

Naches-Selah Irrigation District

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Danielle Edelman
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RE: Public Comments Draft Irrigation System and Aquatic Weed Control General Permit Reissuance

Dear Ms. Edelman,

Thank you for the opportunity to comment on the Draft Irrigation System and Aquatic Weed Control General Permit Reissuance. Naches-Selah Irrigation District (NSID) operates and maintains the Selah Valley Canal that was completed in 1892 with canal lateral and pipelines that convey irrigation water to nearly 11,000 acres in the northern part of Yakima County, Washington. 8,000 acres being high value tree fruit production with the rest in small farms and homes of our communities.

For more than 130 years the reliable flow of irrigation water has grown the area into the thriving communities that provide work and homes to over 13,000 people. Aquatic herbicides are one tool utilized to maintain this vital flow of irrigation water. These chemicals are cost effective, reducing labor and risk of higher impacts from powered equipment alternatives.

NSID supports comments being submitted by other irrigation districts, Washington State Water Resources Association and Yakima Basin Joint Board.

NSID and others have been covered by this General Permit since 2003. We look forward to continued success and partnering with the Department of Ecology for this permit cycle and the decades ahead.

Respectfully,

Naches-Selah Irrigation District



Justin Harter
District Manager

Public Comments by Naches-Selah Irrigation District (NSID) on the Irrigation System Aquatic Weed Control (ISAWC) DRAFT General Permit, a National Pollutant Discharge Elimination Permit (NPDES federal) and State Waste Discharge Permit (SWD state)

1. **S1.A.** on page 10 – 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.*” should be removed. This permit historically has covered and should continue to cover exclusively “chemicals”, as defined, that are applied to water carried through irrigation conveyance systems operated and maintained by permittees.
2. **S1.C.3.** on page 10 – In the sentence “*Terrestrial pesticide treatments applied outside the canal system.*” the word “*canal*” should be changed to “*irrigation conveyance system*”.
3. **S2.A.** on page 11 – are terms “*water companies, and other similar entities*” referring to entities that may or may not be special purpose districts of Washington State? Prior issued versions of this permit had the term “irrigation water supplier” for entities other than Irrigation Districts who may obtain permit coverage.
4. **S2.B.1.d.** on page 11 – Change “*Integrated Pest Management Plan*” to “*Integrated Vegetation Management Plan*” to be consistent with the Integrated Vegetation Management Plan provisions under Section S6.E.1. of the permit.
5. **S2.D How to Modify Permit Coverage** on page 14 – In the sentence “*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.*” is too broad and vague. At a minimum exempt all emergency repairs and work, structural and operation changes consistent with irrigation conveyance system conservation planning, any other changes known not to have negative impacts on treated water discharges to POC. It is inappropriate and beyond Ecology’s authority to impose additional permit coverage approval requirements in connection with structural or operational to irrigation conveyance systems – particularly when such requirements contradict or are otherwise inconsistent with these additional authorities governing operation and maintenance of Permittee facilities. In twenty years of Ecology issuing these NPDES general permits, permittees have implemented modernization improvements that have conserved water, improved water quality and reduced chemical uses in the irrigation conveyance systems.
6. **S3.A.1.** on page 15 – By definition, the permit establishes requirements exclusively for the application of “chemicals” into permittee irrigation conveyance systems. As such, proposed requirements under S3.A.1.b and S3.A.1.c that permittee complies with groundwater quality and sediment management standards under WAC 173-200 and 173-

204, respectively, are outside the authority of the permit and should be removed. For illustration purposes, WAC 173-200 establishes compliance points and monitoring locations outside the jurisdictional boundaries of the permit. (Commenters do not suggest that certain aspects of their irrigation conveyance facilities and/or operations may not subject them to requirements under WAC 173-200 and/or 173-204; however, those are separate compliance matters more appropriately addressed directly with Ecology staff having jurisdiction thereover.). In addition, S3.A.1.d. should be removed because those criteria are beyond the jurisdiction of this permit.

7. **S3.A.2.g.** on page 16 – Remove “*and SOPs*” from this sentence.
8. **S3.C.** on page 16 – Similar comment as to S3.A.1., above. While Commenters acknowledge their obligation to ensure that pesticide applicators be current on required pesticide licensing, certification, and training requirements, such requirements are separately promulgated and enforced by WSDA. Suggest the prefatory language under S3.C be revised to read, “*The Permittee must comply with the Product Label when using pesticides. Permit requirements do not reduce the requirements on the Product Label. The Washington Department of Agriculture (WSDA) separately regulates pesticide application, including licensing, certification, and training requirements, and Permittee is advised to consult directly with WSDA concerning those regulations.*” Also, eliminate subparagraphs S3.C.1.-3. in their entirety.
9. **S4.A.** on page 18 –Eliminate Section S4.A. in entirety.
10. **S4.B.** on page 18 – Remove “, *and emergent vegetation on banks of conveyances,*” from the first sentence in this section.
11. **S4.B.3** on page 18 – Thank you for maintaining permit limits from prior. These limits have proven to be adequate to protect receiving waters and environment.
12. **Table 2: Active Ingredients to Control Aquatic Weeds and Algae** on page 19 – Thank you for maintaining permit limits from prior. These limits have proven to be adequate to protect receiving waters and environment.
13. **S4.D.2.a.** on page 22 – Remove the sentence, “*Timing windows do **not** apply to treatments conducted for emergent vegetation.*” In the fourth and last paragraph of this section.
14. **S5.C.3** on page 31 – Remove all and subsections.
15. **S6.A.1.** on page 31 – Remove section. Permittee is clearly obligated to comply with all other specification of permit. This subsection is redundant at best. Or use prior permit language:

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

16. **S6.B.1.** on page 31 – This permit allows the regulated use of aquatic herbicides and water tracer dyes to control aquatic vascular plants and/or algae in irrigation conveyance systems, in order to maintain the capacity to convey surface water(s) for irrigation purposes. Use and handling of oil and petroleum products (e.g., fuel, etc.) is outside the scope of this permit and inclusion of such products as an additional spill prevention and control compliance item is unwarranted. Eliminate the words “oil, fuel,” from the sentence line S6.B.1.a., remove S6.B.1.b. in its entirety.
17. **S6.B.3.a.** on page 31 – Should either remove the word “Material”, or include the phrase “either in the Safety Data Sheet (SDS) or Material Safety Data Sheet (MSDS) prior to 2012” in this sentence for clarity purposes. Safety Data Sheets (SDSs) are the current standardized format for instructing how to handle hazardous chemicals.
18. **S6.C Education and Outreach** – All of this subsection adds a burden on permittees’ limited resources beyond the requirements of proceeding permits. Permittees already maintain communication with the communities they serve to protect the public and environment.
19. **S6.C.1.c.** on page 32 – Eliminate “, and emergent vegetation on the banks of conveyances,” from this sentence.
20. **S6.D.1.a.** on page 32 – Eliminate “, and emergent vegetation on the banks of conveyances,” from this sentence.
21. **S6.D.1.a.i** on page 32 – Change to “Post the public notice on the permittee’s website. Or distribute the notice to known interested parties through email or other electronic methods.” Not all permittees have websites or are otherwise required to maintain a websites.
22. **S6.D.1.d.ii.** on page 33 – In this sentence the word “canals” should be changed to “irrigation conveyance systems” or “irrigation canal and laterals”.
23. **S6.D.2.e.iii.** on page 34 – Eliminate “, and emergent vegetation.” from this sentence.
24. **S6.D.2.e.iv.** on page 34 – NSID shares in the comments from other irrigation districts and major canal companies – object to these “pictogram” requirements. Common sense and

decades of on-the-ground experience confirm that post of unambiguous “**NO TRESPASSING**”, “**DO NOT ENTER**”, “**AUTHORIZED PERSONNEL ONLY**” and/or “**RESTRICTED AREA**” signage is the best and safest way to advise the public concerning chemical application and other operation-related risks associated with irrigation conveyance systems.

25. **S6.D.2.f.** on page 34 – Remove the last sentence “*Remove signs by the end of the treatment season*”. Trespass is not limited to the irrigation season and prohibited at all times. Permittees should be allowed to leave signs posted at their descension and have option of durable signs that warn the public at all times.
26. **S6.E.1.** on page 34 – In this section and paragraph Ecology has this permit plan listed as “Integrated Vegetation Management Plan” whereas in **Table 1: Required Permit Reports and Submittals** on page 8, and in **Section S2.B.1.d.** on page 11 the terms used are “Integrated Aquatic Vegetation” and/or “Integrated Pest Management Plan”. Ecology needs to provide clarity on this issue whether these referenced plans are the same or different; or provide consistency of term usages to prevent confusion for the permittees.
27. **S6.E.1.a.** on page 34 – Eliminate “*The engineering report must be developed in accordance with Chapter 173-240 WAC – Submission of Plans and Reports for Construction of Wastewater Facilities.*” NSID cannot see the relevance of reports prepared in connection with wastewater facilities to matters within the scope of this permit. This should not be a requirement, permittees qualified under **S2.E How to renew Permit Coverage** or had permit coverage January 1, 2017.
28. **S6.E.3.d.** on page 35 – Eliminate this entire paragraph section. Travel times from an application site to a POC along will always be highly variable due to different input/output flows through conveyance systems, due in substantial part to permittee operational determinations and end-user water requirements throughout the season. This proposed requirement is unrealistic and should be removed.
29. **S8.C.** on page 40 – 1) Edit subsection 1 to read as “*The permittee must keep complete application records on a report form provided by Ecology.*”; 2) Edit subsection 3 to confirm the annual report submitted to Ecology by February 1st is to address treatments conducted during the previous calendar year.
30. **S8.A.** and **S8.C.** on pages 37-38 and 40 – Ecology should clarify whether permittees may continue to submit DMRs utilizing the same format employed during prior permit cycles and/or develop new DMR templates of their choosing. If not, Ecology should provide pre-approved templates to all permittees.
31. **S8.D.1.a.** on page 40 – Change “*treatment event*” to either “*treatment*” or “*application*”.

32. **S8.D.2.** on page 41 – Edit this sentence to confirm that the public notice(s) submitted to Ecology by February 1st to confirm that the published legal notice or affidavit thereof is with respect to the notice(s) published by the permittees during the previous calendar year.
 33. **S8.E.2.a.i.** on page 41 – Eliminate “, *and emergent vegetation on the banks of conveyances,*” from this paragraph.
 34. **S8.F.1.** on page 43 – In this subsection, either change the word “*waste*” to “*chemical,*” or eliminate this word. The application equipment used when performing a treatment is not being used to collect and/or contain waste. Additionally, permittees should NOT be deemed out of compliance and subject to additional reporting requirements for “acts of nature” and similar occurrences, which, by definition, are beyond the reasonable ability of permittees to control. Remove “, *or causes such as acts of nature.*” from this paragraph.
 35. **G8** on page 48 – This entire paragraph must be eliminated as overreaching the jurisdictional scope of this permit. If Ecology believes groundwater resources may be negatively impacted by permit-compliant chemical application within irrigation conveyance systems, legislative or publicly noticed rulemaking processes are available to address such impacts.
 36. **G9.** and **G10.** on page 48 – Remove, not applicable. Permit is not for waste treatment facility.
 37. **G22.** on pages 52-53 – Remove all section, not applicable. Permit is not for waste treatment facility.
 38. **Appendix B: Glossary** on pages 55-60 – The following terms and definitions need to be removed from the glossary section at the end of this draft permit: “Ground water”, “Industrial wastewater”, “Process wastewater”, and “Wastewater”. These topics are only tangentially related to issues addressed under the permit and, in any case, are beyond its jurisdictional scope.
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39. **General Comment** – Inconsistent usage of term throughout draft permit where the words “pesticide(s)” and “chemical(s)” are used back and forth. Pesticide is too broad of a term where this permit only deals with aquatic herbicide and algaecide chemicals. Suggest Ecology stick to using just the term “chemical(s)” based on what they describe at the beginning of the draft permit in section S1.A.
 40. **General Comment** – Include these terms and definitions in the glossary Appendix B section: Water company, treatment event, narrative threshold, safety data sheet, material safety data sheet, water tracer dye.
 41. **General Comment** – Include these acronyms and abbreviations in Appendix A: SDS, MSDS.