

# Aquatic Pesticide Permits

## A Review and Update

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# Agenda

- Permits
- Major Mods & Comment 101
- Irrigation System Permit Update
- Questions

# Permits

- Ecology issues Permits in Washington

*Exceptions:*

- *Tribal land*
- *Federal projects on federal land*

- **Permit:** License from Ecology conditionally authorizing the use of waters of the state as a place to discharge waste materials

- Implements state and federal clean water laws
  - Federal Clean Water Act (Title 33 USC Chp. 26)
  - Water Pollution Control Act (RCW 90.48)



# Permits Authorize Discharges

Discharges are conditionally authorized to protect all beneficial uses

Must not cause or contribute to a violation of water quality standards



# Balancing Beneficial Uses

Permits balance beneficial uses of waterbodies

Aquatic Life

Harvesting (e.g. shellfish)

Recreation

Boating

Water Supply

Aesthetics

Wildlife

Commerce & Navigation



All uses considered equally



# Who Needs a Permit?



The person who is in charge of the day-to-day operations that cause a discharge

The local entity that is sponsoring a project



# Federal Lands



Federal agencies working on federal land, and Tribal Land must be covered by EPA's permit

State entities working on federal land may be covered by Ecology permit, unless funded by federal agency





**Aquatic Plant  
&  
Algae  
Management  
Permit  
(APAM)**



**Aquatic  
Noxious  
Weed  
Management  
Permit  
(NOX)**



**Irrigation  
System  
Weed Control  
Permit**



# APAM

In-water, floating plant, emergent use of aquatic:

- Herbicides
- Algaecides
- Adjuvants
- Nutrient inactivation products
- Dyes
- Shading products
- Water clarification products

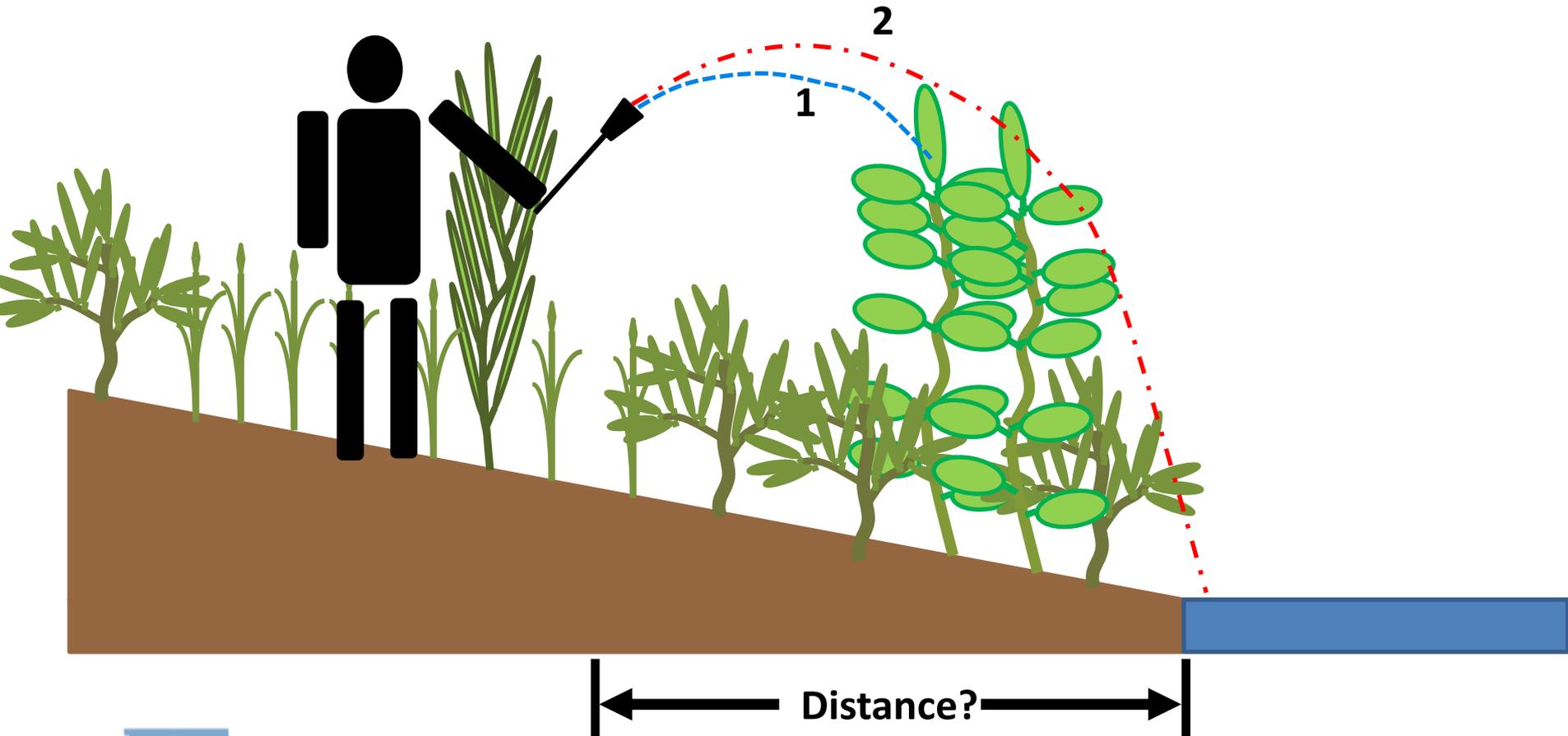


# NOX



Indirect discharge occurs from overspray or dripping from treated plants.

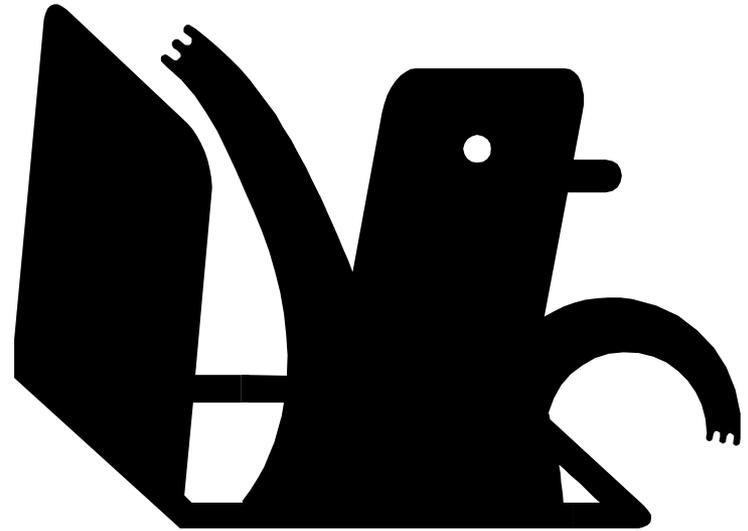
# Distance?



# Pitfalls

Talk to other water body users before treating. Permits do not confer property rights.

Work out problems . . .  
ahead of time.



# Permit Mods

## Major Modification of APAM and NOX Permits

### Add new active ingredients/products

- Aminopyralid (e.g. Milestone)
- Florpyrauxifen-benzyl (e.g. ProcellaCOR)
- Topramazone (e.g. Oasis)
- Sodium Carbonate Peroxyacetic Acid (Green Clean Pro 2.0/5.0)
- Lanthanum-modified Bentonite Clay (e.g. Phoslock)
- Powdered Iron



# Comment Periods

Permits are a balancing act

Drafts are Ecology's best attempt at balancing competing uses

The opportunity to tell Ecology:

- What you think needs to be changed
- Why you think it needs to be changed



# What is a Good Comment?

I don't like this

I don't like this . . . And here's why

Permit condition is not workable  
because. . .



# Submitting Comments

**Comment Period:** Nov. 7 to Dec 21, 2018

**Submit Online:**

<http://ws.ecology.commentinput.com/?id=7Y5ip>

**US Mail:**

WA Dept. of Ecology  
Water Quality Program  
Attn: Stacey Callaway  
PO Box 47696  
Olympia, WA 98504-7696



# Annual Reports

Due December 31!

If you have a permit, you must submit an annual report . . .  
Even if you did not perform treatments



# Irrigation Systems

Reissuance and EIS  
Development in process



# Possible Changes

More tools – add additional active ingredients and WSDA-registered adjuvants

Simplified reporting requirements

Improve public notification requirements (include website and listserv notifications).



# Current Timeline

## **Summer 2019**

- Release the formal draft to the public
- Hold public hearings

## **Fall 2019**

- Respond to comments
- Issue the final Irrigation General Permit



# Questions and Discussion

## APAM, NOX, Other Aquatic Pesticide Use

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## Irrigation System Permit

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