

October 15, 2010

To: Washington Department of Ecology

From: David King for Seattle Yacht Club

Re: Comments on Draft NPDES Permit for Aquatic Plant and Algae Management General Permit

S1. PERMIT COVERAGE. A.2.a. ii Aquatic Nuisance Plant Control (1). Limitation of chemical application to ten feet on either side of a dock is too restrictive. A marina must have the ability to treat all fairways between piers plus avenues of access to the marina.

S3. DISCHARGE LIMITS. D. Discharge Management Plan. Any requirement that a sponsor prepare a Discharge Management Plan should be conditional upon inclusion of such a requirement in the EPA national permit. Complying with such a requirement will be expensive and burdensome for both sponsors and the Department and should be avoided if possible.

S4. APPLICATION OF PRODUCTS. D. General Application Restrictions. 4. The rights and duties of any sponsor pursuant to the terms of the permit must be fixed at the time of permit issuance. It is not appropriate to incorporate by reference a second document the terms of which are subject to change during the term of the permit. The fact that NPDES permits are for a term certain makes this argument all the more compelling because the changes in the WDFW rules will become applicable to a permit holder when and if a new permit is issued. This has the additional benefit of phasing in new rules and gives the sponsor and applicator important certainties regarding treatment rights, duties, and costs.