



EAST COLUMBIA BASIN IRRIGATION DISTRICT

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March 17, 2023

Danielle Edelman
WA Dept. of Ecology
PO Box 47600
Olympia, WA 98504

RE: Draft Irrigation System Aquatic Weed Control Permit

Dear: Ms. Edelman:

The East Columbia Basin Irrigation District (East District) oversees deliveries to over 169,000 acres with authorization to irrigate an additional 300,000 acres. The East District manages thousands of miles of canal, laterals and drains while delivering a reliable source of water to over 4,500 landowners. Irrigation districts face many obstacles in providing irrigation water necessary to facilitate crop production in their service areas and for the state of Washington. Irrigation conveyance systems are dynamic in nature and if unmanaged, aquatic vegetation will proliferate throughout the entire system. Submerged vegetation limits carrying capacity, blocks pump intakes and plugs screens. Capacity issues result in higher water levels which jeopardize the integrity of canals. These conditions not only cause operational difficulties, they also can place people and property in danger. Recurrent flow changes due to plant growth require vigilance amongst staff while implementing specific water management strategies. Districts currently operate with a limited number of tools. The loss or limitation of any aquatic herbicides would hinder the ability to control weeds and operate facilities.

Thank you for the opportunity to comment on the Draft Irrigation System Weed Control (ISAWC) Permit. The East District supports comments being submitted by other irrigation districts, Washington State Water Resources Association and Yakima Basin Joint Board. Below are the East District's comments for the Draft ISAWC Permit.

Sincerely,

A handwritten signature in cursive script that reads "Jamie Balliet".

Jamie Balliet
Water Quality Supervisor

JB:wI

cc: Craig Simpson
Nate Andreini
John McCourite
Rosa Dekker
SCBID
QCBID

(Page 10) **S1.A.**

"This permit also covers the treatment of emergent vegetation on the banks of conveyances within the irrigation system, where pesticides may enter the water."

Comment: Irrigation Districts have demonstrated the ability to control vegetation along the banks of irrigation conveyance systems while strictly following FIFRA labeling. Including terrestrial application coverage in an Irrigation System Aquatic Weed Control (ISAWC) Permit could lead to confusion amongst permittees and add unnecessary regulations and requirements. The East District requests Ecology removes any mention of "emergent vegetation" as it relates to the control of vegetation along the banks of irrigation conveyance systems since it is unneeded and unnecessarily broadens the scope of the permit.

(Page 11) **S1.C.3**

"applied outside of the canal system"

Comment: Delete "applied outside the canal system." The control of aquatic weeds does not include terrestrial weed control. They are distinctly different processes. Also, a "canal system" encompasses the entirety of the "system" including roadways and embankments amongst many other features, which receive terrestrial weed control by treatments covered under FIFRA.

(Page 11) **S2.A.**

"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."

Comment: What is Ecology's definition of water companies? Clarity on who can obtain coverage under this permit would be helpful in determining potential issues. Certain entities (if considered water companies) could discharge to agricultural conveyance facilities in conflict with our designated use and purpose.

(Page 15) **S3.A.1**

"Ensure that the application of pesticides does not cause or contribute to a violation of the:

- a. Washington State Water Quality Standards (Chapter 173-201A).*
- b. ~~Washington State Groundwater Quality Standards (Chapter 173-200 WAC).~~*
- c. ~~Sediment Management Standards (Chapter 173-204 WAC).~~"*

Comment: Remove Groundwater and Sediment standards. Under (S1.A "Activities Covered Under This Permit"), the language clearly states this permit conditionally authorizes the use of pesticides to control aquatic weeds and algae in irrigation systems that flow to fresh surface waters of the State of Washington. NPDES permits cover discharges to surface waters. Groundwater or sediment monitoring requirements are permitted under different programs.

(Page 18) **S4.A**

“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, we recommend that permittees consider mitigation measures such as phasing pesticide treatments.”

Comment: The East District considers many factors when scheduling treatments to control plants and algae in our irrigation conveyance systems. Our irrigation system is designed exclusively for delivery of agricultural water. During periods of high temperatures, facilities are often stressed to max capacity and require immediate control methods be taken to prevent infrastructure failure. Additionally, treating during low flow conditions (measured within an irrigation conveyance system) demands less chemical and increases chemical contact time, both factors beneficial for control of plants and algae.

(Page 18) **S4.B**

“This permit conditionally authorizes the use of adjuvants, active ingredients, and marker dyes to control aquatic weeds and algae, and emergent vegetation on banks of conveyances, within irrigation systems.”

Comment: Please see previous comments (S1.A.) and (S1.C.3.). The East District requests Ecology removes any mention of “emergent vegetation” as it relates to the control of vegetation along the banks of irrigation conveyance systems not aquatic weed control.

(Page 18) **S4.B**

Table 2: Active Ingredients to Control Aquatic Weeds and Algae

Comment: Diquat Dibromide, Flumioxazin, Topramezone, Glyphosate, 2,4-D and Imazamox are not used by the East District to control aquatic weeds or algae. These are used primarily for control of terrestrial vegetation and do not belong in this table. These chemicals are already regulated under FIFRA labeling. Including these in Table 2 as (Active Ingredients to Control Aquatic Weeds and Algae) under the ISAWC permit umbrella only hinders a permittees ability to control vegetation along our ditch banks and operation and maintenance (O&M) roads.

(Page 18) **S4.B.2**

“Permittees may apply the adjuvants listed in Appendix D: Listed Adjuvants”

Comment: The adjuvants listed in Appendix D, Table 5 are used to control terrestrial vegetation and should not be included in the ISAW Permit. These adjuvants are already regulated under FIFRA labeling and are not aquatic herbicides needing permission for aquatic applications.

(Page 20) **S4.D.1.a.i**

“Permittees must make reasonable efforts to reduce the use of acrolein in favor of more environmentally sensitive pesticides.”

Comment: Permittees must utilize available products to ensure the safe operation of facilities. We have no control over the research and development of new, more environmentally sensitive, pesticides or the economic viability of those potential options. Acrolein, being the only non-selective pesticide available for use, is a critical tool in preventing dangerous accumulations of aquatic plants and algae within irrigation conveyance systems. Until a comparable, cost-effective, alternative is made available, acrolein will need to be accessible to Irrigation Districts. This language is misleading and suggest Districts have comparable alternatives available to them already but choose not to utilize them.

Define “reasonable effort” and how it will be administered and regulated so permittees and applicators understand the criteria for determining permit compliance.

(Page 22) **S4.D.2.a**

“Permittees must consult the WDFW timing windows prior to conducting endothall treatments. The Permittees must comply with WDFW timing windows to protect sensitive, threatened, or endangered species, and priority habitats and species such as salmon, steelhead, and bull trout. Timing windows may apply to either fish or non-fish species.”

Comment: The East District suggest the language should be changed to: Permittees must consult the WDFW timing windows prior to conducting Mono Salt of Endothall (N, N-dimethylalkylamine) treatments. Both Mono Salt of Endothall (Teton) and Dipotassium Salt of Endothall (Cascade) are Endothall products, Cascade should not be restricted by WDFW timing windows.

(Page 22) **S4.D.2.a**

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

Comment: Please see previous comments (S1.A.) and (S1.C.3.). The East District requests Ecology removes any mention of “emergent vegetation” as it relates to the control of vegetation along the banks of irrigation conveyance systems.

(Page 29) **S5.B.2.b.i.b**

“Permittees must have the results of water hardness analysis for one (1) full permit cycle of monitoring. (A full permit cycle is five (5) years.)”

Comment: Some Irrigation Districts applied for and received reduced hardness monitoring under the current NPDES permit, limiting the number of required hardness samples to 2 or 3 time per

year (early, mid and late season). This reduced monitoring may prevent Districts from having a full permit cycle worth of concurrent hardness samples. At current laboratory prices (\$42 per hardness test), requiring a full cycle worth of hardness samples would cost East District landowners more than \$15,000 per year. The East District requests Ecology honor previously granted reduced hardness monitoring and/or accept previously obtained hardness data to fulfill this requirement.

(Page 32) **S6.C.1.c**

"The pesticides the permittee uses to control aquatic weeds and algae, and emergent vegetation on the banks of conveyances, in irrigation systems."

Comment: Please see previous comments (S1.A.) and (S1.C.3.). The East District requests Ecology removes any mention of "emergent vegetation" as it relates to the control of vegetation along the banks of irrigation conveyance systems.

(Page 33) **S6.D.1.c**

"If the actual treatment differs from the public notice, the permittee must make another public notice that includes updated information about the actual treatment."

Comment: During peak growing conditions, Districts monitor numerous treatments at one time, often encountering unforeseen conditions that may require immediate treatment modifications/re-scheduling. Having to notify the public of every treatment change is impractical, a huge time constraint, and a barrier to effective aquatic vegetation management.

(Page 33) **S6.D.2.a**

"Prior to each treatment season, post and maintain signs at locations where the public is likely to encounter treated water. "

Comment: Treatments are located on facilities that have restricted access and are posted for no trespassing. If the public is encountering treated water, they are likely trespassing. Irrigation Districts manage thousands of miles of canals, laterals, and drains, many of which run through residential neighborhoods. It is not realistic to expect signs to be placed at each location the public may "encounter" treated water. Its imperative Ecology be pragmatic with sign placement requirements, anything less would be an unattainable burden for District staff and an unnecessary cost to landowners.

(Page 34) **S6.D.f**

"Signs may include the months of the treatment season (such as March through November) as an alternative to specific treatment dates. Remove signs by the end of the treatment season."

Comment: Delete "Remove signs by the end of the treatment season." Permittees should have the option of permanent sign placement. The labor time and cost to place and remove (potentially) hundreds of signs each year is an infeasible task, and it creates an unnecessary financial burden. Just keeping up with the routine replacement of damaged, vandalized, or stolen signs will be costly and time consuming.

(Page 35) **S6.E.3.d**

“Once per year, measure the travel time of each segment of the canal that contains an application site where treated water could flow to a POC. If there is a change in the travel time that differs more than 5% of the previously reported travel time, then complete a revised travel time study and submit it to Ecology in accordance with Special Condition S6.E (Plans and Studies).”

Comment: This is not a reasonable request; many factors go into accurately predicting the time treated water will reach a POC. Districts have dedicated tremendous time and resources over the years in developing successful plans to ensure appropriate sampling windows. Very rarely do two treatment applications share the exact same factors (same location, flow, waste, weed conditions).

If this section remains, adding the language below would make more sense given the dynamic nature of treatment applications:

*“If there is a change in the travel time that differs more than 5% of the previously reported travel time (**given similar flow conditions**), then complete a revised travel time study and submit it to Ecology in accordance with Special Condition S6.E (Plans and Studies).”*

(Page 36) **S6.E.6.c.i**

“The Acrolein Plan must include a justification for use.”

Comment: Districts operating under Irrigation System NPDES permits have demonstrated the ability to use Acrolein for years without causing harm to the public or environment. Singling out Acrolein by requiring justification for use implies an inherent risk of using this product and provides unsubstantiated credence to those who may have ulterior motives in advocating for its removal. The East District requests the justification for use section (S6.E6.C.i) be removed.

(Page 37) **S7.C.2**

“The permittee will have seven (7) days from the date of Ecology’s notification of the request, to submit the requested documents to Ecology.”

Comment: Seven (7) days is not adequate to fulfill a large records request. The East District requests Ecology follow state FOIA laws involving public records request and allows five (5) days to (respond) to any records request. The permittee would then be allowed reasonable time to fulfill the request based on the size and scope of the request.

(Page 37) **S8.A1.b**

“On or before the first day of the second month after the month discussed in your DMR. Start complying with reporting requirements once you receive permit coverage. (For example, the April DMR must be submitted by June 1st).”

Comment: Laboratory results typically take between two to three weeks from the time samples are received to the time results are delivered. Often this provides inadequate time to process and

of month samples by the first day of the second month. East District recommends Ecology extend the DMR due date to the 14th day of the second month to provide adequate reporting time.

(Page 44) **S8.F.3.b**

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

- a. Any person(s) exhibiting or indicating any toxic and/or allergic response because of treatment.*
- b. "Any fish or fauna exhibiting stress or dying inside or outside of a treated area."*

Comment: Irrigation District conveyance systems are designed to deliver agricultural water, not for recreational purposes or to provide fish habitat. Any chemical labeled for use under this permit has gone through extensive scientific, legal and administrative procedures to obtain aquatic registration. Any staff member making a chemical application is certified under WSDA and all treatments are made following FIFRA labeling requirements and established WDFW timing windows.

Permittees are already required to post no trespassing and warning signs throughout facilities (where the public is likely to encounter treated water). Prior to the start of any irrigation season, permittees must circulate affidavits in local newspapers warning the public of aquatic treatments and during the treatment season, permittees are required to post notifications of when, where and what chemicals are being used at any given time.

The public is given adequate and required notice regarding standard operational practices in irrigation facilities and the potential risk of coming in contact with treated water. Any illnesses that may be contributed to an aquatic treatment should be managed at the local health department level. Reporting the stress of fish and fauna (within irrigation facilities) is outside the scope of this permit and should not be a requirement.

(Page 48) **G8**

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

Comment: Please see previous comments (S3.A.1.). Under (S1.A) "**Activities Covered Under This Permit,**" the language states *"this permit conditionally authorizes the use of pesticides to control aquatic weeds and algae in irrigation systems that flow to fresh surface waters of the State of Washington."* This permit is not intended to authorize discharge to ground water.