

MAR 14 2010

WATER QUALITY PROGRAM

**FRANKLIN COUNTY
MOSQUITO CONTROL DISTRICT**



2601 N. Capitol Ave.
Pasco, Washington 99301
(509) 545-4083
Fax (509) 545-4839

**Aquatic Mosquito Control National Pollutant Discharge Elimination
System State Waste Discharge General Permit Draft Comment
February 3, 2010**

Mr. John Jennings
Washington State Department of Ecology
Water Quality Program
P.O. Box 47600
Olympia, WA. 98504

Dear Mr. Jennings;

Page 5, S1. B Activities that may not need coverage under this permit.

“MAY NOT NEED” should be replaced with “ARE EXCLUDED FROM”.

Page 6, S2. C Complete and sign a SEPA checklist for the proposed activity.

As a District we do not have the information or resources available to us to answer a number of these proposed questions, nor do we see their relevance to mosquito control in many of the questions.

Page 10, S4. D e State or local authorities declare a public health emergency related to mosquito-borne disease.

There is currently disagreement between local and state Departments of Health on whether or not a Local Health Jurisdiction Officer has the authority and/or responsibility to make this emergency declaration.

The word “emergency” needs to be changed to “threat” or “alert”.

Remember mosquito control districts must be proactive not reactive.

Page 10, S5. A Nuisance Mosquito Control Adulticides and their residues used for nuisance mosquito control must not be discharged to the waters of the state.

Along with a number of the State of Washington House of Representatives, Mosquito Control Districts, NWMVCA, AMCA, ect. we agree “Waters of the state” should be changed by definition to prohibit discharge to navigable water bodies.

A proactive control of all mosquitoes is essential to the public health, quality of life, recreation, economic and agricultural needs of our District and its residents.

CA 385

Under RCW 17.28.160; Power of district, "A mosquito control district organized under this chapter may:

- 1) Take all necessary or proper steps for the extermination of mosquitoes.
- 2) Subject to the paramount control of the county or city in which they exist, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes."

RCW 17.28.160 1) shows the legislature's intent that mosquito control districts may implement and utilize its own vector control guidance.

Please explain how Department of Ecology can change the intent of a legislative approved RCW.

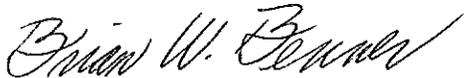
Page 10, S5 B 3 A Permittee that is an organized mosquito control district (chapter 17.28 RCW) may use adulticides to control vector mosquitoes provided it: conducts mosquito surveillance, mosquito disease testing, monitors other disease indicators (such as dead birds, equine disease cases, or human health cases) and follows available DOH vector control guidance (e.g. the West Nile Outbreak Response Plan where the trigger for adulticiding is Alert Level 3)

Level 3 requires sustained virus in a population of mosquitoes. FCMCD cannot wait to determine if the virus is sustained, when virus is detected in the mosquito population after completion of source reduction and mosquito larvaciding the next step in our IPM plan in the use of adulticiding. We must be proactive not reactive to insure that mosquito adulticiding is not need on a wide scale measures. Mosquitoes can and do fly and will spread disease through out the District if not dealt with proactively.

Page 11, S6 A Public Notice: Is DOE going to waive this requirement for this year due to the permits issuance coming in July 2010. Mosquito control is already underway in our District.

Page 12, S6 A 3 Public Notice: Water use restrictions, currently only applies to Malathion, temephos and paraffinic white mineral oil. These materials labels have restrictions on where they can be used. It is a violation of federal law to apply any material inconsistent with the label. Why would a reacquiring public notice be required for these materials?

Brian W. Benner, Director



David A. Dorsett, Assistant Director



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**Aquatic Mosquito Control National Pollutant Discharge Elimination System
State Waste Discharge Fact Sheet Draft Comment**

Mr. John Jennings
Washington State Department of Ecology
Water Quality Program
P.O. Box 47600
Olympia, WA. 98504

Dear Mr. Jennings;

Page 2, Paragraph 2,

Who in the mosquito control profession where in the advisory group when this draft was put together? Being that this is a permit specifically for mosquito control activities mosquito control professionals should have been present to assist you in writing this permit.

Page 2, Paragraph 5,

What deposition and risk assessments studies were used in determining risk and deposition of mosquito control materials?

Page 6, Paragraph 3,

Who in the mosquito control profession where in the advisory group when this draft was put together? Being that this is a permit specifically for mosquito control activities mosquito control professionals should have been present to assist you in writing this permit.

Page 9, Paragraph 8,

“A pesticide applied to the water according to state law is a form of pollution.” At what level of pesticide is it considered pollution? Please clarify.

Page 11, Paragraph 7,

Mosquito eggs that deposit on soil can last for years not months.

Page 13, Paragraph 1,

The comparison between Influenza and mosquito-borne disease has nothing to do with each other. It seems that this has been put in to the fact sheet to down play the importance of

mosquito control and the risk of mosquito-borne illness. This should be removed in its entirety.

Page 13, Paragraph 3,

We find it hard to believe that Ecology found no statistic for allergies to mosquito bites.

Page 13, Paragraph 5,

“Public agencies accomplish mosquito control in two ways, by using larvicides and adulticides....”

Mosquito Control Districts accomplish mosquito control in a number of ways, through public education, source reduction, larvicides, and adulticides.

Page 14, Paragraph 3,

“Anecdotal evidence suggests that water rights (use it or lose it) also plays a significant role in this issue on the Eastern side of Washington.”

While this is true, Ecology is tying the mosquito control districts hands in trying to control mosquito created by this policy. (Waters of the State) This issue needs to be reviewed and corrected to use only what is needed when it is needed.

Page 14, Paragraph 4,

“IPM includes the use of pesticides but only after mosquito population monitoring indicates a need.”

We not only use mosquito population monitoring and we must also respond to our residents requests for control of mosquito populations, which is also a verifiable source.

Page 14, Paragraph 6,

Habitat modification is not being managed on Federal, State, private, and private federally funded wetlands. These wetlands are overgrown with dead vegetation that does not allow for mosquito control materials to enter the water to preemptively control mosquito larva before they become flying/biting adults. Since this is the case, our only alternative is to use adulticides around these waters of the state.

Page 15, Paragraph 2,

Effective control greatly hinges on the accessibility of a breeding site. Due to overgrown dead vegetation this method is futile in many cases.

Page 15, Paragraph 4,

“Mosquito control activities can be important to the public health, and responsibility for carrying out these programs rest with the state and local governments, health departments, and vector or mosquito control districts.”

Mosquito control activities ARE important to the public health...

Page 18, Paragraph 3,

“Oils are petroleum or mineral based and are typically used as a product of **last resort** for the control of mosquito pupae, since this stage does not feed but does require oxygen.”

Oils should not be only used as a last resort, but as an IPM tool for controlling mosquito pupae as well as larva when necessary, and used as directed by law. (the label)

Page 20, Paragraph 5,

“The permit authorizes the incidental discharge of several adulticide active ingredients when an entity is working to control vector mosquitoes. Discharges are not allowed for nuisance mosquito applications.”

Why is it alright for incidental discharge to control vector mosquito but not alright for incidental discharge to control nuisance mosquitoes and what is the difference between the two?

Page 24, Paragraph 3,

Is Ecology attempting to set zero risk through the Numerical water quality criteria? There is no such thing as zero risk.

Page 25, Paragraph 4,

“Tier II ensures that discharges do not degrade waters of a higher quality than the criteria assigned unless such lowering of water quality is necessary and in the overriding public interest.”

It is in the public’s interest to be able to go outside and not be bitten by mosquitoes and to not hinder the quality of life and the economy in our area with nuisance mosquitoes.

Page 28, Paragraph 4,

“(for vector mosquito control)”

Needs to be for nuisance mosquito control as well as vector mosquito control.

Page 29, Paragraph 4,

Waters of the State need to be changed to navigable waters of the state.

Page 31, Paragraph 5,

If Ecology has determined that adulticiding for vector mosquitoes do not have a reasonable potential to violate water quality standards then when is it trying to put limitations on spraying for nuisance mosquitoes? Both are sprayed in the same way.

Page 32, Paragraph 2,

“Ecology does not currently have the resources to review risk assessments outside of the permit development process.”

If Ecology does not have the resources to review risk assessments, instead of not allowing a product take the EPA findings and follow them?

Page 33, Paragraph 1 &2,

Ecology is making assumptions without the basis of scientific evidence saying that there **May or Could** have certain effects on the environment. This seems very unreasonable and that Ecology is overreaching and overreacting. In addition to this you have not taken into account the decades of mosquito control work done without harmful effects on the environment that has been proven through history and experience.

Page 34, Paragraph 1 &2,

Why does Washington State Department of Ecology need separate risk assessments from the EPA?

Page 34, Paragraph 3,

Mosquito control districts are not quasi-governmental agencies; we are actually special purpose districts setup under 17.28 RCW.

Page 35, Paragraph 5,

In Ecology’s attempt to balance human health and environmental health, which has Ecology’s top priority?

Page 36, Paragraph 6,

Adulticiding for vector mosquitoes should occur prior to human health being threatened not after. It is necessary to be proactive not reactive to ensure the safety of the public.

Page 38, Paragraph 4,

“Permit modification” For this permit to work for all parties involved we feel that it is pertinent for mosquito control districts to be involved along with all other stake holders in the actual writing of a permit.

Brian W. Benner, Director



David A. Dorsett, Assistant Director

