

October 2010
AQUATIC PLANT AND ALGAE MANAGEMENT NPDES GENERAL PERMIT
Comments on Draft NPDES

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S2. APPLICATION FOR COVERAGE

B. How to Apply for Coverage

Pg 10/11 How are disputes regarding Sponsor authority resolved? For example: If a well established (for over 50 yr's) incorporated voluntary Property Owners Association contacts all property owners (members & non members) within the affected community and if a majority of those responding favor treatment, would that constitute legal authority for treatment? What is the minimum requirement?

B2a.. The sponsor's signatory must certify to Ecology in the NOI that he or she has the authority to administer the treatment. The sponsor must also certify that he or she either represents an entity that has the legal authority to administer common areas of the water body or locations within the water body for the purposes of aquatic plant and algae management or that the sponsor intends to form such a legal entity.

Note.....

B2b.. Sponsors continuing coverage from the previous permit that do not currently represent a legal entity that has the authority to administer common areas of the water body or locations within the water body for the purposes of aquatic plant and algae management have three years from the date of permit reissuance to form a legal entity for these purposes. After that time, Ecology may terminate permit coverage.

Note... Sponsor defined on pg 48 as "A private or public entity or a private individual with a vested or financial interest in the treatment. Typically the sponsor contracts with a licensed applicator to apply pesticides for aquatic plant or algae management. A sponsor is an individual or an entity that has the legal authority to administer common areas of the water body or locations within the water body for the purposes of aquatic plant and algae management. Legal entities with this authority include Lake Management Districts formed under chapter 36.61 RCW, Special Purpose Districts formed under Title 57 RCW, Homeowners Associations formed under chapter 64.38 RCW, and groups operating under the provisions of chapter 90.24 RCW. There may be other entities with the legal authority to manage common areas in public or private water bodies. For treatment on individual lots, the sponsor must have the legal authority to contract for aquatic plant and algae management within the lot boundaries.

S3. DISCHARGE LIMITS

Pg 13...A Discharge Management Plan will now be required for both new & renewed NPDES Permits. A portion (para VI) of the proposed DMP template requires Applicator and Sponsor to develop "action thresholds" (i.e. density etc) that determine types of treatment to be applied but provides no guidance as how to develop them or minimum/maximum standards to be applied. It seems that the Permittee and Sponsor are being set up for failure.

D.1. New applicants and Permittees that renewed their coverage under the previous Aquatic Plant and Algae Management Permit must develop a Discharge Management Plan (DMP) for each coverage using the template in the NOI.

S4. THE APPLICATION OF PRODUCTS

D. General Application Restrictions

Pg 18...Does requirement for temporary water source apply to only full time residents or all (including part time/weekenders etc) property owners? Would jugs/bottles of drinking water fulfill requirement? Would temporary hose from neighbor's well fulfill requirement? Who's responsibility to identify those drinking water from the lake.....i.e. Permittee/Sponsor or user? Does Permittee/Sponsor have final say as to what is provided if "user" is "unreasonable" (i.e. weekender demanding water truck etc)? It appears a single property owner could use this requirement to stop treatment by demanding "unreasonable" temporary water.

D.2.. When there are potable water restrictions on the label, the Permittee must not apply any chemical until it has notified people who withdraw drinking water from the water body. If requested by the affected water user(s), the Permittee must provide an alternative drinking water supply until the intake water tests at or below the concentration specified for that chemical in Table 3, or until the time period specified in Table 3 for that chemical has elapsed. If there is no drinking water restriction listed in Table 3, the Permittee must follow all label conditions for potable water supply. If requested by a water user, the Permittee must provide advance notice of pending treatments on a time schedule agreed to by all parties.

D.5.. The Permittee must follow the specific restrictions and advisories identified in Tables 3 and 4. Recreational restrictions/advisories apply to swimming, boating, water skiing, etc. Swimming restrictions/advisories apply to primary contact activities such as swimming, wading, and water skiing. Drinking water restrictions apply to residents drinking lake water as their sole source of potable water or where they hold a water right for potable water.

S5. NOTIFICATION, INSPECTION, AND POSTING REQUIREMENTS

E. Shoreline Posting Requirements

Pg 26... Does this mean that if area treated is more than 400ft away (i.e. opposite shoreline or other end of lake etc, excluding boat launch/public access areas), there is no requirement to post notice on that shoreline?

2.a... The Permittee must post signs at each private residence or business property that is within 400 feet of a treated area.

Note... "Treated area" is defined (on Pg 49) as "The area where pesticide is applied and the concentration of the pesticide is sufficient to cause the intended effect on aquatic plants or algae."

**Recommended Fish and Wildlife Treatment Windows for Ecology's Aquatic
Plant and Algae Management Permit**

Source: Washington State Department of Fish and Wildlife, April 2010

Draft Date: April 20, 2010

My comment:

Timing window for Haven Lake is July 16 -Sept 30 where as other lakes in Mason County with similar fish listed are July 15 - Dec 31..... Why?

Example:

Mason Lake - July 15 - December 31

Coho; fall chum; Kokanee; rainbow trout; resident cutthroat; summer chum; winter steelhead

Haven Lake - July 16- September 30

Coho; resident cutthroat; winter steelhead