



Supplemental Environmental Impact Statement Assessments of Aquatic Herbicides

Appendix A Ecology's Water Quality Modification Process, Sample Application Form and Permit



July 2000
Publication Number 00-10-041



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Prepared by:
 Washington State Department of Ecology
 Water Quality Program

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If you have special accommodation needs or require this document in an alternative format, please call Donna Lynch at (360) 407-7529. The TDD number is (306) 407-6006. E-mail can be sent to dlyn461@ecy.wa.gov.

Appendix A: Overview of Ecology's Water Quality Modification (permitting) Process

Whenever Water Quality Standards (WAC 173-201A) will be or are likely to be violated, the pesticide applicator is required to apply for a short-term modification (a permit) with a permit application form supplied by Ecology. The application must be made at least ninety (90) days prior to the proposed activity and after the project proponent has complied with the requirements of SEPA (WAC 173-201A-110(1)(b)). Permit applications containing whole lake or watershed plans should be submitted one hundred and twenty (120) days before the proposed activity. Permits are usually only valid for one treatment season and may contain conditions regarding notification, posting, the timing of the herbicide application, reporting and monitoring. For site-specific aquatic herbicide use, a permit is required for all waterbodies except those that are one acre or less, on private property, with no outflow. The waterbody specific permit will identify which pesticides may be used, any timing and area restrictions necessary to protect specific resources and special use restrictions that may be necessary.

Once an application is received, a check is made as to its completeness and when this requirement is satisfied the process for issuing a waterbody-specific permit begins.

- Copies of the application are forwarded for review and comment to other interested entities (WSDA, WDFW, DNR, tribes, local governments, other Ecology offices and programs, and interest groups), initiating a ten to twenty-one day comment period.
- Ecology checks to insure the pesticide applicant is licensed by the WSDA.
- Ecology checks whether the proposed treatment method is consistent with 1) EPA label requirements, 2) WSDA Pesticide Laws and Rules and registration requirements, 3) SEPA guidance found in the appropriate Environmental Impact Statement, and 4) Compliance with WQS for the protection of beneficial uses
- Ecology also checks whether the local jurisdiction has established special permit requirements for aquatic pesticides as part of a local Shoreline Master Plan under the Shorelines Management Act (Chapter 90.58 RCW).

Ecology is increasingly combining risk assessment information acquired through EIS development with requirements for protecting characteristic uses under the WQS. This combined approach utilizes SEPA review as a way of involving affected communities in identifying acceptable trade-offs between beneficial uses based on known risks, and incorporating nutrient and sediment source control as a part of a balanced plan to protect and maintain beneficial uses (Saunders 1992). Site-specific aquatic plant management plans prepared by affected communities or Lake Management Districts are also recognized in the permit decision-making process.

Ecology will continue to circulate permit applications to all interested parties for review and comment, as well as design permit conditions to protect human health, the environment, and beneficial uses (see Alternative 3, Current Practices). As part of this process, Ecology will prioritize the order in which permits for control of aquatic plants are processed based on the seriousness of an aquatic plant problem in a particular aquatic system. Given the current resource limitations, permittees may use this priority system before requirements for waterbody planning are implemented. Permits would be processed in the following order:

1. Noxious and invasive weed removal proposals that have a plan,
2. Noxious and invasive weed removal proposals that do not have a plan, but will be required to have one for future weed removal proposals,
3. Native plant removal proposals will be processed if they have a plan,

4. Algae control proposals will be processed if they have a nutrient management plan, and
5. Native and algae control proposals that do not include plans will have the lowest permitting priority and be the last processes.

Application forms for site-specific permits for the use of herbicides can be obtained from the nearest Ecology Regional Office.

Ecology Regional Contacts

Northwest Regional Office (Bellevue)

(206) 649-7000

Southwest Regional Office (Olympia)

(360) 407-6300

Central Regional Office (Yakima)

(509) 575-2490

Eastern Regional Office (Spokane)

(509) 456-2926

Other Agency Contacts The Department of Agriculture registers pesticides (including herbicides) for use in Washington State, regulates the application of these substances, and may issue permits allowing experimental use of pesticides. Additionally, the Department of Agriculture provides and administers funds for the control of noxious plant species.

Before applying any aquatic herbicide, applicators must obtain a pesticide applicator license and an aquatics endorsement through the Department of Agriculture (WSDA), Pesticide Management Division, Program Development (<http://www.wa.gov/agr/contact.htm#t7>).

Western Washington WSDA

Pesticide Licensing and Recertification (360) 902-2020

Eastern Washington WSDA

Pesticide Licensing and Recertification (509) 575-2496

Several other agencies make decisions related to aquatic plant management. The Department of Health may issue a health advisory after determining that levels of algae or bacteria in a water body pose a threat to human health. The State Noxious Weed Board designates certain plant species as noxious, reviews grant proposals for control of noxious weeds, and makes recommendations to the Department of Agriculture about funding those projects.



AQUATIC PEST MANAGEMENT PERMIT APPLICATION

(for Aquatic Weed/Algae Treatment)
**For short-term modification to state water quality standards
Under WAC 173-201A**

For Departmental Use Only:

WRIA _____

Basin _____

Instructions:

- ◆ Read the attached instruction sheet before completing this form.
- ◆ Incomplete and/or inaccurate applications will be returned for corrections.
- ◆ If more space is needed to answer any questions, please attach a separate sheet and number the answers.

Complete all of the items in this application and return to:

1. Name of Project Sponsor(s)*: _____

Organization: _____

Address: _____

Phone No. _____

Email Address _____

Fax No. _____

** Use additional pages if more than one sponsor.*

2. Name of Applicant: _____

Organization: _____

Address: _____

Phone No. _____

Email Address _____

Fax No. _____

3. Name of Applicator: _____

Organization : _____

Address: _____

Phone No. _____

Email Address _____

Fax No. _____

Washington State Pesticide License No.: _____

Pesticide License Expiration Date: _____

Date of End of Recertification Period: _____

Does the Applicator Have an Aquatic Endorsement? Yes No

WATER BODY INFORMATION:

4. a. Name of waterbody to be treated: _____

Please attach a legible detailed and accurate map of the waterbody that provides information to questions 9.a, 10, 18.a, and 19.b,d,e and f.

Check the category that applies:

Map Checklist

- Drainage Ditch
- Estuary
- Golf Course Pond
- Irrigation Canal
- Lake
- Pond Under 5 Acres
- Reservoir
- River
- Stormwater Pond
- Stream
- Wetland
- Other _____

- Locations and names of inlets and outlets (9.a)
- Locations of withdrawals (10)
- Locations(s) of treatment(s) with each sponsor's name (18.a)
- Locations of public and private boat launches (19.b)
- Locations of properties where requesters have asked that no treatments occur (19.d)
- Locations of adjacent and downstream wetlands (19.e)
- Swimming areas and neighborhood access areas (19.f)

b. What is the purpose of your project? _____

c. How does this proposal protect the public health, safety, wildlife, aquatic and/or wetlands resources?

5. Location:

a. City: _____ Within city limits? Yes No

b. County: _____

c. Section(s) _____ Township _____ Range _____

d. Water Resource Inventory Area (WRIA): _____ (see WRIA map attached to instructions)

6. Is the water body on the EPA 303d Listing for: Copper - Yes No ;
Phosphorus - Yes No ; Pesticides - Yes No (See 303(d) listing attached to instructions)

7. Is the waterbody a part of a designated critical habitat of a species listed under the Endangered Species Act or is the waterbody in an Evolutionary Significant Unit (ESU) of a species listed under the Endangered Species Act? Yes No

If yes, what species? _____
Name the ESU: _____ (see attached list)

8. Size of the water body to be treated in acres or square feet _____;
Mean depth _____; Maximum depth _____

9. a. Describe or name inlet(s) and outlet(s) to the water body. (Indicate flow direction on map -see question 4.a)

b. What are the expected flow levels of the inlets and outlets (approximate cubic feet per second) during treatment(s) and 30 days after treatment(s)? _____

c. Can the outlet be blocked? Yes No

d. If no, describe the downstream impacts and how they will be dealt with. _____

10. Are there any domestic, potable, or irrigation withdrawals from the water body? Yes No (If you do not know, contact the Ecology regional Water Resources Program and/or local government with jurisdiction for information.) If yes, please show the location(s) on the map (see question 4.a).

11. Is the treatment area of the waterbody managed by a local jurisdiction? Yes No

If yes, please identify: _____

Does this jurisdiction restrict the use of aquatic pesticides through a local ordinance?

Yes No

12. Is there a Lake Management District or a special district responsible for the management of the water body named in this application? Yes No

If yes, please include name and address of district, a contact, and telephone number.

Name: _____

Address of District: _____

Contact: _____

Telephone No.: _____

13. Is there an integrated aquatic plant management plan for this water body? Yes No

If yes, explain how this proposal is consistent with this plan? _____

Please provide the name of the plan, date prepared and cite the plan section that applies: _____

DETAILS OF TREATMENTS:

14. When (approximate dates) do you propose to treat? _____

If you plan to treat the same area more than one time, please provide justification for the additional treatments and approximate dates. _____

15. What chemical(s) are you proposing to use? Indicate below, include the amount, the pest type, the EPA ID Number, and the adjuvant if one is necessary.

<i>Chemical</i>	<i>Adjuvant</i>	<i>Concentration (ppm)</i>	<i>Amount (Gallons)</i>	<i>Plant Name</i>	<i>EPA ID No.</i>
Glyphosate (Rodeo [®])					
Endothal (Aquathol [®])					
Fluridone (Sonar [®])					
Copper compounds					
Other _____					

16. Are there any label restrictions for recreation or domestic, potable or irrigation withdrawals from the waterbody? Yes No

If yes, please describe how you will address or mitigate for the restrictions: _____

17. Describe application methods for each type of chemical proposed for use: _____

18. Is this a whole-lake treatment? Yes No

a. Describe and mark on the map (see question 4.a) the size and location(s) of the area(s) to be treated with each proposed chemical (size and location requested per each sponsor).

b. What percentage of the aquatic plants in the areas described will be treated?

19. Treatment area description:

a. State the front footage and how far out into the waterbody from the shoreline you intend to treat.

b. Mark on the map (see question 4.a), the treatment area and corresponding property lines that extend into the waterbody.

c. Is there potential for inadvertent treatment of adjacent properties? Yes No
What precautions will you take to not impact aquatic plants in those adjacent properties?

d. Has anyone requested that you not treat on or near his or her property? Yes No
If yes, mark locations on map (see question 4.a) and describe how you will address or mitigate for this request.

e. Is there potential for inadvertent damage to wetlands adjacent to or downstream from the treatment area? Yes No
If yes, what precautions will you take to protect the wetlands? (Please identify these wetlands on map - see question 4.a)

f. List and identify on map (see question 4.a) all public and private boat launches, swimming areas, and/or neighborhood access areas to the waterbody within 1.5 miles of the treatment area.

g. Describe types of uses (farms, homes, trails, parks, camps, clubs, marinas, etc.) of the water body within .5 mile along the shore of the treatment area. _____

h. Describe all recreational uses within the treatment area such as motorized water sports, fishing, and swimming on both public and private properties.

HISTORY, GENERAL INFORMATION:

20. Give a brief history at each treatment site of how plant or pest problems have interfered with necessary activities and public interests: _____

21. Previous treatments:

a. What non-chemical methods have been used at this site to control the pest(s) (i.e., handpulling, harvesting, divers, bottom screening, diver dredge, etc.)? _____

What were the conclusions or results? _____

b. Has this water body previously been treated with herbicides(s)/pesticides(s)?

Once? _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date _____
Annually? _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date Started _____
Somewhat regularly	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Number of times treated in past 5 years _____
Name of weed/pest _____			
Pesticide(s) used _____			
Whole lake treatment	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Spot treatment	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

What were the conclusions or results? _____

22. List any other governmental approvals or permits that will be needed for your proposal.

I certify that I have personally examined and am familiar with the information contained herein and I believe this information is true, accurate, and complete. (If there are multiple sponsors, all must sign and date the application.)

Applicant Signature	Company/Affiliation	Date
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Sponsor Signature	Affiliation	Date
--------------------------	--------------------	-------------

Sponsor Signature	Affiliation	Date
--------------------------	--------------------	-------------

Sponsor Signature	Affiliation	Date
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INSTRUCTION SHEET

AQUATIC PEST MANAGEMENT PERMIT APPLICATION FOR CHEMICAL TREATMENT OF AQUATIC WEEDS and ALGAE

Addresses of regional Ecology personnel to which the applications are to be submitted:**Southwest Regional Office**

Ecology Contact

Margaret Hill All Resource Management
Inc. applications
Kerry Carroll All Allied Aquatics
applications
Janet Boyd All other applications

Ecology Contact Name
Washington State Department of Ecology
Water Quality Program
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

Margaret Hill
(360) 407-0246
mhil461@ecy.wa.gov

Kerry Carroll
(360) 407-6294
kstr461@ecy.wa.gov

Janet Boyd
(360) 407-0245
jboy461@ecy.wa.gov

Central Regional Office

Ray Latham
Washington State Department of Ecology
Water Quality Program
15 West Yakima Ave. Suite 200
Yakima, WA 98902-3401
rlat461@ecy.wa.gov
(509) 575-2807

Eastern Regional Office

Nancy Weller
Washington State Department of Ecology
Water Quality Program
N. 4601 Monroe, Suite 100
Spokane, WA 99205-1295
nwel461@ecy.wa.gov
(509) 625-5194

Northwest Regional Office

Washington State Department of Ecology
Mary Kautz
Water Quality Program
Northwest Regional Office
3190 - 160th Ave. S.E
Bellevue, WA 98008-5452
(425) 649-7036
mkau461@ecy.wa.gov

INCORRECT OR INCOMPLETE APPLICATIONS WILL BE RETURNED FOR CORRECTIONS. A PERMIT WILL NOT BE ISSUED UNTIL CORRECTIONS AND/OR ADDITIONS ARE RECEIVED BY ECOLOGY IN WRITING.

Sponsors/applicants submitting applications for multiple water bodies may be required to submit separate applications for each water body. Consult with the Ecology regional contact for clarification on a case by case basis.

In WAC 197-11-060(3)(c), SEPA allows agencies to analyze "similar actions" in a single environmental document. Proposals are similar if, when viewed with other reasonably foreseeable actions, they have common aspects that provide a basis for evaluating their environmental consequences together, such as common timing, types of impacts, alternatives, or geography. See <http://www.wa.gov/ecology/cp/1724home.html>

Press the F11 key to step through the shaded entry fields

Question 1: Project Sponsor - The project sponsor is the individual who owns property on the target water body; OR an organization associated with the target water body; OR an individual, organization or government agency who is responsible for managing aquatic plants for the waterbody. There may be more than one project sponsor. Each site identified for treatment in this application must have a project sponsor. **Each project sponsor must be named and must sign the application before a permit will be issued.**

Question 2: Applicant – Fill in this question only if the applicant is different from the project sponsor. If the same, indicate by saying “Same as project sponsor”. The applicant is the individual or company who is making the application on behalf of the project sponsor.

Question 3: Applicator – The person who will be applying the pesticide. If you do not have this information when submitting the application, the application will be processed. **HOWEVER**, the applicator’s name and Washington State Aquatic Pesticide License number and recertification date **MUST** be provided to the Ecology contact person at least 21 days before the treatment is scheduled to begin.

Question 4.a: Generally, only one waterbody may be proposed for treatment in this application. Consult with the Ecology regional contact for clarification. Provide the common name of the waterbody if it has one, or enter “unnamed”, and check the category that applies. Provide a good, clear map that provides the information required for questions 9.a, 10, 18.a, 19.b, d, e, and f.

Question 4.b: Different aquatic plants, macroalgae and algae occupy different areas of the water body (near bottom, mid-depth, bottom to surface, emergent and floating.) What are the reasons for removing these different types of plants?

Question 4.c: Describe how this proposal protects each of the listed resources.

Question 5.a-d: Fill in the requested information. The WRIA number is on the attached WRIA map. Also see http://www.wa.gov/ecology/wq/303d/by_wrias.html for a general map and very detailed individual WRIA maps.

Question 6: The 303(d) List identifies waterbodies that do not meet water quality criteria for one or more parameters. Please check the attached list to see if your target waterbody is listed for the parameters of copper, phosphorous and/or pesticides. You can also find this list on the Internet at http://www.wa.gov/ecology/wq/303d/by_wrias.html . If your proposed treatment will increase the levels of copper, phosphorus or pesticides, you may have to use an alternative treatment or provide mitigation. In certain cases, Ecology may not be able to issue a permit.

Question 7: Information about ESA listings can be found in the attached list or on the Internet at <http://www.governor.wa.gov/esa/regions.htm> and <http://www.wa.gov/wdfw/wlm/diversty/soc/etsc9907.pdf> . If your proposed treatment will have an adverse impact on a listed species, you may have to use an alternative or restricted treatment. In certain cases, Ecology may not be able to issue a permit.

Question 8: Self-explanatory.

Question 9 a-d: Provide the requested information if applicable, and indicate on the map (see question 4.a) the location of the inlets and outlet(s). If the outlet cannot be blocked, and there will be outflow during treatment, indicate if there would be downstream impacts and how you would deal with them.

Question 10: Determine if there are any withdrawals from the waterbody, and show the locations on the map (see question 4.a). This includes all legal/registered and unregistered withdrawals. Also, this does not excuse sponsor(s)/applicator(s) of not notifying all other users of domestic, potable and irrigation water. Further information is requested in question 16.

Question 11: A local jurisdiction such as a special use district, lake management district, city or county may have ordinances that place special restrictions on the use of aquatic plant management tools. If there are restrictions, please identify them. Ecology either will not issue a permit if chemical treatments are not allowed, or the permit will be conditioned with the requirements of the local jurisdiction.

Question 12: Self-explanatory.

Question 13: Ecology recommends that Integrated Aquatic Plant Management Plans (IAPMPs) be developed and adopted especially for water bodies that undergo repeated chemical treatments. A copy of "A Citizens Guide for Developing Integrated Aquatic Vegetation Management Plans" can be obtained from Ecology or is available on the Internet at <http://www.wa.gov/ecology/wq/links/plants.html>.

Question 14: List your proposed treatment dates, and the number of treatments planned. The permit cannot be issued for longer than a one-year time period unless there is a long-term plan such as an IAPMP for the waterbody - see WAC 173-201A(110)(1)(c). The plan must be consistent with the Administrative Procedure Act (chapter 34.05 RCW) and be in compliance with SEPA, chapter 43.21 RCW in which case the permit can be issued for a duration of the plan, or for five years, whichever is less.

Question 15: Provide the requested information for each product you are planning to use for this treatment. Call the contact person if you have any questions.

Question 16: If there are label restrictions relevant to water withdrawals and there are water withdrawals on the water body, you will not be issued a permit until you provide a plan to address or mitigate the restrictions. The plan must be acceptable to Ecology, Washington State Departments of Agriculture and Health and the water users.

Question 17: Self-explanatory

Question 18: By definition, a project or combination of projects treating over 50 percent of the littoral zone (where the aquatic plants grow) is a whole-lake treatment.

Question 18.a: List on the application form and mark on the map (see question 4.a) all treatment sites and their corresponding sponsors.

Question 18.b: Note that except for whole-lake, noxious aquatic weed control, at least 25 percent of the native vegetation must be left in place.

Question 19.a - b: Self-explanatory.

Question 19.c: If yes, please describe the precautions you will take to prevent or reduce inadvertent impacts to aquatic plants on areas not included in the treatment area(s).

Question 19.d: Please provide the names and addresses of persons who have requested that no chemical treatment occur on or near their property - mark the locations of these properties on the map (question 4.a). Please explain how you will honor this request. The mitigation must be acceptable to the requestors.

Question 19.e: If there are wetlands that could be inadvertently impacted by your proposed treatment, please describe what precautions you will take to prevent this. Mark these wetlands on the map (question 4.a).

Question 19.f: List the requested boat launch access sites and indicate them on the map (question 4.a).

Question 19.g: Self-explanatory

Question 19.h: List all recreational uses of the treatment area. Indicate if there are any prohibited recreational uses.

Question 20: Self explanatory.

Questions 21.a - b: If you do not know if the water body has been chemically and/or non-chemically treated in the past, please check with the Ecology contact person.

Question 22: Self-explanatory.

Signatures: The application **must** be signed by the applicant and the project sponsor. If there is more than one project sponsor, each listed sponsor must sign the application or it will be returned as incomplete.

March 6, 2000

REGISTERED MAIL

Dear _____ :

Enclosed is Order No. _____. All questions and correspondence relating to this document should be directed to _____, Department of Ecology, xxxxxxxx Regional Office, P.O. Box xxxxxxxxxxxx. This Order is issued to control aquatic plants. If you wish to formally contest the Order, you must follow the procedures described in the Order on the last page.

Ecology and other agencies have commented on this application. These comments are enclosed.

Sincerely,

Region Manager
Water Quality Program

KM: _____ : _____ (enforce\herb)
Enclosure

cc: _____ ,
Leann Ryser, HQ Fiscal Office
_____, Ecology

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
)
 FOR TEMPORARY MODIFICATION OF THE STATE) ADMINISTRATIVE ORDER
 SURFACE WATER QUALITY STANDARDS FOR THE) NO. DE
 USE OF PESTICIDES TO CONTROL AQUATIC)
 PLANTS AND/OR ALGAE IN)

To:

, herein called the applicator, who will be conducting pesticide treatments on behalf of the applicant and/or sponsor. The applicant and/or sponsor submitted a request to the Department of Ecology (Ecology) for temporary modification of the state's Surface Water Quality Standards for the purpose of applying aquatic pesticides (includes herbicides and algicides).

Any application of pesticides to waters of the state shall comply with the conditions listed in this Administrative Order (Order).

Ecology retains continuing jurisdiction to make modifications through supplemental actions if it appears necessary to protect the public interest. This includes protection of public health, safety, livestock, wildlife, and aquatic and wetland resources.

This Order is issued under the provisions of Chapter 90.48 Revised Code of Washington (RCW) and Washington Administrative Code (WAC) 173-201A-110.

The applicator must have this order in his or her possession during the application of the pesticide. The applicator shall comply with the following conditions during the application of aquatic pesticides within the state. Exception: When the waterbody is less than one (1) acre in size, entirely on the land of the project sponsor, with no inlets or outlets, and without access to the public, the applicator shall be required to follow the General Conditions listed in this order.

SPECIFIC CONDITIONS:

S1. Names of waterbodies, acre(s), chemicals, and specific requirements including names of plants to be controlled under this Order are as follows:

	WATERBODY	COUNTY/CITY/ LOCATION	ACRE(S) APPROVED	TARGET PLANTS	CHEMICAL(S) APPROVED	SPECIFIC REQUIREMENTS
1						
2						
3						
4						
5						

S2. Timing Requirements:

1. A timing restriction is imposed limiting the application of any and all chemicals to the following period: Between _____, and _____, unless stated otherwise in Specific Conditions: S1.
2. Rodeo® applications shall correspond to the drawdown of _____ when smolting salmon are flushing into _____. Treatment shall occur between _____, and _____.
3. The application of copper shall be for a limited period beginning on _____, and be completed by _____.
4. A second timing restriction is imposed:

S3. Treatment Requirements:

1.
 - a. Not to exceed _____ acres for aquatic plant control.
 - b. Not to exceed _____ acres for _____ growth.
 - c. Not to exceed _____ acres for submerged plant growth.
 - d. Not to exceed _____ acres for emergent plant growth.
 - e. Not to exceed _____ acres for floating plant growth.
 - f. Not to exceed _____ acres for milfoil control.
 - g. Not to exceed _____ acres for pondweed control.
 - h. Not to exceed _____ acres for lily pad control.
 - i. Not to exceed _____ acres for brasenia control.
 - j. Not to exceed a total of _____ acres for _____ control.
 - k. Total shoreline treatment approved for algae.
 - l. Treatment approved for algae.
 - m. Spot Treatment approved for algae control.
2. Spot treatment for aquatic plants is permitted around the _____ described in the attached map.
3. The applicator shall contract with a botanist approved by Department of Natural Resources Natural Heritage Program to census the area in question to determine the presence of _____ and submit the contractor's report to this office of Ecology within two (2) weeks of planned treatment. Do not treat within four-hundred (400) feet of any rare plant that is identified.
4. Do not treat for submerged and floating aquatic plants in undeveloped shorelines including areas that do not have houses, developed swim beaches or developed boat launch accesses except for _____.
5. Do not treat within four-hundred (400) feet of the boundary of _____ swim beach.
6. At the request of the _____ Parks Department, DO NOT post public notice signs at the jurisdiction's swim beach. This is a modification of General Condition No. _____ described in this Order. The city's swim beach is closely monitored by _____.

trained lifeguards to assure that no swimmers leave the designated swimming area. At least forty-eight (48) hours prior to treatment contact , at Parks.

7. No treatment shall occur within the crosshatched areas outlined on the attached map.
8. a. Contiguously retain percent of the submerged plants in the littoral area for fish and wildlife habitat food and cover.
b. Contiguously retain percent of the floating plants in the littoral area for fish and wildlife habitat food and cover.
9. Contiguous areas covering a minimum twenty-five (25) to forty (40) percent of the vegetation shall be left intact in the littoral area. When treating large areas, leave random strips or patches of aquatic vegetation untreated for fish use.
10. At least twenty-five (25) to forty (40) percent of the submerged vegetative cover shall be retained for optimum cover and forage for fish and wildlife.

S4. Chemical Requirements:

1. The following chemicals will be the only ones allowed for use under this Order, (for more detailed description see Specific Conditions: S1): copper compounds; glyphosate (Rodeo[®]); fluridone (Sonar[®]); and endothall (Aquathol K[®]).
2. The applicator shall not use endothall (Aquathol K[®]) and fluridone (Sonar[®]) compounds together in the same treatment area. These compounds will be considered as being used together if their active periods overlap. The active periods, for the purpose of this restriction, shall be the average half-life of the formulations used.
3. Due to the presence of , will not be allowed because of their potential for detrimental impacts on these listed species.
4. No adjuvants shall be used by the applicator unless specifically allowed through this Order.
5. Chemicals
 - a. Copper Compounds
 - 1) Copper compounds are denied for algae control under this Order. The water bodies (and their outlets) are identified under Specific Conditions: S1. This denial is based on the proposed use of copper at levels that are known to be or that are likely to be injurious to plant and animal species and salmon species that have been listed as endangered or threatened under the federal Endangered Species Act (ESA).

2) Copper compounds may be applied for algae control in the following situations:

- a) Lake systems, that do not support ESA species, which have no outlets or have outlets which can be blocked until copper levels dissipate to below the water quality standard of 6.28 ppb chronic criteria at a hardness of 50 mg/L [WAC 173-201A-040(3)].
- b) Do not apply copper compounds if the hardness of the water expressed as calcium carbonate is less than fifty (50) parts per million. Do not apply copper compounds if the pH of the water is less than six (6.0). Hardness samples must be taken and determined within twenty-four (24) hours prior to treatment. This information shall be kept by the applicator for a period of seven (7) years and be made available to Ecology upon request.
- c) Copper compounds shall not be applied within a four-hundred (400) foot radius of the outlet stream. This condition shall apply only if there is an outflow.
- d) Copper treatments shall not exceed fifty (50) percent of the total surface area of the waterbody or embayment at any one time. The applicator shall leave two hundred (200) foot wide strips along fifty (50) percent of the shoreline or the applicator shall treat one-half (1/2) of the width of the waterbody or embayment, whichever is less, during each treatment. Treat outward from the shoreline in adjacent bands. The applicator shall wait two (2) to three (3) weeks between treatments.
- e) Monitoring for copper concentrations in surface waters within the proposed treatment area will be required prior to the first treatment to determine background levels. Sampling will also be required seven (7) days after each treatment.

If there is no outlet or the outlet is not flowing, one grab sample each will be taken one foot below the surface water and one foot from the bottom of the lake at the center of the treatment area. These samples will be analyzed for copper by an Ecology accredited laboratory. Results

will be submitted to Ecology within thirty (30) days of the end of each treatment.

If there is an overflow from the lake within thirty (30) days following a copper treatment, monitoring is required at the outlet and four-hundred (400) feet downstream twenty-four (24) hours, three (3) days, seven (7) days and thirty (30) days after overflow commences, or until the sample results show that copper levels are below the chronic water quality standard.

- f) Sediments of waterbodies to be treated with copper compounds will require analyses for copper prior to the initial treatment. A copy of the entire lab analysis report and a map detailing the sampling locations shall be sent to the appropriate regional office of Ecology's Water Quality Program at least seven (7) business days prior to treatment. The applicator shall follow all procedures outlined in Order No. _____, Appendix "D," entitled "Copper Sampling and Analysis Procedures."

b. Endothall (Aquathol K[®])

- 1) Endothall shall not be applied within a four-hundred (400) foot radius of the outlet stream. This condition shall apply only if there is an outflow.
- 2) When an EPA label and/or Ecology Order has restrictions and/or precautions for livestock watering and irrigation use, the applicator must obtain advance written permission and acknowledgment from those who withdraw surface water as their sole source of water for such use within a four-hundred (400) foot radius of the area to be treated. The area cannot be treated until people who withdraw water agree not to use the water during the restricted period. This statement must identify the herbicide(s) being used, the date(s) of expected treatment, and all water use restrictions and precautions. The written consent of water users shall be kept on record by the applicator for seven (7) years and be hand delivered or mailed to Ecology immediately upon request.

c. Fluridone (Sonar[®])

- 1) Fluridone shall not be applied within a four-hundred (400) foot radius of the outlet stream. This condition shall apply only if there is an outflow.

- 2) When an EPA label and/or Ecology Order has restrictions and/or precautions for livestock watering and irrigation use, the applicator must obtain advance written permission and acknowledgment from those who withdraw surface water as their sole source of water for such use within a four-hundred (400) foot radius of the area to be treated. The area cannot be treated until people who withdraw water agree not to use the water during the restricted period. This statement must identify the herbicide(s) being used, the date(s) of expected treatment, and all water use restrictions and precautions. The written consent of water users shall be kept on record by the applicator for seven (7) years and be hand delivered or mailed to Ecology immediately upon request.
- 3) Do not apply Sonar[®] within one-quarter ($\frac{1}{4}$) mile (1320 feet) of any functioning potable water intake.
- 4) Sonar[®] A.S. may be applied within a one-quarter ($\frac{1}{4}$) mile of a functioning potable water intake ONLY in whole lake treatments for control of submersed noxious weeds where little dilution with untreated water occurs.
- 5) Application rates shall not exceed concentration of twenty (20) ppb of fluridone in treated water.

d. Glyphosate (Rodeo[®])

- 1) Do not apply this product within one-half ($\frac{1}{2}$) mile up-stream of an active potable water intake in flowing water (i.e., river, stream, etc.), or within one-half ($\frac{1}{2}$) mile of an active potable water intake in a standing body of water such as lake, pond, or reservoir.

To make aquatic applications around and within one-half ($\frac{1}{2}$) mile of active potable water intakes, the intake must be turned off for a minimum period of forty-eight (48) hours after the application. Applications may be made ONLY when alternative water sources or holding ponds are available which would permit the turning off of an active potable water intake for a minimum period of forty-eight (48) hours after the applications.

The water intake may be turned on prior to forty-eight (48) hours if the glyphosate level in the intake water is below 0.7 parts per million as determined by laboratory analysis.

- 2) LI-700 shall be used as the surfactant when treating with glyphosate (Rodeo[®]).
- 3) The use of glyphosate (Rodeo[®]) should be specifically limited to lily pads and extreme care should be taken not to adversely impact other emergent vegetation.

S5. Reporting:

1. The applicator shall notify _____ or his or her designee at (360) 406-6305 via FAX by 5 p.m. one (1) business day prior to treatment.
2. Immediately notify _____, Department of Fish & Wildlife, or his or her designee, _____, at least _____ hours prior to treatment and send a written record of the telephone conversation to Ecology immediately upon request (i.e., person spoken to, date and time of call, and date and place of planned application).
3. At the request of the _____, the applicator shall notify and provide to _____ by telephone the following information:
 - a. _____ the day of the proposed application and chemical(s);
 - b. _____ a list of proposed timing and frequency of treatments at least _____ days prior to the first application;
 - c. _____ if treatment did not occur, notify the _____ by the end of the working day.

S6. Integrated Aquatic Vegetation Management Plans

1. After the 2000 treatment season, an Ecology approved Integrated Aquatic Vegetation Management Plan (IAVMP) will be required before any new orders will be issued for the use of aquatic herbicides in _____.
2. The IAVMP must be developed and approved/adopted by the sponsoring local lake group or homeowner's association according to the guidance in "A Citizens Manual for Developing Integrated Aquatic Vegetation Management Plans" (Ecology Publication # 93-93). A copy of "A Citizens Manual (Guide) for Developing Integrated Aquatic Vegetation Management Plans" can be obtained from Ecology (360 407-7472) or the Internet at <http://www.wa.gov/ecology/wq/links/plants.html>.

S7. Other Requirements:

1.
 - a. An Ecology employee or his or her designee shall be present during the initial treatment unless he or she determines otherwise, whereupon the applicator shall be made aware of relief from this condition prior to the scheduled treatment.
 - b. An Ecology employee or his or her designee shall be present during the initial treatment unless he or she determines otherwise, whereupon the applicator shall be made aware of relief from this condition prior to the scheduled treatment. If, at such time, Ecology has not arrived at the designated meeting site within thirty (30) minutes of scheduled time, the applicator may proceed with the treatment.
2. The applicator shall notify the Department of Fish & Wildlife, Lands Section, for permission to enter wildlife access areas. Documentation of the telephone conversation (i.e., person spoken to, date, and time of call and location of access

area to be used) shall be mailed or hand delivered to Ecology immediately upon request. Contact: .

3. When an EPA label and/or Ecology Order has restrictions for domestic use or for treatment near potable water intakes, the applicator, before any treatment, shall confirm no surface water diversions exists within the distance specified on the label. The applicator must confirm that diversions are not for domestic use. If any diversions are for domestic use within this distance, no treatment is permitted. Permission for treatment from a legal water user does not remove this restriction. If no withdrawal pipe exists or the existing pipe is permanently capped, this condition does not apply.

GENERAL CONDITIONS

- G-1 The applicator shall comply with all pesticide (including herbicide and adjuvants) label instructions. When application conditions in this Order issued by Ecology differ from those on pesticide labels, the more stringent of the two requirements must be complied with. However, no condition in this Order shall reduce the requirements on the pesticide label.
- G-2 All persons applying pesticides under this Order should be aware of the following regulations:
- A. The pesticide applicator regulations as required by the Washington Department of Agriculture (RCW 17.21, RCW 15.58, and WAC 16-228).
 - B. Public access policy and Hydraulics Code regulations as required by the Washington Department of Fish & Wildlife (RCW 75.20.100, WAC 220-110).
 - C. Shorelines regulations as required by the local city or county (RCW 90.58).
 - D. All applicable regulations of other agencies. Check local ordinances for compliance.
- G-3 A. The applicator shall FAX a list of planned treatments to Ecology's appropriate regional office by the close of Ecology's business day (5:00 p.m.) prior to the day of treatment. This list shall contain the following information:
1. The names of the waterbodies (as written in Specific Conditions: S1 of this Order) that are planned for treatment, in the order that they are planned for treatment;
 2. An estimate of the hour the application will begin;
 3. The location on the waterbody where treatment will begin; and
 4. The pesticide(s) expected to be used.

In the event there is a schedule change of more than one-half (½) hour, then the applicator shall notify the appropriate Ecology regional office of the new starting time of treatment at least two (2) hours prior to the time of beginning any treatment. A message by voice mail or FAX shall suffice for this condition.

(360) 407-

Fax (360) 407-6305

- B. The applicator shall notify the appropriate Ecology regional office by the close of the day of the scheduled treatment (12:00 midnight) by an answering device or by FAX [see phone numbers in G-3 A)], the following:
1. Reasonable estimate of time, location on the waterbody and pesticide(s) applied; or
 2. Proposed date, location on the waterbody and pesticide of a cancelled pesticide application.

G-4 The applicator shall notify the Department of Agriculture's Pesticide Management Division at voice (360) 902-2040 or FAX (360) 902-2093 for treatments west of the Cascade Mountains by the close of the previous business day before applying pesticides to any waterbody. This notice shall include a reasonable estimate of the time of day the application is expected to take place, the location on the waterbody where treatment is expected to begin, and the pesticide(s) expected to be used.

G-5 In the event of an unauthorized discharge (spill) of chemicals, gasoline, oil or other contaminants into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin **immediately** and be completed as soon as possible, taking precedence over normal work. Cleanup shall include legal disposal of any spilled material and used cleanup material.

The applicator shall also **immediately** call the following twenty-four (24) hour number of the appropriate regional office:

Southwest Regional Office (360) 407-6300

G-6 The applicator shall **immediately** call the above twenty-four (24) hour number of the appropriate Ecology regional office if the applicator learns of any person who exhibits or indicates any toxic and/or allergic response, or of any fish, fauna, or non-targeted plants that exhibit stress conditions or die following a pesticide treatment.

G-7 The applicator shall not cause recreational water use restrictions (i.e., restrictions on swimming or fish consumption) to occur during Memorial Day weekend, July 4th weekend, Labor Day weekend, or the opening day of any applicable fishing season. The applicator shall also minimize the occurrence of water use restrictions during non-holiday weekends. Non-holiday weekend treatments that will require water use restrictions must be for emergency situations only and will require written approval by Ecology.

- G-8 A. The applicator shall keep complete application records on the approved spray report form provided in Appendix "A." This form will also fulfill the Department of Agriculture's reporting requirements.
- B. These application records shall be completed and available to Ecology the same day the herbicide(s) were applied and be mailed or hand delivered to Ecology immediately upon request.

G-9 During all pesticide applications, the applicator, or persons applying pesticides, shall possess, on-site, this Order.

PUBLIC NOTICE PROCEDURES

P-1 Residential and Business Notice Procedures:

- A. The applicator shall complete copies of the Herbicide Application - Residential and Business Notice form provided in Appendix "B." These forms shall be sent to all residences and businesses within one-quarter ($\frac{1}{4}$) mile in each direction along the shore and five-hundred (500) feet upland of the areas to be treated. No later than the day following distribution of the Herbicide Application - Residential and Business Notice, a copy and the date of distribution of the notice shall be mailed or faxed to the Ecology contact identified in G-3 A.
- B. Notification shall take place ten (10) to twenty-one (21) days prior to initial treatment. When planning copper treatments for algae, if less than thirty (30) days remain between the date of the issuance of the permit and the date planned for initial treatment, notification shall take place one (1) to twenty-one (21) days prior to initial treatment.
- C. If the Herbicide Application - Residential and Business Notice explains the application schedule for the whole season, and there is no significant deviation from that plan, no further Herbicide Application - Residential and Business Notice [as required under P-1 (A)] will be required for the rest of the season (unless a resident or business specifically requests further notification).

If the location(s) to be treated change by over one-hundred (100) feet, or the date of the treatment extends five (5) days before or after the dates set for treatment, or different pesticide(s) are proposed for use, another Herbicide Application - Residential and Business Notice shall be issued. The use of copper compounds to control algae shall be exempt from this requirement.

- D. The one-quarter ($\frac{1}{4}$) mile zone of notification discussed in P-1 (A) shall be expanded for the use of glyphosate (Rodeo[®]). In this case, the applicator shall notify all residences and businesses within one-half ($\frac{1}{2}$) mile in each direction along the shore and five-hundred (500) feet upland of the treatment area.
- E. Distribution of the Herbicide Application - Residential and Business Notice may be done by mail to residences or businesses, or by handbills given directly to the residences or businesses. If hand bills are used, the applicator shall secure the notices to the residences or businesses doorknob in a fashion that will hold them in place but will not damage property. If the residence or business is gated or guarded by watch dogs, the applicator may secure the notice in clear view on the outside of the gateway or may attach the notice to the outside of the residence in a fashion that will hold it in place but will not damage property.

A copy of the notice and a list of names and addresses where they were sent shall be kept by the applicator for seven (7) years and be hand delivered or mailed to Ecology immediately upon request.

- F. When using fluridone (Sonar[®]) and/or glyphosate (Rodeo[®]), the applicator shall include a statement in the Herbicide Application - Residential and Business Notice informing residents and businesses of the one-quarter ($\frac{1}{4}$) mile and one-

half (1/2) mile application restriction for potable water use [i.e., water treated with glyphosate (Rodeo®) should not be used for drinking water within one-half (1/2) mile of the treatment site].

- G. Conditions in P-1 (A-D) shall not apply to waterbodies that are entirely owned by the sponsor and occupied only by them and their immediate family, have no public access, and have no inlet or outlet.

If all the residents within the standard notification area [one-quarter (1/4) mile in each direction along the shore and five-hundred (500) feet upland] are part of a homeowner's association, and no public access exists to the waterbody, the public notice conditions in P-1(A-D) may be waived if all residents are informed through a homeowner's association newsletter or similar mailing thirty (30) days prior to treatment.

A copy of the newsletter and its mailing list shall be kept by the applicator for seven (7) years and be hand delivered or mailed to Ecology immediately upon request.

P-2 Legal Notice Procedures:

The applicator shall publish a notice in the legal notices section of a local newspaper of general circulation (or nearest regional paper if a local paper does not exist) for all pesticide applications expected during the time the permit is in effect.

These legal notices shall be published ten (10) to twenty-one (21) days prior to the first pesticide application of the season. This notice shall include:

- A. The pesticide(s) to be used and their active ingredient(s);
- B. The approximate date(s) of treatment;
- C. The approximate location(s) to be treated;
- D. Any water use restrictions or precautions;
- E. The posting procedure; and
- F. The names and phone numbers of the applicator and the appropriate Ecology regional office.

A dated copy of the published notice or an affidavit from the legal department of the newspaper shall be mailed or faxed to the appropriate Ecology regional office at least seven (7) days prior to pesticide application.

P-3 Posting Procedures:

The applicator shall post all signs prior to the application of any pesticide(s), but no more than twenty-four (24) hours prior to application. The applicator shall use good faith and reasonable effort to ensure that posted signs remain in place until the end of the period of water use restrictions or forty-eight (48) hours for Rodeo® and copper. The applicator shall be responsible for removal of all signs before the following treatment of the waterbody or before the end of the treatment season, whichever comes first.

The applicator shall construct and post signs as follows:

A. Small signs shall be copied from the templates in Appendix "C" of this order. For larger, two (2) by three (3) foot templates for posting at public access sites, contact the appropriate regional office.

B. Posting Shoreline Private Property Areas:

Signs shall be a minimum of eight and one-half (8½) by eleven (11) inches in size and be made of a durable weather-resistant material. Lettering shall be in bold black type with the word "WARNING" (or "CAUTION") at least one (1) inch high and all other words at least a one-quarter (¼) inch high.

Sign board color for the first seasonal treatment of a waterbody shall be white, for the next treatment the sign board color shall be yellow, and the following treatment the sign board color shall be orange. The sign board color for the fourth treatment shall be white, the fifth yellow, the sixth orange, etc.

Signs must face both the water and the shore and be placed on each private property within ten (10) feet of the shoreline adjacent to the treatment area(s). Where a private property shoreline is greater than one-hundred-fifty (150) feet, the applicator shall post one (1) sign for every one-hundred (100) feet of shoreline. Signs shall be posted so they are secure from the normal effects of weather and water currents, but cause no damage to private or public property.

When using pesticides with swimming and/or fish consumption restrictions or precautions, the applicator shall extend the zone of shoreline posting to include all property within four-hundred (400) feet of the treatment area(s). When copper compounds are used, no private shoreline posting is required.

C. Posting Shoreline Public Access Areas:

Public access areas include: swim beaches, docks, and boat launches at resorts; privately-owned community access areas; and public access areas.

Signs shall be a minimum of two (2) feet by three (3) feet in size and be made of a durable weather-resistant material. Lettering shall be in bold black type with the word "WARNING" (or "CAUTION") at least two (2) inches high and all other words at least a one-half (½) inch high. The colors used for the sign board shall be white, yellow, or orange.

Signs must face both the water and the shore and be placed within twenty-five (25) feet of the shoreline. Where the public access has a shoreline length greater than one-hundred-fifty (150) feet, the applicator shall post one sign for every one-hundred (100) feet of shoreline. The applicator shall place signs so they are clearly readable by people using the access areas. Signs shall be posted so they are secure from the normal effects of weather and water currents, but cause no damage to private or public property.

An eight and one-half (8½) by eleven (11) inch weather resistant map detailing the treatment areas for each herbicide used shall be attached to the sign. The map shall identify the location(s) of the pesticide(s) used and mark the reader's location at the public access site.

These public notice signs shall be posted at all of the waterbody's public access areas within one-quarter (1/4) mile of the treatment area and all of the waterbody's public boat launches within one and one-half (1.5) miles of the treatment area.

NOTE: When using pesticides with swimming and/or fish consumption restrictions or precautions, the applicator's map shall include a four-hundred (400) foot buffer strip around the treatment area(s).

D. Posting on the Water:

The applicator shall use buoys to mark treatment area boundaries on the water. Durable weather-resistant signs are to be attached to a buoy so they are readable from two opposing directions. The applicator shall position signs so they are completely out of the water. The signs must be at least eight and one-half (8½) by eleven (11) inches in size. Lettering shall be in bold black type and the word "WARNING" (or "CAUTION") shall be at least one (1) inch high and all other words shall be at least a one-quarter (1/4) inch high. The colors used for the sign board shall be white, yellow, or orange.

The applicator shall space buoys so there is one at each approximate corner of the treatment area and at one-hundred (100) foot intervals around the treatment area. Treatment areas of one-hundred (100) foot diameter or less shall be marked with one buoy in the center of the treatment or at one-hundred (100) foot intervals around the treatment area. The applicator shall place buoys so they form a fifty (50) foot buffer strip around the treatment area(s).

When the pesticide to be used does not have swimming and/or fish consumption restrictions or precautions, posting buoys on the water is not necessary. When the waterbody is less than one acre and/or less than two-hundred (200) feet from the treatment area to the opposite shore, posting by buoys is not necessary. When the entire shoreline is restricted by one treatment, no buoys shall be required.

- P-4 For areas where tank mixes of different chemicals are applied to the same water column, the applicator shall adhere to the posting and notification requirements for the pesticide with the most extensive or stringent requirements or precautions.
- P-5 When the EPA label or Ecology Order restricts human consumption of fish, any posted signs or other forms of notification shall explicitly state that restriction. Do not state or imply the lake is closed to fishing unless the Department of Fish & Wildlife has closed the lake.
- P-6 Warning signs shall be posted in English and the language commonly spoken by the community who use the area.
- P-7 The applicator shall obtain advance written approval from the appropriate Ecology regional office before making variations to the posting and notification procedures listed in this Order. Refer to Condition G-3 for regional telephone numbers.

The applicator and any person applying aquatic pesticides who fails to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

This Order may be appealed. Your appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903 within thirty (30) days of your receipt of this Order. At the same time, copies of your appeal must also be served on the Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615; and to the Department of Ecology, Water Quality Program, Regional Office, P.O. Box, Washington 98504-7775. The notice of appeal shall contain a copy of the order or decision appealed from, and if the order or decision followed an application, a copy of the application.

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Chapter 43.21B RCW.

DATED this _____ day of _____, 2000, at _____, Washington.

Manager
Water Quality Program