experimental Use Permit (EUP).

2. For projects of one acre or less in size, the applicant must obtain coverage under a State EUP (issued by WSDA) and coverage under this general permit is not required.

#### **D. Specific Restrictions on the Application of Products**

1. Except for *emergencies*, the Permittee must limit treatments that restrict public water use during weekends in *high use areas* or *highly populated areas*.
2. Except for emergencies, the Permittee must make every effort to avoid pesticide applications that restrict public water use during the opening week of fishing season (freshwater treatments only), Memorial Day weekend, Independence Day weekend, and Labor Day weekend.
3. Permittees must comply with the specific application restrictions for each product as identified in Tables 1 and 2 and all Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) label requirements. Requirements in this permit do not reduce the requirements on the FIFRA label.
4. WDFW developed the timing windows identified in Tables 1 and 2 to avoid adverse impacts to priority species (federal-and-state-listed and other sensitive and vulnerable species). WDFW may periodically update the tables when new information becomes available.
5. Restrictions/Advisories identified in Tables 1 and 2: Recreational restrictions apply to swimming, boating, water skiing, etc. Swimming restrictions apply to primary contact activities such as swimming, wading, and water skiing.

**Table 1: Marine Applications**

Specific Restrictions on the Application of Chemicals for Managing Nonnative Invasive Marine Animals and Algae

Chemical or Control Measure	Subject to Timing Windows	Restrictions/ Advisories	Treatment Limitations
<b>Sodium chloride &amp; Potassium chloride</b>	No, but check with WDFW before treatment to determine critical habitat areas.	None	<ul style="list-style-type: none"> <li>➤ Limit treatments to the lowest effective concentration or amount of these salts necessary to kill the targeted organism.</li> <li>➤ Limit treatment to docks, boat hulls, and fixed objects or defined areas.</li> <li>➤ Spray or apply directly on target organisms when if they are out of water (apply at low tide).</li> <li>➤ The Permittee may treat defined areas, such as marinas or coves, if the Permittee can limit water exchange behind impermeable barriers.</li> </ul>
<b>Chlorine</b>	No, but check with WDFW before treatment to determine critical habitat areas.	If treating in an area accessible by the public, post buoys around the treatment <b>area</b> .	<ul style="list-style-type: none"> <li>➤ Limit treatments to the lowest effective concentration or amount (e.g., if using swimming pool pellets) to kill the targeted organism.</li> <li>➤ Where practicable, use chlorine dioxide/sodium chlorite instead of sodium hypochlorite or calcium hypochlorite.</li> <li>➤ Use under tarpaulins or impermeable covers secured over the invasive organisms. Seal edges to the substrate as thoroughly as possible.</li> <li>➤ Limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers.</li> <li>➤ Leave tarpaulins on for at least one day before removing. If this is not possible, test for chlorine using a swimming pool test kit and neutralize any residual chlorine using ascorbic acid (vitamin C) before removing the cover.</li> </ul>
<b>Acetic Acid</b>	No, but check with WDFW before treatment to determine critical habitat areas.	<ul style="list-style-type: none"> <li>➤ If treating in an area accessible by the public, post buoys around the treatment area.</li> <li>➤ Restrict swimming for 12 hours in the treatment area if spraying directly on organisms.</li> <li>➤ Restrict public access to area</li> </ul>	<ul style="list-style-type: none"> <li>➤ Limit treatments to the lowest effective concentration to kill the targeted organism (vinegar concentrations – 5-10% are reported to be effective for soft-bodied marine organisms).</li> <li>➤ Use under tarpaulins or impermeable covers secured over the invasive organisms. Seal the edges to the substrate as thoroughly as possible.</li> <li>➤ Limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers.</li> <li>➤ Remove covers as soon as the target organisms are dead.</li> <li>➤ Spray directly on target organisms if they are out of water (tidal).</li> <li>➤ The Permittee may treat defined areas, such as marinas, if the Permittee can limit water exchange behind impermeable barriers.</li> </ul>

Chemical or Control Measure	Subject to Timing Windows	Restrictions/ Advisories	Treatment Limitations
		when diluting concentrated acid.	
<b>Calcium hydroxide /oxide (lime)</b>	No, but check with WDFW before treatment to determine critical habitat areas.	If in an area accessible by the public, post buoys around the treatment area.	<ul style="list-style-type: none"> <li>➤ Limit treatments to the lowest effective concentration or amount necessary to kill the targeted organism.</li> <li>➤ Use under tarpaulins or impermeable covers secured over the invasive organisms and limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers.</li> <li>➤ Remove covers as soon as the target organism is dead.</li> <li>➤ For direct applications, apply only to target organisms (e.g. invasive echinoderms). Do not treat uninfested areas.</li> </ul>
<b>Heat/Freezing</b>	No, but check with WDFW before treatment to determine critical habitat areas.	None	<ul style="list-style-type: none"> <li>➤ Limit treatment to docks, boat hulls, and fixed objects or defined areas.</li> <li>➤ May use in conjunction with pressure washing to remove invasive organisms from docks and infrastructure.</li> </ul>

**Table 2: Freshwater Applications**

Specific Restrictions on the Application of Chemicals for Managing Nonnative Invasive Freshwater Animals

Chemical	Subject to Timing Windows	Restrictions/ Advisories	Treatment Limitations
<b>Sodium chloride &amp; Potassium chloride</b>	No, but check with WDFW before treatment to determine critical habitat areas.	None	<ul style="list-style-type: none"> <li>➤ Use under tarpaulins or impermeable covers secured over the invasive organisms.</li> <li>➤ Limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers.</li> <li>➤ The Permittee may treat defined areas, such as coves or marinas, if the Permittee can limit water exchange behind impermeable barriers.</li> </ul> <p><b>Whole Lake</b></p> <ul style="list-style-type: none"> <li>➤ The Permittee may treat <b>small water bodies</b> with potassium chloride where the threat of the invasive species outweighs other environmental damage and where water can be contained.</li> <li>➤ For nonnative mussel eradication projects with potassium chloride, the Permittee must take steps to restore native mussel populations in the treated water body, when practicable.</li> </ul>

Chemical	Subject to Timing Windows	Restrictions/ Advisories	Treatment Limitations
<b>Chlorine</b>	Yes, also check with WDFW before treatment to determine critical habitat areas.	Advise no swimming in area when placing chemicals under covers and removing covers.	<ul style="list-style-type: none"> <li>➤ Limit treatments to the lowest effective concentration or amount (e.g. if using swimming pool pellets) necessary to kill the targeted organism.</li> <li>➤ Where practicable, use chlorine dioxide/sodium chlorite instead of sodium hypochlorite or calcium hypochlorite.</li> <li>➤ Use under tarpaulins or impermeable covers secured over the invasive organisms. Seal edges to the substrate as thoroughly as possible.</li> <li>➤ Limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers.</li> <li>➤ Leave tarpaulins on for at least one day before removing. If this is not possible, test for chlorine using a swimming pool test kit and neutralize any residual chlorine using ascorbic acid (vitamin C) before removing the cover.</li> </ul>
<b>Acetic Acid</b>	No, but check with WDFW before treatment to determine critical habitat areas.	Advise no swimming in area when placing chemicals under covers and removing covers.	<ul style="list-style-type: none"> <li>➤ Limit treatments to the lowest effective concentration to kill the targeted organism (vinegar concentrations – 5-10% are reported to be effective for soft-bodied organisms).</li> <li>➤ Use under tarpaulins or impermeable covers secured over the invasive organisms. Seal the edges to the substrate as thoroughly as possible.</li> <li>➤ Limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers.</li> <li>➤ Remove covers as soon as the target organisms are dead.</li> </ul>
<b>Calcium hydroxide/ oxide (lime)</b>	No	No	<ul style="list-style-type: none"> <li>➤ Whole water body applications permitted.</li> <li>➤ The pH of the receiving water must remain between 6 and 9. Stop treatment if pH goes above 9.0.</li> </ul>
<b>Rotenone</b>	Yes, also check with WDFW before treatment to determine critical habitat areas.	Follow EPA label restrictions	<ul style="list-style-type: none"> <li>➤ Whole water body applications permitted.</li> <li>➤ Endangered Species Act (ESA) listed fish species must not be present at the time of treatment and for three months following treatment, unless the state and federal fish agencies approve a treatment.</li> <li>➤ Except for emergencies or when in situations where invasive species may move out of water body if treatment is delayed, limit treatment to periods of low water, usually September or October, unless the water body has a closed basin.</li> <li>➤ Limit airborne dust. In open water areas accessible by boat, use powdered rotenone mixed with water and apply as a slurry.</li> <li>➤ Use liquid rotenone for spot applications only in areas that are not practicably accessible by boat.</li> </ul>

Chemical	Subject to Timing Windows	Restrictions/ Advisories	Treatment Limitations
			<ul style="list-style-type: none"> <li>➤ Unless the outlet is being treated for invasive species, in water bodies with flowing outlets, rotenone must be neutralized to eliminate downstream impacts. Below the neutralization zone (distance the water travels in 20 minutes), the rotenone must be totally neutralized using potassium permanganate. Residual potassium permanganate, not to exceed 2 mg/L past the neutralization zone.</li> <li>➤ Follow monitoring requirements in Tables 4,5,6.</li> <li>➤ Restock the water body with appropriate fish species after eradication of the target species.</li> </ul>
<b>Antimycin-A</b>	Yes, also check with WDFW before treatment to determine critical habitat areas.	Follow EPA label restrictions	<ul style="list-style-type: none"> <li>➤ Use only in shallow water bodies (water bodies with depths less than five feet) and streams.</li> <li>➤ ESA-listed species must not be present at the time of treatment and for three months following treatment, unless the state and federal fish agencies approve the treatment.</li> <li>➤ Except for emergencies or in situations where invasive species may move out of water body if treatment is delayed, limit treatment to periods of low water, usually September or October, unless the water body has a closed basin.</li> <li>➤ Unless the outlet is being treated for invasive species, in water bodies with flowing outlets, antimycin-A must be neutralized to eliminate downstream impacts. Below the neutralization zone (distance the water travels in 20 minutes), the antimycin-A must be totally neutralized using potassium permanganate. Residual potassium permanganate, not to exceed 2 mg/L past the neutralization zone.</li> <li>➤ Follow monitoring requirements in Tables 4,5, 6.</li> <li>➤ Restock the water body with appropriate fish species after eradication of the target species.</li> </ul>
<b>Potassium permanganate</b>	Yes, also check with WDFW before treatment to determine critical habitat areas.		<ul style="list-style-type: none"> <li>➤ Use under tarpaulins or impermeable covers secured over the invasive organisms.</li> <li>➤ Limit treatment to docks, boat hulls, and fixed objects or defined areas where the Permittee can secure impermeable covers.</li> <li>➤ The Permittee may treat defined areas, such as marinas, if the Permittee can limit water exchange behind impermeable barriers.</li> <li>➤ The Permittee may treat enclosed, small water bodies where the threat of the invasive species outweighs other environmental damage.</li> <li>➤ When used to neutralize rotenone or antimycin treated waters – use calibrated equipment to achieve the minimum effective concentration of potassium permanganate necessary to oxidize the rotenone within the neutralization zone.</li> </ul>

Chemical	Subject to Timing Windows	Restrictions/ Advisories	Treatment Limitations
<b>Endothall (Hydrothol 191™)</b>	Yes	Contact <b>recreational restriction</b> during and 24-hours after treatment (in the entire water body)	<ul style="list-style-type: none"> <li>➤ Treatment shall occur from the <b>shoreline</b> outward into the waterbody.</li> <li>➤ Juvenile salmon species and ESA-listed species must not be present at the time of treatment.</li> </ul>
<b>Sodium carbonate peroxyhydrate</b>	No	Swimming advisory during treatment, and 2-hour post-treatment (in the treatment area)	None
<b>Methoprene</b>	No	None	Do not apply in state-listed restricted use areas identified in Ecology's mosquito NPDES permit without consulting with WDFW habitat biologists.
<b>Chelated Copper</b>	Yes	None	<ul style="list-style-type: none"> <li>➤ Use lowest effective concentration to kill targeted organism.</li> <li>➤ Sediment copper concentrations in the treatment area must be less than 110 mg/kg (emergency exception for zebra or quagga mussel treatment, if there are no other suitable controls available).</li> <li>➤ Do not apply copper if the water hardness is less than 50 mg/L expressed as calcium carbonate (emergency exception for zebra or quagga mussel treatment).</li> <li>➤ Do not apply copper if the pH is less than 6.0 (emergency exception for zebra or quagga mussel treatment).</li> <li>➤ Juvenile salmon species and Endangered Species Act listed species must not be present at the time of treatment, unless the state and federal fish agencies approve the treatment.</li> </ul>
<b><i>Pseudomonas fluorescens</i> strain CLO145</b>	No	None	None
<b>Heating/cooling</b>	No, but check with WDFW before treatment to determine critical habitat areas.	None	<ul style="list-style-type: none"> <li>➤ Limit treatment to docks, boat hulls, and fixed objects or defined areas.</li> <li>➤ Direct heat or cold only at target organisms.</li> <li>➤ May use in conjunction with pressure washing to remove invasive organisms from docks and infrastructure.</li> </ul>

## **S5. PLANNING REQUIREMENTS**

- A. The Permittee must develop or *adopt* an Ecology-approved adaptive management plan (plan) that incorporates integrated pest management principles for *organisms* managed under this permit. Plans may be written to cover specific species such as a marine alga such as *Caulerpa taxifolia* or categories of organisms such as nonnative invasive marine tunicates. Two or more Permittees may collaborate to submit a single plan that covers the activities of more than one Permittee or their contractors.
- B. The Permittee must submit a copy of the plan(s) to Ecology no later than eighteen months after starting initial treatment for each organism or category of organisms. Permittees must notify Ecology in writing prior to starting the first treatment for each organism or category of organisms.
- C. The Permittee must consult with Ecology before finalizing the plan, consider and incorporate Ecology comments to the plan, and resubmit the plan according to the direction of Ecology no later than six months after written notification of a need for revision from Ecology. The Permittee and any contractors must implement the approved plan in all appropriate aquatic pest control activities.
- D. If any discrete treatment will exceed the Water Quality Standards for longer than hours or days, then the plan covering the management activity must also comply with the requirements for IPM plans as outlined S3.A.1.(a).

## **S6. POSTING AND NOTIFICATION REQUIREMENTS**

### **A. Internet Notification**

Each treatment season, the Permittee must post information on its website about the locations of planned treatments, timing of treatments, chemicals or products proposed for use, and information about the organism(s) to be treated.

### **B. Residential and Business Notification**

- 1. The Permittee must provide Residential and Business Notice to all waterfront residences and businesses within one-quarter mile in each direction along the shoreline or across the water from the proposed treatment areas. The Permittee must use the Residential and Business Notice template (notice) in Appendix C. The Permittee must not modify the template, except that, if desired, it may add additional information about the project, including a treatment map.
- 2. The Permittee may provide the notice by mail, newsletter, or handbills delivered directly to the residences or businesses. If using handbills, the Permittee must secure the notice to the door in a fashion that will hold it in place but will not damage property. If the residence or business is gated or guarded by dogs, the Permittee may secure the notice in clear view on the outside of the gateway or may attach the notice to the outside of the

residence or business in a fashion that will hold it in place but will not damage property.

3. The Permittee must provide the notice to residences and businesses 7 to 21 days prior to initial treatment, except for emergencies. During an emergency, the Permittee may provide same day notice to residences and businesses. Even during emergencies, the Permittee must strive to provide as much advance notice as possible to the affected residents and businesses.
4. If the notice explains the *application schedule* for the entire annual treatment season and there is no deviation from that schedule, Ecology requires no further notice for the rest of the season (unless a resident or business specifically requests further notification about project treatment dates).
5. The Permittee must provide a copy of the notice including the date of distribution, to Ecology headquarters and appropriate regional office contacts no later than one business day following public distribution.
6. The Permittee must maintain a copy of the notice and a list of locations or addresses to which they were delivered for seven years. Upon request, the Permittee must provide a copy of the notice and list of recipients to Ecology within five business days.
7. For freshwater projects only: When the chemical or product's label or the permit has restrictions and/or precautions for potable or domestic water use, irrigation use, or livestock watering, the Permittee must notify those who withdraw surface waters for such uses. This notification must identify the chemicals(s) or product(s) it plans to use, the date(s) of expected treatment, and all water use restrictions and precautions, including information about who the water user can contact to obtain an alternate water supply during treatment. The Permittee must not treat an area until it has notified people who withdraw water and it has provided an alternative water supply, if requested by the affected water user(s).

### **C. Shoreline Posting Requirements**

1. General Requirements for Posting Shoreline Treatment Notification Signs
  - a. The Permittee must post shoreline treatment notification signs (signs) no more than 72 hours prior to the application of any chemical or product covered under this permit.
  - b. The Permittee must post signs so that they are secure from the normal effects of weather and water currents, but cause minimal damage to property.
  - c. The Permittee must make best efforts to ensure that the signs remain in place until the end of the period of any water use restrictions.

- d. The Permittee must remove all old signs before a new treatment begins or before the end of the treatment season, whichever comes first.
  - e. The Permittee must post warning signs in English and if the majority of the affected community speaks a language other than English, the Permittee may use online translation websites such as <http://babelfish.com> or other translation services to make signs for public areas in these communities.
  - f. Ecology does not require shoreline posting in areas where public access is limited to boat only access and there are no private residents.
2. Posting **Privately or Publicly-owned Shoreline** Areas (Excluding Public Access Areas) with 8½ by 11 Inch Signs
- a. The Permittee must post signs at each private residence or business property within 400 feet of the treatment area. The Permittee must post the signs to face both the water and the shore and site them where they are most visible to residents. The Permittee must post one sign for approximately every 100 feet of shoreline.
  - b. If a shoreline is only accessible by entering through a gate, the Permittee must post a sign at each gate that allows access to the treated area or is within 400 feet of a treated area. In these situations the Permittee does not need to post additional signs along the shoreline or at individual docks or moorages.
  - c. The Permittee must use the sign template provided in Appendix D. Ecology does not allow modifications of templates, except that the Permittee must fill in label or other restrictions about the chemical or product to be used. If desired, the Permittee may provide additional information about the project on the sign, including a treatment map. In the event that the Permittee applies more than one chemical or product, the Permittee may include information about all chemicals/products on one sign.
3. Posting Public Access Areas with Two Foot by Three Foot Signs

Public access areas include public or community-provided swimming beaches, picnic areas, docks, marinas, and boat launches at state or local parks and private resorts.

- a. The Permittee must post signs at all public access areas on the water body within one-quarter mile of the treatment site and at all public boat launches on the water body within one mile of the treatment site.
- b. The Permittee must place the signs so that they are clearly readable to people using the public access areas, spacing the signs approximately every 100 feet of shoreline. Signs must face both the water and the shore. At public boat launches, signs need only face the shore.

- c. If a public shoreline is only accessible by entering through a gate, the Permittee must post a sign at each gate that allows access to the treated area or is within 400 feet of a treated area. In these situations the Permittee does not need to post additional signs along the shoreline or at individual docks or moorages.
- d. Signs must be a minimum size of two feet by three feet and constructed of durable weather-resistant material. The Permittee must attach an 8½ by 11 inch weather resistant map detailing the treatment sites for each chemical or product used. The map must identify the location(s) of the treatment site(s) and mark the reader's location at the public access area. In the event that the Permittee uses more than one chemical or product, each treatment area and the chemical/product used must be marked on the map.

Signs must:

- 1). Include the word "CAUTION" in bold black type at least two inches high.
- 2). Use a font at least ½ inch high for all other words.

#### 4. Posting **Public Pathways** Along a Treated Water Body

- a. The Permittee must post two foot by three foot signs at **public entrances** to public pathways that allow reasonable direct access to the water body and that are within a quarter mile of the treatment area (see S6.B.3.c. for sign specifications).
- b. The Permittee must post 8½ by 11 inch signs (use the Template in Appendix D for sign specifications) at approximately 100-foot intervals along the pathway and within 400 feet of the treatment site.

## S7. MONITORING REQUIREMENTS

### A. Monitoring Plans

1. The Permittee must submit an annual monitoring plan to Ecology by February 1 of each year. If two or more Permittees are working together on the same management activity, they may coordinate their monitoring efforts and submit an annual joint monitoring plan to Ecology.
2. The Permittee must monitor a subset of treated locations each year of treatment. The monitoring plan must provide specific monitoring locations, information on the parameters to be measured, and the rationale for their selection. At a minimum, the Permittee(s) must conduct treatment effectiveness monitoring for the target organism and any monitoring required in Tables 3, 4, 5, and 6.
3. The Permittee must post all monitoring plans on its website after approval by Ecology.

## **B. Monitoring for Specific Chemicals**

1. The Permittee must monitor for specific chemicals/products as identified in Tables 3, 4, 5, and 6.
2. With Ecology approval, the Permittee may suspend monitoring for the parameters under the conditions identified in Tables 3, 4, 5, and 6.

**Table 3: Monitoring requirements**

<b>Chemical or Control Measures</b>	<b>Specific Monitoring Requirements</b>
<b>Sodium chloride &amp; Potassium chloride</b>	<ul style="list-style-type: none"> <li>➤ For whole lake treatments or treatments of areas sequestered behind barriers within a larger fresh water body, the Permittee must at a minimum measure potassium or sodium chloride concentrations at one or more representative sampling locations pre-treatment, one, and five days post-treatment to determine actual water body concentrations.</li> </ul>
<b>Chlorine</b>	<ul style="list-style-type: none"> <li>➤ The Permittee must monitor for chlorine concentrations under impermeable covers on a representative number of sites before removing the covers. Permittee may use swimming pool test kits for this purpose.</li> <li>➤ If monitoring demonstrates that undercover chlorine concentrations are always under 0.5 mg/L before removal (at a representative number of sites and for the same chlorine formulation), the Permittee may suspend monitoring upon Ecology approval.</li> </ul>
<b>Acetic Acid</b>	<ul style="list-style-type: none"> <li>➤ When removing impermeable covers, monitor pH levels in the receiving water before and immediately after cover removal.</li> <li>➤ When directly spraying the organisms, monitor the pH of receiving waters directly adjacent to the organisms immediately before and after treatment.</li> </ul>
<b>Calcium hydroxide /oxide (lime)</b>	<p><b>For Freshwater Treatments Only</b></p> <ul style="list-style-type: none"> <li>➤ Measure pH once a day before treatment; once in the morning and once in the afternoon during treatment; and for ten days following treatment at a representative site within the water body.</li> <li>➤ For applications using continuous injection systems, measure pH once in the morning and once in the afternoon</li> </ul>
<b>Rotenone and antimycin-A</b>	<p>See tables 4, 5, and 6 for specific monitoring requirements for rotenone and antimycin-A.</p>
<b>Copper</b>	<ul style="list-style-type: none"> <li>➤ Before applying copper, measure sediment copper concentrations in a composite sample of sediment from a representative treatment area (composite sample from 5 areas with sediment taken from the top 5 cm of sediment and homogenized).</li> <li>➤ Two weeks after completion of copper treatment, resample the treated area for copper using the sampling protocol above.</li> <li>➤ Measure pH and hardness prior to treatment.</li> </ul>
<b>Heat/Freezing</b>	<ul style="list-style-type: none"> <li>➤ If used in conjunction with pressure washing to remove invasive organisms from docks and infrastructure, measure the temperature of the receiving water immediately before and immediately after the activity.</li> </ul>

**Table 4: Pre-treatment monitoring for rotenone and antimycin-A**

Parameters	Units	Minimum Sampling Frequency	Type	Sampling Point
pH	Standard	Once	Grab	Representative
Temperature	°Fahrenheit (F)	Once	Grab	Representative
Alkalinity <sup>1</sup>	mg/L CaCO <sub>3</sub>	Once	Grab	Worst-case scenario
Organic demand <sup>1,2</sup>	Standard	Once	Grab	Worst-case scenario
<sup>1</sup> Only required when the Permittee uses potassium permanganate to neutralize rotenone.				
<sup>2</sup> The Permittee must use the guidelines provided in Engstrom-Heg (1971) to determine organic demand for KMnO <sub>4</sub> .				

**Table 5: Post-treatment monitoring for rotenone and antimycin-A**

Parameters	Units	Minimum Sampling Frequency	Type	Sampling Point
pH	Standard	Once	Grab	Representative
Temperature	°F	Once	Grab	Representative
Rotenone Trout Toxicity Bioassay: 24-hr live box test (five trout); 60% trout survival	Hours until 60% survival	Once approximately three to eight weeks after treatment	Observation (No lab accreditation required)	Worst-case scenario
<i>If the Permittee applies liquid rotenone: <b>Volatile Organic Compound (VOC)</b>, semi VOC, and any other inert ingredients listed on the <b>Material Safety Data Sheet (MSDS)</b></i> <sup>1</sup>	µg/L	Four weeks post treatment and every week thereafter until non-detection	Grab	Worst-case scenario
<sup>1</sup> The Permittee must sample for VOC and semi-VOC when the liquid rotenone product used contains solvents that are listed on the label and/or the MSDS.				

**Table 6: Monitoring for downstream and neutralized waters after rotenone or antimycin-A treatment**

Parameters	Units	Minimum Sampling Frequency	Type	Sampling Point
pH	Standard	<ul style="list-style-type: none"> <li>Once pre-treatment</li> <li>Once post-treatment</li> </ul>	Grab	Representative
Temperature	°F	<ul style="list-style-type: none"> <li>Once pre-treatment</li> <li>Once post-treatment</li> </ul>	Grab	Representative
Alkalinity <sup>1</sup>	mg/L as CaCO <sub>3</sub>	Once pre-treatment	Grab	Worst-case scenario
Organic demand <sup>1,2</sup>	Standard	Once pre-treatment	Grab	Worst-case scenario
Rotenone (if applied) <sup>3</sup>	mg/L	Once 24 hours after treatment	Grab	Worst-case scenario
<i>If the permittee applies liquid rotenone: VOC, semi-VOC, and any other inert ingredients listed on the MSDS<sup>3</sup></i>	µg/L	<ul style="list-style-type: none"> <li>24 hours post treatment</li> <li>Four weeks post treatment</li> </ul>	Grab	Worst-case scenario
Antimycin-A (if applied) <sup>3</sup>	µg/L	Once 24 hours following treatment	Grab	Worst-case scenario
Rotenone Trout Toxicity Bioassay: 24-hr live box test (5 trout)	% survival	<ul style="list-style-type: none"> <li>Begin test at time of treatment</li> <li>Repeat weekly until upstream water is detoxified.</li> </ul>	Observation (No lab accreditation required)	Worst-case scenario
<sup>1</sup> Only required when the Permittee uses potassium permanganate to neutralize the rotenone.				
<sup>2</sup> The Permittee must use the guidelines provided in Engstrom-Heg (1971) to determine organic demand for KMnO <sub>4</sub> .				
<sup>3</sup> The Permittee must use EPA approved testing methods in 40 CFR Part 136				

## S8. ANALYTICAL PROCEDURES

- A. The Permittee must use either an EPA method or one of the methods specified below to fulfill the analytical requirements of this permit. EPA publishes laboratory analytical methods used by industries and municipalities to analyze the chemical and biological components of wastewater, drinking water, sediment, and other environmental samples that are required by EPA regulations under the authority of the Clean Water Act (CWA) and the Safe Drinking Water Act. Most of these methods are published by EPA as regulations at 40 CFR Part 136 or in the latest revision of *Standard Methods for the Examination of Water and Wastewater*.

- B. The Permittee must ensure that all monitoring data are analyzed by a laboratory registered or accredited under the provisions of chapter 173-50 WAC, Accreditation of Environmental Laboratories. The Permittee can locate an accredited laboratory at the following website: <http://www.ecy.wa.gov/apps/eap/acclabs/labquery.asp>.
- C. Ecology does not require the use of an accredited laboratory for pH, temperature, or alkalinity titration. However pH and temperature monitoring must follow the protocols in “A Citizens Guide to Understanding and Monitoring Lakes and Streams,” found at this link: <http://www.ecy.wa.gov/programs/wq/plants/management/joysmanual/index.html>.

## **S9. REPORTING AND RECORDKEEPING REQUIREMENTS**

The falsification of information submitted to Ecology constitutes a violation of the terms and conditions of this permit. The Permittee must submit control chemical application information in accordance with the following conditions:

### **A. Annual Treatment Reports**

1. The Permittee must submit its annual treatment report by February 1 of each year. A signed and dated copy of the report must be mailed to:

Department of Ecology  
Water Quality Program  
Attn: Aquatic Invasive Species Management Permit Manager  
P.O. Box 47600  
Olympia, WA 98504-7600

2. The annual treatment report must include:
  - a. Permit number
  - b. Permittee name
  - c. Treatment dates
  - d. Location(s) treated (water bodies treated and the treatment location within the water body)
  - e. Active ingredient or the product name applied during the treatment season
  - f. Pounds or gallons of product applied to each location.

### **B. Annual Monitoring Reports**

1. The Permittee must submit its annual monitoring report by **February 1** of each year. The Permittee must submit an annual monitoring report whether or not Ecology required monitoring. A signed and dated copy of the report must be mailed to the address in

S9.A.1.

2. All laboratory results for chemical concentrations must include the following information:
  - a. Sampling date
  - b. Sample location (water body name and location within the water body)
  - c. Date of analysis
  - d. Parameter name
  - e. Chemical Abstract Service (CAS) number
  - f. Analytical method number
  - g. Method detection limit (MDL)
  - h. Laboratory practical quantitation limit (PQL)
  - i. Reporting units
  - j. Concentration detected

### **C. Recording of Results**

For each measurement or sample taken, the Permittee must record the following information:

1. The date of sample collection, the name of the water body, the sampling location(s) within the water body, and the sampling methodology
2. The name of the individual who performed the sampling or measurement
3. The dates the laboratory performed the analyses
4. The laboratory or the name of the individual who performed the analyses
5. The analytical techniques or methods used
6. The results of all analyses

### **D. Records Retention**

1. The Permittee must retain records of all monitoring information for a minimum of five (5) years. Such information must include all calibration and maintenance records, all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this

permit.

2. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee, or when requested by Ecology.
3. The records, reports, and other information required by this permit must be made available to Ecology upon request.

#### **E. Reporting Permit Violations**

The Permittee must take the following actions when it violates or is unable to comply with any permit condition:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance and correct the problem.
2. The Permittee must report any noncompliance that may endanger health or the environment by telephone to Ecology at the regional spills hotline and the aquatic pesticides permit manager, within 24 hours from the time the Permittee becomes aware of the noncompliance.
  - a. **Southwest Regional Office: 1-360-407-6300**  
(Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties).
  - b. **Northwest Regional Office: 1-425-649-7000**  
(Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom counties).
  - c. **Central Regional Office: 1-509-575-2490**  
(Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima counties).
  - d. **Eastern Regional Office: 1-509-329-3400**  
(Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties).
  - e. **Aquatic Invasive Species Management Permit Manager: 1-360-407-6562**
3. The Permittee must also provide a written submission within **five days** of the time that the Permittee becomes aware of any event required to be reported under 1 or 2 above. The written submission must contain:
  - a. A description of the noncompliance and its cause.

- b. The period of noncompliance, including exact dates and times.
  - c. The estimated time noncompliance is expected to continue if it has not been corrected.
  - d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
  - e. Updates that will be included in the Permittee's Integrated Pest Management Plan to address the issue and prevent future noncompliance.
4. Ecology may waive the written report required in part three, above, on a case-by-case basis upon written request if it has received a timely oral report.
  5. The Permittee must submit noncompliance reports to:

Department of Ecology  
Water Quality Program  
Attn: Aquatic Invasive Species Management Permit Manager  
P.O. Box 47600  
Olympia, WA 98504-7600

## **S10. CONDITIONAL APPROVAL FOR THE USE OF PRODUCTS NOT SPECIFIED IN THIS PERMIT**

### **A. Product Approval**

This permit allows the use of active ingredients not specifically listed in the permit if ALL of the following procedures are followed:

1. EPA and WSDA have approved the chemical or product for the specific use.
2. The Permittee conducts a risk assessment for each chemical or product not specifically allowed for use under this permit and the Permittee submits the risk assessment to Ecology for review and approval. This risk assessment evaluates the active ingredient independent of any risk assessment performed by EPA during the registration process and is specific to Washington State conditions. The risk assessment must:
  - a. Be prepared by a *qualified toxicologist*.
  - b. Include, at a minimum:
    - i. Qualifications of the toxicologist(s) who prepared the risk assessment.

- ii. Verification that the chemical or product will meet the conditions and prohibitions of this permit.
  - iii. Information about the human health effects of the chemical or product acquired since the issuance of EPA's most recent risk assessment of the active ingredient.
  - iv. A summary and assessment of any peer-reviewed literature about the chemical or product published after the issuance of EPA's most recent risk assessment for the chemical or product.
  - v. All available environmental and ecological information and the environmental fate and effects information about the chemical or product.
  - vi. Mitigation measures for the use of the chemical or product.
- c. Be approved by Ecology.

## **B. Public Notification Procedures**

After Ecology's approval of the risk assessment, Ecology will notify the public by publishing a notice about the risk assessment in the state register and by posting the notice on Ecology's website. The notice will provide the following information:

1. The chemical or product name and brand name(s), if applicable.
2. The expected uses of the chemical or product.
3. A summary of the expected environmental and human health effects.
4. How to obtain copies of the risk assessment.
5. How to comment on the proposed use of the chemical or product within the 30-day comment period.
6. Where to submit comments to Ecology about the risk assessment.

## **C. Approval of a New Product**

1. Based on any additional valid scientific information provided during the public comment period, Ecology may either grant, condition, or deny approval for the use of the new chemical or product.
2. Following approval, Ecology may modify this permit to condition the chemical or product's use.

## **S11. APPENDICES**

The attached appendices are incorporated by reference into this permit and are subject to enforcement.

1. APPENDIX A: Glossary
2. APPENDIX B: Public Notice Template
3. APPENDIX C: Business and Residential Notice Template
4. APPENDIX D: Posting Notice Template

## GENERAL CONDITIONS

### G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this general permit must be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a concentration in excess authorized by this permit, constitutes a violation of the terms and conditions of this permit.

### G2. PROPER OPERATION AND MAINTENANCE

The Permittee must at all times properly operate and maintain all facilities or systems of treatment and control which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit. The Permittee must not allow concentrations of the product(s) to exceed label or permit conditions.

### G3. RIGHT OF ENTRY

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law, at reasonable times:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;
- B. To have access to and to copy any records that must be kept under the terms of the permit;
- C. To inspect any postings, monitoring equipment, or method of monitoring required in this permit;
- D. To inspect any collection, treatment, pollution management, or discharge facilities; and
- E. To sample any discharge of pollutants.

### G4. PERMIT COVERAGE REVOCATION

Pursuant with chapter 43.21B RCW and chapter 173-226 WAC, the Director may require any discharger authorized by this permit to apply for and obtain coverage under an individual permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are not limited to the following:

- A. Violation of any term or condition of this general permit;

- B. Obtaining coverage under this general permit by misrepresentation or failure to disclose fully all relevant facts;
- C. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;
- D. A determination that the permitted activity endangers human health or the environment, or significantly contributes to water quality standards violations;
- E. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and chapter 173-224 WAC;
- F. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable; or Permittees who have had their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided that the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

**G5. GENERAL PERMIT MODIFICATION AND REVOCATION**

This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of chapter 173-226 WAC. Grounds for modification or revocation and reissuance include, but are not limited to, the following:

- A. When a change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this permit;
- B. When effluent limitation guidelines or standards are promulgated pursuant to the Federal Water Pollution Control Act or chapter 90.48 RCW for the category of dischargers covered under this general permit;
- C. When a water quality management plan containing requirements applicable to the category of dischargers covered under this general permit is approved; or
- D. When information is obtained which indicates that cumulative effects on the environment from dischargers covered under this general permit are unacceptable.

**G6. REPORTING A CAUSE FOR MODIFICATION**

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for revocation under condition G5 above, or 40 CFR 122.62 must report such plans or such information to Ecology so that a decision can be made on whether action to modify or revoke coverage under this permit will be required. Ecology may then require submission of a new application for coverage under this, or another general permit, or an application for an individual permit. Submission of a new application does not

relieve the Permittee of the duty to comply with all the terms and conditions of the existing permit until the new application for coverage has been approved and corresponding permit has been issued.

**G7. TOXIC POLLUTANTS**

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**G8. OTHER REQUIREMENTS OF 40 CFR**

All other applicable requirements of 40 CFR 122.41 and 122.42 are incorporated in this general permit by reference.

**G9. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit excuse the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G10. ADDITIONAL MONITORING**

Ecology may establish specific monitoring requirements in addition to those contained in this general permit by administrative order or permit modification.

**G11. PAYMENT OF FEES**

The Permittee must submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit coverage or take enforcement, collection, or other actions, if the permit fees established under chapter 173-224 WAC are not paid.

**G12. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER A GENERAL PERMIT**

Any discharger authorized by this permit may request to be excluded from coverage under this general permit by applying for an individual permit. The discharger must submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. These reasons must fully document how an individual permit will apply to the applicant in a way that the general permit cannot. Ecology may make specific requests for information to support the request. The Director may either issue an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of this general permit to that Permittee is automatically terminated on the effective date of the individual permit.

### **G13. TRANSFER OF PERMIT COVERAGE**

Coverage under this general permit is automatically transferred to a new Permittee if:

- A. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
- B. The notice includes a written signed agreement between the existing and new Permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them.
- C. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke permit coverage.

### **G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof must be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit will incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

### **G15. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to Ecology must be signed and certified.

- A. In the case of a municipal, state or public facility, all permit applications must be signed by a principal executive officer or ranking elected official. In the case of a corporation, partnership, or sole proprietorship, all permit applications must be signed by either a principal executive officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to Ecology.
  - 2. The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility, such as the position of plant manager,

superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for environmental matters, a new authorization satisfying the requirements of paragraph B.2 must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section must make the following certification:

*I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.*

## **G16. APPEALS**

The terms and conditions of the Aquatic Invasive Species Management general permit are subject to appeal. There are two different appeal categories.

- A. The permit terms and conditions as they apply to the appropriate class of dischargers are subject to appeal within thirty (30) days of issuance of this general permit in accordance with chapter 43.21(B) RCW and chapter 173-226 WAC; and
- B. The applicability of the permit terms and conditions to an individual discharger are subject to appeal in accordance with chapter 43.21(B) RCW within thirty (30) days of the effective date of coverage of that discharger.

An appeal of the coverage of the Aquatic Invasive Species permit to an individual discharger is limited to the applicability or non-applicability of the Aquatic Invasive Species to that same discharger. Appeal of this permit coverage of an individual discharger will not affect any other individual dischargers. If the terms and conditions of Aquatic Invasive Species general permit are found to be inapplicable to any discharger(s), the matter shall be remanded to Ecology for consideration of issuance of an individual permit or permits.

**G17. SEVERABILITY**

The provisions of this general permit are severable, and if any provision of this general permit, or application of any provision of this general permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this general permit shall not be affected thereby.

**G18. DUTY TO REAPPLY**

The Permittee must reapply for coverage under this general permit at least one hundred and eighty (180) days prior to the specified expiration date of this permit. An expired permit and coverage under the permit continues in force and effect until Ecology issues a new permit (coverage) or until Ecology cancels it. Only those government entities that reapply for coverage under this permit are covered under the continued permit.

## APPENDIX A - GLOSSARY

**All definitions listed below are for use in the context of this permit only.**

*303(d) listed water body:* Section 303(d) of the federal CWA requires states to develop a list of polluted water bodies every two years. For each of those water bodies, the law requires states to develop Total Maximum Daily Loads (TMDLs). A TMDL is the amount of pollutant loading that can occur in a given water body (river, marine water, wetland, stream, or lake) and still meet water quality standards.

*Adopt:* Permittees may choose to use an existing adaptive management plan for organisms treated under this permit as long as Ecology has approved and accepted the plan. For example, if WDFW has an Ecology-approved adaptive management plan for tunicate treatment, WDNR may choose to follow this plan rather than developing a new plan. The adopted plan must include the treatment proposed by WDNR.

*Algae:* Primitive, chiefly aquatic, one-celled or multicellular plant-like organisms that lack true stems, roots, and leaves but usually contain chlorophyll.

*Algaecide:* A chemical compound that kills or reduces the growth of algae

*Allows:* Permitted in compliance with the terms and conditions of this permit.

*All Known and Reasonable Technologies (AKART):* All known, available, and reasonable methods of pollution control and prevention as described in 90.48.010, 90.48.520, 90.52.040, and 90.54.020 RCW and 173-201A-020, 173-204-120, 173-204-400, 173-216-020, 173-216-050, 173-216-110, 173-220-130 WAC .

*Application schedule:* The proposed treatment date(s) for a specific water body during one treatment season.

*Constructed water body:* An artificial water body excavated in an area that is not part of a previously existing watercourse (such as a pond, stream, or wetland, etc.).

*Control:* Any type of chemical treatment intended to remove nonnative invasive organisms from a water body or area of a water body.

*Discharge:* The addition of any pollutant to a water of the state.

*Emergencies:* A situation where an immediate response (i.e. same day response) is needed to prevent reproduction or the rapid spread of an invasive species (example: zebra mussels). Incidents where rapid and early intervention is crucial to a successful management effort constitute an emergency. Examples include, but are not limited to, needing to treat species immediately to preclude or limit spawning or reproduction (tunicates). Timing is critical in these situations.

*Experimental Use Permit:* Federal and state permits that allow the use of unregistered pesticides in the context of research and development for registration of the pesticide under FIFRA Section 3, or in the context of research and development for registration of a new use of a currently registered pesticide under FIFRA Section 3. See 40 CFR 172, 15.58.405 RCW, and WAC 16-228-1460.

*FIFRA:* Federal Insecticide, Fungicide, and Rodenticide Act.

*Herbicide:* A chemical designed to control or kill plants.

*Highly populated area:* An area where many people live or recreate.

*High use area:* An area heavily used by the public or the community. Examples include: A popular picnic area, boat launch, or a public or community swimming beach.

*Hours or days:* As related to the short-term modification section of Washington's Water Quality Standards for Surface Waters of the State of Washington. Hours or days means up to 13.9 days (see also WAC 173-201A-410).

*Insecticide:* A chemical used to prevent, repel, control, or kill insects.

*Integrated Pest Management Plan:* An ecologically based strategy for pest control that incorporates monitoring, biological, physical, and chemical controls in order to manage pests with the least possible hazard to humans, environment, and property. IPM considers all available control actions, including no action. Pesticide use is only one control action.

*Limiting:* Restricting - treating only what is necessary to remove an invasive species or restricting treatment to times when the public is least impacted (e.g. weekdays).

*Material safety data sheet (MSDS):* Information sheet that contains details of the hazards associated with a chemical and gives information on its safe use.

*Molluscicides:* Chemicals used to kill mollusks (such as snails).

*NOI:* Notice of Intent (to apply for coverage). This is a term used to describe the completed application form.

*Non-governmental organizations:* Entities such as the Nature Conservancy that may have a role in managing nonnative invasive species. Many non-governmental organizations are non-profit.

*Nonnative invasive:* An organism outside of its natural or historical range of distribution that tends to spread and dominate new areas. Organisms considered to be nonnative were not present in Washington prior to European settlement. Many nonnative organisms are not invasive or problematic.

*No reasonable public or private access:* Sites with limited ability for people access the area or sites where people do not tend to use the area. This may include isolated wetland areas with no public or private paths or similar such sparsely inhabited or visited areas.

*Organisms:* Any life form considered as an entity; an animal, plant, fungus, protistan, or moneran.

*Permittee:* Any state government entity that applies for and gains coverage under this permit and has control of, or causes a discharge under coverage of this permit.

*Pesticide:* "Pesticide" means, but is not limited to: Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director (of Agriculture) may declare to be a pest (RCW 17.21.020).

*Piscicides:* Chemicals used to kill fish.

*Potentially invasive:* A nonnative organism that has a possibility of spreading and dominating new areas, displacing native species.

*Private applicators:* Individuals applying pesticides. Licensed applicators hold a license from the Washington Department of Agriculture. Aquatic applications for some chemicals or products require a state-licensed applicator.

*Privately or publicly-owned shorelines:* Any shoreline area without public access, owned by either an individual or a public entity.

*Prohibited or unlisted marine animals:* Animals identified in WAC 220-12-090. WDFW regulates these animals.

*Public access:* Identified legal passage to any of the public waters of the state, assuring that members of the public have access to and use of public waters.

*Public Entrances:* Areas such as public parking lots where numerous people can access public pathways. Although the public may be able to access public pathways at multiple locations, the Permittee must post two foot by three foot signs only in the areas where many people routinely access the pathway.

*Public pathways:* Identified legal passage along the shoreline of a water body. Public pathways may include walkways along the shorelines of lakes or rivers.

*Qualified toxicologist:* A person with a Ph.D in toxicology or in a health or ecological science with an emphasis in toxicology, or a person with a Master's degree in toxicology or a related science with an emphasis in toxicology, who is working in the field of toxicology.

*Rapid response situations:* Incidents where rapid and early intervention is crucial to a successful management effort. Examples include, but are not limited to, needing to treat species immediately to preclude or limit spawning or reproduction (tunicates). Timing is critical in these situations.

*Recreational restriction:* A recreational restriction limits direct water contact (e.g. swimming, water skiing, wading, etc.) for a specified time period in the treated area or for the entire lake, depending on the chemical or product used.

*Seasonally dry land surfaces:* An area that may be wet or contain standing water in the rainy season, but is dry during other times of the year. When dry, there must be no standing water present in the treatment area and the soils must not be saturated. Tidal lands do not meet the definition of seasonally dry land surfaces.

*Sensitive, threatened, or endangered species – Washington State-Species of Concern:*

Sensitive: Any taxon that is vulnerable or declining and could become endangered or threatened in the state without active management or removal of threats.

Threatened: Any taxon likely to become endangered in Washington within the foreseeable future if factors contributing to its population decline or habitat degradation or loss continue.

Endangered: Any taxon in danger of becoming extinct or extirpated from Washington within the foreseeable future if factors contributing to its decline continue. Populations of these taxa are at critically low levels or their habitats have been degraded or depleted to a significant degree.

*Shoreline:* The area where water and land meet.

*Short duration application:* Washington's Water Quality Standards limit a short-term water quality exceedance to hours or days for a specific application.

*Small water body:* A water body generally 150 acres or less in size.

*Surface waters of the state of Washington:* Freshwaters (lakes, rivers, ponds, streams, inland waters), brackish waters, marine waters, estuarine waters, and all other above ground waters and water courses within the jurisdiction of the state of Washington.

*Threatened and endangered aquatic species – federal:*

*Threatened:* An animal species likely to become endangered within the foreseeable future throughout all or a significant portion of its range. <http://www.fws.gov/endangered/>, <http://www.noaa.gov/fisheries.html>

*Endangered:* An animal species in danger of extinction throughout all or a significant portion of its range. <http://www.fws.gov/ endangered/>, <http://www.noaa.gov/fisheries.html>

*Treatment area:* The area where the chemical is applied and the concentration of the chemical is adequate to cause the intended effect on targeted organisms.

*Upland farm pond:* Private farm ponds created from upland sites that did not incorporate natural water bodies (WAC 173-201A-260(3)(f)).

*Vicinity:* Immediate area around a treatment site.

*Volatile Organic Compound (VOC):* EPA defines any volatile compound of carbon as a VOC for regulatory purposes, unless it appears on a list of compounds that have been specifically exempted. EPA periodically exempts compounds. *See* 40 CFR 51.100 (s).

*Washington State government agencies:* Washington state government agencies such as Washington Departments of Fish and Wildlife, Natural Resources, Agriculture, etc. Does not include local governments.

*Wetland:* Any area inundated with water sometime during the growing season and identified as a wetland by a local, state, or federal agency.

*Worst case scenario:* A sampling location where the concentration of the chemical or product is expected to be the highest, or the location where the measured parameter is expected to be most affected by the treatment.

*In the absence of other definitions set forth herein, the definition as set forth in 40 CFR Part 403.3 or in chapter 90.48 RCW shall be used for circumstances concerning discharges.*

## APPENDIX B - PUBLIC NOTICE TEMPLATE

*The words in italics are guidance for the Permittee. Remove italicized words before printing notice.*

The Permittee must publish this notice **once** each week for **two** consecutive weeks, in a **single** newspaper of general circulation in the county in which the chemical treatment is to take place. The non-italicized language is required by WAC 173-226-130 and must be included as part of the public notice in its entirety. Information may be added to this template, but no information may be removed or changed.

### PUBLIC NOTICE TEMPLATE

*(Applicant Name)* is seeking coverage under the NPDES Waste Discharge General Permit for Aquatic Invasive Species Management. *(Applicant Name)* is located at *(Applicant Address and Phone Number)*.

This general permit covers the application of chemicals or products to fresh and marine waters anywhere in the state of Washington for the management of nonnative aquatic invasive animals and nonnative invasive marine algae. The permit limits, conditions, and regulates the application of allowed chemicals.

Any person desiring to present their views to the Department of Ecology regarding this application must do so in writing within 30 days of the last date of publication of this notice. Comments must be submitted to the Department of Ecology. Any person interested in the Department's action on the application may notify the Department of their interest within 30 days of the last date of publication of this notice.

Submit comments to:

Department of Ecology  
Water Quality Program  
Attn: Aquatic Invasive Species Management Permit Manager  
P.O. Box 47600  
Olympia, WA 98504-7600

**APPENDIX C - BUSINESS AND RESIDENTIAL NOTICE TEMPLATE**

*The words in italics are guidance for the Permittee. Remove italicized words before printing notice.*

Other template language must be included as part of the Business and Residential Notice in its entirety. Information may be added to this template, but no information may be removed or changed.

**BUSINESS and RESIDENTIAL NOTICE TEMPLATE**

<p style="text-align: center;"><b>Business and Residential Notice Chemical Treatment For</b> <i>(Name of the target organism(s))</i></p> <p><b>Distribution Date:</b> <i>(Date that this notice was distributed)</i></p> <p><i>(Permittee) will treat (water body proposed for treatment) on/or between (list treatment dates). If the Permittee plans more than one treatment per season, provide additional treatment dates here.</i></p> <p><b>Product(s) planned for use:</b> <i>(List trade name(s) and active ingredient(s) here)</i></p> <p><b>Location of treatment(s):</b> <i>(Specify locations within the water body – Permittee may attach a treatment map to the notice)</i></p> <p><i>(Permittee) will post signs in treated and potentially affected areas up to 72 hours before application. The signs will describe any water use restrictions or advisories.</i></p> <p><i>(Include the following statement ONLY for freshwater projects with water use restrictions):</i></p> <p>If you are withdrawing water for potable or domestic water use, livestock watering, or irrigation, and have no alternate water source, please contact <i>(Permittee)</i> at <i>(phone number)</i> or <i>(e-mail)</i> to arrange an alternate water supply.</p> <p>If you would like to request additional notification prior to treatment, or have further questions, please contact <i>(Permittee)</i> at <i>(phone number)</i> or <i>(e-mail)</i>.</p> <p>Washington Department of Ecology regulates this treatment under an Aquatic Invasive Species National Pollutant Discharge Elimination System Permit.</p>
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**Additional information about this project:** Optional

The Permittee may attach additional information to the Business and Residential Notice. This may include:

- Information about why the project is necessary.
- Information about the targeted species
- Photographs of the targeted species.
- Chemical information.
- Other pertinent facts about the project.
- Additional contact information, websites, etc.

## APPENDIX D - POSTING TEMPLATES

*The words in italics are guidance for the Permittee. Remove italicized words before printing notice.*

**Do NOT alter font size.**

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# CAUTION

*(Chemical Name)* will be applied under permit to these waters on *(Date)* to manage *(Name of targeted species)*.

Permittee to choose **one** of the selections below – depending on use advisories or restrictions on the label on in the permit:

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

(2) Use advisories: It has been advised that *(List use advisories (such as no swimming))* occur within the treated area during or for *(List any time restrictions (such as for 24 hours))* following treatment.

(3) Use Restrictions: No contact recreation (wading, swimming, waterskiing, etc.) in the treatment area during and for 24-hours following treatment.

Permittee to put any additional label restrictions or advisories below. If there are no restrictions put none

Potable Water Restrictions:

Irrigation Restrictions:

Fishing Restrictions:

Stock Watering Restrictions:

For more information contact the Permittee: *(Permittee Name)*

Phone number: *(Permittee phone number)*

The Department of Ecology regulates this activity under an NPDES permit. For information about the permit, contact Ecology

Phone number: *(Use phone number of the current Pesticide Permit Manager assigned to oversee this permit)*

**THIS SIGN MUST REMAIN IN PLACE UNTIL 2 DAYS  
AFTER APPLICATION**

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