

From: [Kim Patten](#)
To: [ECY RE Aquatic Permit Comments](#)
Subject: public comment on draft NPDES
Date: Tuesday, September 07, 2010 1:14:09 PM

- 1) Mitigation requirement for in-water treatment when there are endangered plants present. Permits states – use selective herbicide as mitigation: how does one know which herbicide is or isn't selective on these plants. That is not general knowledge a person is likely going to have or find out. Should include something about consulting an expert to assure selectivity of herbicide.
- 2) EUP section is good, but concern about this statement “Discharges for the sole purpose of research and development are not required to be covered under a DMP (S3.D.) but must follow all other permit requirements.” I am not sure what it means. I don't need an NPDES permit, but need to follow all other permits requirements. “All other permit requirements” can be taken to mean just about anything and leaves me open to a lawsuit. I would take a big risk making an application under a EUP unless the wording is tightened up better.
- 3) Is there any avenue where by a new chemical or surfactant can be added? Are we stuck with this for 5 years? I would like to see some wording to the effect of “ Additional herbicides or surfactant can be added to this permit without opening up the NPDES, under the following conditions- a) the current product don't work or result in too much risk and b) a more efficacious, safer herbicide is available. Efficacy and risk assessment data must be submit to DOEetc. I just don't want the state locked into using something that doesn't work very well and presents a risk, when a better alternative is available but can't be used because it is not on “the list”. We need a avenue to address this problem. New herbicides are being registered all the time and there could be something we really need to use but can't or are too afraid to try to open up the permit process.
- 4) The permits refers to the WDFW timing table. Is this table open for review? What is its authority? I only briefly looked at the table and found some concerns. Here are tow example:
 - a) Black Lake Pacific county – says there are treatment timing concerns related to large mouth bass “**Consider waiting annually until after July 1 (to avoid impacts to large mouth bass)**”. Do we even know how many, if any, large mouth bass are in the lake? What impacts – the herbicide impact or the fact that weed control is occurring? I know the wording says “consider”. But what if WDFW decides to change that wording. As it is now – that statement won't work for Black lake because of other issue. B)

Duck	trumpeter swan	July 1 - December 31; Otherwise, consult with WDFW Region 6 office at 360-249-4628.
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waiting Ditto about treatments affecting Swams problems with the table that has me concerned. Two numerous concerns with the table been reviewed by outside needs to go through a scientific