

Appendix E: ISAWC Response to Comments

The Washington State Department of Ecology (Ecology) received public comments on the draft Irrigation System Aquatic Weed Control General Permit that was released for public comment on January 18, 2023. Ecology also accepted oral testimony provided by participants at the two (2) workshops and hearings that were held virtually. No oral testimony was given at these hearings. Fourteen public comments were submitted prior to the close of the public comment period on March 20, 2023. Ecology has summarized these comments and identified specific topics to address. Ecology provided a written response to comments on the permit and indicated where revisions were made to the final document. Underlined language is used to indicate new final language compared to the draft permit. Copies of all public comment letters are posted on [ecomments](#)¹.

¹ <https://wq.ecology.commentinput.com/comment/extra?id=4GdZb>

Table 1: Comment Identification

Comment ID	Name or Signatory	Organization/Entity
A	Roger Sonnichsen	Quincy-Columbia Basin Irrigation District
B	Jamie Balliet	East Columbia Basin Irrigation District
C	John O'Callaghan	South Columbia Basin Irrigation District
D	Nathan Draper	Selah-Moxee Irrigation District
E	Lori Brady	Sunnyside Valley Irrigation District
F	Waylon Marshall	Wenatchee Reclamation District
G	Justin Harter	Naches-Selah Irrigation District
H	Scott Revell	Roza Irrigation District
I	Scott Revell	Roza Irrigation District
J	Forrest Chapin	Roza-Sunnyside Board of Joint Control
K*	John Stuhlmiller	Washington State Water Resources Association
L*	Lori Brady	Yakima Basin Joint Board
M	George Tuttle	Washington State Department of Agriculture
N	Travis Fuller	SePRO Corporation

* These comments were letters from organizations which include permittees as members or joint permittee organizations stating support for other specific and substantive comments from various entities and individuals. The full text of these letters can be seen on the [eComments website](https://wq.ecology.commentinput.com/comment/extra?id=4GdZb)².

² <https://wq.ecology.commentinput.com/comment/extra?id=4GdZb>

Responses

1.) Relevant Comment IDs: A, B, C, D, E, F, G, H, I, J, M

Summary

The draft permit contains formatting and reference errors. Please correct these for the final permit. Some wording is not clear, which makes it difficult to interpret the permit conditions.

Response

Ecology has done its best to correct all formatting, factual, and reference errors in the final permit. We have also made some changes throughout the permit which clarify some of the sections mentioned in comments. If any factual errors remain, contact Ecology.

2.) Relevant Comment IDs: A, I

Summary

The Summary of Permit Submittals is missing some deadlines, and the due dates for some reports are not clear as written.

Response

The fluridone application plan is due as needed, as it is only required from permittees who plan to use fluridone. The submittals table has been updated accordingly. The fluridone application plan must be submitted no later than 30 days before the first planned use of fluridone. We removed the Education and Outreach Plan requirement, so this deadline has been removed.

3.) Relevant Comment IDs: A, B, C, D, E, F, G, H, I, J

Summary

S1.A defines activities covered under this permit. The definition for the area of the canal covered by the permit of the permit is not clear. The permit does not cover terrestrial pesticide treatments on the exterior banks of irrigation canals or any other areas outside of the canals that are part of the irrigation district. Treatments that are not directly applied to water in the canal are not covered by the permit. "Fresh" should be removed from "Irrigation systems that flow to **fresh** surface waters of the State of Washington."

Response

After further review, Ecology has made the decision to remove the new active ingredients from the permit which could be used to control emergent vegetation on the banks of irrigation canals. These chemicals are 2,4-D, diquat dibromide, flumioxazin, glyphosate, and imazamox.

While some districts use these chemicals to control plant and algae growth along the interior banks of irrigation canals, the factors that contribute to scheduling these treatments are difficult to predict and therefore make the timely reporting of these treatments difficult under the current permit conditions. Additionally, Ecology determined that more time is needed to determine whether these types of treatments fall within the scope of the permit due to drip

and overspray into the waters of the canal. Ecology may choose to include these active ingredients in future versions of the permit, but they will not appear in this issuance.

References to emergent vegetation have been removed from the permit to align with this decision.

We have removed the word “fresh” from the references to surface waters of the state for consistency with the rest of the permit.

Table 2: Active Ingredients to Control Aquatic Weeds and Algae, now appears as follows:

Parameter	Maximum Instantaneous Concentration
Acrolein	21 µg/L
Copper (dissolved)	25 µg/L
Dipotassium Salt of Endothall	5,000 µg/L (acid equivalent)
Mono Salt of Endothall (N,N-Dimethyl Alkylamine)	50 µg/L (acid equivalent) (except during timing windows)
	200 µg/L (acid equivalent) (subject to timing windows)
Fluridone	200 µg/L (acid equivalent) (subject to timing windows)
Imazapyr	NA
Sodium Carbonate Peroxyhydrate	NA
Xylene	5,100 µg/L
1 = 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.	

4.) Relevant Comment IDs: A, D, E, H, I, J

Summary

S1.C.2 states that the permit does not cover treatments to canals which do not flow through a Point of Compliance. Does Ecology need to be notified of treatments to these canals? Do permittees need to report treatments which will not flow to a POC?

Response:

If a canal has no exit point that goes through a point of compliance, including exits via connecting canals, then treatments to that canal are not covered by this permit. If water from a canal can at any point pass through a point of compliance, Ecology must be notified of treatments to that canal. This includes situations where water is prevented from flowing to a Point of Compliance but is released later (S5.A.4). S1.C also provides exemptions for canals which remain dry for at least two weeks following a treatment to the dry canal bed.

A canal section is considered dry when there is no water in the canal beyond small, non-flowing puddles and water seeping from saturated canal walls (as may happen in earthen, unlined canals). A section of canal may be dry due to seasonal disuse, purposefully blocking off a section from water flow, or other situations which may cause a canal to temporarily not have water flowing through. If water flows through the dry section of the canal before the two weeks of dry conditions has passed, the treatment must be reported to Ecology.

Permittees may report treatments in canals that do not flow through a point of compliance if they wish, but it is not required under the permit. We have clarified the language in **reporting** that permittees are not required to report treatments that fall under the exceptions in S1.C.2.

S5.3 states that permittees are not required to monitor treatments where there is no possibility of water flowing to a POC, but that these treatments need to be recorded on that month's DMR. This section refers to treatments in canals where there is potential flow to a POC, but that discharge has been cut off or prevented due to closing channels or using all the water before it reaches the POC. **S5.3** has been updated to clarify this point:

5.) Relevant Comment IDs: A, B, D, E, F, G, J

Summary

Ecology should update its list of definitions to include "water company" as it relates to who is eligible for permit coverage. Some non-agricultural water companies that are not irrigation districts as defined in the permit could potentially discharge into agricultural water conveyances if included in the list of entities eligible for coverage.

Ecology should also add a definition for "SOP".

Response:

Water company was included in the list of potential permittees as some of our permittees or potential permittees are titled "water company" rather than "reclamation district" or "irrigation district". "Water company" has been removed from S2.A for clarity on this point:

S2.A: Who May Obtain Permit Coverage

Irrigation districts, ~~water companies~~, and other similar entities which provide water for irrigation and discharge water from irrigation canals into waters of the state may apply for permit coverage.

"SOP" means standard operating procedures. This abbreviation has been added to the permit.

6.) Relevant Comment IDs: A

Summary

Some irrigation districts are part of a federal irrigation project and therefore follow NEPA requirements rather than SEPA requirements.

Response

Permittees which are required to submit NEPA documents as part of their federal program may use those documents to fulfill SEPA requirements as part of their state permit coverage.

7.) Relevant Comment IDs: A, B, C, D, E, G, H, J

Summary

Several commentors are concerned that the process for permit modification is too broad and should not include changes to permittee facilities beyond new Points of Compliance. Permittees want clarification on which types of facility changes trigger a permit coverage modification. Do changes to water user infrastructure trigger a permit coverage modification?

Response

WAC 173-226-080 states that “Any facility expansions, production increases, or process modifications that would result in new or increased discharges of pollutants causing effluent limitations in the general permit to be exceeded or beyond which was reported in the application for coverage, must be reported to the department by submission of a new application or supplement thereto.”

The first step in modifying coverage is a discussion with the permit writer or administrator to determine whether a planned change to the facility falls under that definition for permit coverage modification. At this time, activities which always trigger a permit coverage modification include adding new canal length to the system (unless the new canal will not flow to a Point of Compliance), and adding a new Point of Compliance. Adding new treatment locations to a permit coverage does not trigger a modification but does require an updated Notice of Intent (NOI). Ecology relies on the permit writer and technical experts to determine whether a planned facility change will trigger a permit modification. We recognize that staffing shortages and scheduling often slow this process down, but due to the WAC requirements we cannot change the process at this time.

Changes to water user (customer, not permittee) facilities are outside the scope of the permit and will not trigger a permit coverage modification. If there is a special situation where a facility change may or may not be part of the permittee’s responsibility, contact Ecology for technical assistance.

8.) Relevant Comment IDs: A, B, D, E, G, H, J

Summary

Special condition S3.A requires compliance with standards that do not pertain to the purpose of the permit, which covers treated surface water inside canal systems. The reference to the Human Health Criteria should be removed as it is not consistent with the discharge standards listed elsewhere in the permit.

There is some confusion about the prohibition of violations to Water Quality Standards in S3.A and the language in S3.B which allows for temporary exceedance of water quality standards.

Response

The language prohibiting violations of the Washington State Water Quality Standards (Chapter 173-201A), Washington State Groundwater Quality Standards (Chapter 173-200 WAC), Sediment Management Standards (Chapter 173-204 WAC), and Human Health-Based Criteria in the National Toxics Rule (40 Code of Federal Regulation (CFR) 131.36) was included in the 2012 version of the permit, and removing these standards would be considered a violation of anti-backsliding regulations. This general permit does not authorize activities that have a reasonable potential to cause a violation of state water quality standards within the irrigation system so long as the activities are allowed under the short-term water quality modification. Activities covered under this permit are allocated a temporary zone of impact on beneficial uses, but the impact must be transient, and must allow for full restoration of water quality and protection of beneficial uses upon project completion. The conditions of this permit constitute the requirements of a short-term water quality modification.

9.) Relevant Comment IDs: A, D, E, G, H, J

Summary

Ecology needs to clarify the definition of “SOP”, as well as whose SOPs are required to follow Washington Department of Fish and Wildlife (WDFW) treatment timing windows.

Response

WDFW is currently responsible for setting and maintaining treatment timing window information on their website. The SOPs referred to in S3.A.2 are from WDFW, as Ecology does not currently publish any independent guidance regarding timing windows. SOP, defined as standard operating procedures, has been added to Appendix A: Acronyms and Abbreviations.

10.) Relevant Comment IDs: A, D, E, G, H

Summary

WSDA has authority over pesticide application requirements, including licensing requirements. Ecology should remove S3.C as it is outside of Ecology’s authority to dictate licensing requirements.

Response

Ecology recognizes WSDA as the agency which regulates and administers pesticide application programs in Washington State. We will remove this section to avoid confusion regarding which agency administers pesticide application licensing, but we will reiterate that the language in this section is consistent with WSDA training, licensing, and other requirements regarding aquatic pesticides. S3.A.2 requires compliance with the Washington Pesticide Control Act and rules adopted there under (RCW 15.58).

11.) Relevant Comment IDs: A, B, D, E, F, G, H, I, J

Summary

The 303(d) list is scheduled to be updated in 2024, and changes to that list may make the permit more restrictive. Ecology should consider changing the sentence “Permittees must prevent further impairment listed on the 303(d) list for dissolved oxygen as a result of treatment”, as well as other references to preventing low dissolved oxygen, as drops in dissolved oxygen are associated with breakdown of dead aquatic vegetation.

Response

The 303(d) list is updated according to the water quality assessment required by the Clean Water Act, which is reviewed by the EPA every two years. The permit may be impacted by the 2024 water quality assessment, but we cannot adjust the permit reissuance schedule to line up with the update to the 303(d) list. If changes to the 303(d)-list impact the final permit, Ecology will evaluate what, if anything, will need to be changed in the permit at that time.

Ecology will modify the language in **S4.A** to make it clear that considering actions which will preserve dissolved oxygen levels during hot conditions or low flow is an optional BMP, and only recommended when it will not cause issues with normal canal maintenance and operations. Discharges that lead to stress or lethality in the receiving waters are always prohibited, regardless of permit conditions.

S4.A now reads as follows:

“Ecology prohibits the application of pesticides or other treatments that cause oxygen depletion 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. This prohibition only applies to dissolved oxygen levels in receiving waters.

During periods of low flow, high temperatures, or other conditions which may increase risk for oxygen depletion, permittees may consider mitigation measures such as phasing pesticide treatments.”

12). Relevant Comment IDs: A, B, C, D, E, H, I, J

Summary

Ecology should remove the condition S4.D.1.a, requiring permittees to make reasonable efforts to reduce the use of acrolein in favor of more environmentally sensitive pesticides. The permit should also remove the Acrolein Application Plan, as permittees have been using acrolein for years without causing damage.

Ecology should remove the requirement for application plans for individual application plans for fluridone and endothall as well. The term “narrative threshold” with regard to these plans is unclear. These decisions should be based on the Aquatic Vegetation Management Plan.

Response

Removing this permit condition would be considered a violation of anti-backsliding regulations. Acrolein is highly toxic, and Ecology continues to include it as an active ingredient in this permit because it is highly effective as part of an aquatic vegetation management regime. To continue allowing the use of Acrolein in this permit, Ecology requires permittees to demonstrate that there is a need that cannot be met by other less toxic active ingredients.

Narrative descriptions of when and how acrolein, fluridone, and endothall are used appear in the aquatic vegetation management plan, as well as the individual treatment plans in this version of the permit. Ecology uses narratives of use patterns for acrolein, endothall, and fluridone to demonstrate the need to keep them as options for permittees under the Irrigation Permit. Narrative thresholds are descriptions of the circumstances under which a permittee may choose to use a specific chemical treatment or other treatment option. These can include data, but do not necessarily need to be fully quantitative descriptions.

13.) Relevant Comment IDs: A

Summary

Table 2 should indicate which active ingredients are meant to be used for aquatic use, terrestrial use, and topical spray.

Response

Ecology has removed the active ingredients that are typically used for terrestrial or topical spray near water. All remaining active ingredients are typically for aquatic use. All pesticides and other chemicals allowed under this permit must be labeled for aquatic use.

14.) Relevant Comment IDs: A, M

Summary

S4.B.4 needs to be reworded to show the correct use of marker dyes in irrigation canals. Dyes are applied directly to canals and are applied indirectly to waters of the state through discharge from Points of Compliance.

Response

S4.B.4 has been updated to clarify this point.

S4.B.4 now reads as follows:

“The permittee may apply marker dyes indirectly **or directly** 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 Label directions on the marker and tracer dyes.”

15.) Relevant Comment IDs: A

Summary

Do permittees need a fluridone application plan if it will only be used in dry ditch treatments, as defined in S1.C.2?

Response

Permittees who plan to use fluridone exclusively in dry ditches do not need to submit a fluridone application plan. However, if a permittee wishes to use fluridone in any other manner, including in canals which will not be dry for two weeks after treatment, they will need to submit a fluridone application plan. Permittees may wish to submit a fluridone application plan to cover the potential for treatments which fall under the permit conditions.

16.) Relevant Comment IDs: A, B, C, D, E, F, G, H, I, J

Summary

The sentence “timing windows do not apply to treatments conducted for emergent vegetation” should be removed.

Response:

Ecology has removed references to emergent vegetation in the permit. See the previous response with regard to removing the new active ingredients from the permit.

17.) Relevant Comment IDs: A, C, D, E, F, G, H, J

Summary

Ecology should replace the term “treatment event” with “scheduled treatment” or better define what a treatment event is.

Response

Ecology uses the term “treatment event” to describe all chemical treatments made in the canal system which fall under the scope of the permit. We do not use the term “scheduled treatment”, as some permittees occasionally perform last-minute “unscheduled” treatments which fall outside the notification requirements in the permit. Because permittees need to follow label, monitoring and reporting requirements for these treatments, we group all “scheduled” and “unscheduled” treatments under “treatment events”.

A treatment event is a single treatment at a single pesticide application location in the system.

This definition of “Treatment event” has been added to **Appendix B: Glossary**.

18.) Relevant Comment IDs: A, E, H, J

Summary

Ecology needs to clarify the meaning of when treated water has “reached” or “passed” a point in the canal in S5.A.4.

Response

“Reach” and “pass” were initially used interchangeably in this section, but for clarity we have changed “reach” to “pass” in S5.A.4.a to make it clear that the section is referring to the point at which the highest concentration of pesticide has arrived at and passed the closed off section of the irrigation system. This is consistent with S5.A.2.

19. Relevant Comment IDs: C, E, H, J

Summary

Ecology needs to clarify the requirement for measuring flow in canals. Permittees use various methods to measure flow, and some locations are difficult to access, and meters cannot be used everywhere. Some drains and wasteways are hard to measure very accurately, so are estimated by professional judgement.

Response

Ecology recognizes that environmental conditions sometimes make flow data difficult to collect. We also recognize the ability of experienced professionals to make estimates for measures such as flow. Flow data must be collected empirically, when possible, but we have **modified Table 3** as follows:

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, <u>other standard flow measurement device</u> , or estimate ¹	Concurrent with all other samples; required prior to acrolein treatments
Total water hardness (only when monitoring copper)	mg/L of CaCO ₃	Grab	Concurrent with copper samples
Xylene	µg/L	Grab	2 times per treatment
1: A meter <u>or other standard method, such as rating the flow of a section of canal regularly</u> , is required for permittees that use acrolein.			

20. Relevant Comment IDs: A, B, C, F, N

Summary

Are current reduced monitoring plans still in effect under the new permit? Do permittees with existing reduced monitoring plans for copper need to provide another full five years of hardness data?

Response

Ecology will accept current reduced monitoring plans under the new permit. Reduced monitoring plans that carry over into the new permit cycle will be reviewed on an annual basis according to S5.B. for review.

Permittees with existing reduced monitoring plans for copper do not need to collect a further five years of hardness data, as hardness is not a parameter that is expected to fluctuate greatly over time.

S5.B.1.e has been modified as follows:

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

S5.B.2.b has been modified as follows:

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.

21.) Relevant Comment IDs: B

Summary:

Ecology should remove all adjuvants from the permit, as they are used in terrestrial applications.

Response:

Ecology does not direct permittees to use any particular chemical listed in the permit. All chemicals listed in the permit are presented as options, and each permittee decides the best treatment plan for their district. Although Ecology has removed the active ingredients that are typically used in spray and topical applications, we have decided to keep the adjuvants table in the permit in case a need arises for their use under the current permit conditions.

22.) Relevant Comment IDs: A, B, D, E, H, J

Summary:

Several sections of the permit refer to “endothall” without specifying either Mono Salt of Endothall or Dipotassium Salt of Endothall. Timing windows under this permit have previously only applied to Mono Salt of Endothall.

Response:

Where it is necessary to clarify Mono or Dipotassium Salt of Endothall, corrections have been made to the permit. S4.D.2.a has been corrected to clarify that only Mono Salt of Endothall treatments are subject to timing windows, but permittees should check WDFW timing window information before conducting any treatments.

23.) Relevant Comment IDs: A, B, C, D, E, F, G, H, I, J

Summary:

Many areas where treatments occur in irrigation districts are private property. If the public is encountering treated water in these areas, it is considered trespassing. Permittees have to manage many miles of canals and other infrastructure inside districts, and it is not practical to post signs at every location where the public “may” encounter treated water. Ecology should be more thoughtful about the requirements of where signs are required to warn the public about treated water.

The inclusion of pictograms on warning signs will not be more effective in keeping people out of the canals if they are determined to trespass or enter by accident. They may cause more confusion about the intended uses of irrigation canals. Pictogram requirements should be removed from the permit.

Ecology should also remove the requirement to remove signs at the end of the season. It would be too much time, money, and effort required to complete this task every year. Additionally, some permittees conduct treatments year-round.

Some permittees do not feel that five years is a long enough time to ensure compliance with the signage requirements.

Response:

Ecology has changed the language in S6.D to address some of the confusion about where signs are required. In general, if there is a barrier over which the public would need to cross (like a locked gate, fence, or clearly marked private road entrance) to reach treated waters, signs are not required beyond that point. If the only access to a canal is through a private area, such as a private backyard or a private road inside of the irrigation district, signs are not required in those areas. The purpose of warning signs in this permit is to provide a final chance to warn the public about possible hazardous conditions inside irrigation canals.

Ecology is aware that there are other significant hazards in and around irrigation canals besides pesticides and other chemicals, and that people who willingly enter irrigation canals may not be dissuaded by signage even if they have visible pictograms. However, Ecology supports the use of pictograms on warning signs in this permit as an issue of language access. Providing accessible information about environmental hazards to disadvantaged or overburdened communities is a priority of the 2023 HEAL Act. Ecology is using pictograms in this permit to provide additional language access to these groups. To reduce the burden of replacing signs to comply with this version of the permit, Ecology has removed the requirement for most pictograms with the exception of a pictogram for “no trespassing”. Permittees may use additional Ecology-approved pictograms if desired. Permittees have the entire 5 years after

permit effective date to replace, update, or add pictograms to required signage. During this time, they may request assistance from Ecology to determine the best placement for signs, the appropriate number of signs, or other details which likely vary greatly between districts.

The changes to S6.D can be viewed in the final permit.

24. Relevant Comment IDs: A, B, C, D, E, F, G, H, J

Summary:

Many factors impact travel time in irrigation canals, and it is not reasonable to ask for a new travel time study each time there is a 5% variation in travel time. We recommend adding language that allows for permittees to account for changes in flow conditions during travel time studies.

Requiring permittees to confirm travel time every year is excessive. It would add cost and take time and additional personnel that some districts do not have.

Permittees should be allowed to use travel time studies that were conducted less than five years ago at the time of permit reissuance.

Permittees should not need to submit time travel studies every five years, but rather when changes have occurred which may invalidate the previous study.

Is it possible to use methods other than dye tracking to determine travel time?

Response:

Ecology has added language to **S6.E.3** which allows permittees to use current travel time studies at the time of the new permit's reissuance, provided that data is less than five years old.

Travel time studies are integral to the function of the Irrigation permit. Although travel times are usually consistent in irrigation systems given similar flow conditions, it is necessary to validate this data periodically to uphold the integrity of the permit. Knowing when treated water passes through a given point in the canal is central to many permit conditions, and Ecology must be able to show that the permittees have recent and valid data that supports the sampling, monitoring, and other requirements in the permit. Ecology will maintain the requirement for a time travel study report every five years, at a minimum.

Ecology recognizes the burden that yearly travel time measurements would place on permittees, and we have removed that requirement from the new permit. Some permittees choose to conduct additional travel time studies on their own schedule between the reports required every five years. If there is a variation of 10% or more from the previously reported travel time study during these self-scheduled studies, they must be reported to Ecology.

Ecology has increased the trigger variation for a new travel time study to 10%. Ecology also added the ability for permittees to provide a data-supported narrative explaining why a 10% or greater variation from previous travel time studies can be explained by temporary flow conditions, rather than changes to the canal structure that can change travel times.

Ecology changed the term “measuring” to “determining” to allow for new methods of travel time measurement to be explored for use under this permit. At the time of permit reissuance, dye tracking is the only standard method Ecology recognizes for determining travel time in irrigation canals. However, permittees and other entities may develop novel methods of reliably determining travel time of chemicals in irrigation canals, and Ecology may consider accepting these methods in the future.

S6.E.3 now reads as follows:

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.
 - 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.

25.) Relevant Comment IDs: A, B, C

Summary:

Permittees need more than seven days to fulfill records requests from Ecology and the public. Ecology should also provide more time for permittees to make a full noncompliance report or request an extension. If a weekend is included in the five days to report on noncompliance, the five-day window would be reduced to three days which is often not enough time to complete this type of report.

Response:

Ecology has changed the records response time in S7.B and S7.C to fourteen days. For public records requests, permittees must acknowledge the request from Ecology within five days. Permittees may request an extension within the fourteen-day response window.

S8.F.1.c has been changed to clarify that permittees must submit a noncompliance report or request an extension within five business days.

26.) Relevant Comment IDs: A, B, C, D, E, F, G, J

Summary:

Multiple permittees requested the due date for the DMR be changed from the 1st day of the second month following sampling to the 15th day of that month. Sometimes sampling at the end of a month or delays within laboratories can cause permittees to have very little time to submit DMRs on time, or delay DMR reporting.

Response:

Ecology has changed the deadline for DMRs to the 15th day of the second month following the treatment month to accommodate this type of delay and reduce noncompliance.

27.) Relevant Comment IDs: A, B, C, E, H, I, J

Summary:

Permittees should not need to report to Ecology if an unauthorized person trespasses on the irrigation canal system and later has medical symptoms related to being exposed to treated water. Only approved personnel should be near the canals when treatments are happening, and those persons should be following product label requirements for protective equipment and other safety measures.

Permittees should also not need to report to Ecology if there are dead fish or wildlife inside the canals. The canals are not part of the environment, and permittees are required to exclude fish to the greatest extent practicable by other laws and regulations.

Response:

The requirement to report any person(s) exhibiting or indicating toxic or allergic response to a chemical treatment only extends to approved personnel that the permittee allows in or around the irrigation system during or shortly after treatments when exposure is a risk. Permittees are not responsible for trespassers they may not be aware of coming into contact with treated water, and warning signs required by the permit provide information about the risk of exposure to the public.

S8.F.3 has been updated to specify that permittees must only report wildlife in distress or dying outside of the canal system, past the point of compliance in waters of the state. S8.F.3 now reads as follows:

“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.”

28.) Relevant Comment IDs: C, D, E, G, H, J

Summary:

Ecology should clarify in S2.D.2 what is meant by “a change that will impact the quality of treated water discharged”. Is this referring to pesticide concentrations only, or other water quality parameters?

Response:

Permit coverage modifications are triggered by changes to the nature of the discharge from a permitted facility. In the case of irrigation districts, this would include new locations that discharge into the receiving waters (points of compliance), and changes to the potential amount of water discharged, such as additional canal length discharges to a point of compliance. Additional pesticide application locations do not trigger a permit modification.

If you plan to make significant changes to your district’s canal infrastructure or add new points of compliance, contact the permit writer to discuss the permit coverage modification process. Not all changes to canal infrastructure will trigger a coverage modification.

29.) Relevant Comment IDs: A, B, C, D, G, I

Summary:

Public notices described in S6.D.1 are too specific and go beyond what is necessary for public safety information. Treatment schedules often change and permittees should not be required to post a new notice if a treatment is cancelled. Ecology should also recognize that not all permittees have websites.

Response:

The purpose of S6.D.1 is to create more accessible ways for the public to be informed about environmental hazards in their communities. A more limited scope of information is appropriate to meet this requirement. S6.D.1 now reads as follows:

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.
- 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).

30.) Relevant Comment IDs: C, D, E, F, G, H, J

Summary:

Ecology should clarify in S6.E.1 what is meant by “before treating to reduce or eliminate pesticide residues...” Chapter 173-240 WAC refers to domestic and industrial wastewater treatment facilities and does not discuss irrigation water conveyance systems. We request that section S6.E.1a be removed from the final Permit.

Response:

Although irrigation systems are not wastewater facilities, similar engineering principles are often used to determine the impacts certain activities will have on the discharge characteristics of NPDES permitted facilities. Many NPDES requirements are either written with wastewater facilities in mind or include “wastewater” in the title but are used for many types of industrial and non-industrial facilities. Ecology has changed the language in S6.E.1 to clarify that an engineering report is only required if a permittee chooses conduct treatments that will reduce or eliminate pesticide residues in the canal system that could be discharged to the receiving waters. S6.E.1 now reads as follows:

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.

31.) Relevant Comment IDs: C

Summary:

Section S8.B.3 regarding retaining records of additional sampling is vague has implications for any sampling unrelated to permit-related activities. If samples are taken that are outside the scope of this Permit, permittees should not be required to include results in their records. We suggest removal of section S8.B.3.

Response:

Ecology includes this section with the understanding that permittees keep their own records with regard to water sampling activities. Some of this sampling data may be requested in reference to permit-related activities. Ecology requires permittees to keep this data, but it does not need to be submitted to Ecology unless requested. Records should be kept according to their required retention schedules.

32.) Relevant Comment IDs: A, C, D, E, F, G, H, J

Summary:

References to wastewater or waste treatment and related equipment should be removed from the permit.

Response:

References to wastewater will remain in the permit where it refers to Washington State laws and regulations, federal laws and regulations, and other relevant laws and regulations. In some sections of the permit, references to waste or wastewater are removed for clarity, such as in S8.F.1, which refers to noncompliance with permit conditions and not wastewater treatment failure.

33.) Relevant Comment IDs: D, E, F, G, H, J

Summary:

S1.C.3 and other references throughout the permit should change “canal system” to “irrigation conveyance system” to better reflect the scope of the permit.

Response:

Ecology agrees with this suggestion, as it is more specific to the scope and intent of the permit. S1.C.3 now reads as follows:

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.

Ecology has also added a footnote to S1.A to clarify the use of these terms throughout the permit, which reads as follows:

“‘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.”

34.) Relevant Comment IDs: D, E, F, G, H, J

Summary:

References to “Integrated Pest Management Plans” should be changed to “Integrated Vegetation Management Plans”.

Response:

This was an error in the draft permit. References to Integrated Pest Management have been changed to Integrated Vegetation Management where necessary in the permit.

35.) Relevant Comment IDs: D, E, G, H, J

Summary:

Ecology should remove settleable solids, temperature, conductivity, pH, and turbidity from S5.C of the permit, as they are outside of the scope of the required sampling conditions of the permit.

Response:

S5.C 2 lists parameters that do not need to be analyzed by an accredited laboratory. It does not direct permittees to sample any of these parameters for permit compliance, but some permittees may choose to take samples outside of the requirements of the permit. For these permittees, having the information about laboratory requirements is useful, and will be included in the permit.

36.) Relevant Comment IDs: D, E, H, J

Summary:

Remove S5.C.3, which describes the requirements for selecting and using flow measurement and continuous flow monitoring devices.

Response:

Ecology will keep this section in the permit, as it is not directing permittees to use any specific flow monitoring device. Maintaining good working order of all equipment is consistent with condition S6.A (Operation and Maintenance), and using accepted industry standards and manufacturer’s recommendations is expected for parameters such as flow when there is no accredited laboratory requirement.

37.) Relevant Comment IDs: A, D, E, F, G, H, J

Summary:

Remove S6.A (Operation and Maintenance), as requiring or dictating how permittees are operated and maintained is outside of Ecology’s authority.

Remove reference to the proper handling and storage of oil and petroleum products in S6.B, as these are outside the scope of the permit.

Response:

S6 describes best management practices that go along with the permit. Some of these are required by law, and others are considered necessary to support compliance with other sections of the permit. Ecology expects that permittees maintain the irrigation systems and associated infrastructure that are related to the permit because improper maintenance may lead to noncompliance with other sections of the permit.

The inclusion of oil, fuel, and petroleum products in S6.B is consistent with other state laws and regulations which cover spill prevention and control. S6 includes these as they are best management practices for all NPDES permittees. The Irrigation Permit is written for the specific use and control of aquatic pesticides, but the permit includes references to other chemicals and products that require spill prevention and control in order to align with other NPDES permits and be protective of waters of the state. Ecology will not remove these sections.

38.) Relevant Comment IDs: A, D, E, G, H, J

Summary:

“Material Safety Data Sheet” should be corrected to “Safety Data Sheet”.

Response:

“Material Safety Data Sheet” is an outdated reference to these documents. The permit has been corrected to only refer to “Safety Data Sheets”.

39.) Relevant Comment IDs: A, B, D, G, I

Summary:

Multiple commentors requested that all references to and requirements for education and outreach plans be removed from the permit. Comments stated that these plans would be a burden on districts, especially those without the staff or expertise to create and implement such plans. Some comments also stated that these plans are outside of the scope of the permit and outside of Ecology’s jurisdiction.

Response:

Ecology recognizes the burden additional reporting and planning requirements places on permittees. While public outreach and education is important to Ecology, we have decided that this is not the right time to add a full education and outreach requirement to the permit. Ecology recognizes that many permittees already conduct these types of activities on their own with the support of other agencies and organizations, and we will continue to explore how Ecology can best support these existing efforts.

40.) Relevant Comment IDs: D, E, G, H, J

Summary:

Ecology should provide more guidance on how DMRs should be filled out and what information is required. Ecology also needs to provide a template for DMR submissions.

Response:

Ecology will provide additional guidance on the permit website regarding DMR submittals. This information will remain outside of the official permit documents, but will be available when the final permit is effective. Ecology will also be available for assistance in filling out DMRs when necessary.

Ecology released the DMR template with the draft permit for comment. Starting with this version of the permit, electronic DMR submissions are required and will be available on the Water Quality Permitting Portal (WQWebPortal). More information can be found at [WQWebPortal guidance](#)³.

41.) Relevant Comment IDs: D, E, F, G, H, J

Summary:

Ecology needs to clarify that annual reports due February 1st cover the previous calendar year. Ecology needs to clarify which year's treatment should be referenced in the newspaper affidavit or legal notice required by February 1st.

Response:

S8.C has been updated to make the clarification regarding annual reports, which reference the previous calendar year. The newspaper affidavit or legal notice should notice the treatments planned for the coming year.

42.) Relevant Comment IDs: D, E, H, J

Summary:

The unplanned treatment event provision in S8.D.1.b does not distinguish between events and conditions that are within the control of the permittee and those that are not. Sometimes permittees need to conduct treatments with less than a day's notice when unforeseen circumstances arise, or environmental factors change. Ecology should change this section or eliminate it.

Additionally, permittees should not be held responsible for events completely out of their control, such as "acts of nature".

³ <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance>

Response:

The Irrigation Permit does not distinguish between those types of events for the purposes of reporting requirements because Ecology requires advance notice of treatments. When uncontrollable factors lead to an unplanned treatment, the permittee is given the opportunity to explain the event in their noncompliance report. If a noncompliance situation is truly outside of a permittee's control, that is noted when the permit administrator reviews the permittee's record. Ecology is able to use enforcement discretion when determining the response to noncompliance, and our first response in most cases is to offer technical assistance to prevent similar events from happening again or help to return to normal operations and administration after an accident or disaster. Ecology will not remove or change this section, as it is consistent with report requirements elsewhere in the permit.

43.) Relevant Comment IDs: D, E, G, H, J

Summary:

The permit uses "chemicals" and "pesticides" inconsistently throughout the permit. Please either stick to one term or the other.

Response:

Pesticide has a specific definition according to WSDA, and is used separately from chemical in this permit to discuss when algaecides, herbicides, and adjuvants are being discussed as opposed to all of those products and other chemicals allowed for use in this permit, such as tracer dyes. We have made an effort to use each term appropriately throughout the permit.

44.) Relevant Comment IDs: C, E, H, J

Summary:

S5.B.1 states that sampling should be done "at each treatment site", which is inconsistent with other sampling location requirements in the permit.

Response:

S5.B.1 has been changed to read "for each treatment site", to reflect the intent of this section. Sampling should be done at the stated intervals in S5.B.1 **for** each treatment site, but at the sampling locations specified in S5.A.

45.) Relevant Comment IDs: E, H, J

Summary:

In SS.8.2.d.i. the first sentence and example paragraph in this section should be removed as inconsistent with the analytic approach employed by testing laboratories. Endothall lab results reflect a combination of the Cascade and Teton inputs; therefore, a more helpful approach would be to allow the permittees to record Teton application concentration data in the comments section of the monthly DMR. In any case, section S8.8.2.d.ii. satisfactorily addresses these distinctions.

Response:

Noting the Teton application concentration data in the comment section of the DMR is an acceptable solution to this issue. As noted in this comment, it would alert the permit administrator to the application concentrations and allow for quick resolution of any confusion caused by how endothall lab results are reported.

46.) Relevant Comment IDs: G

Summary:

Thank you for maintaining discharge limits from the previous version of the permit. These limits have proven to be adequate to protect receiving waters and environment.

Response:

Thank you for your feedback. Ecology will maintain these limits until such time as they need to be changed to align with new state water quality standards, if and when that occurs.

47.) Relevant Comment IDs: I

Summary:

We have concerns about how some sections of the permit will be implemented. Some sections are vague and rely on generalities, and may be interpreted differently by different permit administrators as time goes on. We also feel that some sections of the permit are arbitrary and do not reflect the legal principles behind permit development.

The concept of “permit as a shield” to protect against challenges from third parties only works if the permit is well written and able to be implemented.

The permit is written for statewide applicability, but local circumstances vary widely, and the permit must accommodate for that. The permit also needs to accommodate for the fact that many irrigation conveyances are open channels and that disasters like overtopping and breaches are outside of the permittee’s control.

We feel that Ecology staff did not engage enough with chemical manufacturers to gain their insights on the permit.

Response:

By their nature, general permits are written to accommodate a broad range of situations seen in irrigation districts. For the Irrigation Permit, it is particularly difficult to accommodate every district’s specific circumstances and priorities due to the fact that geographies, infrastructure, and capacity vary greatly between all districts. The permit writer and the permit administrator are responsible for discussing permit implementation with all the permittees, which includes making arrangements for unusual situations if necessary. This is true regardless of who occupies the permit writer and administrator position at any given time.

The permit writer and administrator also work to explain the permit and its function to third parties when they express concerns about the permit or a specific permittee. Abiding by the conditions of the permit shows that a permittee is doing their due diligence as required by Ecology and other applicable state, local, and federal laws. There are times when the permit is appealed or otherwise challenged, which can sometimes lead to the permit being modified to reflect the holdings of the Pollution Control Hearings Board or the courts. Ecology is typically the defendant in these cases, as opposed to the permittee. This is one of the benefits of having permit coverage.

Ecology notes your concerns about our outreach with chemical manufacturers associated with this permit. We will continue to conduct outreach to interested and affected parties, and hope to improve these efforts with groups we do not often interact with.

48.) Relevant Comment IDs: I

Summary:

We request that Ecology hold a second formal comment period so that permittees can review and comment on revised sections of the permit that were changed in response to comments. We also request that Ecology make more site visits to learn more about irrigation district operations before the next version of the permit goes out for public comment.

Response:

Ecology does not typically hold a second formal comment period. The permit writer and other Ecology staff, including management, met with permittees multiple times during the response to comment period to clarify their concerns and discuss potential changes to the final permit language. Ecology also consulted with permittees and other commentors about potential final permit language before we made a decision on final permit issuance. We have made many changes to the permit that were specifically requested by permittees and other commentors. While we cannot accommodate every permit change request, we hope that the final version of the permit is an improvement on the draft.

Ecology staff plan to make additional site visits to permittees after the final permit has been issued.

49.) Relevant Comment IDs: I

Summary:

Ecology should remove references to human health criteria in the National Toxics Rule, as it is not in the scope of the permit.

Response:

This reference refers to conditions in the receiving waters outside of the irrigation canals. The waters inside of irrigation canals do not have any beneficial uses where human contact with water is expected or allowed for members of the public.

50.) Relevant Comment IDs: I

Summary:

WDFW has informed us that they do not have expertise in toxicity of various conditions, and that they do not regulate water quality. What happens if a treatment timing window modification request is denied?

Response:

WDFW and Ecology work together to implement treatment timing windows through a combination of their knowledge of ecological conditions and Ecology's knowledge of water quality and toxicology. WDFW is currently responsible for determining treatment timing windows in consultation with Ecology.

If WDFW determines that a timing window modification cannot be made, Ecology will assist the permittee in discussing potential options with WDFW.

51.) Relevant Comment IDs: I

Summary:

Who should permittees, the public, or other interested parties contact when the permit says to "contact Ecology" without specifying a specific individual at the agency?

Response:

The contact information for the permit writer is available on the permit webpage. If the permit writer is not the appropriate contact for a specific request, they can forward the request on to the correct person.

52. Relevant Comment IDs: M

Summary:

WSDA suggests some corrections to how certain terms are used and defined throughout the permit. These include the following:

- "Active Ingredients" should be changed to "Pesticides".
- Ecology should specify that only approved aquatic pesticides and adjuvants are to be used under the permit.
- WSDA suggests not using "chemicals" to refer to the products conditionally approved for use under this permit.
- "Product Label" is too general as it is used in the permit. The permit should specify which product is being discussed when referencing labels.
- Sodium carbonate peroxyhydrate products can only be found in the Pesticide Information Center OnLine (PICOL) database as sodium percarbonate.

Response:

Ecology has changed “active ingredients” to “pesticides” or added “pesticide” to some instances of “active ingredient” in the permit. We have continued to include “active ingredient” as a term to make it clear that permittees are not directed to use any specific pesticide, and that they need to report on the use of the chemicals listed in Table 2 rather than product names.

Ecology has changed the title of Appendix D to “Approved Aquatic Adjuvants”, and we have updated references to adjuvants in the permit to note that only approved aquatic adjuvants are allowed under this permit.

We have changed some references to “chemicals” to specify pesticides, adjuvants, or dyes where appropriate, but at some points in the permit we have decided to keep the blanket term “chemical” to refer to all or some of these product types.

Ecology updated the definition of “product label” for the permit in consultation with WDFW. For the purposes of this permit, the definition of “Product Label” now reads as follows:

“‘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.”

A note has been added to Table 2 indicating that sodium carbonate peroxyhydrate may also be listed as sodium percarbonate.

53.) Relevant Comment IDs: N

Summary:

We request Ecology change discharge limits in the permit for copper to differentiate between chelated copper and copper sulfate. We believe the limits in the permit do not reflect the actual toxicity of the types of copper products that are used under this permit. According to multiple studies, chelated copper appears to be less toxic than other copper products.

Response:

Ecology includes discharge limits in the permit which are consistent with the Aquatic Life Toxics Criteria at the time the permit is issued. The permit does not have the authority to use more lenient discharge limits, and at this time we cannot change the permit to include different discharge limits for different copper products. Ecology recommends all interested parties follow the [Aquatic Life Toxics Criteria rulemaking](https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-201A-Aquatic-Life-Toxics-Criteria)⁴ that is underway at the time of this permit’s reissuance.

⁴ <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-201A-Aquatic-Life-Toxics-Criteria>

Comments on General Permit Conditions

Ecology includes the General Permit Conditions in all NPDES permits. Some of the language in the General Conditions does not reflect the specific nature of the Irrigation System Aquatic Weed Control general permit, and not all General Conditions will be enforced in the same way across all NPDES general permits. Ecology's responses to comments on specific general conditions are listed below.

G3:

Permittees must ensure that all facilities and systems, including backup systems, are operational and maintained as a best management practice. Some districts may have backup systems which are necessary for permit compliance according to their facility's designs. Backup systems are not required by the permit, and it is up to the permittee's discretion to install or use backup systems to prevent illegal discharge or other permit non-compliance.

G6:

References to wastewater in the general conditions are generic, and the Irrigation Permit does not allow for wastewater discharges into irrigation systems. Ecology understands that illegal dumping is a reality in many irrigation systems, and that those situations are not the fault of the permittee and are not regulated under this permit. Resuspension of removed substances is a violation of Washington State water quality standards, and that is why references to this topic are included in the general conditions.

A footnote has been added to G6 to clarify the purpose of including this general condition in the permit:

"¹² 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 if the canal flows to a point of compliance. This does not apply to dead plants which break off and drift downstream from treated areas."

G8:

This general condition reflects Ecology's authority to establish additional monitoring if necessary to ensure compliance with the permit, or if conditions arise where Ecology decides additional monitoring is required. It is unlikely that Ecology will require any permittees to install groundwater monitoring wells, as the active ingredients in the permit are not active in groundwater and there are no existing groundwater monitoring requirements for this permit. The monitoring requirements in the special conditions are adequate to ensure the activities covered by the permit do not violate water quality standards outside of the irrigation conveyance system, and it is unlikely Ecology would order any additional monitoring beyond them. However, groundwater monitoring is one of the additional monitoring options Ecology may require by administrative order.

G22:

In recognition that bypass is a legal term that technically applies to wastewater facilities and does not accurately describe the situations where irrigation canals flood or equipment failure might cause discharge of water that does not meet effluent standards, Ecology will remove G22. In the event of equipment failure, flood, or other unpredictable circumstances where treated water is improperly discharged into the environment or waters of the state, Ecology will work with permittees to pursue appropriate solutions that align with the permit conditions and Washington state law.