

E. Shoreline Posting Requirements

1. General Requirements for Posting Shorelines

The Permittee must:

- a. Use templates provided on the permit webpage.
- b. Post signs no more than 48 hours prior to treatment.
- c. Post signs so that they are secure from the normal effects of weather and water currents.
- d. Make best efforts to ensure that the signs remain in place and are legible until the end of the period of water use restrictions.
- e. Remove all old signs at the end of the period of water use restriction.

If applying more than one chemical in an area, the Permittee may list all chemicals on the sign, but must use the template and restrictions for the chemical with the most stringent water use restrictions.

If the majority of the affected community speaks a language other than English, the Permittee may use online translation websites to make signs for these communities.

For continuous injection treatments for phosphorus inactivation projects, the Permittee does not need to post the lake.

Ecology does not require shoreline posting in areas where public access is limited to boat only access and there are no private residents.

2. Posting *Privately or Publicly-Owned Shoreline* Areas (excluding *public access areas*) with 8 ½ by 11 Inch Signs

- a. The Permittee must post signs at each waterfront private residence or business property that is within 400 feet of a treated area.
- b. The Permittee must post the signs to face both the water and the shore and site them where they are most visible to residents (within approximately ten feet of the shoreline). The Permittee must post one sign for approximately every 100 feet of shoreline.
- c. If the shoreline is only accessible by entering through a gate, the Permittee may post a sign at each gate that allows access to, or is within 400 feet of a treated area. The Permittee does not need to post additional signs.

3. Posting Shoreline *Public Access Areas* with Two Foot by Three Foot Signs

- a. The Permittee must post signs at all public access areas on the water body that are within 400 feet of a treated area and at all *public boat launches* on the water body within one quarter mile of a treated area.
- b. The Permittee must site the signs so that they are clearly visible to people using the public access area, spacing the signs approximately every 100 feet

of shoreline and within approximately 25 feet of the shoreline. Signs must face both the water and the shore. At public boat launches, signs need only face the shore.

- c. If a public shoreline is only accessible by entering through a gate, the Permittee may post a sign at each gate that allows access to, or is within 400 feet of a treated area. The Permittee does not need to post additional signs.
- d. Signs must be a minimum size of two feet by three feet and constructed of durable weather-resistant material. The Permittee must attach an 8 ½ by 11 inch weather resistant map detailing the treatment areas for each chemical used. The map must identify the location(s) of the treatment site(s), identify addresses or parcels that represent the start and end points of the treatment area or provide gps coordinates that represents the corners of the treatment area polygon or identify a whole waterbody treatment and mark the reader's location. If the Permittee applies more than one chemical, it must mark each treated area and appropriate chemical on the map.

Signs must:

- i. Include the word "CAUTION" in bold black type at least two inches high.
- ii. Use a font at least ½ inch high for all other words.

4. Posting **Public Pathways** Along a Treated Water Body

- a. The Permittee must post two foot by three foot signs at **public entrances** to public pathways that allow reasonable direct access to the water body and that are within 400 feet of a treated area.
- b. The Permittee must post 8 ½ by 11 inch signs at approximately 100 foot intervals along the pathway along any treated areas and within 400 feet of any treated areas.

5. Posting for Roadside/Ditch Bank Aquatic Applications

- a. The Permittee does not need to post signs for roadside applications or applications to areas with no reasonable public access.
- b. For those sites with public access areas, the Permittee must:
 - i. Post signs no more than 48 hours before an application.
 - ii. Place signs at any boat launch within 1/4 mile of any treated area. Signs must be within 25 feet of the shoreline, facing both the water and shore.
- c. The Permittee is responsible for the removal of all signs at the end of each treatment season, but may use biodegradable sign material so that removal is not necessary.

6. This Permit does not authorize trespass or damage to property from posting of

shoreline signs or notices.

S6. MONITORING REQUIREMENTS

Sampling and analytical methods used to meet the monitoring requirements specified in this Permit must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 (or as applicable in 40 CFR subchapters N [Parts 400–471] or O [Parts 501-503]) unless otherwise specified in this Permit. Ecology may only specify alternative methods for parameters without limits and for those parameters without an EPA approved test method in 40 CFR Part 136.

All samples must be analyzed by a laboratory registered or accredited under the provisions of *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. The following parameters need not be accredited or registered:

1. Flow
2. Temperature
3. Settleable solids
4. Conductivity, except that conductivity must be accredited if the laboratory must otherwise be registered or accredited.
5. pH, except that pH must be accredited if the laboratory must otherwise be registered or accredited.
6. Turbidity, except that turbidity must be accredited if the laboratory must otherwise be registered or accredited.
7. Parameters which are used solely for internal process control

Documentation of monitoring activities and results must include (if applicable):

1. The date, exact place, and time of sampling.
2. The date analyses were performed.
3. Who performed the analyses.
4. The analytical techniques/methods used (if any).
5. The results of such analyses.

A. Application of Herbicides and Algaecides

The Permittee must monitor dissolved oxygen levels pre- and post-treatment when contact herbicides are used in water bodies on the 303(d)-list for dissolved oxygen.

1. Immediately before treating, the Permittee must monitor surface and bottom dissolved oxygen concentrations at a sampling location in the center and at the edge of the proposed treatment area(s). The Permittee must select at least one representative treatment area to monitor each time the water body is treated.

2. The Permittee must monitor post-treatment surface and bottom dissolved oxygen concentrations no earlier than seven days and no later than 14 days after the treatment, at the *same time of day* that the pre-treatment monitoring occurred and at the same sites and depths.
3. The Permittee must submit these data to the Ecology permit manager no later than 30 days after the post-treatment monitoring date.

B. Application of Phosphorus Inactivation Product

1. Aluminum sulfate or sodium aluminate (alum).
 - a. The monitoring requirement for whole or partial lake treatments is:
 - i. One surface water pH measurement in the morning prior to any alum addition and one surface water pH measurement one hour after alum addition has stopped for that day.
 - ii. The Permittee must monitor pH for the duration of the treatment and for 24 hours following treatment completion. The monitoring location must be representative of water body-wide conditions. If the pH decreases to less than 6.2, the Permittee must stop the treatment, analyze for alkalinity, and take immediate steps to increase the pH.
 - b. For continuous injection treatments, the Permittee must measure pH at a minimum once every two weeks during the first month of continuous injection and thereafter once a month for the duration of the injection process. The Permittee must ensure that pH measurements represent water body-wide conditions, unless the injection system is in an isolated area in relation to the main water body (e.g., in a bay with a narrow channel to the main water body). For isolated areas of water bodies, the Permittee must measure pH at the end of the bay and in the main water body.
2. Calcium hydroxide/oxide or calcium carbonate treatment
 - a. The Permittee must measure pH once on the day before treatment, once in the morning prior to treatment and once in the afternoon after treatment has stopped for the day, for the duration of the treatment and for 24 hours following treatment. If the pH is above 9.0 due to the effects of the treatment (rather than through photosynthesis), the Permittee must stop treatment.
 - b. For continuous injection systems, the Permittee must measure pH at a minimum once every two weeks during the first month of continuous injection and thereafter once a month for the duration of the injection process. The Permittee must ensure that pH measurements represent water body-wide conditions, unless the injection system is in an isolated area in relation to the main water body (e.g., in a bay with a narrow channel to the main water body). For isolated areas of water bodies, the Permittee must measure pH at the end of the bay and in the main water body.

S7. REPORTING AND RECORDKEEPING REQUIREMENTS

Ecology is making changes to its online permit application and annual reporting system and, when complete, may modify this Permit to account for the changes.

The Permittee must submit pesticide/product application information in accordance with the following conditions.

A. Annual Treatment/Monitoring Reports

1. By December 31 of each year, the Permittee must submit its Annual Treatment and Monitoring Report electronically through Ecology's online data management system (SecureAccess Washington at <https://secureaccess.wa.gov>). A signed and dated copy of the report must be mailed to:

Department of Ecology
Water Quality Program
Attn: Aquatic Pesticide Permit Manager
P.O. Box 47600
Olympia, WA 98504-7600

2. The Permittee must submit an annual treatment/monitoring report regardless of whether a treatment or monitoring occurred. The report must include: Water body name, chemicals used, amount of active ingredient applied in pounds, acreage treated, monitoring results, and the plant species targeted.
3. The Permittee must submit any dissolved oxygen monitoring data to the Aquatic Pesticide Permit Manager and the appropriate regional contact, no later than 30 days after the post-treatment monitoring date.

B. Records Retention

1. The Permittee must retain records of all permitting and monitoring information for a minimum of five (5) years. Such information must include copies of all reports required by this Permit, plant surveys, and records of all data used to complete the application for this Permit.
2. The Permittee must keep records longer in the event of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.
3. The Permittee must make the records, reports, surveys, plans, public notices (including a list of locations or addresses to which they were delivered), and other information required by this Permit available to Ecology upon request.

C. Recording of Results

For each measurement or sample taken, the Permittee must follow the recording provisions outlined in WAC 173-226-090 (2).

D. Noncompliance Notification

Compliance with the requirements of this special condition does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this Permit or the resulting liability for failing to comply.

In the event the Permittee is unable to or does not comply with any part of this Permit, which may threaten human health or the environment, the Permittee must:

1. Immediately take action to minimize potential pollution or otherwise stop the noncompliance and correct the problem.
2. Immediately notify the appropriate Ecology regional office and the aquatic pesticides permit manager of the failure to comply via the regional spills telephone hotline and the aquatic pesticides permit manager's phone number below.

Central (CRO) ----- 509-575-2490

Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima counties

Eastern (ERO) ----- 509-329-3400

Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties

Northwest (NWRO) ----- 425-649-7000

Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom counties

Southwest (SWRO) ----- 360-407-6300

Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties

Aquatic Pesticide Permit Manager ----- (360) 407-6600

3. The Permittee must provide a written report to Ecology within five (5) days of the time that the Permittee becomes aware of any permit non-compliance unless Ecology requests and earlier submission. The report must contain a description of the noncompliance and its cause, the exact date(s), time(s), place(s), and duration(s) of the noncompliance, whether the noncompliance has been corrected and, if not, when the noncompliance will be corrected, and the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Upon request of the permittee, Ecology may waive or extend the requirement for a written report on a case-by-case basis, if the immediate notification (S7.D.2) is received by Ecology within 24 hours.

4. The Permittee must submit noncompliance notifications to:

Washington State Department of Ecology
 Water Quality Program
 Attn: Aquatic Pesticide Permit Manager
 PO Box 47696
 Olympia, WA 98504-7696

S8. SPILL PREVENTION AND CONTROL

A. Spill Prevention

The Permittee must:

1. Handle, store, and use all oil, fuel, chemicals, or products authorized under this Permit in a manner that prevents spills.
2. Ensure that it maintains all mobile equipment to prevent leaks or spills of petroleum products.
3. Have absorbent materials available for cleanup or the spill containment materials recommended in the Material Safety Data Sheet for that product, including appropriate cleanup materials for a spill of the products being applied.

B. Spill Notification Requirements

The Permittee must immediately report spills to Ecology by calling 1-800-645-7911. See <https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill> for more environmental reporting information.

C. Spill Cleanup Requirements

1. In the event of a spill, the Permittee must begin immediate containment and cleanup using appropriate materials. Cleanup takes precedent over normal work.
2. Cleanup includes proper disposal of any spilled materials and used cleanup materials.

S9. MITIGATION FOR PROTECTION OF SENSITIVE, THREATENED, OR ENDANGERED PLANTS

A. Survey Requirements

If Ecology notifies the Permittee that a rare plant species (rare plant) is reported to be present in a proposed treatment area, the Permittee must conduct a detailed plant survey (unless Ecology waives this requirement).

1. The survey must be performed by a *botanist*. The person conducting the survey must not have a financial or personal interest in the treatment.

2. The botanist must survey when plants are present and can be positively identified, but no earlier than three months before treatment. Ecology may waive the three month requirement if the plant cannot be positively identified during that time frame.
3. The survey must cover 100% of the waterbody habitat that is identified as suitable for the rare plant of concern.
4. The Permittee must survey each year before treatment for rare submersed, floating, or floating-leaved plants and once every five years for rare emergent shoreline plants.
5. The Permittee must submit the survey data to Ecology no later than thirty days before treatment. Permittees must submit a map of the location of the rare plant(s) if the survey identifies rare plants. Ecology may modify or suspend the annual survey requirement if it determines that the treatment(s) have had no adverse effect on the rare plant population.

B. Mitigation

1. When a rare plant is not found, as a result of the plant survey, in the treatment area; the permittee must use the lowest effective concentration of herbicide for the target plant and use a selective herbicide (if applicable) or an herbicide demonstrated to have little effect on the rare plant.
2. When a rare plant is found in the treatment area, the Permittee must apply prescribed buffers (where required) and select one or more mitigation choices listed below to minimize treatment impacts to the rare plant. Monitoring the vitality of rare plant populations after treatment may be required by Ecology. The Permittee must not allow treatment to affect the viability of the rare plant population.
3. Mitigation measures for:
 - a. Submersed, floating, or floating-leaved plants: If the rare plant is submersed, floating, or floating-leaved and the herbicide application is intended to control submersed species, the Permittee must maintain a no-treatment buffer around the rare plants. The Permittee must maintain a 100-foot buffer when using contact herbicides and must consult with Ecology when using systemic herbicides to determine appropriate buffer distances. If the Permittee has difficulty maintaining a buffer from the majority of the rare plant population, it must consult with Ecology for other options (e.g., physically relocating the plants).

In addition to the buffer, the Permittee must choose one or more mitigation measures below:

- i. Use a selective herbicide (if applicable) or an herbicide demonstrated to have little effect on the rare plant.

- ii. Use the lowest effective concentration of herbicide for the target plant if the Permittee can demonstrate that the rare plant is tolerant to the herbicide at that concentration.
 - iii. Use barriers or containment structures (e.g. silt curtains) to protect the rare plant.
 - iv. For floating rare plants, temporarily relocate the plants to an untreated area.
 - v. Time the treatment during the growing season to prevent impacts to the rare plant.
- b. Emergent plants: If the rare plant is emergent or floating-leaved and the targeted plants are being treated above the water (i.e., target plants are emergent), the Permittee must maintain a no treatment buffer of 10 feet from the rare plant and choose one or more of the following mitigation measures:
- i. Use a selective herbicide (if applicable) or an herbicide demonstrated to have little effect on the rare plant.
 - ii. Select an application technique designed to cause less non-target damage (e.g., low-drift nozzle heads, wiper applications, sponge bars, temporarily covering the rare species, etc.).
 - iii. Time the treatment during the growing season to prevent impacts to the rare plant.

S10. APPENDICES

The attached appendices are incorporated by reference into this Permit.

APPENDIX A - Definitions

APPENDIX B - Ecology Notification Template

APPENDIX C - Fluridone Vegetation Management Plan

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to Ecology must be signed and certified.

- A. In the case of corporations, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - 1. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or
 - 2. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. In the case of a partnership, by a general partner.
- C. In the case of sole proprietorship, by the proprietor.
- D. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.
- E. All reports required by this Permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by the person described above and is submitted to Ecology at the time of authorization, and
 - 2. The authorization specifies either a named individual or any individual occupying a named position.
- F. Changes to authorization. If an authorization under paragraph E above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

G. Any person signing a document under this section must make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF ENTRY AND INSPECTION

Representatives of Ecology must have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state.

Reasonable times include normal business hours; hours during which production, treatment, or discharge occurs; or times when Ecology suspects a violation requiring immediate inspection.

Representatives of Ecology must be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the Permit; to inspect any monitoring equipment or method required in the Permit; and to sample any discharge, waste treatment processes, or internal waste streams.

G3. PERMIT ACTIONS

This Permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon Ecology's initiative. However, the Permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating permit coverage during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.
2. Obtaining a Permit by misrepresentation or failure to disclose all relevant facts.
3. A material change in quantity or type of waste disposal.
4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the Permit [40 CFR part 122.64(4)].
 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the state.
 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
 6. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pre-treatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and Ecology determines that modification or revocation and reissuance is appropriate.
 2. Ecology has received notification of a proposed transfer of the Permit. A Permit may also be modified to reflect a transfer after the effective date of an automatic transfer but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES, CAUSE FOR MODIFICATION

The Permittee must, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in:

- A. The permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b).
- B. A significant change in the nature or an increase in quantity of pollutants discharged.

C. A significant change in the Permittee's sludge use or disposal practices.

Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this Permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this Permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with WAC 173-240. Engineering reports, plans, and specifications must be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this Permit must be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee must notify the succeeding owner or controller of the existence of this Permit by letter, a copy of which must be forwarded to Ecology. This Permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to Ecology;
- B. A copy of the Permit is provided to the new owner and;
- C. Ecology does not notify the Permittee of the need to modify the Permit.

Unless this Permit is automatically transferred according to section A, above, this Permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by Ecology.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its Permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. The Permittee must also submit to Ecology upon request, copies of records required to be kept by this Permit.

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this Permit by reference.

G12. ADDITIONAL MONITORING

Ecology may establish specific monitoring requirements in addition to those contained in this Permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee must submit payment of fees associated with this Permit as assessed by Ecology. Ecology may revoke this Permit if the permit fees established under WAC 173-224 are not paid.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this Permit is deemed guilty of a crime, and upon conviction thereof will be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs is a separate and additional violation. Any person who violates the terms and conditions of a waste discharge permit incurs, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is deemed to be a separate and distinct violation.

G15. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limits if the requirements of the following paragraph are

met. A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S5.A; and 4) the Permittee complied with any remedial measures required under S9.D of this Permit. In any enforcement proceedings the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

This Permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY

The Permittee must comply with all conditions of this Permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this Permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Permit will, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment will be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G20. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit must be submitted no later than fourteen (14) days following each schedule date.

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to Ecology by submission of a new application, or supplement to the existing application, at least 45 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall

be scheduled during non-critical water quality periods and carried out in a manner approved by Ecology.

G22. DUTY TO REAPPLY

The Permittee must reapply for coverage under this General Permit at least one hundred and eighty (180) days prior to the specified expiration date of this General Permit. An expired General Permit and coverage under the Permit continues in force and effect until Ecology issues a new General Permit or until Ecology cancels it. Only those Permittees that reapply for coverage are covered under the continued Permit.

APPENDIX A – DEFINITIONS

All definitions listed below are for use in the context of this Permit only.

303(d): Section 303(d) of the federal Clean Water Act requires states to develop a list of polluted water bodies every two years. For each of those water bodies, the law requires states to develop Total Maximum Daily Loads (TMDLs). A TMDL is the amount of pollutant loading that can occur in a given water body (river, marine water, wetland, stream, or lake) and still meet water quality standards.

2,4-D Ester: 2,4-Dichlorophenoxyacetic acid, butoxyethyl ester.

2,4-D Amine: 2,4-Dichlorophenoxyacetic acid, dimethylamine salt.

Adjuvant: An additive, such as a surfactant, that enhances the effectiveness of the primary chemical (active ingredient).

Algae: Primitive, chiefly aquatic, one-celled, or multicellular plant-like organisms that lack true stems, roots, and leaves but usually contain chlorophyll.

Algaecide: A chemical compound that kills or reduces the growth of algae or cyanobacteria.

Algae Control: Applying algaecide products to kill or suppress the growth of cyanobacteria, filamentous algae, or any algal species that have the potential to affect human or environmental health.

All Known, Available, and Reasonable methods of prevention, control, and Treatment

(AKART): A technology-based approach to limiting pollutants from discharges.

Described in chapters 90.48 and 90.54 RCW and chapters 173-201A, 173-204, 173-216 and 173-220 WAC.

Aminopyralid: 4-amino, 3,6-dichloropyridine-2-carboxylic acid.

Applicant: The licensed pesticide applicator or state or local government entity choosing to get coverage under this Permit. For phosphorus inactivation projects the applicant does not need to be a licensed applicator but may be a government entity or the person that discharges the product.

Application Schedule: The proposed treatment date(s) for a specific water body or specific area within a water body during one treatment season.

Applicator: The person that discharges the chemical to a water body. Applicators are required to be licensed to apply registered pesticides. Some chemicals such as alum are not registered or used as pesticides and therefore the applicator does not, by state law, have to be licensed.

Aquatic Nuisance Plants: Any non-noxious aquatic plants that are at a density and location so as to substantially interfere with or eliminate some beneficial uses of the water body. Typically these beneficial uses include activities such as boating, swimming, fishing, or waterskiing.

Aquatic Plant Control: The partial removal of aquatic plants within a water body or along a shoreline to allow for the protection of beneficial uses of the water body.

Biological Water Clarifiers: Products sold for the purpose of water clarification, removal of organic materials from sediment, and reduction of nutrients (as claimed by manufacturers).

Bispyribac-Sodium: Sodium, 2,6-bis [(4,6-dimethoxy-pyrimidin-2-yl)oxy] benzoate.

Blooms: A high density or rapid increase in abundance of algae (cyanobacteria).

Botanist: A scientist that specializes in the study and identification of plants, or an individual with education and experience in the identification of plant species.

Carfentrazone-ethyl: Ethyl a,2-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzenepropanoate.

Constructed Water Body: A man-made water body created in an area that was not part of a previously existing watercourse, such as a pond, stream, wetland, etc.

Contact Herbicide: An herbicide that typically affects only the part of the plant that the herbicide is applied to. Contact herbicides often act as chemical mowers, leaving roots available for re-growth. Contact herbicides are fast-acting, but tend to result in temporary removal of the targeted plants.

Control: The partial removal of native plants, non-native non-noxious plants, algae, and noxious or quarantine-list weeds (that are not being eradicated lake-wide) from a water body. The purpose of control activities is to protect some of the beneficial uses of a water body such as swimming, boating, water skiing, fishing access, etc. The goal is to maintain some native aquatic vegetation for habitat while allowing some removal for beneficial use protection.

Cyanobacteria: A group of usually unicellular photosynthetic organisms without a well-defined nucleus; sometimes called "blue-green algae" although they are not actually algae. Some genera of cyanobacteria produce potent liver or nerve toxins.

Defined Navigation Channels: Clearly delineated areas that are intended to provide safe access to different sections of the water body by boat.

Detention or Retention Ponds: Man-made water bodies specifically constructed to manage stormwater. Detention ponds are generally dry until a significant storm event. Retention (wet) ponds are designed to have a permanent pool of water and gradually release stormwater through an outlet.

Diquat: Dibromide salt of 6,7-dihydrodipyrido (1,2-a:2',1''-c) pyrazinediium.

Direct Supervision Responsibilities: Licensed certified applicators may directly supervise unlicensed applicators. Direct supervision by aquatic certified applicators means direct on-the-job supervision and requires that the certified applicator be physically present at the application

site and that the person making the application be in voice and visual contact with the certified applicator at all times during the application (RCW 17.21).

Emergent Vegetation: Aquatic plants that generally have their roots in the water, but the rest of the plant is above water (e.g., cattails, bulrush).

Endothall Dipotassium Salt: Dipotassium salt of 7-oxabicyclo[2.2.1]heptane-2,3dicarboxylic acid.

Eradication: The permanent removal of all individuals of a plant species from a water body or along a shoreline.

Endothall Mono Salt: mono(N,N-dimethylalkylamine) salt of 7-oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid.

Farm Pond: Private farm ponds created from upland sites that did not incorporate natural water bodies (WAC 173-201A-260(3)(f)).

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA): A set of EPA regulations that establishes uniform pesticide product labeling, use restrictions, and review and labeling of new pesticides.

Filamentous Algae: Typically green algae species that grow in long strings or form cloud-like mats in water. Filamentous algae do not produce toxins.

Floating-Leaved Plants: Plants that are rooted in the sediment but have leaves floating on the water's surface (e.g., water lilies).

Florpyrauxifen-benzyl: 2-pyridinecarboxylic acid, 4-amino-3-chloro-6-(4-chloro-2-fluoro-3-methoxyphenyl)- 5-fluoro-, phenyl methyl ester.

Flumioxazin: 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione.

Fluridone: 1-methyl-3-phenyl-5-[3-(trifluoromethyl)phenyl]-4(1H)-pyridinone.

Glyphosate: N-(phosphonomethyl)glycine, isopropylamine salt.

Herbicide: Any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed or other higher plant (see chapter 17.21.020 RCW).

High Use Areas: Any areas that get a high level of human use. Examples include community and public boat launches, marinas, public or community swim beaches, and canals.

Identified and/or Emergent Wetlands: Identified wetlands are those identified by either local, state, or federal agencies as being important wetlands. Emergent wetlands (marshes) are characterized by plants growing with their roots underwater and leaves extending above the water (emergent plants).

Imazamox: 2-[4,5-dihydro-4-methyl-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-(methoxymethyl)-3-pyridinecarboxylic acid.

Imazapyr: 2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl)-3-pyridinecarboxylic acid.

Indian Country: Means as defined in 18 USC 1151: “Except as otherwise provided in sections 1154 and 1156 of this title, the term “Indian country”, as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.”

Individual Treatments: Treatments done at the request of an individual owner under a permit coverage specific to that property only.

Intentionally Apply: The Permit allows the applicator to directly discharge an herbicide, algaecide, or other product identified in this Permit into areas designated for treatment (e.g., via hoses, granular pellets, etc.). Note that products applied directly to the water may disperse outside of the boundaries of the treated area.

Levees and Dikes: Typically earth structures (dams) that keep elevated water levels from flooding interior lowlands.

Licensed Pesticide Applicator: Any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director of WSDA to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only. WSDA classifies aquatic herbicides as restricted use pesticides.

Littoral Zone: The vegetated area from the water body’s edge to the maximum water depth where plant growth occurs. The littoral zone varies between water bodies depending on bathymetry, water clarity, water quality, and other environmental conditions.

Lot: A parcel of land having fixed boundaries.

Management: the control or eradication of aquatic plants.

Marker Dyes: Colorants that are sprayed onto the targeted weed along with the herbicide. Marker dyes allow better targeting of herbicide sprays since treated and untreated areas are more clearly seen by the applicator.

Municipal or Community Drinking Water Intakes: A drinking water intake that supplies water to a city, town, or a community.