



October 15, 2010

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

RE: Draft Aquatic Plant and Algae Management National Pollutant Discharge Elimination System State Waste Discharge General Permit

Dear Ms. Hamel:

RISE (Responsible Industry for a Sound Environment)<sup>®</sup>, on behalf of its member companies, is submitting comments on the Draft Aquatic Plant and Algae Management National Pollutant Discharge Elimination System State Waste Discharge General Permit, which was issued by the Washington Department of Ecology on September 1, 2010. We request the agency give careful consideration to our comments.

### **Statement of Interest**

RISE is a national not-for-profit trade association representing more than 200 producers and suppliers of specialty pesticide and fertilizer products to both the professional and consumer markets. Established in 1991, RISE serves as an industry advocate and provides current and accurate information on issues and research affecting the specialty pesticide and fertilizer industries. RISE member companies manufacture more than 90 percent of domestically produced aquatic pesticides used in the United States, including aquatic herbicides, algacides, insecticides and mosquito control products. RISE members and their customers are impacted by any changes to the Aquatic Plant and Algae Management National Pollutant Discharge Elimination System State Waste Discharge General Permit (Permit) in the state of Washington.

## **Specific Comments on the DRAFT General Permit**

In the DRAFT General Permit on page 7 under 2.a.ii.(1) it limits treatments to 10 feet on either side of a dock or no more than 20 feet wide per lot for individual treatments. The areas around or near a dock are high riparian usage areas and aquatic treatments should be allowed to ensure protection of public health and safety.

The reality and science of such aquatic applications makes the limitation placed on treatment to 10 feet on either side of a dock for an individual treatment artificial and arbitrary. Applicators must tailor the treatment to specific conditions.

On page 9 under C. **Activities That May Not Need Coverage Under This Permit** it lists nos. 1 through 5. The wording, “may not require coverage” is ambiguous and open to interpretation. If an applicator treats a stormwater retention pond or a farm pond multiple times in a year without a permit; and the next year, DOE tells the applicator he needs a permit to treat the same stormwater retention pond or farm pond. What event triggered the requirement for permit coverage? Applicators must have clarity and consistency in the regulatory requirements, so they can comply.

In the DRAFT General Permit on pages 14 through 18 under S4. **THE APPLICATION OF PRODUCTS B. Authorized Discharges** the Washington Department of Ecology provides a specific list of chemicals authorized for use in state waters.

We do not support inclusion of the list. Including a specific list of pesticide active ingredients, adjuvants and other chemicals approved for use in the General Permit is problematic as the General Permit would have to be revised via rulemaking to add new active ingredients, adjuvants and other chemicals to the list.

NPDES General Permits are typically reviewed and revised every five years. Aquatic applicators in the state of Washington should not have to wait five years to use new pesticides or adjuvant products while the General Permit goes through the rulemaking process. The very nature of invasive aquatic plants required applicators to have ready access to the most current pesticide technologies. A lengthy rulemaking process will severely restrict applicator’s options.

We suggest removing the list from the General Permit and providing a web link to the approved list of active ingredients, adjuvants and other chemicals approved for use in Washington maintained on the department’s Website. This would give aquatic applicators in the state faster access to new products because the approved list could be amended by the Department of Ecology at any time.

We fully support Washington State aquatic applicator's having access to all U.S. EPA registered aquatic herbicides and algaecides. In particular, those formulations containing copper, as an active ingredient. . U.S. EPA completed Copper's reregistration Aug. 9, 2006. As part of its Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)-required review, EPA considered new data about the human health and environmental effects of copper to ensure products containing copper meet the most current scientific standards. New amendments were added to EPA's registration process for copper May 26, 2009, based upon public comments. Label revisions in accordance with EPA's review are currently in process by all registrants. However, aquatic use sites and dosage rates for copper products remain unchanged, these products are needed to treat some species of algae.

If you have any questions concerning our comments please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "James M. Skillen". The signature is written in a cursive style with a large initial "J" and "S".

James M. Skillen  
Director of Science and Regulatory Affairs  
(202) 872-3845