

Morgan, Laurie (ECY)

From: Tom Davis [tdavis@wsfb.com]
Sent: Monday, March 19, 2012 3:44 PM
To: Morgan, Laurie (ECY)
Subject: Washington Farm Bureau comments on draft Irrigation System Aquatic Weed Control NPDES General Permit
Attachments: WFB Comments on DOE's new draft irrigation system aquatic weed control NPDES 3-19-12.pdf

Laurie

Please find attached comments from Washington Farm Bureau President Mike LaPlant concerning the draft Irrigation System Aquatic Weed Control NPDES General Permit. If you have any problems opening the attached file, please let me know.

Sincerely,

Tom Davis

Associate Director of Government Relations



975 Carpenter Rd NE, Suite 301, Lacey, WA 98516

Cell: 360.359.1250

Office: 360.528.2910



975 Carpenter Rd NE, Suite 301, Lacey, WA 98516

March 19, 2012

Melissa Gildersleeve, Manager
Watershed Management Section
Water Quality Program
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504

RE: New Draft Irrigation System Aquatic Weed Control NPDES General Permit

Ms. Gildersleeve,

Thank you for the opportunity to comment on the proposed renewal of the Irrigation System Aquatic Weed Control NPDES and State Waste Discharge General Permit.

We support the renewal of this permit since it allows for maintenance of irrigation systems in our state. However, the one major concern we have with the draft aquatics pesticide permit centers on the long-term availability of acrolein under the permit. In S5.B7 of the draft permit it states: "Ecology will not allow the use of acrolein after the expiration of this permit unless the permittee can demonstrate that the use of acrolein, in consultation with Ecology, is necessary for the feasible control of aquatic vegetation to meet irrigation demand and to protect public safety."

This language is problematic for several reasons. First, it sends a strong signal that Ecology intends to phase out acrolein in five years unless the districts can demonstrate the need for acrolein to deliver water or protect public safety. It appears that Ecology is choosing to use a precautionary approach to ban the use of this pesticide rather than making an informed decision based clearly upon available, peer reviewed scientific evidence.

Second, this approach places the onus squarely on the irrigation districts to prove that acrolein "is necessary for the feasible control of aquatic vegetation to meet irrigation demand and to protect public safety." We believe the responsibility should be on Ecology, and not the irrigation districts, to clearly show why acrolein should no longer be used.

Third, we oppose the inclusion of the protection of public safety as one of the demonstrable proofs associated with proving acrolein is needed for "feasible control." Public safety is not a required, demonstrable proof for any other pesticide proposed for use under either the existing or the proposed permit. The purpose of the permit is to allow irrigation districts to control the plant and algae growth in systems that are largely off limits to the public.

In addition, the responsibility should be on Ecology to prove existing label restrictions for the product are not adequate to protect public health, if that is indeed what has been concluded. We believe the public safety language should be removed.

Finally, we appreciate that endothall and fluridone will be available under this new permit, but we do not believe that this permit should signal that acrolein usage will not be allowed after this proposed permit expires.

In conclusion, we believe that S5.B7 should be rewritten as follows:

During the period of this permit, permittees must make reasonable efforts to reduce the use of acrolein in favor of more environmentally sensitive chemicals as demonstrated in the permittees' discharge monitoring reports. ~~Ecology will not allow the use of acrolein after the expiration of this permit unless the permittee can demonstrate that the use of acrolein, in consultation with Ecology, is necessary for the feasible control of aquatic vegetation to meet irrigation demand and to protect public safety.~~

Sincerely

A handwritten signature in black ink, appearing to read "Mike LaPlant". The signature is written in a cursive, flowing style.

Mike LaPlant, President
Washington Farm Bureau