State of
Washington
House of
Representatives

DEPARTMENT OF ECOLOGY

MAR 04 2010

WATER QUALITY PROGRAM

March 1, 2010

Mr. Jon Jennings
Mosquito Control Permit Comments
Washington State Department of Ecology
Water Quality Program
P.O. Box 47600
Olympia, WA 98504

RE: Aquatic Mosquito Control General Permit – Draft Permit

Dear Mr. Jennings:

Over the past several days, we have received several email messages from citizens and Mosquito Control Districts related to the draft permit for Aquatic Mosquito Control. As I'm sure you're aware, there are many people concerned with draft permit and the potential impacts associated with it.

Several of us met with representatives of the Department of Ecology and received an email from Ms. Kelly Susewind discussing misconceptions people have with the draft permit. We also received the criteria used for determining when it is permissible to spray for mosquito vector control from Mr. Bill Moore. It should be noted, we understand the findings from the federal court decision and the limitations presented under the current permit. While we appreciate receiving the information from Mr. Moore and Ms. Susewind, it does not resolve several of the concerns associated with the draft permit.

The two main issues we have concerns with are related to the definition of "surface water" being used by the department and the clear distinction made in the draft permit between nuisance and vector mosquitoes. Based on our conversation with representatives from the department, the draft rule defines surface water as Waters of the State, which is synonymous with Waters of the United States. This is particularly troubling given the current movement in Congress to expand the definition of Waters of the US to include virtually all surface water bodies. We do not agree with, nor support the use of this definition and suggest the department utilize a definition which prohibits discharge to navigable water bodies.

We are deeply concerned with the clear distinction the department has made between nuisance and vector mosquitoes in the draft rule. Based on the information we received from Mr. Moore with regard to the mosquito vector control criteria, it appears the spraying could only occur ***after*** a clear and present public health danger is present. In other words, the draft permit only allows reactive mosquito control and not proactive mosquito control.

One of the very basic functions of government is protecting public health and public safety; unfortunately, we believe the draft permit limits that protection because it would prohibit proactive control of nuisance mosquitoes before a public health emergency is present.

We ask the department to reconsider the provisions of the draft permit to allow control of both nuisance and vector mosquitoes as long as the application of adulticide is consistent with label

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instructions. We believe this approach is in the best interest of the public and consistent with similar rules established for other types of spraying.

We would also request the Department of Ecology extend the public comment period an additional 30 days and hold additional public hearings in Spokane, Okanogan, Yakima, Chelan, Clark, and Whatcom Counties in order to provide the public ample opportunity to participate in the public review process. We have serious doubts that the single public hearing scheduled for Moses Lake is adequate to allow wide-spread public participation.

We thank you for considering our concerns.

Sincerely,

Rep. Jim McCune
2nd Legislative District

Rep. Matt Shea
4th Legislative District

Rep. Jay Rodne
5th Legislative District

Rep. Kevin Parker
6th Legislative District

Rep. Joel Kretz
7th Legislative District

Rep. Shelly Short
7th Legislative District

Rep. Larry Haler
8th Legislative District

Rep. Brad Klippert
8th Legislative District

Rep. Joe Schmick
9th Legislative District

Rep. Susan Fagan
9th Legislative District

Rep. Norma Smith
10th Legislative District

Rep. Bill Hinkle
13th Legislative District

Rep. Judy Warnick
13th Legislative District

Rep. Charles Ross
14th Legislative District

Rep. Norm Johnson
14th Legislative District

Rep. Bruce Chandler
15th Legislative District

Rep. David Taylor
15th Legislative District

Rep. Ed Orcutt
18th Legislative District

Jaime Herrera
Rep. Jaime Herrera
18th Legislative District

Barbara Baker
10th Legislative Dist.

CC: Governor Christine Gregoire
Ted Sturdevant, Director of Department of Ecology

State of
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DEPARTMENT OF ECOLOGY
MAR 22 2010
WATER QUALITY PROGRAM

March 16, 2010

Mr. Jon Jennings
Mosquito Control Permit Comments
Washington State Department of Ecology
Water Quality Program
P.O. Box 47600
Olympia, WA 98504

RE: Aquatic Mosquito Control General Permit – Draft Permit

Dear Mr. Jennings:

On February 25, 2010 we sent you a letter expressing our concerns with the Department's draft permit for Aquatic Mosquito Control. We also asked the Department to extend the public comment period 30 days and hold additional public hearings in Spokane, Okanogan, Yakima, Chelan, Clark, and Whatcom Counties in order to provide the public amble opportunity to participate in the public review process. To date, the Department has not provided a response to our letter.

To reiterate our previous letter, we remain concerned with the definition of "surface water" being used by the department and the clear distinction made in the draft permit between nuisance and vector mosquitoes. The Department's use of Waters of the State to define surface waters is unacceptable. The use is particularly troubling given the current movement in Congress to expand the definition of Waters of the US to include virtually all surface waterbodies. Again, we do not agree with, nor support the use of this definition and suggest the department utilize a definition which prohibits discharge to navigable waterbodies.

We remain deeply concerned that the Department's clear distinction between nuisance and vector mosquitoes in the draft rule. Based on the draft rule, it appears spraying could only occur ***after*** a clear and present public health danger is present. In other words, the draft permit only allows reactive mosquito control and not proactive mosquito control.

According to an article in the Yakima Herald Republic, some Mosquito Control Districts test for West Nile "virus in mosquitoes usually once a week and it takes at least 28 hours to set traps, collect them, test the samples in a lab, and determine the results." At the height of mosquito season, a 28 hour delay in controlling vector mosquitoes could cause significant public health concerns.

We renew our request for the department to revise the draft permit to allow control of both nuisance and vector mosquitoes as long as the application of adulticide is consistent with label instructions. We would also renew our request the Department of Ecology extend the public comment period 30 days and hold additional public hearings in Spokane, Okanogan, Yakima, Chelan, Clark, and Whatcom Counties in order to provide the public amble opportunity to participate in the public review process.

We thank you for considering our concerns and look forward to receiving your response.

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DEPARTMENT OF ECOLOGY
MAR 2 2 2010
WATER QUALITY PROGRAM

Sincerely,

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CC: Governor Christine Gregoire
Ted Sturdevant, Director of Department of Ecology