

Draft Aquatic Plant and Algae Management General Permit Webinar will begin soon

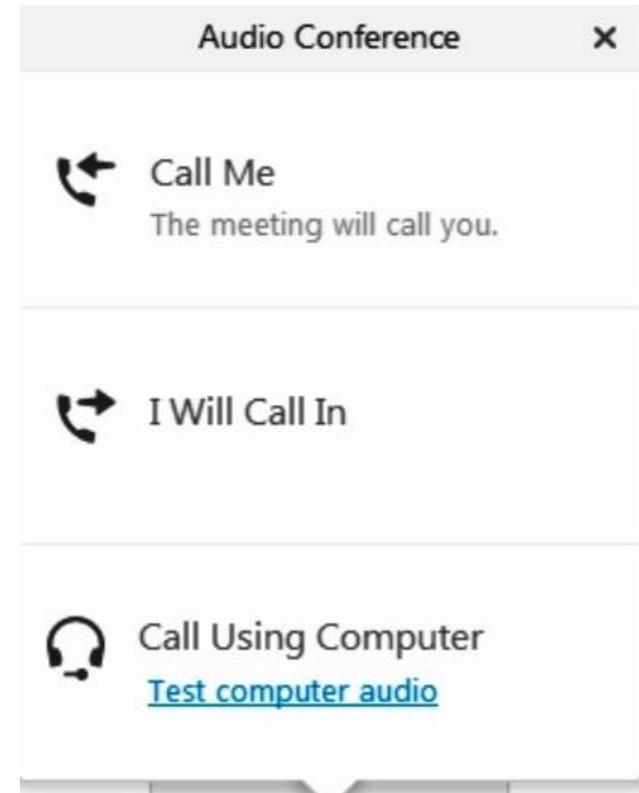
Connecting to Audio: 3 Options

Phone (best sound quality)

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 - Enter your phone number
 - You will be called
2. Or select “I Will Call In” and dial the number provided

Computer microphone and speakers

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Webinar Instructions for Presentation and Public Hearing

- **You should be able to hear us now!**
- **This meeting/webinar is being recorded**
- During **Presentation**, your phone will be muted by Ecology



Workshop: Draft Aquatic Plant and Algae Management General Permit

Nathan Lubliner

Aquatic Plant Specialist, Water Quality Program





Permit Development

NPDES Permits Balance Competing Beneficial Uses.

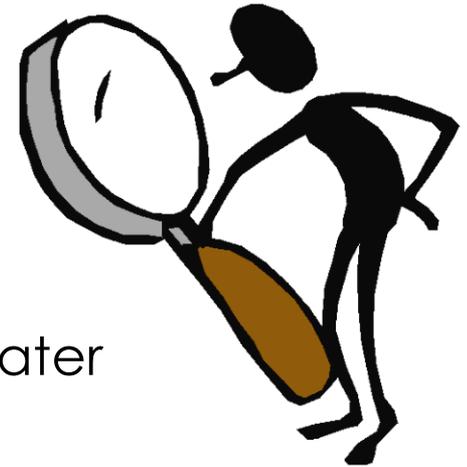


- Salmonids spawning, rearing and migration,
- Recreation, navigation, boating and aesthetics,
- Wildlife Habitat
- Commerce and harvesting
- All beneficial uses are equal



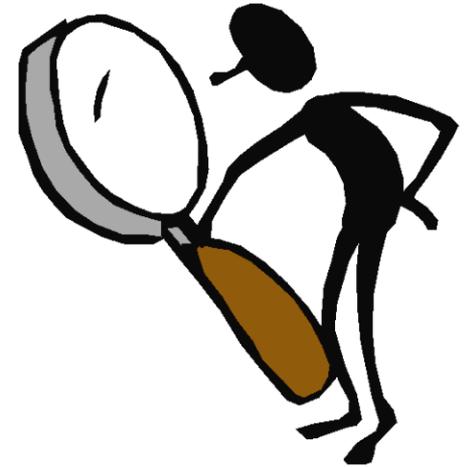
Why is Ecology Revising and Proposing to Reissue This Permit?

- Aquatic noxious weeds, native nuisance plants, toxic algae and filamentous green algae can impact the beneficial uses of a waterbody.
 - Habitat
 - Aquatic Life
 - Recreation: swimming, boating, fishing and water skiing.



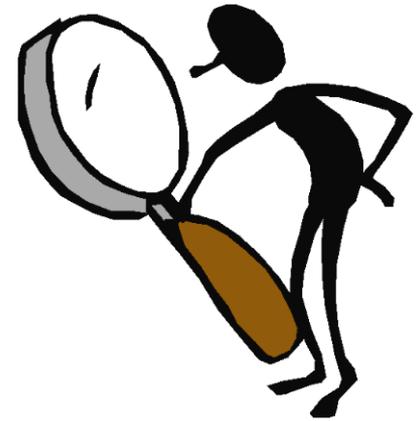
Why is Ecology Revising and Proposing to Reissue This Permit?

- NPDES permits are issued for a duration of five years.
- Revisions allow Ecology to update and clarify permit conditions.



Purpose of this Permit

- A National Pollutant Discharge Elimination System (NPDES) permit is required to discharge chemicals to waters of the state.
- This permit covers herbicides, algicides and phosphorous inactivation product discharges for aquatic plant and algae management in waters of the State.





Permit Conditions

Permit Conditions

MITIGATE IMPACTS FROM DISCHARGE



Special Condition S1. Permit Coverage

herbicides, algaecides, adjuvants, marker dyes, shading products, biological water clarifiers, and phosphorous inactivation products



Use of aquatic herbicides, by [K90](#) under [CC-BY-SA-3.0](#)



Special Condition S1. Permit Coverage

- Areas Excluded from needing permit coverage.
- Geographic Area Covered
 - This permit does not apply to:
 - Federal Lands
 - Tribal Lands



Special Condition S1. Permit Coverage

Aquatic Noxious Weed Control

- 100% of class A, designated class B and selected C listed noxious weeds.
- 100 % of any submersed noxious weeds using a selective herbicide.
- 100 % of any emergent or floating-leaved noxious weeds.



Roadside and ditch bank plant control

- State and local agencies may intentionally apply herbicides to 100 % of the plants within the right of way and on levees and dikes.
- Private lots may treat 100% of noxious weeds and 40% of native nuisance plants.



Special Condition S1. Permit Coverage

Aquatic Nuisance Plant Control

- 25 feet on either side of a dock or no more than an area 50 feet wide extending 50 feet from shore per lot for individual treatments.
- 40 percent of emergent shoreline plants on individual lots.



Special Condition S1. Permit Coverage

Aquatic Nuisance Plant Control

- Water bodies up to 15 acres: treat up to 75 percent of the littoral zone.
- Water bodies over 15 acres and up to 50 acres: treat up to 60 percent of the littoral zone.
- Water bodies over 50 acres and up to 500 acres: treat up to 50 percent of the littoral zone.
- Water bodies over 500 acres: treat up to 30 percent of the littoral zone.



Special Condition S1. Permit Coverage

Algae Control & Phosphorous Inactivation

100% of the water body may be treated with algaecide when toxic algae is present.

Treatments of filamentous algae must follow littoral zone limitations for native nuisance plant control.

The Permittee may intentionally apply approved phosphorous inactivation products to the entire water body or sections of the water body.



Special Condition S1. Permit Coverage

- Changes
 - Removed Eradication section
 - Exclusions do not apply to Oregon Spotted Frog Critical Habitat
 - 100% of plants may be removed on levees and dikes



Special Condition S2. Application for Coverage

- Who may obtain coverage
 - Licensed applicators with aquatic endorsement
 - Separate coverage for each waterbody
 - Each coverage requires a sponsor
 - Waterbodies with multiple sponsors or coverages.
 - Applicators must obtain separate permit coverage for each sponsor or location within the waterbody



Special Condition S2. Application for Coverage

- Dischargers are not required to be licensed pesticide applicator to apply phosphorous inactivation chemicals
- State and Local Governments
 - One permit coverage for all waterbodies under their jurisdiction
 - Government entities are considered sponsors



Special Condition S2. Application for Coverage

- How to apply for coverage
 - Notice of Intent (NOI)
 - Public Notice
 - Newspaper
 - Affected Waterfront residents
 - DNR and Muckleshoot Tribe (WRIA 7,8,9)



Special Condition S2. Application for Coverage

- Permit Coverage Timeline
- How to Modify Permit Coverage
- How to Transfer Permit Coverage
- How to Terminate Permit Coverage

Paper by [Jonathan Joseph Bondhus](#) Licensed under [CC-BY-SA-3.0](#)



Special Condition S2. Application for Coverage

- Changes
 - NOI sent to DNR & Muckleshoot
 - No DMP and SEPA checklist
 - Parts of DMP captured in NOI
 - Permit relies on programmatic SEPA determination

Williams Lake, Photo by Ecology



Special Condition S3. Discharge Limits

- Compliance with standards
- Temporary Exceedance of Water Quality Standards
- Application Requirements
 - Licensed Pesticide Applicator with Aquatic Endorsement
 - Comply with FIFRA Label



Special Condition S3. Discharge Limits

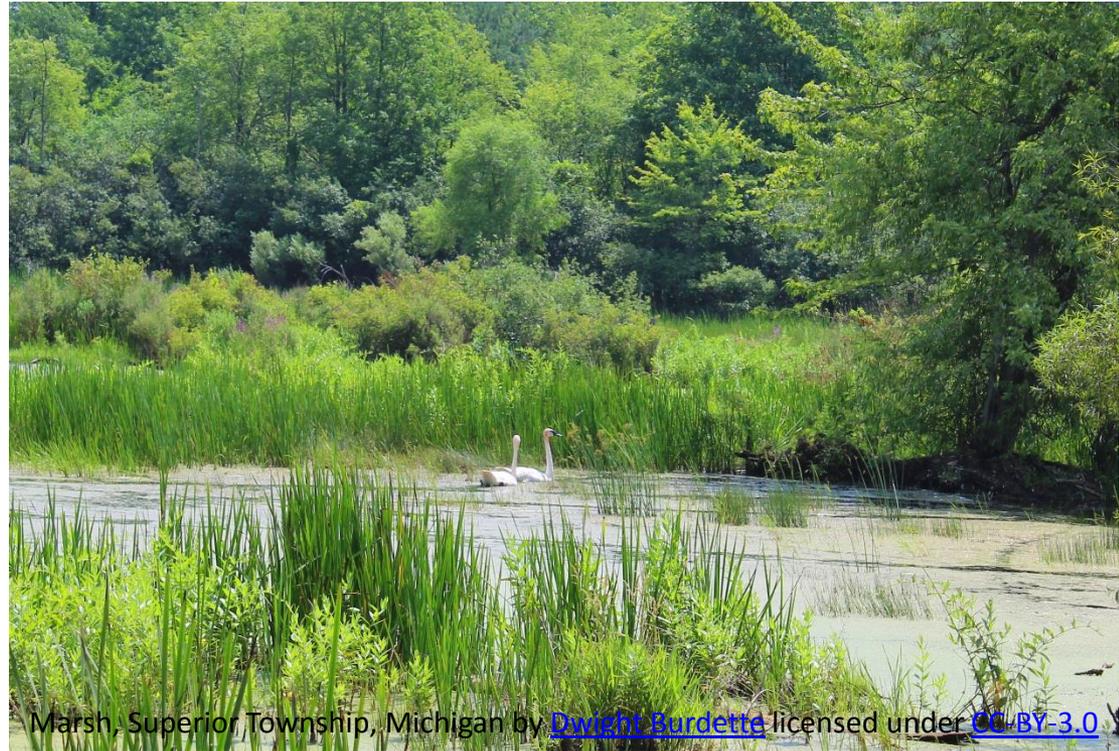
- Impaired Waterbodies
 - Oxygen
 - Phosphorous
 - Mitigation

Williams Lake, Photo by Ecology



Special Condition S3. Discharge Limits

- Identified Wetlands
- Rare Plants



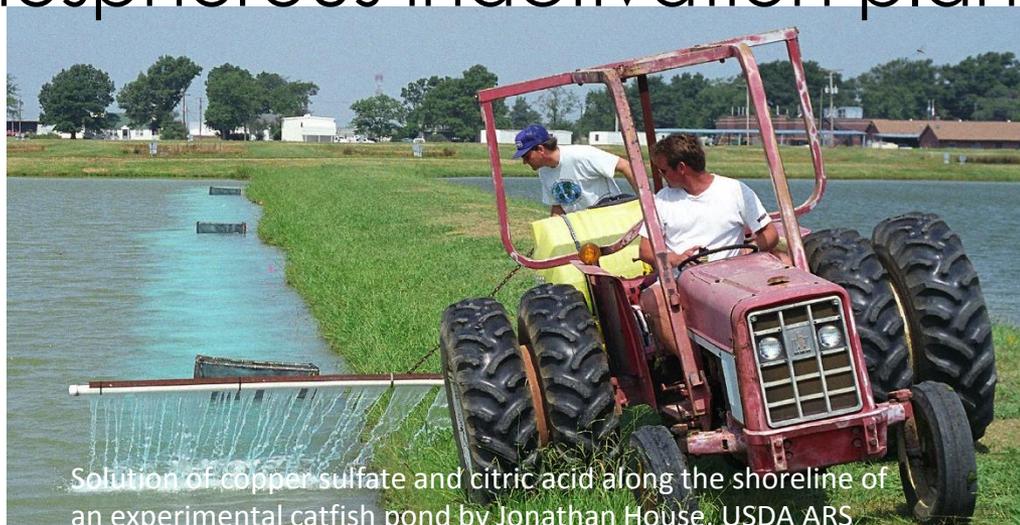
Special Condition S4. Application of Products

- Authorized discharges
 - adjuvants listed in Table 2
 - active ingredients listed in Table 3
 - phosphorous inactivation products and approved buffering agents listed in Table 4
 - dyes and water clarification products (including bacterial products) are listed in Table 5



Special Condition S4. Application of Products

- Experimental Use
 - Active Ingredients
 - Phosphorous Inactivation Products
 - experimental phosphorous inactivation plan



Solution of copper sulfate and citric acid along the shoreline of an experimental catfish pond by Jonathan House, USDA ARS



Special Condition S4. Application of Products

- General Application Restrictions
 - High use weekends
 - Potable water rights
 - Irrigation and livestock watering rights
 - Fish Hatcheries
 - WDFW Timing Windows
 - Specific restrictions and advisories identified



Special Condition S4. Application of Products

- Changes
 - Updated Adjuvant List
 - Experimental Phosphorous Inactivation Plan
 - Requested Update to WDFW Timing Windows to Include Oregon Spotted Frog Critical Habitat



Special Condition S5. Notification, Inspection, and Posting Requirements

- Ecology Inspection Coordination Requirements
- Ecology Notification Requirements
 - Pre and Post Treatment
 - Adverse Incident or Spill

Williams Lake, Photo by Ecology



Special Condition S5. Notification, Inspection, and Posting Requirements

- Business and Residential Notification
 - All waterfront residences and businesses within one-quarter mile
 - 10-42 days prior to treatment
 - Provide notice to Ecology, DNR, Muckleshoot Tribe (WRIA 7,8,9,)

Williams Lake, Photo by Ecology



Special Condition S5. Notification, Inspection, and Posting Requirements

- Shoreline Recreational Facilities
 - within 400 feet of a facility's swimming area or recreational area
 - 10 -42 days prior to treatment
- Shoreline Posting
 - Within 48 hrs.
 - Privately or Publicly-Owned Shoreline
 - Public Access Areas
 - Public Pathways
 - Roadside/Ditch Bank



Special Condition S5. Notification, Inspection, and Posting Requirements

- Changes
 - B&R notice to DNR and Muckleshoot Tribe (WRIA 7,8,9)
 - Ecology Notice goes to single email (apampreposttreat@ecy.wa.gov)
 - Shoreline Recreational Facilities
 - Public Access Posting map identifies start/end location or gps polygon



Special Condition S6. Monitoring Requirements

- Contact herbicides used in water bodies listed for dissolved oxygen
 - dissolved oxygen levels pre- and post-treatment
- Aluminum sulfate or sodium aluminate (alum)
 - pH before, during and after treatment
- Calcium hydroxide/oxide or calcium carbonate treatment
 - pH before, during and after treatment



Special Condition S7. Reporting and Recordkeeping

- Annual Treatment/Monitoring Reports
 - December 31 Annually
 - Water body name, chemicals used, amount of active ingredient applied, acreage treated, monitoring results, and the plant species targeted.



Special Condition S7. Reporting and Recordkeeping

- Records Retention
- Recording of Results
- Noncompliance Notification



Special Condition S8. Spill Prevention and Control

- Spill Prevention
- Spill Notification Requirements
- Spill Cleanup Requirements



Oil Clean-Up after Valdez Spill by NOAA



Special Condition S9. Mitigation for Protection of Sensitive, Threatened, or Endangered Plants

- Survey Requirements
 - performed by a botanist
 - survey when plants are present
 - cover 100% of suitable habitat
 - survey frequency
 - submit the survey data to Ecology thirty days before treatment



Special Condition S9. Mitigation for Protection of Sensitive, Threatened, or Endangered Plants

- Mitigation
 - When a rare plant is not found
 - lowest effective concentration of herbicide
 - use a selective herbicide



Elodea nuttallii in a gravel pit by [Christian Fischer](#)
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Special Condition S9. Mitigation for Protection of Sensitive, Threatened, or Endangered Plants

- Mitigation
 - When a rare plant is found apply buffer and select mitigation choices
 - Submersed, floating, or floating-leaved plants (100-foot buffer for contact herbicides)
 - Emergent plants (10 feet from the rare plant)



Special Condition S10.

Appendices

- Appendix A - Definitions
- Appendix B – Ecology Notification Template (Pre and Post Treatment)



Special Condition S10. Appendices

- Changes
 - Public Notice Template in NOI
 - Business and Residential Notice Template on Webpage
 - Shoreline Posting Template on Webpage



Williams Lake, Photo by Ecology



General Conditions

- Ecology bases the General Conditions on state and federal law and regulations.



[Myriophyllum aquaticum](#) by [Harry Rose](#) licensed under [CC-BY-2.0](#), cropped.



How to Comment

- Ecology will accept written and oral comments on the draft Aquatic Plant and Algae Management General Permit, Fact Sheet and SEPA determination.
- Comments should reference specific permit conditions or sections of text when possible.
- Ecology prefers comments be submitted using the comment form on the permit webpage.
http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/aquatic_plants/aquatic_plant_permit_index.html.



How to Comment

- Ecology must receive written comments via email, comment form or postmarked no later than 5 pm on December 18, 2015.
- Submit email comments to:
nathan.lubliner@ecy.wa.gov
- Submit written, hard copy comments to:
Nathan Lubliner
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600



Reissuance Timing

Ecology proposes to reissue the permit
Spring of 2016.



Variable Leaf Milfoil, Blue Lake by Ecology



Comment Period ends at 5 PM December 18th, 2015.

Aquatic Plant and Algae Management General Permit Website:

http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/aquatic_plants/aquatic_plant_permit_index.html



Questions and Discussion

Nathan Lubliner

360-407-6563

nathan.lubliner@ecy.wa.gov



Public Hearing Session

Webinar Participants: To provide a public comment, click the “Raise Hand” button located at the bottom of the Participants tab and wait to be called on