



Roza-Sunnyside Board of Joint Control (RSBOJC)

P.O. Box 810 ■ Sunnyside, WA 98944 ■ (509) 837-5141 Roza Irrigation District
P.O. Box 239 ■ Sunnyside, WA 98944 ■ (509) 837-6980 Sunnyside Valley Irrigation

RSBOJC Board Committee Members

March 20th, 2023

Washington State Department of Ecology
Water Quality Program
Attn: Danielle Edelman
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■
Doug
Simpson
Chairman

Dear Ms. Edelman,

■
Ric
Valicoff
Vice
Chairman

On behalf of the Roza-Sunnyside Board of Joint Control (RSBOJC), we have attached the following public comments on the Department of Ecology's (Ecology) **Fact Sheet for the Draft Irrigation System Aquatic Weed Control (ISAWC) General Permit**. This National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge (SWD) permit is one regulatory license that RSBOJC holds in serious regard as it allows the irrigation districts to carry out the fundamental purpose of delivering irrigation water to landowners in an efficient manner at the lowest possible cost while consistent with good management practices. In addition, each district maintaining coverage under this permit allows RSBOJC to achieve its mission statement goal to enhance water supplies by improving water conveyance and quality, supporting storage development, and increasing management efficiency throughout the Lower Yakima River Basin.

■
Scott
Revell
Secretary/
Auditing
Officer

RSBOJC takes pride in our accomplishments as being responsible and strong environmental stewards. We appreciate you and Ecology allowing us the opportunity to provide public comments and/or input on this important matter. The ability for us to all work together as partners during this process will provide future generations with sustainability of water resources, and support the viability of agricultural production.

■
Lori
Brady
Treasurer

Sincerely,

A handwritten signature in black ink, appearing to read 'Forrest Chapin', is written over a horizontal line.

Forrest Chapin
Water Quality Supervisor

CC: Scott Revell, Lori Brady

Attachment: **Public Comments by RSBOJC on Fact Sheet for the Draft ISAWC (NPDES and SWD) GP WA0991000**

Public Comments by Roza-Sunnyside Board of Joint Control (RSBOJC), sometimes referred to as “Roza and SVID” or “the Districts” on Fact Sheet for the Draft ISAWC (NPDES and SWD) General Permit WA0991000

1. **Permit Summary** on page 2 – In this paragraph section Ecology is acknowledging this general permit *“regulates the use of pesticides applied to manage aquatic plants in the surface waters of the state of Washington that are irrigation systems flowing to a point of compliance”*. The districts’ aquatic treatment activities do not involve the matrices: sediment, solids, soil and/or groundwater.
2. **Permit Summary** on page 2 – Change *“Appendix A”* to *“Appendix B”* in this paragraph section since Appendix A is the Acronyms and Abbreviations section and Appendix B is the Glossary section in the draft permit.
3. **Public Comment Period** on page 7 – Ecology will need to update this section with the inclusion of the public comment period extension until 11:59 PM on March 20th, 2023, which was announced and issued by Ecology on February 13th, 2023.
4. **Public Participation** on pages 7-8 and **Appendix B** on page 53 – The information listed on these pages are the identical. It is suggested to eliminate one of these sections to shorten the length of this fact sheet and avoid redundancy.
5. **Activities Covered** on page 9 – The language *“This permit also covers the treatment of emergent vegetation on the banks of conveyances within the irrigation system, where pesticides may enter the water.”* needs to be eliminated from the first paragraph in this section. This permit historically has been and should continue to only cover activities related to aquatic herbicide usages and water tracer dye studies in irrigation conveyance systems operated and maintained by either permittee, Roza and/or SVID; and permit compliant discharges to the receiving natural body of water in our watershed (WRIA 37), the Lower Yakima River Basin. Neither Roza nor SVID use aquatic herbicides to treat emergent vegetation along the banks of irrigation conveyance systems within each district. Instead, each district may use mechanical control, such as mowing, as another method of aquatic vegetation management for emergent plant species along the banks of the irrigation conveyance systems.
6. **Activities, Discharges, and Facilities that Require this Permit** on page 10 – In the first sentence of this paragraph section change *“waters of the state”* to *“surface waters”*. The

surface water within the irrigation system does not become “waters of the state” until it reaches the point(s) of compliance to the receiving natural body of water outside the irrigation districts’ jurisdictional boundary.

7. **Typical Treatment Season and Frequency** on page 11 – In this entire paragraph section either include the words “*and/or laterals*” after each time the word “*canals*” or “*canal*” is used, or replace the word “*canals*” or “*canal*” with “*conveyance system(s)*”. The irrigation districts also treat laterals, which are offshoot conveyance lines from the main canal.
8. **Typical Treatment Season and Frequency** on page 11 – Unsure exactly what Ecology is referring to when they mention “*treatment type*” that will impact the frequency of chemical treatments. This needs to be clarified by Ecology.
9. **Regulations affecting management of aquatic plants and algae in Washington** on page 13 – In the State of Washington the NPDES permits are only issued and applicable to the discharge of pollutants and other wastes and materials to the surface waters of the state, which is clearly laid out in chapter 173-220-010 WAC. Nowhere does it state that the NPDES permits are applicable to the discharge of pollutants and other wastes and materials to the subsurface (or ground) waters and/or sediment of the state. In addition, the irrigation districts are applying aquatic herbicides only to surface waters within their conveyance systems. Therefore, any mention of groundwater and sediment standards and/or regulations must be eliminated from both this fact sheet and the draft permit due to them being outside the scope of the activities being performed by the Districts.
10. **Aquatic Noxious Weeds** on page 14 – In the first paragraph of this section, the definition citation for a “noxious weed” is incorrectly listed as WAC 17.10.010(1). It should be cited as RCW 17.10.010(8).
11. **Discharge Location and Point of Compliance** on page 16 – The sentence in the second paragraph of this section reads “*Typically this is a large river or a canal that leads to a large river such as the Columbia River*”. A “river” and a “canal” are not the same thing. One is naturally occurring whereas the other is artificially constructed.
12. **Endangered and Sensitive Species** on page 25 – The General Condition G9 cited in the first paragraph of this section is incorrect. General Condition G2 “Compliance with other Laws and Statutes” of the draft Irrigation System Aquatic Weed Control (ISAWC) general permit is the section that informs the permittees that the permit does not remove any requirement to comply with all applicable federal regulations. General Condition G9 of the draft ISAWC general permit discusses “Reduced Production for Compliance”.

13. **Authorized Active Ingredients** on page 26 – The following active ingredients must be removed from the bullet point list in this section, as well as from Table 2 on page 19 of the draft ISAWC general permit: Diquat Dibromide; Flumioxazin; Topramezone; Glyphosate; 2,4-D; and Imazamox. Neither Roza nor SVID use any of these chemicals to control aquatic weed plants and algae in irrigation conveyance systems. Both Roza and SVID have Annual Report treatment records dating as far back as 2012 when this general permit was first issued that provide evidence the irrigation districts have never used the products: 2,4-D; Diquat Dibromide; Flumioxazin; Topramezone; Glyphosate; and/or Imazamox for aquatic applications.

14. **S2.B. How to Apply For Permit Coverage** on page 30 – The year “2022” will need to be changed to the year “2023” in the first paragraph of this section since the effective date of this NPDES and SWD permit will likely occur later during one of the summer months, as indicated by Ecology during the public workshop / hearing on February 21st, 2023.

15. **S2.B. How to Apply For Permit Coverage** on page 30 and **S2.E. How to Renew Permit Coverage** on page 31 – So in section S2.B. of this fact sheet the following statement is provided “*Permittees who are covered under the extended 2012 permit have already reapplied for coverage under the administrative extension, and will be covered under the 2022 permit. These permittees do not need to reapply for permit coverage for the 2022 permit*”, whereas in S2.E. of this fact sheet the following statement is provided “*The 2012 irrigation permit expired in 2017. Before it expired, the current permittees submitted their renewal applications to Ecology. Because this duty to reapply has already been completed, current permittees only need to submit a revised application for coverage no later than ninety (90) days after the effective date of this permit*”.

These are both conflicting statements because in one instance Ecology is stating the permittees who already resubmitted their application for coverage ninety (90) days before when this permit expired in 2022 during the 2017-2022 administrative extension cycle do not need to reapply for permit coverage once this permit goes into effect in 2023, whereas in the other instance Ecology is stating the permittees have to submit a renewal application for coverage. Ecology needs to clarify this, and make this clearly documented in the draft permit as well. If the permittee’s recently submitted renewal application for coverage in 2022 is correct and up to date, the permittee should be allowed just to submit in formal writing, such as a letter or email, that Ecology has the current renewal application on file. The resubmitting of the same application file with no necessary changes is excessive and redundant.

16. **S4.A. Prohibited Discharges** on page 33 – Roza and/or SVID only perform aquatic herbicide treatments within their respective irrigation conveyance systems (e.g., canal and laterals). Each of the district’s irrigation conveyance systems are strictly designated for delivering irrigation water to landowners/users for beneficial usages. The districts’

conveyance systems are not used for water recreational activities, and conveying or storing aquatic biota and/or vegetation. Furthermore, higher water temperatures in the irrigation conveyance systems, especially during the warm or hot summer months, is one of several major factors that will lead to increased aquatic plant and/or algae growth.

Therefore, while the Districts are mindful of potential impacts of aquatic herbicide treatment on dissolved oxygen levels in receiving waters, there will inevitably be need for such treatment (including, where practicable, on a phased basis) in order to manage or prevent the excessive aquatic vegetation growth when higher water temperatures are present in the irrigation conveyance systems. As long as the terms and conditions are met in this permit and the federal and/or state product label requirements are followed there is no further reason to include this excessive section S4.A. Eliminate Section S4.A. in entirety.

17. **Acrolein** on page 35 – In this paragraph section change “S8.C.6” to “S6.E.6” since the description of the Acrolein Application Plan is actually listed as section S6.E.6. in the draft permit. There is no section S8.C.6. in the draft permit.

18. **Treatment Timing Windows** on page 37 – In the first sentence of the first paragraph of this section change “endothall” to “Teton”. The WDFW timing windows only apply to the active ingredient Mono(N,N-dimethylalkylamine) salt of endothall, also known as Teton. Furthermore, timing window discharge effluent limits (or maximum instantaneous concentrations) are only listed for the Teton chemical compound in **Table 1: Numeric Limits for Pesticides** on page 19 of this fact sheet, and in **Table 2. Active Ingredients to Control Aquatic Weeds and Algae** on page 19 of the draft permit.

19. **S4.E. Points of Compliance** on page 38 – In this paragraph section change “S4.B” to “S4.E” since the points of compliance explicitly stated in the draft permit are in section S4.E.

In addition, remove “Sulphur Creek Wasteway” from this section. There is no referenced latitude and longitude coordinates for Sulphur Creek Wasteway in this fact sheet and the draft permit. Ecology sent a letter to both Roza and SVID on September 3rd, 2009 (with WDFW concurrence in a June 2nd, 2009 email) approving the Sulphur Creek Wasteway point of compliance site at Midvale and Holaday Roads for both Roza’s and SVID’s upstream application sites in each of their irrigation conveyance systems. This was also due to the fact that both districts constructed a fish barrier just upstream of the Sulphur Creek Wasteway point of compliance during the 2007-2008 season. Lastly, change “four locations” to “three locations” in this paragraph section to reflect the change above.