



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
WATER AND
WATERSHEDS

July 17, 2015

Mr. Nathan Lubliner
Washington State Department of Ecology
PO Box 47696
Olympia, WA 98504-7696

(via email to: nathan.lubliner@ecy.wa.gov)

Re: U.S. Environmental Protection Agency Comments
Draft National Pollutant Discharge Elimination System (NPDES) Permit and Fact Sheet
Fisheries Resources Management General Permit

Dear Ms. Lubliner:

The U.S. Environmental Protection Agency reviewed the above-referenced draft permit pursuant to the NPDES Memorandum of Agreement between the Washington Department of Ecology and United States Environmental Protection Agency Region 10 (MOA) and the EPA's obligation to oversee implementation of the NPDES programs by delegated states. The EPA reviewed the draft permit for consistency with the Clean Water Act and NPDES implementing regulations and with the Department of Ecology's (Ecology) regulations and permit writing guidance. The EPA provided the following comments on the draft permit.

Permit, Page 3, S1.

The permit states, "WDFW may cooperate with state, county governments...to conduct fisheries management projects." The nature in which WDFW will cooperate is unclear. Please clarify in the permit or in response if cooperate means "under the direct supervision" of WDFW in applying rotenone or if cooperate means working with other entities on other project related activities that do not include direct handling of rotenone.

Permit, Pages 6-10, S5.

The permit states, "[t]he Permittee must use the shoreline posting templates provided on the Fisheries Resource Management General Permit website." The permit provides the link to this website in the text

(http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/fish/fish_index.html).

The EPA recommends the signage be reviewed, evaluated, and if needed, redesigned to ensure signs are understandable by the public including children. Signage should consider not just language options, but also symbols that depict the hazards and communicate the risks of swimming or fishing in treated waters, for example, symbols for "no swimming," "no drinking," and "no fishing" should be included on the template.

Permit, Page 20, S10.

Under A.2 of this section, the permit states, "[w]hen application requirements differ from the label, the permittee must comply with the more restrictive of the two requirements. The permit should make it very clear, that the label and SOP requirements (referenced in subsection B. of

this section) must always be followed and that all conditions of the permit are in addition to the label and SOP requirements. Additionally, it would helpful under subsection B. to provide an active URL address for access to the SOP [<http://www.fisheriessociety.org/rotenone/rot.pdf>].

Please contact me at (206) 553-1755 or by email at lidgard.michael@epa.gov if you have any questions about this letter or related matters, or you may contact Karen Burgess, of my staff, at (206) 553-1644 or by email burgess.karen@epa.gov.

Sincerely,



Michael J. Lidgard, Manager
NPDES Permits Unit