

COMMENTS TO THE PROPOSED AQUATIC PLANT AND ALGAE MANAGEMENT PERMIT

Overall the NPDES permit looks great and specific comments are listed below. The DMP will certainly help define the issue at hand and force a solid plan to be developed.

The following are comments regarding the DMP:

The purpose, I believe, of the DMP is to help the Sponsor determine the best approach to protect *the* water body and *the* surrounding environment while enhancing pleasurable human activity and water enjoyment when choosing chemical use. I am not sure if a chemical applicator is the proper person to help the Sponsor develop the DMP unless the chemical applicator holds the proper credentials to determine or diagnosis such issues as wetlands, threaten species, aquatic plants etc. What can be done to ensure that the DMP is developed with someone holding the proper credentials such as a Limnologist, Wetland specialist or qualified aquatic specialist?

Also, I am not sure that the understanding or connection is being made clear that the DMP is for the Sponsor's benefit! The DMP is to help the Sponsor make good, long term decisions along with understanding the long term consequences of chemical use. Is it possible to add a paragraph at the beginning of the DMP to explain why DMPs are important for the Sponsor's benefit? And include somewhere about the possible long term consequences of chemical use and how to monitor post treatment outcomes?

If a Sponsor is taking on the responsibility of using chemicals, then the Sponsor needs to understand enough lake ecology to know what is happening. Can reading requirements be added such as reading the IAMAP manual and the Washington Lakes pamphlet or other literature deemed necessary for better understanding?

I also believe that the Sponsor needs to be *the* pro-active, "in charge" partner in developing the DMP since the Sponsor is ultimately responsible for the end result and have to live with the consequences. Taking full responsibility will also help the Sponsor take ownership of the DMP. Can the questions of the DMP and the project be directed toward the *Sponsor* with the qualified aquatic specialist assisting?

The following are specific comments regarding the NPDES:

| Page | Heading | Existing Verbiage | Comments/Changes |
|------|---|---|---|
| 6 | 2. Control a. <i>Aquatic plant control</i> | The goal is to maintain native aquatic vegetation for habitat while allowing partial plant removal for recreation and other beneficial uses. Permit requirements differ depending on plant growth forms and the legal status of the plant species. Minimal impact on non-target plants is acceptable to the extent needed to control the target plants | <i>What are plant growth forms and what are the different requirements?</i> |
| 13 | D. Discharge | 3. After the effective date of this permit, the Permittee must keep the | <i>What is required for a DMP to be updated?</i> |

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| | Management Plan | DMP updated. The Permittee must keep an updated copy of the DMP at its business office and make it available upon request to Ecology. | |
| 19 | DIQUAT: | Swimming advisory during treatment, and for 24-hours post-treatment (in the treated area) | <i>Diquat has shown to be persistent in the water column longer than 24-hours</i> |
| 39 | G13. TRANSFER OF PERMIT COVERAGE | This permit coverage may be 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 the new Permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them. | <i>The Sponsor should be the one to notify Ecology when there is a change of an applicator since they are the one who has the authority to hire and fire a chemical applicator.</i> <i>Require the NEW applicator to submit his/hers signature and eliminate the need for the existing applicator's to release the permit. May be difficult or uncomfortable to get the existing applicator to sign the release form.</i> |
| | APPENDIX A -- DEFINITIONS | | <i>Add: Limnologist (lake Specialist), Lake Management Plan, IAVMP, Discharge Management Plan, Chemical Drift or Impact on Non-target Plants, Opt-out, SEPA Addendum</i> |
| 51 | APPENDIX B – PUBLIC NOTICE | <i>Applicant name and contact information</i> Water body name may be treated to control aquatic weeds and algae. Copies of the application are available by contacting the Aquatic Pesticide Permit Manager. | <i>Include Sponsor's contact information.</i> <i>Change weeds to vegetation.</i> <i>Include Discharge Management Plan and maps as well as the application being available for review</i> |
| 52 | APPENDIX C – ECOLOGY NOTIFICATION TEMPLATE | Chemicals/products proposed for use | <i>Include PURPOSE of chemical treatment in reports for public track record and information purposes.</i> |
| 53 | APPENDIX D – BUSINESS AND RESIDENTIAL NOTICE TEMPLATE | <i>Applicant name and contact information</i> | <i>Include Sponsor's contact information. The Sponsor is responsible for hiring the chemical applicator and needs to be responsible for answering questions on why using chemicals.</i> <i>Also include directions on how to "opt out" of treatment.</i> |

Comments on the NOI:

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| Page | Heading | Verbage | Comments |
|------|-----------------------|------------------------------|---|
| 1 | Permittee Information | Permittee Information | Add Applicant/Permittee Information (to avoid confusion) |

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|------------|------------------------------------|---|--|
| 3 | X. Public Notice | Public notice must be published at least once each week for 2 consecutive weeks, in a single newspaper that has general circulation in the county in which the project is to take place | Add: The applicant must mail or deliver this notice to all potentially affected waterfront residents (those within one-quarter mile in each direction along the shoreline or across the water from proposed treatment areas) within one week of publishing the first newspaper notice. |
| 3 | XI. Sponsor Certification | I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. | Add: permit may be revoked (as a consequence) |
| 3 | XII Applicant Certification | Applicant Certification | Add: Applicant/Permitee Certification. (To avoid confusion) Add: Permittees must use <i>all known, available, and reasonable methods of pollution control, prevention, and treatment (AKART)</i> when applying pesticides. Compliance with this permit, the <i>Washington Pesticide Control Act</i> and the requirements of the <i>Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)</i> label constitute AKART. |
| 3 | XI. Sponsor Certification | | Add Checklist for Sponsor to sign as follows: |
| YES | NO | QUESTION | |
| | | 1. Do you understand the possible long term consequences or risks involved when using chemicals? | |
| | | 2. Do you understand the public notification requirements? | |
| | | 3. Have the legal water rights residents been notified? | |
| | | 4. Has the local County been contacted for any necessary permits? | |
| | | 5. Do you understand your legal responsibility as a Sponsor? | |
| | | 6. Do you understand the goal of protecting the environment while using chemicals? | |
| | | 7. Have you read the “Citizen’s Manual for Developing Integrated Aquatic Management” manual and the “Washington Lakes” book? | |
| | | 8. Do you understand that chemical use is only one aspect or part of an overall Lake Management Plan? | |
| | | 9. Have you read the AQUATIC PLANT AND ALGAE MANAGEMENT NPDES GENERAL PERMIT? | |
| | | 10. Have you read the “Fact Sheet?” | |

COMMENTS REGARDING ECOLOGY AND INSPECTIONS:

*Have Ecology inspectors verify chemical usage when inspecting instead of Dept of Agriculture.
 Require inspections by Ecology with renewal of ALL permits.
 Require yearly reports that show effectiveness of chemical use for public information.
 Have Ecology inspectors place mitigations or changes to chemical plans upon inspection as needed.
 Conduct regular inspections to verify that the permit requirements/DMPs are being followed.*

*Thank you,
 Cathy Backlund, Haven Lake Resident, Mason County, Tahuya, WA*