

10-14-10

Ms. Kathy Hamel
Water Quality Program
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

In response to your draft aquatic weed NPDES permit currently out for public comment, many of our clients will not be responding simply because the permit appears to be a marked improvement over the current expiring permit. It provides an environmentally sound approach to a very controversial and emotional issue. Northwest Aquatic EcoSystems represent thousands of private lake property owners statewide. We have directed our concerns to this group and would recommend the following:

Ecology has put forth an exceptional effort in identifying problem areas within the expiring NPDES permit requirements and has made changes to the new proposed permit that corrects most of the shortfalls. Historically Northwest Aquatic EcoSystems has challenged some of the permit requirements through appropriate channels. This draft permit meets the industry's needs and will probably require no such challenges. In view of the *super human* effort exerted by Mr. Jennings and Ms. Hamel some additional consideration related to the two following issues appears to be in order.

1. The swimming restriction on the use of Hydrothol 191 should be reduced to an advisory warning. This restriction was removed from the label many years ago and this permit update provides the opportunity to make the change. The State Department of Agriculture and the EPA no longer recognize this old label requirement. When residents look at the EPA and State label for this product they are confused as to why the Department of Ecology requires a swimming restriction when the agencies that are responsible for registration and enforcement do not. The Hydrothol 191 swimming restriction needs to be updated.

2. On page 7 of the draft permit item 4a states the following:

- a. *The area where the Permittee intentionally applies chemicals must remain the same for the entire length of the permit coverage up to the maximum percentage of the littoral zone allowed for by water body size*”.

This requirement does not meet the needs for lakes that are 100% developed with residential homes (Steilacoom Lake, Gravelly Lake, Lake Louise, Long Lake, Timber Lake, Ketchum Lake, Palmer Lake, Lake Minterwood; just to name a few). This requirement needs to be refined to allow lake water bodies that are 100% developed to change treatment areas on an as needed basis or Ecology needs to establish a schedule that allows such changes to occur within the cycle of the permit. Native noxious weed problems are not isolated to specific lake areas and cannot be “instructed” to not migrate throughout a system. Problematic native weed growth occurs lake-wide. This requirement provides no safety or recreational benefit to residents that reside outside of

the five year “treatment zone”. The requirement as written will establish unsafe swimming and recreational conditions directly adjacent to lake areas that may be used on a daily basis by families seeking the enjoyment of their lakefront property. The laws of Washington State provide for the safe use of lake waters for recreational purposes. This requirement appears to violate that requirement. NWAE requests that The Department of Ecology establish some type of “floating” treatment schedule that would provide all residents of a lake the opportunity to freely utilize their lakefront in a safe fashion and still adhere to the allowable percentage of treatment permitted on a yearly or biyearly basis.

Sincerely,

Douglas Dorling
Northwest Aquatic EcoSystems