

Issuance Date: August 23, 2023  
Effective Date: October 2, 2023  
Expiration Date: October 1, 2028

# IRRIGATION SYSTEM AQUATIC WEED CONTROL GENERAL PERMIT

National Pollutant Discharge Elimination System and  
State Waste Discharge General Permit

**State of Washington**  
**Department of Ecology**  
Olympia, Washington 98504

In compliance with the provisions of  
Chapter 90.48 Revised Code of Washington  
(State of Washington Water Pollution Control Act)

and

Title 33 United States Code, Section 1251 et seq.  
The Federal Water Pollution Control Act (The Clean Water Act)

Until this permit expires, is modified, or is revoked, Permittees that have properly obtained coverage under this permit are authorized to discharge in accordance with the special and general conditions that follow.



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Vincent McGowan, P.E.  
Water Quality Program Manager  
Washington State Department of Ecology

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<sup>1</sup> <https://ecology.wa.gov/About-us/Accessibility-equity/Accessibility>

## SUMMARY OF PERMIT REPORTS AND SUBMITTALS

**Table 1: Required Permit Reports and Submittals**

| Permit Section                  | Submittal                                       | Frequency          | Due Date(s)   |
|---------------------------------|---|--------------------|---|
| <a href="#">S2.B</a>            | Application for New Coverage                    | As necessary       | At least 38 days prior to the start of discharge  |
| <a href="#">S2.D</a>            | Request for Modification                        | As necessary       | As necessary  |
| <a href="#">S2.F</a>            | Request for Transfer of Coverage                | As necessary       | As necessary  |
| <a href="#">S4.D &amp; S6.E</a> | Endothall Application Plan (if using endothall) | 1-time requirement | 30 days before first use of endothall and update as required by S5.B.6.b. If the permit effective date is between April and October, the due date for existing permittees is January 31 of the second year of the permit cycle. |
| <a href="#">S4.D &amp; S6.E</a> | Acrolein Application Plan (if using acrolein)   | 1-time requirement | 30 days before first use of acrolein and update as required by S5.B.6.b. If the permit effective date is between April and October, the due date for existing permittees is January 31 of the second year of the permit cycle.  |
| <a href="#">S4.D &amp; S6.E</a> | Fluridone Application Plan (if using fluridone) |                    | 30 days before first use of fluridone and update as required by S5.B.6.b. If the permit effective date is between April and October, the due date for existing permittees is January 31 of the                                  |

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|----------------------|--|--|---|
|                      |  |  | second year of the permit cycle.  |
| <a href="#">S4.D</a> | Request for Modified Timing Window       | As necessary, up to once per calendar year                                       | Discharge may occur no sooner than 38 days after Ecology's approval of a modified timing window   |
| <a href="#">S5.A</a> | Tracking Dye Monitoring Plan             | 1-time requirement   | Before the use of tracking dye to monitor treatments, as described in S5.A.   |
| <a href="#">S5.B</a> | Reduced Monitoring Plan                  | 1-time requirement if requested by permittee and permittee remains in compliance | Before reducing monitoring frequency  |
| <a href="#">S6.E</a> | Time Travel Study                        | Every 5 Years, and as necessary per S6.E   | February 1  |
| <a href="#">S6.E</a> | Integrated Aquatic Vegetation Management | 1-time requirement   | New permittees submit upon application. All permittees update as required by S7.  |
| <a href="#">S6.E</a> | Spill Plan                               | 1/permit cycle   | February 1  |
| <a href="#">S6.E</a> | Update to Spill Plan                     | As necessary   | As necessary  |
| <a href="#">S8.C</a> | Legal Notice Submittal                   | 1/year   | February 1  |
| <a href="#">S8.A</a> | Discharge Monitoring Reports (DMR)       | Monthly  | Received by the 15th day of the month after the following month. If permittee has a digital reporting exemption, the DMR must be postmarked by the 15th day of the month after the following month. For example, the April DMR must be postmarked or received by June 15th. |

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|---|------------------------------------|-----------------------|--|
| <a href="#">S8.C</a>                        | Annual Treatment Reports           | 1/year                | February 1   |
| <a href="#">S6.D</a>                        | Notification of Treatments         | As necessary          | No later than 3:00 p.m. one day before any treatment.  |
| <a href="#">S8.F</a>                        | Noncompliance Notification         | As necessary          | Initial notification is due as soon as possible. A formal written notice is due within 5 business days of becoming aware of the noncompliance. |
| <a href="#">S2.D</a> & <a href="#">S8.H</a> | Reporting Planned Changes          | As necessary          | As soon as possible  |
| <a href="#">S2.E</a> & <a href="#">G17</a>  | Re-Application for Permit Coverage | Once per permit cycle | At least 180 days prior to the permit expiration date  |



## SPECIAL CONDITIONS

### S1. PERMIT COVERAGE

#### A. Activities Covered Under This Permit

The Washington State Department of Ecology (Ecology), through the Irrigation System Aquatic Weed and Algae Control General Permit (permit)<sup>2</sup>, conditionally authorizes the use of approved pesticides (such as herbicides, algaecides, and approved aquatic adjuvants), aquatic tracer dyes, and marker dyes (referred to throughout this permit as “chemicals”) to control aquatic weeds and algae in irrigation systems<sup>3</sup> that flow to surface waters of the State of Washington.

All authorized discharges and activities must be in compliance with the terms and conditions of this permit. Once coverage is obtained, the entity that applied for permit coverage is known as the “Permittee.”

#### B. Geographic Area Covered Under This Permit

This permit covers the activities described in Special Condition S1.A that occur within Washington State. This permit does **not** apply to:

1. Federal lands where a federal agency provided funding, made the decision to apply pesticides, or is the entity applying pesticides.
2. **“Indian Country”** as defined in 18 U.S.C. §1151 and trust or restricted lands except portions of the Puyallup Reservation, as noted below.
3. Puyallup Exception: Following the *Puyallup Tribe of Indians Land Claims Settlement Act of 1989*, 25 U.S.C. §1773; this permit does apply to land within the Puyallup Reservation except for discharges to surface water on land held in trust by the federal government.

#### C. Activities Excluded from Coverage Under This Permit

The following activities do not require coverage under this permit:

1. Pesticide treatments applied to dry canals, provided the canal remains dry for two weeks following the treatment.
2. Pesticide treatments applied to canals that do not flow through a Point of Compliance to waters of the state.
3. Terrestrial pesticide treatments applied outside the irrigation conveyance system.

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<sup>2</sup> The text of this permit contains words or phrases in bold and italics. These words or phrases are the first usage in the permit and are defined in Appendix B.

<sup>3</sup> “Irrigation system”, “canal”, and “irrigation conveyance system” are used throughout the permit to refer to the irrigation conveyances that make up an irrigation system as referenced in this permit. These conveyances include laterals as well as main canals and other structures.

## **S2.APPLYING FOR PERMIT COVERAGE**

### **A. Who May Obtain Permit Coverage**

Irrigation districts and similar entities which provide water for irrigation and discharge water from irrigation canals into waters of the state may apply for permit coverage. The entity must employ licensed pesticide applicators (applicators) (WAC 16-228-1545) to perform the pesticide treatments conditionally approved in this permit. The entity seeking new coverage or renewing coverage under this permit must apply for permit coverage within the following time limits.

#### **1. Existing Permittees**

See Special Condition S2.E (How to Renew Permit Coverage).

#### **2. New Entities**

Entities that propose to discharge pesticides to Waters of the State on or after the effective date of this permit, must apply for coverage **no** later than sixty (60) days prior to the first proposed discharge date. Upon submittal of a complete application for coverage (also called a Notice of Intent or NOI), Ecology will issue a decision on permit coverage pursuant to Special Condition S2.C (Permit Coverage Timeline). Once permit coverage is issued, the entity who applied for coverage, becomes the Permittee.

### **B. How to Apply for Permit Coverage**

The entity seeking coverage under this permit, or the Permittee renewing permit coverage, must do the following:

1. Submit to Ecology a complete application for coverage. Complete application packages must include:
  - a. A complete and signed Notice of Intent (NOI). Use the NOI form on Ecology's website.
  - b. A map of the permit coverage area where pesticides may be applied (for example, a map of the entity's jurisdiction).
  - c. A complete and signed State Environmental Policy Act (SEPA) checklist. If the SEPA assessment was conducted at the local level, then submit the SEPA determination. Existing Permittees renewing their permit coverage are **not** required to submit their SEPA checklist or SEPA determination.
  - d. Integrated Vegetation Management Plan
  - e. Spill Control Plan
  - f. The current travel time study for each segment of the canal that contains an application site where treated water flows to a Point of Compliance POC.
  - g. Endothall Application Plan

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- h. Fluridone Application Plan
  - i. Acrolein Application Plan
- 2. Submit your complete application to Ecology in accordance with Special Condition S8.D (How to Submit Documents to Ecology).
- 3. A Responsible Person, in accordance with General Condition G5 (Signatory Requirements), must sign the signature page of the application for coverage and submit it to Ecology.
- 4. Public notice
  - a. Existing Permittees
    - i. Applying to renew permit coverage

An existing Permittee is **not** required to publish a public notice when submitting their renewal application for coverage.
    - ii. Applying to modify permit coverage

An existing Permittee wanting to modify their permit coverage must comply with the public notice requirements specified in Special Condition S2.D (Modification of Permit Coverage).
  - b. Entities **not** currently covered by this permit
    - i. Entities that propose to discharge pesticides to Waters of the State on or after the effective date of this permit, must:
      - a) Provide public notice.
      - b) Use the Public Notice Template on the application for coverage.
      - c) Publish the public notice:
        - Once a week for two (2) weeks with at least seven (7) days between publications.
        - In a single newspaper of general circulation in the community where the facility is located and where the discharge occurs.
      - d) Certify in their application for coverage that they met the public notice requirement.
    - ii. The second date of the public notice starts a thirty (30)-day public comment period. At the end of the thirty (30)-day public comment period, Ecology will consider any received comments about the applicability of this permit to the applicant before issuing a decision on permit coverage pursuant to Special Condition S2.C (Permit Coverage Timeline).

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### 5. State Environmental Policy Act (SEPA)

Entities, **not** existing Permittees, that propose to discharge pesticides to Waters of the State on or after the effective date of this permit, must meet the SEPA requirements in WAC 173-226-200. They must also certify in their application for coverage that they met the SEPA requirements.

### C. Permit Coverage Timeline

1. Permit coverage begins on the day Ecology issues the approval letter to the applicant.
2. If the applicant does **not** receive notification from Ecology, permit coverage automatically commences on whichever of the following dates occurs last.
  - a. The 31<sup>st</sup> day after Ecology receives a complete application for coverage packet.
  - b. The 31<sup>st</sup> day after the end of a 30-day public comment period.
  - c. The effective date of this permit.
3. Ecology may need additional time to review the application if:
  - a. The application for coverage packet is incomplete.
  - b. Ecology requires additional site-specific information.
  - c. Members of the public request a public hearing about the applicability or non-applicability of this permit to the operation proposed for coverage.
  - d. Members of the public submit comments.
  - e. More information is necessary to determine if coverage under this permit is appropriate.

### D. How to Modify Permit Coverage

Before implementing a significant process change that could impact the quality of treated water discharged, the area covered by the permit, or the location of a POC, contact Ecology to determine if you are required to apply for a permit modification. Treatment timing window modifications may trigger permit coverage modifications. You are not required to apply for a permit modification if you intend to move only your application site within the area covered by the permit.

If Ecology determines you must modify your permit before implementing a significant process change, you must:

1. Complete an application for coverage and sign it in accordance with General Condition G5 (Signatory Requirements). With the submittal, you must also demonstrate that the proposed change has complied with the SEPA review in accordance with the Washington State Law, RCW 43.21C.020.
2. Submit the complete and signed application for coverage to Ecology at least sixty (60) days before implementing the proposed significant process change. See Special Condition S8.E (How to Submit Documents to Ecology) for submittal instructions.

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Submission of the application for coverage does **not** relieve you of the duty to comply with the terms and conditions of this permit.

If you propose a change that will impact the quality of treated water discharged, the area covered by the permit, or the location of a POC, you:

- a. Are **not** permitted to make the change until Ecology approves your application for coverage.
  - b. Must continue to comply with the terms and conditions of this permit, including the requirements related to the discharge method listed on your coverage letter.
3. Complete the public notice requirements in WAC 173-226-130(5). If you apply to modify your coverage because you propose to move the location of your POC to a place that is further upstream in your canal, you are **not** required to complete the public notice requirements.

### E. How to Renew Permit Coverage

#### 1. 2023 renewal

Once this permit becomes effective, existing Permittees must submit a revised application for coverage, no later than ninety (90) days after the effective date of this permit. Submit a complete application for coverage to Ecology in accordance with Special Condition S2.B (How to Apply for Permit Coverage).

#### 2. 2028 renewal

Existing Permittees who want their permit coverage to continue once this permit expires, must submit a complete renewal application for coverage to Ecology **no** later than one hundred and eighty (180) days prior to the expiration date of this permit. Submit the renewal application for coverage in accordance with Special Condition S8.E (How to Submit Documents to Ecology).

If you submit a complete renewal application for coverage, as described above, coverage under this permit will continue.

### F. How to Transfer Permit Coverage

1. Coverage under this permit will automatically transfer from the original Permittee (current permit holder) to the new entity (proposed Permittee) if all of the following conditions are met.
  - a. The existing Permittee and proposed Permittee submit to Ecology a complete and signed (by the existing Permittee and the proposed Permittee) Transfer of Coverage form (found on Ecology's website) containing a specific date for transfer of permit responsibility, coverage, and liability. The Transfer of Coverage form must be signed in accordance with General Condition G5 (Signatory Requirements) and submitted in accordance with Special Condition S8.E (How to Submit Documents to Ecology).

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- b. The area covered by the permit and the location of the POCs remain unchanged.
2. As part of the transfer, the previous Permittee must supply the new Permittee with copies of all permit documents used to comply with this permit.
3. The original Permittee remains responsible for, and subject to, all permit conditions and permit fees until the transfer of permit coverage is effective.
4. Once coverage under this permit has been transferred, the new Permittee is required to comply with the existing permit documents provided by the previous Permittee until the new Permittee updates the documents to reflect any changes the new Permittee made that may impact the discharge or the area covered by the permit.

### G. How to Terminate Permit Coverage

You may request Ecology terminate your permit coverage when you determine that you will **no** longer discharge pesticides to Waters of the State due to weed and algae control activities.

1. To request termination of permit coverage, you must submit the complete Notice of Termination (NOT) application, found on Ecology's website. Sign the NOT in accordance with General Condition G5 (Signatory Requirements) and submit the NOT to Ecology in accordance with Special Condition S8.E (How to Submit Documents to Ecology).
2. You will continue to incur an annual permit fee (Chapter 173-224 WAC) until Ecology approves your signed NOT application and cancels your permit coverage.
3. Ecology may deny your NOT application if you have **not** met the eligibility requirements. If Ecology approves your NOT application, Ecology will send you a letter notifying you that your permit coverage is terminated.

## S3.APPLICATION AND DISCHARGE STANDARDS

### A. Compliance With Standards

1. Ensure that the application of pesticides does **not** cause or contribute to a violation of the following standards in the receiving waters:
  - a. Washington State Water Quality Standards (Chapter 173-201A).
  - b. Washington State Groundwater Quality Standards (Chapter 173-200 WAC).
  - c. Sediment Management Standards (Chapter 173-204 WAC).
  - d. Human Health-Based Criteria in the National Toxics Rule (40 *Code of Federal Regulation* (CFR) 131.36).
2. When applying pesticides, use all known, available, and reasonable methods of pollution control, prevention, and treatment (AKART). Compliance with the following constitutes AKART.

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- a. This permit.
  - b. The Washington Pesticide Control Act and rules adopted thereunder (RCW 15.58).
  - c. The Washington Pesticide Application Act and rules adopted thereunder (RCW 17.21).
  - d. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
  - e. The pesticide, adjuvant, marker or tracer dye, and other product labels (referred to collectively as Product Labels or Labels in this permit) currently registered and approved for use in Washington State.
  - f. All applicable federal, state, and local laws.
  - g. WDFW Treatment Timing Windows and Standard Operating Procedures (SOPs)
3. Ecology prohibits discharges **not** in compliance with Special Condition S3 (Discharge Limits).

### **B. Temporary Exceedance of Water Quality Standards**

Short and long-term exceedance of water quality standards are allowed under this permit provided the Permittees comply with the provisions of WAC 173-201A-410.

### **C. Application Requirements**

The Permittee must comply with the Product Label when using pesticides. Permit requirements do not reduce the requirements on the Product Label. The Permittee must ensure that they follow all laws and requirements regarding pesticide application as described in S3.A.2.

### **D. Impaired Waterbodies**

1. The Permittee must not cause further impairment of any **303(d)-listed** waterbody for any listed parameter. Refer to the Glossary for a definition of 303(d)-listed waterbodies for the purposes of this permit. Permittees must also not cause any further impairment to any waterbody with a TMDL which is active prior to the effective date of the permit. Refer to [Ecology's Current Water Quality Assessment](#)<sup>4</sup> for listed waterbodies.

The Permittee must prevent further impairment of waterbodies listed on the 303(d) list for dissolved oxygen as a result of treatment.

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<sup>4</sup> <https://apps.ecology.wa.gov/ApprovedWQA/ApprovedPages/ApprovedSearch.aspx>

## S4.THE APPLICATION OF PRODUCTS AND DISCHARGE LIMITS

### A. Prohibited Discharges

Ecology prohibits the application of pesticides or other treatments that cause oxygen depletion in the receiving waters to the point of stress or lethality to aquatic biota from plant die-off, the mortality of aquatic vertebrates, or unintended impacts to water quality or biota.

### B. Authorized Discharges

This permit conditionally authorizes the use of approved aquatic adjuvants, active ingredients, and marker dyes to control aquatic weeds and algae.

1. Beginning on the effective date of this permit and until Ecology modifies, reissues, or revokes this permit; this permit authorizes the Permittee to discharge the chemicals listed in the permit into freshwaters of the State.
2. Permittees may apply the adjuvants listed in **Appendix D: Approved Aquatic Adjuvants**.
3. Pesticide active ingredients to control aquatic weeds and algae.

This permit conditionally authorizes the use of the active ingredients listed in **Table 2– Active Ingredients (Pesticides) to Control Aquatic Weeds and Algae**, which are labeled for aquatic use, to control aquatic weeds and algae within irrigation systems. Discharges of treated water at the point of compliance (POC) must **not** have a concentration greater than:

- 25 µg/L of copper (dissolved).
- 5,000 µg/L of dipotassium salt of endothall.
- 50 µg/L of mono salt of endothall or 200 µg/L of mono salt of endothall subject to timing windows (see Special Condition S4.D.2).
- 5,100 µg/L of xylene.
- 21 µg/L of Acrolein.
  - See Special Condition S4.D.1.a for additional acrolein treatment limitations.



**Table 2: Active Ingredients (Pesticides) to Control Aquatic Weeds and Algae**

| Parameter   | Maximum<br>Instantaneous Concentration                      |
|---|---|
| Acrolein  | 21 µg/L   |
| Copper (dissolved)  | 25 µg/L   |
| Dipotassium Salt of Endothall   | 5,000 µg/L<br>(acid equivalent)                             |
| Mono Salt of Endothall<br>(N,N-Dimethyl Alkylamine)   | 50 µg/L (acid equivalent)<br>(except during timing windows) |
|   | 200 µg/L (acid equivalent)<br>(subject to timing windows)   |
| Fluridone   | 200 µg/L (acid equivalent)<br>(subject to timing windows)   |
| Imazapyr  | NA  |
| Sodium Carbonate Peroxyhydrate <sup>2</sup>   | NA  |
| Xylene  | 5,100 µg/L  |
| <p><sup>1</sup> = The maximum instantaneous concentration of mono salt of endothall outside of timing windows is 50 µg/L. The maximum instantaneous concentration of mono salt of endothall during timing windows is 200 µg/L.</p> <p><sup>2</sup> = Sodium carbonate peroxyhydrate may also be listed as sodium percarbonate (<a href="https://picol.cahnrs.wsu.edu">https://picol.cahnrs.wsu.edu</a>)</p> |   |

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### 4. Marker and tracer dyes

The permittee may apply marker dyes indirectly to the waters of the State. The permittee may use dyes to track chemical treatments through canals and conduct collect flow data including travel time studies. The permittee must follow all directions on the marker and tracer dyes Label.

### 5. Do **not** apply an adjuvant, or a pesticide that contains an active ingredient, that is **not** listed in Special Condition S4.B (Authorized Discharges).

## C. Experimental Use

Permittees may apply pesticides **not** listed in Special Condition S4.B (Authorized Discharges), if they meet the following conditions.

1. Apply the pesticides on a limited basis.
2. Apply the pesticides in research and development efforts related to the chemical control of aquatic weeds and algae.
3. The research and development effort must be under the jurisdiction of, and in compliance with:
  - a. The EPA through the issuance of, or exemption from the requirement of, a federal experimental use permit (40 CFR 172).
  - b. The WSDA through the issuance of a state experimental use permit (EUP).
4. Projects > one (1) acre

If your project is > one (1) acre:

- a. You must have coverage under this general permit, unless the project is located at a site not covered by this permit, as described in Special Condition S1.B (Geographic Area Covered Under This Permit).
  - b. You must have both federal and state EUPs for the pesticide application.
5. Projects  $\leq$  one (1) acre

If your project is  $\leq$  one (1) acre and you have a state EUP issued by the WSDA, then you are **not** required to be covered by this general permit.

## D. General Application Restrictions

1. Requirements for pesticide active ingredients to control aquatic weeds and algae
  - a. Acrolein applications
    - i. Permittees must make reasonable efforts to reduce the use of acrolein in favor of more environmentally sensitive pesticides.

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- ii. Permittees must develop and implement an Acrolein Application Plan before applying acrolein. Existing permittees may follow an existing Acrolein Application Plan until January 31 of the second year of the permit cycle if the effective date of the permit falls between April and October. See S6.E.4 for details.
  - iii. Submittal requirements
    - a) New permittees must submit an Acrolein Action Plan to Ecology at least thirty (30) days before applying acrolein (see Special Condition S8.C (Plans and Studies)).
    - b) If you change your Acrolein Application Plan, submit a revised copy to Ecology before you apply acrolein.
    - c) If the Acrolein Application Plan you submitted to Ecology is current and accurate, you are **not** required to resubmit the plan during this permit cycle.
- b. Endothall applications
  - i. Endothall Application Plan
    - a) Permittees must develop and implement an Endothall Application Plan before applying endothall. Existing permittees may follow an existing Endothall Application Plan until January 31 of the second year of the permit cycle if the effective date of the permit falls between April and October. See S6.E.4 for details.
  - ii. Submittal requirements
    - a) New permittees must submit an Endothall Action Plan to Ecology at least thirty (30) days before applying endothall (see Special Condition S8.C (Plans and Studies)).
    - b) If you change your Endothall Application Plan, submit a revised copy to Ecology before you apply endothall.
    - c) If the Endothall Application Plan you submitted to Ecology is current and accurate, you are **not** required to resubmit the plan during this permit cycle.
- c. Fluridone Application Plan
  - i. Permittees must develop and implement an Fluridone Application Plan before applying fluridone. Existing permittees may follow an existing Fluridone Application Plan until January 31 of the second year of the permit cycle if the effective date of the permit falls between April and October. See S6.E.4 for details.

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### ii. Submittal requirements

- a) New permittees must submit an Fluridone Action Plan to Ecology at least thirty (30) days before applying fluridone (see Special Condition S8.C (Plans and Studies)).
- b) If you change your Fluridone Application Plan, submit a revised copy to Ecology before you apply fluridone.
- c) If the Fluridone Application Plan you submitted to Ecology is current and accurate, you are **not** required to resubmit the plan during this permit cycle.

### 2. Timing windows

- a. Permittees **must** consult the WDFW timing windows prior to conducting Mono Salt of Endothall treatments. The Permittees must comply with WDFW timing windows to protect sensitive, threatened, or endangered species, and priority habitats and species such as salmon, steelhead, and bull trout. Timing windows may apply to either fish or non-fish species. WDFW timing windows are available on the [WDFW Habitat Program: Restricted Areas for Aquatic Pesticides digital map](#)<sup>5</sup>.

Some treatment timing windows require consultation with WDFW prior to beginning any treatment. Permittees must follow WDFW guidance and treatment limits on waterbodies where the treatment timing window requires consultation.

Where Permittees are directed to consult with WDFW in the timing window table, they must provide Ecology with a consultation letter or email from WDFW indicating the guidance and treatment limits approved by WDFW. If WDFW does not provide additional guidance or treatment limits, the Permittees must still follow the treatment timing window.

Timing windows do not apply to non-native fish such as bass, walleye, sunfish, perch, carp, or catfish. At their discretion, Permittees may choose to comply with the nonnative fish timing windows noted in the WDFW timing table.

- b. Modified Timing Window Requests

Permittees may request a site-specific modified treatment timing window for no longer than one calendar year or treatment season. Ecology will consult with WDFW regarding the site-specific modified treatment timing window request.

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<sup>5</sup> <https://wdfw.maps.arcgis.com/apps/MapSeries/index.html?appid=34533b2dd4f84932b5fd1a46e494bde6>

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Modification requests must be emailed to Ecology at [aquaticpesticideperm@ecy.wa.gov](mailto:aquaticpesticideperm@ecy.wa.gov). Requests may be approved, conditionally approved, or denied on an annual basis.

When requesting a modified treatment timing window, Permittees must provide a justification for why they need a modification from the established treatment timing window and provide any information they have that supports the Permittee's request with their application.

There are two ways to request a modified treatment timing window: New permit applicants may request a modified treatment timing window at the time of permit application. If WDFW recommends the approval of a modified timing window, applicants should follow the procedures in S2.B regarding public notice and comment periods. In addition to the requirements listed in S2.B.4, Permittees must include the proposed modified timing window in the public notice. If Ecology and WDFW do not find cause from public comments to revoke approval for the modified treatment timing window, the Permittee may proceed under the modified timing window after the public comment period is complete and formal Ecology approval has been received.

Current Permittees may request a modified treatment timing window at any time during the lifetime of the permit by emailing Ecology at [aquaticpesticideperm@ecy.wa.gov](mailto:aquaticpesticideperm@ecy.wa.gov). After WDFW recommends approval for a modified timing window, Permittees must begin the public notice and comment period procedures for permit modification specified in Special Condition S2.B. If Ecology and WDFW do not find cause from public comments to revoke approval for the modified treatment timing window, the Permittee may proceed under the modified timing window after the public comment period is complete.

Treatment timing window modifications may trigger permit coverage modifications. Ecology will notify the permittee if this occurs.

### 3. Fluridone, imazapyr, and sodium carbonate peroxyhydrate applications

When applying fluridone, imazapyr, or sodium carbonate peroxyhydrate, only use the aquatic formulation.

### **E. Points of Compliance**

#### **1. Changing or adding a POC**

- a. To move a POC to a location other than the location identified in your application for coverage, or to add a POC to their permit coverage, permittees must comply with the requirements in Special Condition S2.D (How to Modify Permit Coverage). Permittees must contact Ecology if they wish to remove a POC from their area of coverage. If the treatment sites that flowed to that POC remain in use, the permittee must indicate the new POC for that treatment site and follow the requirements in Special Condition S2.D (How to Modify Permit Coverage).

#### **2. Permittee-specific POCs**

For the Amon Wasteway, the Snipes Creek Wasteway, and Crab Creek, the POC must be located at, or upstream of, the following locations.

- a. Amon Wasteway where it exits the golf course at Gage Road (located approximately at latitude 46.22715, longitude -119.26024).
- b. Crab Creek at Red Rock Coulee/DCC1 Wasteway (located approximately at latitude 46.84693, longitude -119.58673).
- c. Snipes Creek Wasteway at the Benton 29.32 Lateral (near McCreddie Road) (located approximately at latitude 46.25475, longitude -119.67442).

## **S5.MONITORING REQUIREMENTS**

The Permittee must monitor in accordance with the following requirements and the requirements specified in Appendix C of this permit.

### **A. General Monitoring Requirements**

1. Monitor all pesticide applications where the treated water flows to a POC, in accordance with **Table 3 – Monitoring Requirements**.
2. Sampling requirements

Take two (2) samples per treatment event to identify the highest concentration of the pesticide. Take both samples at the POC when the pesticide is at its peak concentration. If you track multiple treatments simultaneously, use the shortest travel time.

When the travel time is:  $\geq$  twenty (20) hours, space the samples at least two (2) hours apart.

- a.  $<$  twenty (20) hours, space the samples at ten (10) percent of the travel time.
- b. If the permittee is tracking multiple treatments simultaneously, the permittee must use the shortest travel time to determine if the permittee follows S5.A.2.a or S5.A.2.b

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### 3. No discharge to a POC

Permittees are not required to monitor a treatment event when there is no possibility of the treated water flowing to a POC. For these treatment events, in that month's DMR:

- a. Document all pesticides used during that treatment event, in accordance with Special Condition S8.A (Discharge Monitoring Reports).
  - b. State that none of the treated water flowed to the POC.
  - c. Explain why none of the treated water flowed to the POC (for example, there was low flow or the treated water was consumed by water purchasers).
4. In some situations, the permittee prevents treated water from reaching some points of compliance by closing side canals/spillways. (For example, a permittee closes a gate to a spillway while treating the primary canal and all the treated water passes the closed gate.) The permittee must conduct full monitoring (S6.A) at the points of compliance corresponding to the closed canals/spillways when the canals/spillways are reopened unless:
- a. The closed canal/spillway is kept closed for two times the travel time it takes the highest concentration of treated water to pass the point of closure. In this situation, no monitoring is required. For this special situation only, the travel time is counted from when the pesticide application ends. (For example, if a treatment ends at 1:00 and it takes four hours to pass the closed gate at 5:00, the permittee must keep the gate closed for another four hours until 9:00 for this special situation to apply).
  - b. The permittee uses approved marker dyes, such as rhodamine, to mark the beginning and end of a treatment. If the permittee uses this option, the permittee must use a dye that is detectible by a fluorimeter or similar detection device. The permittee must wait **at least five minutes** after the end of the pesticide application to apply the dye marking the end of the treatment to prevent overlap between the treated water and the dye. The permittee may reopen the side channel/spillway **one hour** after the dye marking the end of the treatment reaches non-detect levels on the fluorimeter or other device. If the permittee performs multiple treatments in the same canal, they must take steps to differentiate each treatment, such as using different dye colors to mark the beginning and end of a treatment.

If the permittee chooses this option, they must notify Ecology before the first use of this method under the current permit coverage. The first time the permittee uses this method (or uses this method under a new permit coverage), they must monitor the point of compliance at the end of the closed side channel/spillway and report the results to Ecology. If this sample is within compliance, the

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permittee may continue to use this method without notifying Ecology until they reapply for permit coverage.

- c. Ecology approves reduced monitoring as per S6.B1. In this case, the permittee must sample as required in S6.B1 when the canals are reopened.
5. Fluridone, imazapyr, and sodium carbonate peroxyhydrate applications
- Permittees are **not** required to conduct monitoring when they apply fluridone, imazapyr, or sodium carbonate peroxyhydrate.



**Table 3: Monitoring Requirements**

| Parameter   | Unit                      | Measurement Type  | Measurement Frequency  |
|---|---------------------------|---|--|
| Acrolein  | µg/L                      | Grab  | 2 times per treatment  |
| Copper (dissolved)  | µg/L                      | Grab  | 2 times per treatment  |
| Endothall   | µg/L                      | Grab  | 2 times per treatment  |
| Flow  | cfs                       | Meter, other standard flow measurement device, or estimate <sup>1</sup> | Concurrent with all other samples; required prior to acrolein treatments |
| Total water hardness<br>(only when monitoring copper)   | mg/L of CaCO <sub>3</sub> | Grab  | Concurrent with copper samples   |
| Xylene  | µg/L                      | Grab  | 2 times per treatment  |
| 1: A meter or other standard method, such as rating the flow of a section of canal regularly, is required for permittees that use acrolein. |                           |   |  |

**B. Special Situations****1. Reduced Monitoring****a. Qualifying for a reduced monitoring plan**

To qualify for a reduced monitoring plan, a permittee must be in good standing with their existing permit coverage. Ecology will review the following factors to determine whether a permittee may qualify for a reduced monitoring plan:

- i. Consistent and timely reporting, including monthly DMRs, timely non-compliance notifications and resolution reports, and annual reports. Infrequent or no incidents of non-compliance.

If the permittee has reported non-compliance incidents, they must also have notified Ecology in a timely manner and made changes that prevent similar issues from happening in the future. Up-to-date data as required in S5.B.1.c.

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### b. Reduced monitoring requirements

If Ecology provides written approval for reduced monitoring for a treatment scenario listed in Special Condition S5.B.1.c, permittees must comply with the following reduced monitoring requirements.

- i. Take one (1) sample during two (2) different treatment events each year for each treatment site.
- ii. Permittees must have a total of two (2) samples each year for each treatment site.

### c. Treatment events that flow to a POC

For these treatment events to be considered for reduced monitoring, submit information to Ecology that reliably predicts the following information about the pesticide:

- i. Travel time to the POC, even under variable flow rates.
- ii. Potential maximum concentration at the POC.

### d. Treatment events that are contained and later released to flow to a POC

For these treatment events to be considered for reduced monitoring, submit information (calculations, monitoring data, etc.) to Ecology. The information must demonstrate that you can prevent any flow to the POC for a sufficient length of time to allow the pesticide to degrade to levels below the discharge limits in Table 2.

### e. Maintaining a reduced monitoring plan

The following actions are required for a permittee to maintain a reduced monitoring plan for the lifetime of this permit:

- i. Permittees must remain in good standing under their permit coverage and reduced monitoring requirements. Ecology will review monitoring data, DMRs, annual reports, and other records once per year at the end of the treatment season to determine whether a permittee may keep their current reduced monitoring plan.

If Ecology determines that a permittee has not maintained good standing to keep a reduced monitoring plan, Ecology may provide technical assistance to help the permittee recover good standing, or terminate the reduced monitoring plan. Ecology may terminate a reduced monitoring plan at any time during the year if a permittee fails to follow the requirements in S5.B.1. A permittee whose reduced monitoring plan is revoked may reapply for a reduced monitoring plan in the next calendar year.

Permittees who have an approved reduced monitoring plan as of the effective date of the permit may continue to use that reduced monitoring plan. These

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plans will be subject to the same yearly review and maintenance standards as newly established reduced monitoring plans.

### 2. Reduced monitoring for a specific pesticide

- a. Treatment events when endothall is applied at a concentration less than the discharge limit<sup>6</sup>.
  - i. For these treatment events to be considered for reduced monitoring:
    - a) Comply with the general monitoring requirements for the first application of endothall, at each application site.
    - b) Submit the results of the first treatment event to Ecology.
  - ii. Permittees must qualify for a reduced monitoring plan according to the requirements in S5.B.1
  - iii. If Ecology provides written approval for reduced monitoring for this treatment scenario:
    - a) Take one (1) sample per year at each application site. The sample may be taken at:
      - The POC; or
      - A location that is well mixed, downstream of the application site, and upstream of the POC.
    - b) Document all applications of endothall used during that treatment event, in that month's DMR in accordance with Special Condition S8.A (Discharge Monitoring Reports).
  - iv. Permittees must maintain their reduced monitoring plans according to the requirements in S5.B.1.
- b. Treatment events when copper is applied
  - i. For these treatment events to be considered for reduced monitoring:
    - a) The irrigation system must be located in Eastern Washington.
    - b) Permittees must have the results of water hardness analysis for one (1) full permit cycle of monitoring. (A full permit cycle is five (5) years.)
      - Permittees who have been approved for reduced monitoring prior to the effective date of the permit are exempt from this requirement, and may keep their existing reduced monitoring plans unless they lose eligibility per S5.B.1.e.
    - c) All water hardness results are > 50 mg/l.

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<sup>6</sup> If permittees apply endothall at a concentration higher than the discharge limit, they are required to comply with Special Condition S5.A.

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- d) Submit to Ecology a table listing all of the results of the water hardness analysis for one (1) full permit cycle of monitoring (use the same footnote).
- ii. Permittees must qualify for and maintain a reduced monitoring plan according to the requirements in S5.B.1.
- iii. If Ecology provides written approval for reduced monitoring for this treatment scenario, analyze for water hardness one (1) time each year at each POC. The sample must be collected in July.

### C. Sampling Requirements

#### 1. Sampling and analytical procedures

Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters.

#### 2. Laboratory accreditation

- a. All samples and required parameters must be analyzed by a laboratory registered and accredited for the test method being performed under the provisions of Chapter 173-50 WAC – Accreditation of Environmental Laboratories, except those listed in Special Condition S5.C.2.b and Special Condition S5.C.2.c.
- b. Permittees are **not** required to have the following parameters analyzed by a laboratory that is registered and accredited.
  - Flow
  - Parameters that are used solely for internal process control
  - Settleable solids
  - Temperature
- c. Permittees are **not** required to have the following parameters analyzed by a laboratory that is registered and accredited, unless the sample is analyzed for a parameter listed in Table 3 – Monitoring Requirements in Special Condition S5.A (General Monitoring Requirements).
  - Conductivity
  - pH
  - Turbidity

#### 3. Flow measurement and continuous monitoring devices

- a. Select and use appropriate flow measurement, field measurement, and continuous monitoring devices and methods consistent with accepted scientific practices.
- b. Install, calibrate, and maintain these devices to ensure the accuracy of the measurement is consistent with the accepted industry standard and the manufacturer's recommendation for that type of device.

## **S6.BEST MANAGEMENT PRACTICES**

### **A. Operation and Maintenance**

1. Permittees must properly operate and maintain all facilities and treatment control systems, including back-up or auxiliary facilities/systems and infrastructure that is necessary for compliance with this permit, state and federal laws, and other relevant regulations.

### **B. Spill Prevention and Control**

1. Spill prevention
  - a. Handle, store, and use all oil, fuel, chemicals, and products authorized under this permit, in a manner that prevents spills.
  - b. Maintain all mobile equipment to prevent leaks and spills of petroleum products.
  - c. Materials needed to clean up a spill must be easily accessible. Use absorbent materials or the spill containment materials recommended in the Safety Data Sheet for that product.
2. Spill notification requirements

Immediately report spills to Ecology, in accordance with Special Condition S8.E (Reporting Noncompliance and Spills).
3. Spill cleanup requirements
  - a. In the event of a spill, immediately contain and clean up the spill. Use absorbent materials or the spill containment materials recommended in the Safety Data Sheet for that product to clean up the spill.
  - b. Cleanup includes proper disposal of any spilled materials and the materials used to clean up the spill.

### **D. Public Notice and Posting Procedures**

1. Public notice procedures
  - a. Permittees must use one of the following methods to notify the public about pesticide treatments to control of aquatic weeds and algae.
    - i. Post the public notice on the permittee's website and/or distribute the notice to known interested parties through email, social media or other electronic methods.
    - ii. Publish the public notice in a newspaper with general circulation within the area where pesticide treatments will occur.

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- b. Make the public notice no later than 5:00 p.m. one day prior to the treatment. If the public notice includes all pesticide treatments for an extended period, such as a week, month, or the entire treatment season and there is no deviation from that public notice, then the permittee is **not** required to make another public notice for that treatment season. The permittee is not required to update an extended notice (for a week, month, or season) if a treatment is cancelled.
  - c. If the actual treatment differs from the public notice, the permittee must update or make another public notice that includes updated information about the actual treatment.
  - d. The public notice must include:
    - i. The general purpose of the treatment.
    - ii. The approximate location(s) of the treatment.
    - iii. The pesticide(s) that will be applied.
    - iv. The approximate date(s) of treatment (this can be on a daily, weekly, monthly, or seasonal basis).
    - v. The name and contact information of the entity that can be contacted by the public.
    - vi. The address and phone number of the appropriate Ecology regional office.
  - e. If the permittee uses an electronic method to notify the public (for instance, the permittee posts the notice on its website), save the electronic notice (for instance, as a screenshot or in pdf).
  - f. Document all public notices in accordance with Special Condition S7.A (General Recordkeeping Requirements).
2. Posting procedures
- Permittees must comply with the following posting procedures when applying any pesticide treatment.
- a. Prior to each treatment season, post and maintain signs at locations where the public is likely to encounter treated water. If an area is fenced or otherwise completely blocked from public access, post a sign at the closest point where the public could encounter treated water or at the barrier, gate, or other access which marks the point where public access is no longer allowed. If permanent signs are already placed, ensure that they are legible and visible.
  - b. Permittees are **not** required to post signs upstream of the application site.

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- c. Permittees are **not** required to post signs in private areas with limited site accessibility where the public is highly unlikely to enter treated areas.

(For example, public road crossings of canals or drainage ditches where there is no legal or public pedestrian traffic. Signs are also not required where the only access point to a canal is from a private home or similar property that backs up onto a canal.))

- d. Post signs so they are secure from the normal effects of weather but cause minimal damage to property that you do not manage.
  - e. Write information on the signs in English and Spanish at a minimum. If the permittee is aware of other languages commonly spoken by the community that uses the area, they may post signs in those languages as well. The signs must include, at a minimum:
    - i. The name and contact information of the entity that can be contacted by the public.
    - ii. A statement that prohibits the public from trespassing.
    - iii. A statement that during the irrigation season, pesticides are used to control aquatic weeds and algae.
    - iv. A “no trespassing” pictogram. Permittees may also use additional Ecology-approved pictograms if desired to communicate risk to the public.
  - f. Signs may include the months of the treatment season (such as March through November) as an alternative to specific treatment dates. Signs may be permanent or temporary as long as they include information required by the permit and include all times (months or specific dates) that chemicals may be present.
  - g. Permittees may request a consultation with Ecology to determine the required posting locations for their canal system.
  - h. Permittees must replace, update, or add no trespassing pictograms to required signage by the end of the permit cycle, or 5 years from the effective date of the permit, whichever is later.
3. Procedure deviations

If permittees want to deviate from the requirements in Special Condition S6.D (Public Notice and Posting Procedures), they must contact Ecology. Permittees must have written approval from Ecology before they deviate from these requirements.

## E. Plans and Studies

1. Integrated Vegetation Management Plan
  - a. Prepare and implement an Integrated Vegetation Management Plan (IVM Plan). New permittees must submit an IVM plan upon application. If the permittee chooses treatment to reduce or eliminate pesticide residues, permittees must submit two (2) copies of an engineering report to Ecology for review and approval. The engineering report must be developed in accordance with Chapter 173-240 WAC – Submission of Plans and Reports for Construction of Wastewater Facilities.
2. Spill Control Plan
  - a. Permittees must prepare and implement a Spill Control Plan for the prevention, containment, and control of spills or unplanned discharges from the application, storage, and transportation of pesticides.
  - b. Review and update the plan as needed, and submit any changes to Ecology.
  - c. The Spill Control Plan must include:
    - i. A description of how the permittee will notify responsible managers and legal authorities in the event of a spill.
    - ii. A description of preventative measures and facilities used to prevent, control, or contain spills.
    - iii. A facility plot that shows drainage patterns.
    - iv. A list of all pesticides used, processed, or stored at the facility that could spill into Waters of the State.
3. Travel Time Study
  - a. Permittees must complete a travel time study for each segment of the canal that contains an application site where treated water could flow to a POC. Travel time studies are **not** required for an application site where treated water **cannot** flow to a POC.
  - b. Travel time studies must be less than five (5) years old.
    - i. Permittees may use time travel studies completed under the previous permit cycle provided the data is no more than five (5) years old.
  - c. The travel time study must comply with the following requirements.
    - i. Determine the length of time it takes the pesticide to travel from the application site to the POC. Permittees may determine the travel time from the application site to the POC by:
      - a) Determining the time it takes water to flow from the application site to the POC.



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- b) Determining the time it takes water to flow from the segment of the canal that contains the application site, to the POC. Then adjust the travel time based on where the application site is located within that segment of the canal.
    - ii. Flow conditions during the travel time study must mimic the flow conditions during treatment events.
    - iii. Document the information in the travel time study.
  - d. Permittees may conduct additional travel time studies for all or some segments of the canal system at any time before the next travel time study report is due. Permittees must report the results of these additional studies if there is a change in the travel time that differs more than 10% of the previously reported travel time. In this case, Ecology may require a revised travel time study submitted in accordance with Special Condition S6.E (Plans and Studies).
    - i. If a 10% or greater change in travel time can be reasonably explained by temporary changes in canal conditions, such as plant growth or a severe weather event, and the permittee can provide data supporting this explanation, Ecology may consider waiving the requirement for a new travel time study before a new study is required per S6.E.3.b.
4. Endothall Application Plan
- a. Before applying endothall, permittees must prepare and implement an Endothall Application Plan.
  - b. Existing permittees may continue to operate under an existing endothall application plan if the effective date of the permit falls between April and October. In this case, existing permittees must submit a new endothall application plan by January 31 of the second calendar year of the permit cycle. Review and update the plan as needed, and submit any changes to Ecology.
  - c. The Endothall Application Plan must include:
    - i. A list of the proposed endothall application sites and the associated POCs.
    - ii. Which endothall formulation(s) the permittee intends to use: amine salt (such as Teton), dipotassium salt (such as Cascade), or both.
    - iii. The proposed concentration and duration of the endothall application. If the concentration and duration depends on weed conditions, provide the range of concentration.
    - iv. A method for tracking how long it takes for the treated water to flow from the proposed application site to the POC under the expected flow.
    - v. An explanation of how using endothall has impacted your use of copper.

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### 5. Fluridone Application Plan

- a. Before applying fluridone, prepare and implement a Fluridone Application Plan.
- b. Existing permittees may continue to operate under an existing fluridone application plan if the effective date of the permit falls between April and October. In this case, existing permittees must submit a new fluridone application plan by January 31 of the second calendar year of the permit cycle.
- c. Review and update the plan as needed, and submit any changes to Ecology.
- d. The Fluridone Application Plan must include:
  - i. A list of the proposed fluridone application sites and the associated POCs.

### 6. Acrolein Application Plan

- a. Before applying acrolein, prepare and implement an Acrolein Application Plan.
- b. Existing permittees may continue to operate under an existing acrolein application plan if the effective date of the permit falls between April and October. In this case, existing permittees must submit a new acrolein application plan by January 31 of the second calendar year of the permit cycle.
- e. Review and update the plan as needed, and submit any changes to Ecology.
- c. The Acrolein Application Plan must include:
  - i. A justification of use.
  - ii. A narrative threshold for using acrolein.

## **S7.RECORDKEEPING**

### **A. General Recordkeeping Requirements**

1. Maintain at the permitted facility, all records and documents from any activities required by this permit including monitoring, sampling, inspection records, and notices, and all data used to complete the application for this permit per Special Condition S2 (Applying for Permit Coverage).
2. Maintain these records and documents so they can be accessed at the permitted facility for a minimum of five (5) years. The records and documents may be maintained in an electronic format, in a **non**-electronic format, or both.
3. Extend the period of records retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

**B. Ecology Access to Records**

Make all records and documents available for review by Ecology personnel upon request. Once Ecology has made a request for records, the permittee must provide a copy of any and all records and documents required by this permit, or request an extension if more time is needed to gather and submit records, within fourteen (14) days.

**C. Public Access to Records**

If the public requests Ecology provide a copy of your plans required by the permit:

1. Ecology will notify the permittee of the request.
2. The permittee will have five (5) days to acknowledge the request in writing to Ecology. The Permittee has fourteen (14) days from the date of Ecology's notification of the request, to submit the requested documents to Ecology or to request an extension if necessary.

**D. Records Retention**

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least five years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Ecology. On request, monitoring data and analysis shall be provided to Ecology

**E. Documenting Monitoring Data**

If permittees conduct monitoring or analyze samples in order to satisfy requirements in this permit, they must comply with the following requirements.

1. Monitoring efforts conducted to satisfy requirements in this permit must comply with WAC 173-226.
2. Sampling and analytical methods used to meet the monitoring requirements in this permit must conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136<sup>7</sup>, unless otherwise specified in this permit.
3. All samples must be analyzed by a laboratory registered or accredited in accordance with Chapter 173-50 WAC – Accreditation of Environmental Laboratories.

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<sup>7</sup> Or as applicable in 40 CFR subchapters N [Parts 400-471] or O [Parts 501-503].

## S8.REPORTING

### A. Discharge Monitoring Reports

1. Permittees must submit a Discharge Monitoring Report (DMR) to Ecology:
  - a. Whether or **not** the permittee applied pesticides or discharged treated water that month.
  - b. On or before the fifteenth (15<sup>th</sup>) day of the second month after the month discussed in your DMR. Start complying with reporting requirements once you receive permit coverage. (For example, the April DMR must be submitted by June 15<sup>th</sup> ).
  - c. The permittee must sign and certify the DMR in accordance with General Condition G5 (Signatory Requirements).
2. How to submit DMRs
  - a. Submit DMRs electronically using Ecology's Water Quality Permitting Portal (WQWebDMR) – Discharge Monitoring Report (DMR), unless you apply for, and Ecology approves, an Electronic Reporting Waiver<sup>8</sup>. If the permittee received an Electronic Reporting Waiver from Ecology, they must submit the DMR to Ecology in accordance with, see Special Condition S8.E (How to Submit Documents to Ecology).
  - b. Within two (2) months of receiving permit coverage, comply with either of the following.
    - i. Set up your WQWebDMR account.

For instructions on how to set up your WQWebDMR, visit [Ecology's WQWebPortal guidance webpage](#)<sup>9</sup>.
    - ii. Submit an **Electronic Waiver Request** form (ECY 070-381) to Ecology in accordance with Special Condition S8.E (How to Submit Documents to Ecology).

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<sup>8</sup> Ecology typically only grants Electronic Reporting Waivers to Permittees that do **not** have a computer, printer, or internet connection.

<sup>9</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance>

## B. Recording Results

2. Your records must contain the following information.
  - a. Sample collection information
    - i. The date and time when the sample was collected.
    - ii. The location where the sample was collected.
    - iii. The name and position of the person who collected the sample.
  - b. Sample analysis information
    - i. The date the analysis was performed.
    - ii. The name of the individual or lab which performed the analysis.
    - iii. Analytical techniques or methods used.
    - iv. Results of all analyses (including the parameter name, concentration detected, units, method detection limit, and laboratory quantitation limit).
  - c. Acrolein applications

If acrolein was applied, also include in your records the time the sample was analyzed and how the sample was transported to the lab.
  - d. Endothall applications
    - i. If you use both endothall formulations, Ecology will assume that the endothall concentration reported in your DMR represents the amine salt.

(For example, if the permittee applies the dipotassium salt at 0.85 mg/l and the amine salt at 0.15 mg/l and the laboratory result at the point of compliance is 0.10 mg/l of endothall, Ecology will assume that the amine salt concentration is 0.10 mg/l.)
    - ii. If the endothall concentration in the DMR is higher than the concentration that was applied, Ecology will assume that the concentration of amine salt at the POC is no higher than the initial concentration.

(For example, if the permittee applies the dipotassium salt at 0.45 mg/l and the amine salt at 0.05 mg/l, Ecology will assume that there is no more than 0.05 mg/l of the amine salt at the point of compliance.)
  - e. Fluridone and imazapyr applications

If fluridone or imazapyr was applied, also state in the DMR whether or **not** any fluridone or imazapyr treated water flowed to a POC.
3. If the permittee samples treated water more frequently than required or analyzes a parameter **not** required by this permit, they must include the results of that sampling and analysis in their records.

**C. Annual Treatment Reports**

1. The permittee must keep complete application records on a report form provided by Ecology.
2. The report must include a listing of all pesticide applications, including the amount of pesticide used.
3. The permittee must submit the annual report covering the previous calendar year to Ecology no later than February 1 of each year.

**D. Treatment Notifications and Public Notices**

1. Treatment notifications

a. Planned treatment events

Permittees must notify Ecology via email of planned treatment events no later than 3:00 p.m. one day before the application of pesticide. For example, if a treatment is scheduled for a Monday, Ecology must be notified by 3:00 p.m. on the Sunday before. Report to Ecology the name and location of the application site and the name of the pesticide being applied.

b. Unplanned treatment events

Treatments which occur with less than one day's notice are considered out of compliance. Permittees must report these treatments to Ecology according to the requirements in S8.D.

2. Public notices

By February 1<sup>st</sup> each year, submit to Ecology a copy of the published legal notice or an affidavit from the newspaper, in accordance with Special Condition S6.D (Public Notice and Posting Procedures).

**E. Plans and Studies**

1. See S6.E for plan-specific deadlines, if applicable.
2. Integrated Vegetation Management Plan
  - a. Existing Permittees
    - i. Once this permit becomes effective, existing Permittees must submit a revised application for coverage in accordance Special Condition S2.E (How to Renew Permit Coverage). Include the most recent Integrated Vegetation Management Plan (IVM Plan) in your application for coverage. The IVM Plan must reflect your plan to control aquatic weeds and algae. at the time of submittal.
    - ii. The IVM Plan must comply with the requirements in Special Condition S6.E

## Irrigation System Aquatic Weed Control General Permit

### b. New entities

Include your Integrated Vegetation Management Plan (IVM Plan) in your application for coverage, in accordance with Special Condition S6.E.

## 3. Spill Control Plan

### a. Existing Permittees

i. Once this permit becomes effective, existing Permittees must submit a revised application for coverage in accordance Special Condition S2.E (How to Renew Permit Coverage). Include the most recent Spill Control Plan in your application for coverage.

ii. The Spill Control Plan must comply with the requirements in Special Condition S6.B.

### b. New entities

Include your Spill Control Plan in your application for coverage, in accordance with Special Condition S8.D.

## 4. Travel Time Studies

### a. Existing Permittees

i. Once this permit becomes effective, existing Permittees must submit a revised application for coverage in accordance Special Condition S2.E (How to Renew Permit Coverage). Include the most recent Travel Time Studies in your application for coverage.

ii. The Travel Time Studies must comply with the requirements in Special Condition S6.E.

### b. New entities

Include your Travel Time Studies in your application for coverage, in accordance with Special Condition S8.B.

## 5. Endothall Application Plan

### a. Existing Permittees

i. Once this permit becomes effective, existing Permittees must submit a revised application for coverage in accordance Special Condition S2.E (How to Renew Permit Coverage). If you apply or plan to apply endothall, include the most recent Endothall Application Plan in your application for coverage.

ii. The Endothall Application Plan must comply with the requirements in Special Condition S5.E.4.

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### b. New entities

If you plan to apply endothall, include your Endothall Application Plan in your application for coverage, in accordance with Special Condition S8.B.

## 6. Fluridone Application Plan

### a. Existing Permittees

i. Once this permit becomes effective, existing Permittees must submit a revised application for coverage in accordance Special Condition S2.E (How to Renew Permit Coverage). If you apply or plan to apply fluridone, include the most recent Fluridone Application Plan in your application for coverage.

ii. The Fluridone Application Plan must comply with the requirements in Special Condition S5.E.5.

### b. New entities

If you plan to apply fluridone, include your Fluridone Application Plan in your application for coverage, in accordance with Special Condition S8.B.

## 7. Acrolein Application Plan

### a. Existing Permittees

i. Once this permit becomes effective, existing Permittees must submit a revised application for coverage in accordance Special Condition S2.E (How to Renew Permit Coverage). If you apply or plan to apply Acrolein, include the most recent Acrolein Application Plan in your application for coverage.

ii. The Acrolein Application Plan must comply with the requirements in Special Condition S5.E.6.

### b. New entities

If you plan to apply Acrolein, include your Acrolein Application Plan in your application for coverage, in accordance with Special Condition S8.B.

## F. Reporting Noncompliance and Spills

### 1. Reporting noncompliance

In the event the permittee is unable to comply with any of the permit terms or conditions, they must comply with the following requirements. Cause for noncompliance includes breakdown of treatment equipment, accidents caused by human error or negligence, or other causes such as acts of nature.

Compliance with Special Condition S6.B does **not** relieve permittees from the responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.



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- a. Immediately take action to stop, contain, clean up unauthorized discharges or otherwise stop the noncompliance, and correct the problem.
- b. Report to Ecology any noncompliance that may endanger public health or the environment. Notify Ecology in person, by phone, or by email within twenty-four (24) hours of the time you first become aware of the noncompliance.
- c. Submit a written report to Ecology within five (5) business days of the time that you first became aware of the noncompliance. If you comply with Special Condition S6 and you request an extension, Ecology may waive or extend the requirement for a written report on a case-by-case basis.

The written submission must contain pertinent information including the following.

- i. A description of the noncompliance and its cause.
  - ii. The period of noncompliance, including dates and times.
  - iii. The estimated time noncompliance is expected to continue if it has **not** yet been corrected.
  - iv. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
  - v. Updates that will be included in your Integrated Vegetation Management Plan to address and prevent future noncompliance.
- d. On a case-by-case basis and upon request of the Permittee, Ecology may waive or extend the deadline of the written report.

### 2. Spills reporting

The Permittee must report spills of oil or hazardous materials (e.g. pesticides, cleaning agents, etc.) in accordance with the requirements of Revised Code of Washington (RCW) 90.56.280 and 173-303-145 WAC by calling the National Response Center 1-800-424-8802, and the Washington Emergency Management Division 1-800-258-5990. Permittees can obtain additional instructions on [Ecology's Report a Spill webpage](#)<sup>10</sup>.

### 3. Reporting adverse incidents

If any of the following conditions occur during or after a treatment, immediately call the appropriate Ecology regional contact or 1-800-645-7911.

- a. Any person(s) exhibiting or indicating any toxic and/or allergic response because of treatment.
- b. Any fish or fauna exhibiting stress or dying outside of a treated area, past the point of compliance in the receiving waters of the irrigation conveyance system.

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<sup>10</sup> <https://ecology.wa.gov/Footer/Report-an-environmental-issue/Report-a-spill>

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- c. Any spill of pesticides covered under this permit that occurs in water or on land with a potential for entry into Waters of the State.

### G. How to Submit Documents to Ecology

#### 1. Electronic submittals

If it is available for this permit, Use the Water Quality Permitting Portal (WQWebPortal) to submit the application for coverage and **all** documents, data, and information required in this permit. For more information about the WQWebPortal, visit [Ecology's WQWebPortal guidance webpage](#)<sup>11</sup>.

All electronic submittals (documents, data, reports, etc.) must be approved and signed by a responsible person in accordance with General Condition G5 (Signatory Requirements).

To access the WQWebPortal, you must register for Secure Access Washington (SAW). For information about SAW, visit the [SAW Help webpage](#)<sup>12</sup>.

#### 2. Electronic Reporting Waiver

If you are unable to submit electronically (for example, you do **not** have access to the internet):

- a. Contact Ecology.
- b. Request an Electronic Reporting Waiver form.
- c. Submit the completed form to Ecology.

If Ecology grants your Electronic Reporting Waiver, required documents and reports must be postmarked or delivered to Ecology by the reporting deadline associated with that document. Submit paper documents to Ecology at the following address.

Department of Ecology  
Water Quality Program  
Attention: Irrigation System Aquatic Weed and Algae Control  
General Permit Manager  
PO Box 47696  
Olympia, WA 98504-7696

More information about submitting an Electronic Reporting Waiver or about mailing information to Ecology, is provided on Ecology's website.

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<sup>11</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance>

<sup>12</sup> <https://secureaccess.wa.gov/public/saw/pub/help.do>

**H. Other Changes to Permit Coverage**

If a permittee wishes to make any changes to permit coverage, or they wish to make a change to the district and are unsure whether it will impact their coverage, they should contact Ecology to discuss their options and regulatory requirements.

## GENERAL CONDITIONS

### **G1. DISCHARGE VIOLATIONS**

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit. Any permit noncompliance including the discharge of any pollutant more frequently than, or at a concentration in excess authorized by this permit, constitutes a violation of the terms and conditions of this permit and the Washington State Water Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

### **G2. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit excuses the Permittee from compliance with any applicable federal, state, or local statute, ordinance, or regulation.

### **G3. PROPER OPERATION AND MAINTENANCE**

The Permittee must, at all times, properly operate and maintain all facilities or systems of collection, treatment, and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary systems which are installed by a Permittee, only when their operation is necessary to achieve compliance with the conditions of this permit.

### **G4. RIGHT OF ENTRY AND INSPECTION**

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law, at reasonable times:

- A. To enter upon the premises where a discharge is located or where any records are kept under the terms and conditions of this permit;
- B. To have access to, and to copy at a reasonable cost, any records required to be kept under the terms and conditions of this permit;
- C. To inspect any facilities, equipment (including sampling, monitoring, and control equipment), practices, methods, or operations required under this permit;
- D. To inspect any collection, treatment, pollution management, or discharge facilities;  
**AND**
- E. To sample any discharge of pollutants.

## **G5. SIGNATORY REQUIREMENTS**

### **A. Responsible Person**

1. All documents, data, reports, etc., submitted to Ecology must be signed and certified:
  - a. In the case of corporations, by a responsible corporate officer or duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.
  - b. In the case of a partnership, by a general partner.
  - c. In the case of a sole proprietorship, by the proprietor.
  - d. In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
2. All permit-related applications (NOI, Modification of Coverage, Transfer of Coverage, Notice of Termination) must be signed:
  - a. In the case of corporations, by a responsible corporate officer.
  - b. In the case of a partnership, by a general partner.
  - c. In the case of sole proprietorship, by the proprietor.
  - d. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

### **B. Duly Authorized Person**

All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to Ecology.
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

### **C. Changes to Authorization**

If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to Ecology prior to or included with any reports, information, or applications to be signed by an authorized representative.

#### **D. Certification**

Any person signing a document under this section must make the following certification.

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

#### **G6. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewater<sup>13</sup> must **not** be re-suspended or reintroduced to the final effluent stream for discharge to State waters.

#### **G7. MONITORING BEYOND PERMIT REQUIREMENTS**

If the Permittee performs monitoring to document compliance with this permit beyond that required by this permit, sampling and analysis must conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136 (or as applicable in 40 CFR subchapters N [Parts 400–471] or O [Parts 501-503]). Ecology may specify alternative methods for parameters without limits and for those parameters without an EPA-approved test method in 40 CFR Part 136.

#### **G8. ADDITIONAL MONITORING**

Ecology may establish additional specific monitoring requirements, including the installation of groundwater monitoring wells, by administrative order or permit modification.

#### **G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with their permit coverage, must control production or all discharges upon reduction, loss, failure, or **bypass** of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

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<sup>13</sup> References to wastewater in the general conditions are generic. Any collected screenings, grit, solids, sludge or other pollutants removed from the canal may not be reintroduced to the canal waters. This does not apply to dead plants or algae which break off and drift downstream from treated areas.

#### **G10. DUTY TO MITIGATE**

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting public health or the environment.

#### **G11. PERMIT COVERAGE REVOKED**

Pursuant with RCW 43.21B and Chapter 173-226 WAC, the **Director** may require the Permittee to apply for and obtain coverage under an individual permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are **not** limited to, the following.

- A. Violation of any term or condition of this permit;
- B. Obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts;
- C. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;
- D. A determination that the permitted activity endangers public health or the environment, or contributes to violations of water quality standards;
- E. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC;
- F. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable. A Permittee who has their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

#### **G12. PERMIT MODIFICATION AND REVOCATION**

This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of Chapter 173-226 WAC. Grounds for modification or revocation and reissuance include, but are **not** limited to, the following.

- A. When a change occurs in the technology or practices for control or abatement of pollutants applicable to the category of **dischargers** covered under this permit;
- B. When effluent limitation guidelines or standards are promulgated pursuant to the Federal Water Pollution Control Act or Chapter 90.48 RCW, for the category of dischargers covered under this permit;
- C. When a water quality management plan containing requirements applicable to the category of dischargers covered under this permit is approved; or
- D. When information is obtained which indicates that cumulative effects on the environment from dischargers covered under this permit are unacceptable.

**G13. REPORTING A CAUSE FOR MODIFICATION OF COVERAGE**

A Permittee who knows, or has reason to believe, that any activity has occurred or will occur which will constitute cause for modification or revocation under General Condition G12 above must report such plans, or such information to Ecology so that a decision can be made on whether action to modify coverage or revoke coverage under this permit will be required. Ecology may then require submission of a new application for coverage under this permit, or an application for an individual permit. Submission of a new application does **not** relieve the Permittee of the duty to comply with all the terms and conditions of the existing permit until the new application for coverage has been approved and corresponding permit has been issued.

**G14. PAYMENT OF FEES**

The Permittee must submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit coverage or take enforcement, collection, or other actions, if the permit fees established under Chapter 173-224 WAC are **not** paid.

**G15. REQUEST TO BE EXCLUDED FROM COVERAGE UNDER THIS PERMIT**

Any discharger authorized by this permit may request to be excluded from coverage under this permit by applying for an individual permit. The discharger must submit to Ecology an application as described in Chapter 173-216 WAC with reasons supporting the request. These reasons must fully document how an individual permit will apply to the applicant in a way that this general permit cannot. Ecology may make specific requests for information to support the request.

Ecology will either issue an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of this general permit to that Permittee is automatically terminated on the effective date of the individual permit.

**G16. TERMINATION OF INDIVIDUAL PERMITS UPON ISSUANCE OF GENERAL PERMIT COVERAGE**

Any previously issued individual permit will remain in effect until terminated in writing by Ecology, except that continuation of an expired, or expiring, individual permit (pursuant to Chapter 173-220-180 (5) WAC) will terminate upon coverage under this general permit.

**G17. DUTY TO REAPPLY**

To maintain coverage under this permit, the Permittee must reapply for coverage at least one hundred and eighty (180) days prior to the specified expiration date of this permit. An expired permit and coverage under this permit continues in force and effect until Ecology issues a new permit (coverage) or until Ecology cancels it. Only those facilities that have reapplied for coverage under this permit are covered under the continued permit.



#### **G18. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit will be deemed guilty of a crime, and upon conviction thereof will be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit will incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation will be a separate and distinct offense, and in case of a continuing violation, every day's continuance will be deemed to be a separate and distinct violation.

#### **G19. PENALTIES FOR TAMPERING**

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit will, upon conviction, be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance, shall, upon conviction, be punished by a fine of **not** more than ten thousand dollars (\$10,000) per violation, by imprisonment for **not** more than six (6) months per violation, or by both fine and imprisonment.

#### **G20. APPEALS**

The terms and conditions of this permit are subject to appeal.

##### **A. Class of Dischargers**

The permit terms and conditions as they apply to the appropriate class of dischargers, are subject to appeal within thirty (30) days of issuance of this permit in accordance with Chapter 43.21(B) RCW and Chapter 173-226 WAC.

##### **B. Individual Discharger**

The permit terms and conditions as they apply to an individual discharger, are subject to appeal in accordance with Chapter 43.21(B) RCW within thirty (30) days of the effective date of coverage of that discharger.

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An appeal of the coverage of this permit to an individual discharger is limited to the applicability or non-applicability of this permit to that same discharger. Appeal of this permit coverage of an individual discharger will **not** affect any other individual dischargers. If the terms and conditions of this permit are found to be inapplicable to any discharger(s), the matter shall be remanded to Ecology for consideration of issuance of an individual permit or permits.

### **G21. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit or application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, will **not** be affected thereby.

## APPENDIX A: ACRONYMS AND ABBREVIATIONS

|          |   |
|----------|---|
| BMP      | Best Management Practice                        |
| CFR      | Code of Federal Regulations                     |
| Cfs      | Cubic feet per second                           |
| DEIS     | Draft Environmental Impact Statement            |
| DMR      | Discharge Monitoring Report                     |
| Ecology  | Washington State Department of Ecology          |
| ISAWC    | Irrigation System Aquatic Weed Control          |
| lbs      | Pounds  |
| mg/L     | Milligrams per liter                            |
| µg/L     | Microgram per liter                             |
| NOI      | Notice of Intent                                |
| NOT      | Notice of Termination                           |
| NPDES    | National Pollutant Discharge Elimination System |
| POC      | Point of Compliance                             |
| RCW      | Revised Code of Washington                      |
| SEPA     | State Environmental Protection Act              |
| SOP      | Standard Operating Procedure                    |
| WAC      | Washington Administrative Code                  |
| WQWebDMR | Ecology's Water Quality Permitting Portal       |

## APPENDIX B: GLOSSARY

"303(d)-Listed Waterbody" means any listed waterbody in Category 5, per Water Quality Policy 1-11.

"Administrator" means the administrator of the EPA.

"Antidegradation Policy" is as stated in WAC 173-201A-070.

"Authorized representative" means:

If the entity is a corporation, the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operation facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. If the entity is a partnership or sole proprietorship, a general partner or proprietor, respectively. And if the entity is a federal, state or local governmental facility, a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee. The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible, and the written authorization is submitted to the Department.

"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State and their sediments. BMPs also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA or the director as a restricted use pesticide.

"Code of Federal Regulations (CFR)" means a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. Environmental regulations are in Title 40.

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"Composite sample" means the combined mixture of not less than four (4) discrete samples taken at selected intervals based on an increment of either flow or time. Volatile pollutant discrete samples must be combined in the laboratory immediately prior to analysis. Each discrete sample shall be of not less than 200 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for Examination of Water and Wastewater.

"Conveyance" means a mechanism for transporting water or wastewater from one location to another location including, but not limited to, pipes, ditches, and channels.

"Department" means the Washington State Department of Ecology.

"Detention" means the collection of water into a temporary storage device with the subsequent release of water either at a rate slower than the collection rate, or after a specified time period has passed since the time of collection.

"Director" means the director of the Washington State Department of Ecology or his/her authorized representative.

"Discharger" means an owner or operator of any "facility", "operation", or activity subject to regulation under Chapter 90.48 RCW.

"Discrete sample" means an individual sample which is collected from a waste stream on a onetime basis without consideration to flow or time, except that aliquot collection time should not exceed fifteen (15) minutes in duration.

"Effluent limitation" means any restriction established by the local government, the Department, and EPA on quantities, rates, and concentrations of chemical, physical, biological, and/or other effluent constituents which are discharged from point sources to any site including, but not limited to, waters of the state.

"Environmental Protection Agency (EPA)" means the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for a duly authorized official of said agency.

"Erosion" means the wearing away of the land surface by movements of water, wind, ice, or other agents including, but not limited to, such geological processes as gravitational creep.

"Existing operation" means an operation which commenced activities resulting in a discharge, or potential discharge, to waters of the state prior to the effective date of the general permit for which a request for coverage is made.

"Facility" means the actual individual premises owned or operated by a "discharger" where process or industrial wastewater is discharged.

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"FWPCA" means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as now or as it may be amended.

"General permit" means a permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

"Gpd" means gallons per day.

"Grab sample" is synonymous with "discrete sample."

"Ground water" means any natural occurring water in a saturated zone or stratum beneath the surface or land or a surface water body.

"Hazardous waste" means those wastes designated by 40 CFR Part 261, and regulated by the EPA.

"Individual permit" means a discharge permit for a single point source or a single facility.

"Industrial wastewater" means water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry house, or dairies. The term includes contaminated storm water and also, leachate from solid waste facilities.

"Irrigation System" means a controlled system consisting primarily of manmade canals, ditches, and ponds designed and operated for the delivery or management of water for irrigation purposes.

"mg/L" means milligrams per liter and is equivalent to parts per million (ppm). "New operation" means an operation which commenced activities which result in a discharge, or a potential discharge, to waters of the state on or after the effective date of an applicable general permit.

"NPDES" means the National Pollutant Discharge Elimination System under section 402 of FWPCA.

"Operation" is synonymous with "facility."

"Party" means an individual, firm, corporation, association, partnership, copartnership, consortium, company, joint venture, commercial entity, industry, private corporation, port district, special purpose district, irrigation district, trust, estate, unit of local government, state government agency, federal government agency, Indian tribe, or any other legal entity whatsoever, or their legal representatives, agents, or assignee.

"Permit" means an authorization, license, or equivalent control document issued by the Department to implement Chapter 173-200 WAC, Chapter 173-216 WAC and/or Chapter 173-226 WAC.

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"Person" is synonymous with "party."

"pH" means the logarithm of the reciprocal of the mass of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ . pH is a measure of a substance's corrosivity (acidity or alkalinity). "Point source" means any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Point of Compliance" means the location where water treated with pesticides enters surface water bodies that existed prior to the creation of reclamation and irrigation projects.

"Pollutant" means any substance discharged, if discharged directly, would alter the chemical, physical, thermal, biological, or radiological integrity of the waters of the state, or would be likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to any legitimate beneficial use, or to any animal life, either terrestrial or aquatic. Pollutants include, but are not limited to, the following: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, pH, temperature, TSS, turbidity, color, BOD<sub>5</sub>, TDS, toxicity, odor and industrial, municipal, and agricultural waste.

"Priority pollutant" means those substances listed in the federal 40 CFR Part 423, Appendix A, or as may be amended.

"Process wastewater" means water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

"Product Label" or "Label" means the label included on a pesticide, adjuvant, marker or tracer dye or other chemical listed in the permit which displays required information such as the name, manufacturer, contents, use patterns. Pesticide labels are issued when a pesticide is registered by the EPA and the Washington State Department of Agriculture. Adjuvants are registered by the Washington State Department of Agriculture.

"Reasonable times" means any time during normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects occurrence of a violation.

"Receiving Waters" means naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, or groundwater, into which an irrigation conveyance system discharges.

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"Regional administrator" means the regional administrator of Region X of the EPA or his/her authorized representative.

"Retention" means the collection of water into a permanent storage device, with no subsequent release of water.

"Severe property damage" means substantial physical damage to property, damage to the pretreatment facilities or treatment/disposal facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays or losses in production.

"Shall" is mandatory.

"Significant" is synonymous with "substantial."

"Significant process change" means any change in a facility's processing nature which will result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants, or violate the terms and conditions of this general permit, including but not limited to, facility expansions, production increases, or process modifications.

"Site" means the land or water area where any "facility", "operation", or "activity" is physically located or conducted, including any adjacent land used in connection with such facility, operation, or activity. "Site" also means the land or water area receiving any effluent discharged from any facility, operation, or activity.

"Small business" has the meaning given in RCW 43.31.025(4). "Standard Industrial Classification (SIC) Code" means a classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

"State" means the State of Washington.

"Substantial" means any difference in any parameter including, but not limited to, the following: monitoring result, process characteristic, permit term or condition; which the Department considers to be of significant importance, value, degree, amount, or extent.

"Surface waters of the state" includes lakes, rivers, ponds, streams, inland waters, saltwaters, wetlands, and all other surface waters and water courses within the jurisdiction of the state of Washington.

"Total suspended solids (TSS)" means total suspended matter that either floats on the surface of, or is in suspension in water or wastewater, expressed in mg/L.

"Toxic amounts" means any amount, i.e., concentration or volume, of a pollutant which causes, or could potentially cause, the death of, or injury to, fish, animals, vegetation or other desirable resources of the state, or otherwise causes, or could potentially cause, a reduction in the



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quality of the state's waters below the standards set by the Department or, if no standards have been set, causes significant degradation of water quality, thereby damaging the same.

"Toxics" means those substances listed in the federal priority pollutant list and any other pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under section 307 of the FWPCA (33 U.S.C. 1317 et seq.), or the Department under Chapter 173-200 WAC, Chapter 173-201A WAC, or Chapter 173-204 WAC.

"Treatment event" means a pesticide, adjuvant, or other chemical treatment at a single location within the irrigation conveyance system.

"µg/L" means micrograms per liter and is equivalent to parts per billion (ppb). "Unirrigated" means any lands having not been irrigated within 10 days prior to, or within 60 days after the application of any waste stream.

"Upset" means an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with permit effluent limitations due to factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation thereof.

"Wastewater" means liquid-carried human wastes or a combination of liquid-carried waste from residences, business buildings, or industrial establishments.

"Waters of the state" means all waters defined as "surface waters of the state" and all waters defined as "waters of the state" in RCW 90.40.020.

"Water quality" means the chemical, physical, biological characteristics of water, usually in respect to its suitability for a particular purpose.

"Water Quality Preservation Area (WQPA)" means waters which have been designated as high quality waters based upon one or more of the following criteria:

- Waters in designated federal and state parks, monuments, preserves, wildlife refuges, wilderness areas, marine sanctuaries, estuarine research reserves, and wild and scenic rivers;
- Aquatic habitat having exceptional importance to one or more life stage of a candidate of listed priority species, established by the state Department of Fish & Wildlife, or a federally proposed or listed threatened or endangered species;
- Rare aquatic habitat, ecological reference sites, or other waters having unique and exceptional ecological or recreational significance.

"Water quality standards" means the state of Washington's water quality standards for ground waters of the state (Chapter 173-200 WAC) and the state of Washington's water quality standards for surface waters of the state (Chapter 173-201A WAC). In the absence of other

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definitions as set forth herein, the definitions as set forth in 40 CFR Part 403.3 shall be used for circumstances concerning the discharge of wastes.

## APPENDIX C: REQUIRED ANALYTICAL METHODS

**Table 4: Required Analytical Methods**

| Parameter  | Required Analytical Protocol <sup>1</sup> | Detection Level <sup>2</sup> | Quantitation Level <sup>3</sup> |
|--|---|------------------------------|---------------------------------|
| Acrolein   | EPA 624.1                                 | 5.0 µg/L                     | 10.0 µg/L                       |
| Copper, Total  | EPA 200.8                                 | 0.4 µg/L                     | 2.0 µg/L                        |
| Endothall  | EPA 548, 548.1                            | 12.0 µg/L                    | 9 µg/L                          |
| Flow   | Calibrated device                         | N/A                          | N/A                             |
| Total water hardness<br>(only when monitoring<br>copper) | SM 2340-B                                 |                              | 200 µg/L                        |
| Xylene   | EPA SW 846 8021, 8260                     | 1 µg/L                       | 2 µg/L                          |

1 = The Permittee must use the specified analytical methods, detection levels (DLs) and quantitation levels (QLs) for permit and application required monitoring unless:

- Another permit condition specifies other methods, detection levels, or quantitation levels.
  - The method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136. If an alternate method from 40 CFR 136 is sufficient to produce measurable results in the sample, you may use that method for analysis. If you use an alternative method, you must report the test method, DL, and QL in your records.

2 = Detection level (DL) or detection limit means the minimum concentration of an analyte (substance) that can be measured and reported with a 99% confidence that the analyte concentration is greater than zero as determined by the procedure given in 40 CFR part 136, Appendix B.

3 = Quantitation Level (QL) – also known as Minimum Level (ML) – The term “minimum level” refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (DL), whichever is higher. Minimum levels may be obtained in several ways: They may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the DL in a method, or the DL determined by a laboratory, by a factor of 3. For the purposes of NPDES compliance monitoring, EPA considers the following terms to be synonymous: “quantitation limit,” “reporting limit,” and “minimum level”.

## Appendix D Approved Aquatic Adjuvants

Table 5: Approved Aquatic Adjuvants

| Adjuvant (Product Name) / State Registration Number |                                       |                                   |   |
|---|---------------------------------------|-----------------------------------|---|
| 800 Plus/37686-18005                                | Agri-Dex™/5905-50094                  | AgriSolutions Inergy / 1381-13001 | Alligare Water Conditioner Gold / 81927-22001 |
| Antero-EA/2935-18001                                | Atmos™/1381-13006                     | Avor/9349-16011                   | Bond™/34704-04003                             |
| Brandt A+ / 48813-20001                             | Brandt Magnify/48813-15003            | Break-Thru SP 133/56630-15001     | Breeze®/1381-13007                            |
| Bronc Max™/2935-03005                               | Bronc® Plus Dry/2935-12005            | Bronc Plus Dry-EDT™/2935-03002    | Choice Trio/34704-15003                       |
| CHS Deppex / 48013-21004                            | Cide-Kick IIM®/999400-12001           | Class Act NG™/1381-01004          | Competitor™/2935-04001                        |
| Cut-Rate™/2935-06001                                | Cygnat Plus™/105114-50001             | Denali-EA™/2935-15006             | DestinyHC™/1381-09002                         |
| Droplex™/1381-12001                                 | Dyne-Amic™/5905-50071                 | Embrece-EA / 2935-21003           | Enerplex / 48013-21005                        |
| Fast Break®/1381-50006                              | FoamForce / 1381-22003                | Forge / 46661-15002               | Forge / 48013-21002                           |
| Fraction™/45989-06001                               | Glacier-EA/2935-16001                 | Guidance-EA / 2935-20002          | Hasten-EA™/2935-15003                         |
| Hydrovant fA / 95847-22001                          | Infolium-EA / 2935-21004              | Interlock™/1381-05004             | Kinetic / 5905-11004                          |
| Level 7™/1381-05002                                 | LI-700™/34704-04007                   | Liberate™/34704-04008             | MSO Concentrate/34704-04009                   |
| MSO Concentrate with Leci-Tech/34704-07001          | One-Ap XL™/45989-02001                | Optify L27 /1381-21001            | Pacific Premium Transcend / 37686-21001       |
| Pen-A-Trate ECO / 9349-2001                         | Phase/34704-05007                     | Pro AMS Plus™/71058-18001         | Rainier-EA™/2935-15001                        |
| Renegade-EA/ 2935-15002                             | Sphere 7/73127-10008                  | Spray-Rite™/7001-09003            | Spreader 90/34704-05002                       |
| Superb HC™/1381-06003                               | SuperValue TripWire / 39303-22007     | Syl-Tac-EA™/2935-15004            | Synthex L 941 / 2935-15004                    |
| Tactic™/34704-05008                                 | Trail Blazer/91327-15009              | Trapline Pro/86806-16003          | Tronic™/45989-06003                           |
| Turbulence®/1381-13008                              | Winfield Solutions Inergy®/1381-13002 | Yardage™/52467-13001              |   |