

### 3. Algae control

- a. The Permittee may intentionally apply algaecides to filamentous green algae provided the treated areas do not exceed the maximum amount of littoral zone allowed for treatment in S1.A.2.c.
- b. The Permittee may intentionally apply algaecides to the entire water body or sections of the water body, as needed, when *cyanobacteria* or other potentially toxic or environmentally harmful algae species are in the water body.

### 4. Phosphorus inactivation

The Permittee may intentionally apply the phosphorus inactivation products and buffering agents listed in special condition S4.D, Table 4: *Approved Phosphorus Inactivation Products* to the entire water body or sections of the water body in accordance with Permit sections S4.D Table 4 and S6.B. Limited use of other phosphorus inactivation products is allowed under Permit section S4.C.2.

## B. Geographic Area Covered

This Permit covers the activities listed in S1.A within the State of Washington. This Permit does not apply to:

1. Federal lands where a federal agency provided funding, made the decision to apply chemicals, or is the entity applying chemicals.
2. Indian Country and trust or restricted lands except portions of the Puyallup Reservation as noted below.
3. Puyallup Exception: Following the Puyallup Tribe of Indians Land Claims Settlement Act of 1989, 25 U.S.C. §1773; this Permit does apply to land within the Puyallup Reservation except for discharges to surface water on land held in trust by the federal government.

## C. Activities Excluded from Coverage Under This Permit

Ecology will not require coverage under this Permit for the use of chemicals on the following sites; with the exception of locations identified as critical habitat for Oregon spotted frogs as defined by the U.S. Fish and Wildlife Services (<https://ecos.fws.gov/ecp0/profile/speciesProfile?sId=6633>).

1. Constructed ***detention or retention ponds*** designed specifically for wastewater or stormwater treatment that do not discharge to other water bodies during and for two weeks after treatment, or where Ecology regulates the discharge under another permit that allows chemical treatment.
2. Any ***constructed water body*** five acres or less in surface area with no discharge to other surface waters of the state during and for two weeks after treatment.

3. Any constructed water body ten acres or less in surface area under single ownership with no **public access** and no discharge to other surface waters of the state during and for two weeks after treatment.
4. **Farm ponds** with no discharge to other surface waters of the state during and for two weeks after treatment.
5. Treatment conducted on **seasonally dry land surfaces** (including seasonally dry **wetlands**) so long as the treatment occurs when the area is dry and the active ingredient is not biologically available when the water returns.
6. Research activities when applying chemicals or products to water bodies under a **State Experimental Use Permit** (See S4.C).

## S2. APPLICATION FOR COVERAGE

Ecology may modify this Permit to require electronic submittal of the permit application, Annual Report, Monitoring Report, Transfer of Coverage, or Notice of Termination when an electronic reporting system becomes available.

### A. Who May Obtain Permit Coverage

1. **Licensed pesticide applicators (applicators)**(WAC 16-228-1545) may apply for coverage. Applicators must be licensed in Washington State with an aquatic endorsement (WAC16-228-1545 3(t)).
  - a. Applicators must obtain separate permit coverage for each water body that they plan to treat. Each coverage requires a **sponsor**. Applicators may obtain a single permit coverage for multiple water bodies where a single, non-governmental sponsor has authority to treat more than one water body. The water bodies need not be hydraulically connected, but must be part of the same distinct community (e.g., ABC Homeowners Association).
  - b. In water bodies with multiple sponsors or multiple permit coverages, applicators must obtain separate permit coverages for each location within the water body (e.g., Lake Washington).
2. Dischargers are not required to be licensed pesticide applicator to apply phosphorus inactivation chemicals, because phosphorus inactivation products are not registered pesticides, EPA and WSDA do not regulate their use. For these projects, the discharger may apply for permit coverage. **Applicants** must have a sponsor for each phosphorus inactivation coverage.
3. Any state or local government entity may apply for coverage.
  - a. Government entities may obtain a single coverage that includes multiple water bodies under its jurisdiction. Government entities are considered sponsors.
  - b. Government entities must keep Ecology updated with a current list of its applicators, including license numbers and license expiration dates.



## B. How to Apply for Coverage

Applicants that propose to begin aquatic plant or algae management activities that will result in a discharge to waters of the state on or after the effective date of this Permit must:

1. Complete the ***Notice of Intent*** (NOI) for the proposed activity online. The applicant must access Ecology's online data management system *SecureAccess Washington* (<http://secureaccess.wa.gov>), fill out the NOI online, print it, and sign it. Applicators must ensure that their sponsor(s) also sign the document.
  - a. The Permittee must submit a signed and dated Fluridone Vegetation Management Plan (Appendix C) to Ecology when applying for or updating a permit coverage that includes fluridone treatment of more than:
    - 50 percent of the littoral zone in lakes up to 50 acres *or*
    - 40 percent of the littoral zone in lakes from 50 - 500 acres.
2. If the product label has potable water use restrictions and the treatment occurs in water bodies with ***municipal or community drinking water intakes***, the applicant must obtain and submit written consent to the treatment from the municipality or community.
3. Mail the complete NOI to:
 

Department of Ecology  
Water Quality Program  
Attn: Aquatic Pesticide Permit Manager  
P.O. Box 47600  
Olympia, WA 98504-7600
4. After the applicant has submitted the completed NOI to Ecology, they must fill out the Public Notice Template provided in the NOI. Publish the public notice twice, one week apart, in a local newspaper of general circulation (or a regional newspaper if a local newspaper is not available) that an application for permit coverage has been made. At the time the second notice is published, a 30-day comment period begins.
5. Mail or deliver the public notice to all potentially affected waterfront residents (those within one-quarter mile in each direction along the shoreline or across the water from proposed treatment areas) within one week of publishing the first newspaper notice.
6. Mail or deliver the public notice to the Washington State Department of Natural Resources (DNR) at: ([Todd.Brownlee@dnr.wa.gov](mailto:Todd.Brownlee@dnr.wa.gov))
7. Mail or deliver the public notice for permit coverages in Water Resource Inventory Areas 7 (Snohomish), 8 (Cedar/Sammamish), and 9 (Duwamish/Green) (<https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up>) to [Nancy.Rapin@muckleshoot.nsn.us](mailto:Nancy.Rapin@muckleshoot.nsn.us) and

[Karen.Walter@muckleshoot.nsn.us](mailto:Karen.Walter@muckleshoot.nsn.us). In the event that the email contacts become out-of-date Ecology will provide updated contact information.

At the end of the required 30-day public comment period, Ecology will consider comments about the applicability of this Permit to the proposed aquatic plant or algae management activity before issuing a decision on permit coverage.

### **C. Permit Coverage Timeline**

1. If the applicant does not receive notification from Ecology, permit coverage automatically commences on whichever of the following dates occurs last:
  - a. The 31st day following receipt by Ecology of a completed application for coverage.
  - b. The 31st day following the end of a 30-day public comment period.
  - c. The effective date of the General Permit.
2. Ecology may need additional time to review the application:
  - a. If the application is incomplete.
  - b. If it requires additional site-specific information.
  - c. If the public requests a public hearing.
  - d. If members of the public file comments.
  - e. When more information is necessary to determine whether coverage under the General Permit is appropriate.

When Ecology needs additional time:

- a. Ecology will notify the applicant in writing before the 31<sup>st</sup> day following the end of the 30 day public comment period and identify the issues that the applicant must resolve before a decision can be reached.
- b. Ecology will submit the final decision to the applicant in writing. If Ecology approves the application for coverage, coverage begins the 31st day following approval, or the date the approval letter is issued, whichever is later.

### **D. How to Modify Permit Coverage**

Entities that propose changes to the aquatic plant and algae control activities authorized by their original permit coverage, such as expanding the area covered, must revise and re-submit permit application materials in accordance with Special Condition S2.B.

### **E. How to Transfer Permit Coverage**

A Permittee may transfer coverage to a new Permittee, in accordance with General Condition G7 of this Permit, using the Transfer of Coverage Form found here:

<https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070348.html>.



Both the original Permittee and the new Permittee must sign the form and provide the date that the new Permittee will take responsibility for permit coverage. Once both parties have signed the form, the new Permittee becomes responsible for permit compliance and permit fees on the date indicated on the form. The original Permittee remains responsible for, and subject to, all permit conditions and permit fees until the transfer is effective.

#### **F. How to Terminate Permit Coverage**

When a Permittee no longer has or plans to discharge they may request termination of permit coverage by submitting a completed Notice of Termination (NOT) form found here: <https://fortress.wa.gov/ecy/publications/SummaryPages/ECY100300.html>.

The Permittee will continue to incur an annual permit fee unless it submits a NOT form even if no application of pesticides takes place. Once permit coverage is cancelled, the Permittee may no longer discharge to waters of the state unless it applies for, and gains coverage under this Permit again.

### **S3. DISCHARGE LIMITS**

#### **A. Compliance with Standards**

1. The application of pesticides must not cause or contribute to a violation of the Water Quality Standards for Surface Waters of the State of Washington (chapter 173-201A WAC), 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 CRF 131.36). Ecology prohibits discharges that do not comply with these standards.
2. Permittees must use all known, available, and reasonable methods of pollution control, prevention, and treatment (AKART) when applying pesticides. Compliance with this Permit, the Washington Pesticide Control Act and the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) label constitute AKART.

#### **B. Temporary Exceedance of Water Quality Standards**

Short and long-term exceedance of water quality standards are allowed under this Permit provided the Permittee complies with the provisions of WAC 173-201A-410.

#### **C. Application Requirements**

The Permittee must comply with the FIFRA label when using pesticides. Permit requirements do not reduce the requirements on the FIFRA label. The Permittee must ensure that:

1. A licensed pesticide applicator, with the appropriate Washington State Department of Agriculture (WSDA) license and certification, has *direct supervision responsibilities* for the use of pesticides during application.
2. All applicators (either under the direct supervision of the licensed applicator for pesticides or under the supervision of the discharger for non-pesticides) have

current training in the use of the equipment necessary to apply chemicals correctly and that they use approved application techniques.

3. Appropriately trained personnel calibrate the application equipment for the chemical used.
4. Phosphorus inactivation products are not labeled as pesticides by FIFRA and dischargers are not required to be licensed pesticide applicators.

#### **D. Impaired Water Bodies**

1. The Permittee must not cause further permanent impairment of any **303(d)-listed** water body for any listed parameter.
2. The Permittee must prevent further permanent impairment of water bodies listed on the 303(d) list for dissolved oxygen as a result of treatment. It may do so by choosing appropriate chemicals such as a **systemic herbicide** instead of a **contact herbicide** and must implement one or more of the following mitigation measures:
  - a. Do not treat in the summer or when water temperatures are warm enough to contribute to low dissolved oxygen concentrations after treatment.
  - b. Limit the area treated each time that treatment occurs.
  - c. Remove decaying plants following treatment.
  - d. Aerate the water following treatments.
3. The Permittee must prevent further permanent impairment of water bodies listed on the 303(d) list for phosphorus as a result of treatment. It may do so by choosing appropriate chemicals to minimize release of phosphorus from non-target plants or algae and must implement at least one or more of the following mitigation measures.
  - a. When treating for a **floating plant** such as duckweed or for algae blooms ensure that a healthy population of native emergent, submersed, or floating-leaved plants remain in the water body after treatment.
  - b. Time treatment so that plant nutrients are not released during summer months.
  - c. Limit the area treated at any one time.
  - d. Remove decaying plants following treatment

#### **E. Identified Wetlands**

The Permittee may treat only **high use areas** to provide for safe **recreation** (e.g., **defined swimming corridors**) and boating (e.g., **defined navigation channels**) in **identified and/or emergent wetlands**. The Permittee must limit the treated area to protect native wetland vegetation.

**F. Additional Requirements for Discharges to Water Bodies Where Sensitive, Threatened, or Endangered Plants Are Present**

Before issuing permit coverage, Ecology will determine whether *sensitive, threatened, or endangered (rare) plants* are present in the proposed treatment area. If present, for *aquatic plant control* projects, the Permittee must submit a detailed plant survey and implement mitigation measures according to Special Condition S.9.

**S4. THE APPLICATION OF PRODUCTS**

**A. Prohibited Discharges**

Treatment that causes oxygen depletion to the point of stress or lethality to aquatic biota from plant or algae die-off, the mortality of aquatic vertebrates, or unintended impacts to water quality or biota are prohibited.

**B. Authorized Discharges**

1. Beginning on the effective date of this Permit and until Ecology modifies, reissues, or revokes this Permit; this Permit authorizes the Permittee to discharge the chemicals listed in the Permit into freshwaters of the state.
2. This Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.
3. The Permittee may apply the adjuvants listed in Table 2 and the active ingredients listed in Table 3 that are labeled for aquatic use, phosphorus inactivation products and approved buffering agents listed in Table 4, shading products, and water clarification products (including bacterial products) listed in Table 5.
4. The Permittee must comply with the specific restrictions/limitations listed in Tables 3-5.



**Table 2: Listed Adjuvants**

<b>Adjuvant (Trade Name)/State Registration Number</b>			
800 Plus/37686-18005	Agri-Dex™/5905-50094	AgriSolutions Inergy®/1381-13001	Antero-EA/2935-18001
Atmos™/1381-13006	Avor/9349-16011	Bond™/34704-04003	Brandt Magnify/48813-15003
Break-Thru SP 133/56630-15001	Breeze®/1381-13007	Bronc Max™/2935-03005	Bronc® Plus Dry/2935-12005
Bronc Plus Dry-EDT™/2935-03002	Chempro A-10/46059-16001	Choice Trio/34704-15003	Cide-Kick IIM®/99940/12001
Class Act NG™/1381-01004	Competitor™/2935-04001	Cut-Rate™/2935-06001	Cygnat Plus™/105114-50001
Denali-EA™/2935-15006	DestinyHC™/1381-09002	Droplex™/1381-12001	Dyne-Amic™/5905-50071
Fast Break®/1381-50006	Forge/46661-15002	Fraction™/45989-06001	Glacier-EA/2935-16001
Hasten-EA™/2935-15003	Interlock™/1381-05004	Kinetic™/5905-11004	Level 7™/1381-05002
LI-700™/34704-04007	Liberate™/34704-04008	MSO Concentrate/34704-04009	MSO Concentrate with Leci-Tech/34704-07001
One-Ap XL™/45989-02001	Phase/34704-05007	Pro AMS Plus™/71058-50001	Rainier-EA™/2935-15001
Renegade-EA™/2935-15002	Sphere 7/73127-10008	Spray-Rite™/7001-09003	Spreader 90/34704-05002
Superb HC™/1381-06003	Syl-Tac-EA™/2935-15004	Tactic™/34704-05008	Trail Blazer/91327-15009
Trapline Pro/86806-16003	Tronic™/45989-06003	Turbulence®/1381-13008	Winfield Solutions Inergy®/1381-13002
Yardage™/52467-13001			



### **C. Experimental Use**

1. The Permittee may apply chemicals not listed in this Permit on a limited basis in the context of a research and development effort under the jurisdiction of the Environmental Protection Agency (EPA) through the issuance of a federal experimental use permit (40 CFR 172) and the WSDA through the issuance of a state experimental use permit (EUP).
  - a. Project proponents must obtain coverage under this General Permit for any in-water projects conducted under a federal EUP (projects over one acre or more in size), unless the project is conducted at a site excluded from coverage under this Permit.
  - b. Ecology does not require coverage under this General Permit for research and development projects of one acre or less in size where the project proponent operates under a state EUP (issued by WSDA).
2. The Permittee may apply phosphorus inactivation products not listed in this Permit on a limited basis in the context of a research and development effort provided the Permittee develops an experimental phosphorus inactivation plan. The plan must be reviewed and approved by Ecology prior to treatment. Monitoring conducted as part of an experimental phosphorus inactivation application must conform to the requirements for sampling and analysis in Special Condition S6. The experimental phosphorus inactivation plan must include the following elements:
  - a. A public announcement of the project proposal must be made through newspaper notice, public meeting or through mailings to affected and interested parties. The public notice must be followed by a 30 day public comment period with all comments being submitted to Ecology.
  - b. A problem statement that clearly identifies the need for the use of an experimental phosphorus inactivation product and identifies potential effects on aquatic organisms.
  - c. A description of the project objectives and expected results.
  - d. A schedule for treatment, monitoring and reporting.
  - e. Proposal for the application of experimental phosphorus inactivation product(s).
  - f. Pre-treatment monitoring and water quality testing. Description of how the experimental phosphorus inactivation product(s) will be applied, including amount of chemical proposed for use and calculations used.
  - g. Monitoring of water quality parameters before, during and after the application of the experimental phosphorus inactivation product.
  - h. Reporting
    - i. Pounds of product used

- ii. Acreage treated
- iii. phosphorus reduction
- iv. Description of whether the objectives were achieved.
- v. Monitoring results, including any observed or measured, impacts or stress to aquatic organisms or wildlife.

#### **D. General Application Restrictions**

1. Treatments are prohibited with pesticides that have water use restrictions on the FIFRA label that restrict public water use during the opening week of fishing season or during tribal fisheries, WDFW Free Fishing Weekend, Memorial Day weekend, Independence Day weekend, and Labor Day weekend.
2. Permittees must minimize treatments that restrict public water use during weekends.
3. When there are potable water restrictions on the label and the treatment is within the setback distance listed on the product label, the Permittee must not apply any chemical until it has notified people who withdraw potable water from the water body. If requested by the affected water user(s), the Permittee must provide an alternative potable water supply until the intake water tests at or below the concentration specified for that pesticide in the product label for potable water. If requested by an affected water user, the Permittee must provide at least two weeks advance notice of pending treatments.
4. People withdrawing water under a legal water right or claim for irrigation or livestock watering purposes may request an alternate water supply during the treatment if the label has restrictions for those uses and the treatment is inside the setback distance listed on the product label. The Permittee must provide an alternative water supply until the intake water tests at or below the irrigation restriction concentration or livestock drinking water concentration on the label or until the time interval specified on the label has elapsed. If requested by an affected water user, the Permittee must provide at least two weeks advance notice of pending treatments.
5. The Permittee must not conduct treatments that adversely affect salmon or steelhead in hatcheries when applying treatments to areas upstream of a hatchery water intake. Ecology will coordinate with the Permittee, the Washington State Department of Fish and Wildlife (WDFW), and affected tribes to ensure treatments proposed upstream of a hatchery intake do not adversely affect hatchery fish or hatchery operations.
6. The Permittee must ensure that there is adequate contact time between the targeted vegetation and the selected herbicide when treating in reservoirs or in flowing water to avoid non-target downstream impacts.
7. The Permittee must comply with WDFW timing windows referenced in Tables 3 and 4 to protect salmon, steelhead, and bull trout populations and WDFW priority habitats and species. WDFW may periodically update this table as new information



becomes available or on request from Ecology. The timing table is available at: <https://ecology.wa.gov/Asset-Collections/Doc-Assets/Water-quality/Water-Quality-Permits/Aquatic-Pesticides-Permits/WDFW-timing-table>.

- a. Permittees conducting treatments subject to existing timing windows due to the presence of listed sensitive, threatened or endangered species, identified in Tables 3 and 4 as requiring consultation, must follow the guidance provided by WDFW during consultation.
  - i. For treatments where WDFW does not provide additional guidance the Permittee must follow the timing windows.
- b. Timing windows do not apply to nonnative fish such as bass. At their discretion, Permittees may choose to comply with the bass timing windows noted in the WDFW timing table.
- c. Timing windows do not apply to treatments conducted for emergent and shoreline plants.
- d. Timing windows do not apply to treatments conducted for roadside, ditch bank and flood control structure plant control (S1.A.2.e).
- e. Permittees may consult with Ecology and WDFW to develop alternate timing windows if necessary so long as the new treatment windows do not adversely impact priority species and habitats.
 

Requests for the development of an alternate timing window must be submitted to [aquaticpesticideperm@ecy.wa.gov](mailto:aquaticpesticideperm@ecy.wa.gov). When Ecology receives the request, staff will consult the WDFW for their determination on the appropriate work window for the waterbody where the alternate timing window was requested.

  - i. Where Permittees are directed to consult with WDFW in the timing window table, they must provide Ecology with a consultation letter from WDFW indicating the approved timing window for the treatment.
- f. The Permittee must follow the specific restrictions and advisories identified in Tables 3, 4 and 5. **Swimming restrictions**/advisories apply to primary contact activities such as swimming, wading, and water skiing. Drinking water restrictions apply to residents drinking lake water as their sole source of potable water or where they hold a water right for potable water.

Table 3: Specific Restrictions on the Application of Herbicides and Algaecides for Control Projects

Active Ingredient <sup>1</sup>	Subject to Timing	Restrictions/Advisories	Treatment Limitations	Other Specific Restrictions
<b>2, 4 – D (amine)</b>	Yes for salmon, steelhead, bull trout – check timing table for other priority species	<b>Swimming advisory</b> during treatment, and for 24-hours post-treatment (in the treated area)	<b>Control projects only:</b> Do not apply within 400 feet of an outlet stream if there is an outflow.	Consult FIFRA product label for water use restrictions
<b>2, 4 – D (ester)</b>	See other specific restrictions – Yes for salmon, steelhead, bull trout – check timing table for other priority species	Swimming restriction during treatment, and for 24-hours post-treatment (in the treated area)	None	Do not use in salmon-bearing waters.
<b>Aminopyralid</b>	No for fish - check timing table for other priority species.	48-hour re-entry restriction post-treatment (in the treated area)	Do not apply: <ul style="list-style-type: none"> <li>➤ To emergent or shoreline vegetation along undeveloped areas of surface waterbodies.</li> <li>➤ In habitats where native vegetation restoration is desired (e.g., mitigation sites, riparian areas, and natural corridors).</li> </ul>	If soil or dead plants in treated areas are being removed, consult the product label to determine appropriate soil and plant disposal methods.
<b>Bispyribac-sodium</b>	No for fish - check timing table for other priority species.	None	None.	None
<b>Carfentrazone-ethyl</b>	Yes for salmon, steelhead, bull trout – check timing table for other priority species	None	None	None

<sup>1</sup> The full chemical name for each active ingredient is included in Appendix A – Definitions.



Active Ingredient <sup>11</sup>	Subject to Timing	Restrictions/Advisories	Treatment Limitations	Other Specific Restrictions
<b>Diquat</b>	Yes for salmon, steelhead, bull trout – check timing table for other priority species	Swimming advisory during treatment, and for 24-hours post-treatment (in the treated area)	<ul style="list-style-type: none"> <li>➤ Do not pour Diquat directly from the container into the water body.</li> <li>➤ Do not apply to emergent shoreline vegetation (e.g., cattails, bulrush)</li> </ul>	Consult FIFRA product label for water use restrictions.
<b>Endothall (dipotassium salt)</b>	Yes for salmon, steelhead, bull trout – check timing table for other priority species	Swimming advisory during treatment, and for 24-hours post-treatment (in the treated area)	Do not apply within 400 ft of an outlet stream if there is an outflow.	Consult FIFRA product label for water use restrictions.
<b>Endothall (mono salt)</b>	Yes for salmon, steelhead, bull trout – check timing table for other priority species	Swimming advisory during and for 24-hours after treatment (in the entire water body)	<ul style="list-style-type: none"> <li>➤ Use for control of filamentous algae, cyanobacteria, or harmful algae only. See S1.A.2(b)</li> <li>➤ Limit concentrations to 0.2-mg/L of active ingredient</li> </ul>	<ul style="list-style-type: none"> <li>➤ Treatment must occur from the shoreline outward into the water body.</li> <li>➤ Consult FIFRA product label for water use restrictions.</li> </ul>
<b>Florpyrauxifen-benzyl</b>	No for fish - check timing table for other priority species.	None	None	None
<b>Flumioxazin</b>	Yes for salmon, steelhead, bull trout – check timing table for other priority species	None	None	None
<b>Fluridone</b>	No for fish - check timing table for other priority species.	None	Unless operating under a Fluridone Vegetation Management Plan (Appendix C), Ecology further limits fluridone application to no more than 50 percent of the littoral zone in lakes up to 50 acres and no more than 40 percent of the littoral zone in lakes from 50 - 500 acres.	None
<b>Glyphosate</b>	No for fish - check timing table for other priority species.	None	None	None

Active Ingredient <sup>11</sup>	Subject to Timing	Restrictions/ Advisories	Treatment Limitations	Other Specific Restrictions
<b>Imazapyr</b>	No for fish - check timing table for other priority species.	None	None	None
<b>Imazamox</b>	No for fish - check timing table for other priority species.	None	None	None
<b>Penoxsulam</b>	No for fish - check timing table for other priority species.	None	None	None
<b>Peroxyacetic/Peracetic Acid plus Hydrogen Peroxide</b>	No for fish - check timing table for other priority species.	None	Do not treat plants growing on the shore.	None
<b>Sodium carbonate peroxyhydrate</b>	No for fish - check timing table for other priority species.	None	Do not treat plants growing on the shore.	None
<b>Topramezone</b>	No for fish - check timing table for other priority species.	None	None	None
<b>Triclopyr TEA</b>	No for fish - check timing table for other priority species.	Swimming advisory during treatment, and for 12-hours post-treatment (in the treated area)	Aerial applications are not allowed.	Consult FIFRA product label for water use restrictions.

Table 4: Specific Restrictions on Application of Products for Inactivation of Phosphorus



Phosphorus Inactivation Products	Subject to Timing	Restrictions/ Advisories	Treatment Limitations	Other Specific Restrictions
<b>Alum</b> (Aluminum sulfate and Sodium Aluminate)	<ul style="list-style-type: none"> <li>➤ No for fish - check timing table for other priority species.</li> <li>➤ Timing should address aquatic plant biomass that may interfere with inactivation of sediment phosphorus (requiring early spring or fall treatment).</li> </ul>	None	<ul style="list-style-type: none"> <li>➤ Application must cease when wind speed is greater than 15 miles per hour</li> <li>➤ Powdered alum must be mixed with water to form a slurry before applying to the water surface.</li> <li>➤ The pH of lake water during treatment must remain between 6.0 and 8.5 based on lake average.</li> <li>➤ Only aluminum compounds suitable for water treatment may be used.</li> <li>➤ Buffering materials must be available for use.</li> </ul>	<ul style="list-style-type: none"> <li>➤ A jar test must be completed prior to whole lake treatments only if a buffer other than sodium aluminate is used or a ratio of liquid alum to liquid sodium aluminate differs from 2:1 by volume.</li> <li>➤ An on-site storage facility is required for any treatment requiring 9,000 gallons of alum or more, or the project proponent must have a plan to store any unused alum or buffering products.</li> <li>➤ Follow the monitoring requirements in S6.B.</li> </ul>
<b>Calcium Products</b> (Calcium Hydroxide/Oxide and Calcium Carbonate)	No for fish - check timing table for other priority species.	None	The pH must remain between 6.0 and 9.0.	<ul style="list-style-type: none"> <li>➤ A jar test must be completed prior to treatment to identify proper dosing levels. This jar test needs to be conducted at least over a 24-hour period to ensure that the pH response is at equilibrium with water chemistry.</li> <li>➤ Follow the monitoring requirements in S6.B.</li> </ul>
<b>Lanthanum-Modified Bentonite Clay</b>	No for fish - check timing table for other priority species.	None	➤	In waterbodies with low alkalinity (< 20 mg/L), a jar test must be completed prior to treatment to identify proper dosing levels.
<b>Powdered Iron</b>	No for fish - check timing table for other priority species.	None	<ul style="list-style-type: none"> <li>➤ Powdered iron must be applied to the water surface as a slurry.</li> <li>➤ Do not apply where anoxic conditions (zero percent dissolved oxygen) may occur, including anoxic conditions created by applications of herbicide and algaecide.</li> </ul>	A jar test must be completed prior to treatment to identify proper dosing levels.

**Note:** The products listed above are not registered as pesticides through FIFRA. A licensed applicator is not needed for the application of any of these products to waters of the United States.

**Table 5: Restrictions on Applications of Shading Products and Biological Water Clarifiers**

Product	Restrictions
Shading products	Do not apply directly to rivers or streams or any lake that discharges to other surface waters of the state.
Biological Water Clarifiers	Use only in water bodies with no discharge to other surface waters of the state during and for two weeks after treatment.

**Note:** These restrictions are in addition to the federal FIFRA label requirements (when applicable).



## **S5. NOTIFICATION, INSPECTION, AND POSTING REQUIREMENTS**

### **A. Ecology Notification Requirements**

#### **1. Pre- and post-treatment notification**

The Permittee must email pre-and post-treatment information to Ecology, at [apampreposttreat@ecy.wa.gov](mailto:apampreposttreat@ecy.wa.gov), each week that treatment occurs using the form in Appendix B. Ecology must receive the form no later than 8:00 am on each Monday. For unforeseen events, the Permittee may *occasionally* provide Ecology with less notice so long as pre-treatment notification occurs at least two days prior to the treatment.

#### **2. Adverse incidents or spills**

The Permittee must immediately call the appropriate Ecology regional contact and Ecology headquarters or 1-800-645-7911 when they are made aware of any of the following conditions occurring during or after a treatment:

- a. Any person(s) exhibiting or indicating any toxic and/or allergic response as a result of the treatment.
- b. Any fish or fauna exhibiting stress or dying inside or outside of the treatment area.
- c. Any spill of chemicals covered under this Permit that occurs into the water or onto land with a potential for entry into waters of the state.

### **B. Ecology Inspection Coordination Requirements**

1. At Ecology's request, each Permittee must coordinate and schedule inspections with Ecology staff. The location and starting time for the scheduled inspection must be on record in writing at Ecology.
2. For scheduled inspections, the Permittee must not apply chemicals until Ecology staff is present, unless they do not arrive within 30 minutes of the scheduled start time.

### **C. Residential and Business Notification**

1. Using the template on the permit webpage, the Permittee must provide Residential and Business Notice (notice) to all waterfront residences and businesses within one-quarter mile in each direction along the water body shoreline or across the water from proposed treatment areas.
2. The Permittee may provide the notice by mail, newsletter, or handbills delivered directly to the residences or businesses.
3. This Permit does not authorize trespass or damage to property as a result of providing business and residential notices.



4. Businesses and residents must receive the notice at least 10 days in advance and at most 42 days before the first treatment of each year. If the notice explains the **application schedule** for the entire treatment season and there is no deviation from that schedule (with an exception for cyanobacteria treatment), Ecology requires no further notice for the rest of the treatment season. On water bodies with a history of cyanobacterial blooms, the Permittee may explain in the notice that algae treatment may occasionally occur outside of the scheduled time periods without prior notice depending on bloom conditions. The Permittee must provide additional notification to any resident or business that specifically requests further notification of treatment dates.
5. Business and residential notices for permit coverages in Water Resource Inventory Areas 7 (Snohomish), 8 (Cedar/Sammamish), and 9 (Duwamish/Green) (<https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up>) must be sent to [Nancy.Rapin@muckleshoot.nsn.us](mailto:Nancy.Rapin@muckleshoot.nsn.us) and [Karen.Walter@muckleshoot.nsn.us](mailto:Karen.Walter@muckleshoot.nsn.us). In the event that the email contacts become out-of-date Ecology will provide updated contact information.
6. The Permittee must email to Ecology, at [apampreposttreat@ecy.wa.gov](mailto:apampreposttreat@ecy.wa.gov), a copy of the notice, the date of distribution, and a list of addresses that the notice was delivered to, no later than one business day following public distribution (also see General Condition G1). The Permittee must email a copy of the notice, including the date of distribution, to the Department of Natural Resources (DNR) at [Todd.Brownlee@dnr.wa.gov](mailto:Todd.Brownlee@dnr.wa.gov) no later than one business day following public distribution. The Permittee need not notify DNR for treatments occurring on privately-owned lakes with no public access.
7. Ecology does not require business and residential notice for applications made to limited access highways, fenced wetland mitigation sites, or other facilities where **no reasonable public access** exists and there are no potable water intakes. When applications are made to waters with no reasonable public access and no potable water intakes, Permittees must provide Ecology with a copy of the treatment notice as required in Special Condition S5.C.6.

#### **D. Shoreline Recreational Facilities Notification Requirements**

1. Permittees must notify the facility manager when a pesticide application will occur in or within 400 feet of a facility's swimming area or recreational area.
2. Notification must occur at least 10-42 days prior treatment.
3. Facility notification must include the name of the product being applied, the time period during which treatment will occur, any drinking, swimming or recreational advisories or restrictions, and Permittee contact information.
4. Notification to the shoreline recreational facility manager is not required when notification to the shoreline recreational facility manager was provided through the business and residential notice (S5.C).