

Naches-Selah Irrigation District

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May 6, 2024

Washington State Department of Ecology
Water Quality Program
Attn: Marla Koberstein
P.O. Box 47696
Olympia, WA 98504-7696
(360) 628-6376
Marla.koberstein@ecy.wa.gov

Dear Ms. Koberstein,

On behalf of the Naches-Selah Irrigation District (NSID), we have attached the following public comments on the Department of Ecology's (Ecology) rule proposal to **revise Chapter 173-201A WAC, Water Quality Standards for Surface Waters of the State of Washington**. NSID also supports all public comments on this rulemaking proposal update provided by the Washington State Water Resources Association (WSWRA) Executive Committee and its members, irrigation districts and water companies in the State of Washington, Roza Irrigation District (Roza), Sunnyside Valley Irrigation District (SVID), and the Roza-Sunnyside Board of Joint Control (RSBOJC). There is one chemical under the Aquatic Life Toxics Criteria section either being added or updated which NSID utilizes as a management tool 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, through sound stewardship practices and continued usage of herbicides for aquatic vegetation management, the District will maintain the ability to enhance water supplies by improving water conveyance and maintaining water quality.

Managing aquatic vegetation in the District's conveyance system only by physical and mechanical control methods is and would be unfeasible due to limited access to portions of the many miles of irrigation infrastructure. The requirements for these methods involve costly labor and expenses, and even risk additional unintended consequences, such as impacts to farm water deliveries, canal lining damage, and/or overtopping. Chemical control methods have been utilized for a 100 years to control the growth of algae and assure the delivery of water that our farms depend on. These practices to control aquatic vegetation with reduced risk of damage to critical irrigation facilities. Many of our facilities are 80 to over 100 years and continue serving our communities with continued maintenance that includes the use of aquatic herbicides.

Over \$22 million dollars have been invested to modernize NSID since 1995. Piping 12 miles of canals. Adding canal automation with a SCADA system. Funding sources have included the Department of Ecology. Increases in efficiency and control have allowed for treatment of the canals with no discharge of treated water to points of compliance.

Treatments with Copper Sulfate have continued since 2002 under National Pollution Discharge Elimination System (NPDES) Permits. Treating with out discharging water is not feasible for the many other Washington irrigation districts covered under the NPDES permit. NSID was in a unique position dealing with wooden facilities. Improved reliability in delivery of water and

conservation were the main justifications of these investments. Costs of such capital improvements have escalated in recent years slowing gains in efficiency and conservation by all making such efforts.

NSID and all other WSWRA members focus daily on the responsible operation of canals to benefit our water users, communities, rivers and other waters where we all live and work in Washington State.

Sincerely,

Naches-Selah Irrigation District



Justin Harter
District Manager

Enclosures

Naches-Selah Irrigation District

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Naches-Selah Irrigation District (NSID) Public Comments on the Rule Proposal to Revise the Aquatic Life Toxics Criteria of Chapter 173-201A WAC, Water Quality Standards for Surface Waters in the State of Washington (May 2024)

Revision of existing aquatic life toxics criteria for Copper in freshwater – First, 1) We are requesting Ecology clarify the frequency (i.e., term “concurrently”) of sampling water pH, hardness, and dissolved organic carbon (DOC) that would need to occur in order to calculate (or adjust) acute and chronic criteria for copper at a site-specific location or water body. How often and for how long does sampling data for pH, hardness, and DOC need to be collected. 2) Also, please explain what DOC is when talking about water quality in freshwater and explain its relationship or correlation to copper. 3) Please elaborate on the rulemaking process if adjusted acute and chronic criteria for copper at a site-specific location or water body is established and a request is made to use these criteria instead of the default criteria. Will these adjusted criteria be applied to WA State Surface Water Quality Standards (Chapter 173-201A WAC) only? Can they be applied to discharge effluent limits in NPDES and SWD permits? or both?

Second, NSID, as well as many other irrigation districts in the State of Washington, greatly value the usage of copper as an aquatic herbicide tool. Copper is one of the most abundant products on the market within the irrigation and agricultural industries. It is very effective at controlling aquatic weeds, mainly algae species that constantly thrive in irrigation conveyance systems. Revising the copper criteria in Eastern Washington to a default value of 2.5 µg/L (or 0.0025 mg/L) will have significant impact(s) on the current discharge effluent limit allowed under the NPDES and SWD General Permit: Irrigation System Aquatic Weed Control (ISAWC). By restricting the permitted copper effluent discharges it will remove the ability to use copper algaecide products that NSID relies on to manage and eliminate specific aquatic weed species in its conveyance system(s), which actively grow every year during the warm irrigation season months. We request that Ecology reconsider setting the Eastern Washington default copper acute criteria at 2.5 µg/L and default copper chronic criteria at 1.8 µg/L as these such low standards are going to make irrigation water conveyance more difficult to support agricultural growers and production in the State of Washington.

Finally, it is also important to highlight that EPA has issued an interpretive statement and regional guidance in the past to clarify that the application of an aquatic herbicide consistent with the FIFRA label to ensure the passage of irrigation return flow is a nonpoint source discharge not subject to NPDES permit requirements under the CWA. The current federal FIFRA label requirements for copper herbicide and algaecide products already serve to prevent unreasonable adverse effects on the environment. Therefore, as long as all current product label requirements are met by NSID when applying copper within its irrigation conveyance system, it should not be necessary to include additional water quality regulations on copper in return flows from irrigated agriculture.