

Irrigation District Aquatic Pesticide Permit

Permit Advisory Committee Meeting
January 10, 2005 -- Ellensburg

Permit Timeline

Jan. 10, 2006

1st Permit Advisory
Committee Meeting

Spring 2006

Permit Advisory Committee
reviews drafts of permit

Oct. – Nov. 2006

Public hearings on draft
permit

January 2007

Issue final permit

Permit Advisory Committee

Invited Members:

- Permit holders (irrigation districts)
- State and federal agencies
- Tribes
- Environmental organizations
- Other potential stakeholders

Permit Advisory Committee

Role of the Permit Advisory Committee:

- Give advice to Ecology
- Share information and concerns
- Edit and comment on documents

Permit Advisory Committee

Role of the Department of Ecology:

- Write permit
- Permit must follow state laws and regulations

Permit Advisory Committee

Ground Rules:

- Written comments (e-mail or hardcopy)
- The public comment period is the official comment period
- Respectful of others

Water Quality Permitting

Washington State requires permits for discharges to:

- Surface Waters
- Ground Waters
- Municipal Treatment Plants

Water Quality Permitting

Permits are primarily based on the following:

- RCW 90.48 (state law)
- WAC 173-226 (state regulation)
- Permit Writers' Manual (Ecology policy)

Water Quality Permitting

Permits are either:

- Individual Permits or
- General Permits

Water Quality Permitting

All administrative decisions which affect a permittee can be appealed.

- Informal appeals to Ecology
- Administrative appeals to the Pollution Control Hearing Board (PCHB)
- Judicial appeals to state or federal court

Water Quality Permitting

Effluent Limits:

- Technology Based
- Water Quality Based

Water Quality Permitting

Effluent Limits:

1. Technology Based

All known, available and reasonable methods of prevention, control, and treatment (AKART)

Water Quality Permitting

Effluent Limits (con't):

2. Water Quality Based

Must meet Water Quality Standards including: concentration of toxics must be below levels which may cause harm to aquatic life or public health

Water Quality Permitting

- Permits must specify monitoring requirements
- Permits include a fact sheet & other documentation
- Reporting usually through a Discharge Monitoring Report (DMR)
- Permits must go through a formal public process

Major Permit Topics Needing Review

1. Federal vs. State Permit

Current Permit:

- Based on both Federal NPDES and state authority

Proposed Permit Change:

- New permit based only on state authority

1. Federal vs. State Permit (con't)

Background:

- NPDES permit has more 3rd Party lawsuit provisions
 - Sue for not having a NPDES permit
 - Sue for not following a NPDES permit

2. Compliance Points

Current Permit Requirements:

- Sample where treated water flows to “natural waters”

Possible Changes:

- Still being reviewed

3. Sampling Protocols

Current Permit Requirements:

- 3 samples at each compliance point (1 before, 1 during, & 1 after the slug)
- Reduced monitoring as approved by Ecology

3. Sampling Protocols (con't)

Possible Changes:

- 2(?) samples per treatment, both designed to find peak
- More detail in permit for reduced monitoring

4. Clarification around “no spill” situations

- There are 3 different situations (see handout)

4. Clarification around “no spill” situations (con’t)

Current Permit:

- The current permit did not foresee some unique circumstances

Proposed Permit Change:

- More explicit, but the same requirements

5. Pesticides Covered in Permit

Current Permit:

- 3 pesticides: (copper, acrolein, & xylene)

Possible Changes:

- Add fluridone & green clean (& others?)
- Add a placeholder for future pesticides

6. Discharge Limits

Current Permit Requirements:

- Acrolein: 21 ug/L
- Copper: 25 ug/L
- Xylene: 10 mg/L

6. Discharge Limits (con't)

Possible Permit Changes:

Still being reviewed.

- Evaluation based on EPA analyses
- Ecology also considers other factors such as protection of threatened and endangered species

7. Reporting

Current Permit Requirements:

- Weekly Notifications
- Monthly DMRs
- Annual Report
- Other annual and once-per-permit reports

7. Reporting (con't)

Possible Changes:

- Some reports not needed (option 1, compliance schedule, etc.)
- Make reporting easier (web-based reporting, templates, etc.)

8. Non-compliance Notification

Current Permit Requirement:

- Doesn't fit with this permit

Possible Change:

- Eliminate follow-up sampling
- Explicitly require a report explaining how the problem will be fixed

Questions and Comments:

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