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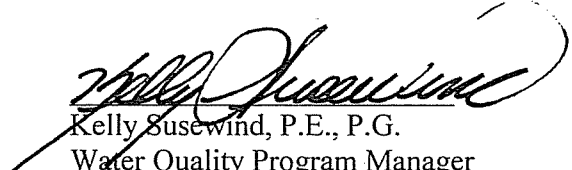
# IRRIGATION SYSTEM AQUATIC WEED CONTROL

**National Pollutant Discharge Elimination System (NPDES)  
and State Waste Discharge General Permit  
WA0991000**

State of Washington  
Department of Ecology  
Olympia, Washington 98504-7600

In compliance with the provisions of  
Chapter 90.48 Revised Code of Washington as amended  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1342 et seq.

Until this permit expires, is modified or revoked, Permittees that have properly obtained coverage by this permit are authorized to discharge to waters of the state in accordance with the special and general conditions that follow.

  
Kelly Susewind, P.E., P.G.  
Water Quality Program Manager  
Department of Ecology

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## Summary of Permit Report Submittals

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	Submittal Date
S5.B6	Endothall General Plan (if using endothall)	1-time requirement	30 days before first use of endothall and update as required by S5.B.6.b.
S6.C	Time Travel Study	1/year	February 1
S7	Integrated Aquatic Vegetation Management	1-time requirement	New permittees submit upon application. All permittees update as required by S7.
S9	Spill Plan	1/permit cycle	February 13, 2013
S9	Update to Spill Plan	As necessary	See S9
S10.A	Legal Notice Submittal	1/year	February 1
S11.A	Discharge Monitoring Reports (DMR)	Monthly	Postmarked or received by the 1st day of the month after the following month. For example, the April DMR must be postmarked or received by June 1st.
S11.B	Annual Treatment Reports	1/year	February 1
S11.C	Notification of Treatments	As necessary	24 hours prior to any treatment
S11.G	Noncompliance Notification	As necessary	See S11.G for details
G8 and G14	Additional Information	As necessary	See G8 and G14
G13	Reporting Planned Changes	As necessary	As soon as possible
G21	Application for Permit Renewal	1/permit cycle	For 2012 Issuance: Prior to effective date of renewed permit. For 2017 Issuance: 180 days prior to expiration of permit.

## Special Conditions

### S1. Activities covered

The Irrigation Canal General Permit regulates the use of pesticides applied to manage aquatic plants in the surface waters of the state of Washington that are irrigation systems flowing to a point of compliance (as defined in Section S4).

#### A. Facilities Excluded from Coverage

The Environmental Protection Agency (EPA) is the NPDES permitting authority for federal facilities and tribal land in Washington State. Ecology will not cover the following facilities or activities under this permit:

1. Industrial activities operated by any department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government of the United States, or another entity, such as a private contractor, performing industrial activity for any such department, agency, or instrumentality.
2. Facilities located on Tribal lands or facilities that discharge to receiving waters subject to water quality standards of Indian Tribes, including portions of the Puyallup River and other waters on trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians Reservation.

### S2. Geographic area covered

This general permit covers the use of pesticides in irrigation supply systems in the state of Washington on both state and federal land, except for the facilities excluded from coverage in S1A. Each applicant for coverage under this permit must describe the specific areas where aquatic weed control activities occur.

### S3. Obtaining coverage

For new irrigation supply system permittees:

- A. The permittee must notify the Department of Ecology (Ecology) by submitting a completed application form requesting coverage under this permit at least 90 days prior to the planned activity that will result in the discharge to waters of the state.
- B. The permittee must publish a notice twice in a local newspaper of general circulation.
  1. The notice must state that the permittee has applied for coverage pursuant to Section 173-226-130(5) WAC.
  2. The notice must state that comments on the application may be sent to: Aquatic Pesticides Team, Water Quality Program, Department of Ecology, PO Box 47600, Olympia, Washington 98504-7600.
  3. The notice must specify the last day of the 30-day public comment period.

- C. At the end of the 30-day comment period, Ecology will accept the application and review all comments prior to making a determination on whether to grant permit coverage.
- D. Ecology will notify applicants by mail of their status concerning coverage under this permit. If the applicant does not receive notification of the coverage decision from Ecology, coverage under this permit will commence on the 61st day following Ecology's determination that the application form is complete.

#### **S4. Point of compliance**

- A. The point of compliance means the location where water treated with pesticides enters surface water bodies that existed prior to the creation of reclamation and irrigation projects.
- B. In addition, for Amon Wasteway, Snipes Creek Wasteway, and Crab Creek, the point of compliance must be at or above the following locations:
  - 1. Amon Wasteway where it exits the golf course at Gage Road (approximately latitude 46.22715, longitude -119.26024).
  - 2. Snipes Creek Wasteway at the Benton 29.32 Lateral (near McCreddie Road) (approximately at latitude 46.25475, longitude -119.67442).
  - 3. Crab Creek at Red Rock Coulee / DCC1 wasteway (approximately at latitude 46.84693, longitude -119.58673).
- C. The permittee may move its point(s) of compliance upstream of the point described in S4.A or S4.B for easier access for monitoring or for other reasons. The permittee must notify Ecology in writing before moving a point of compliance.

#### **S5. Discharge limits**

From June 15, 2012 to June 15, 2017, the permittee is authorized to discharge the aquatic pesticides designated in this permit into irrigation conveyance systems. The permittee must follow label directions, must comply with applicable state and federal laws and rules regarding pesticides, and must comply with the terms and conditions of this permit.

- A. Temporary exceedances of water quality standards

Short and long-term exceedances of water quality standards are allowed under this permit provided the permittee complies with the provisions of WAC 173-201A-410.
- B. Discharges at the point of compliance
  - 1. The discharge of any pollutant listed in S5.B4 at a level in excess of that identified and authorized by this permit violates the terms and conditions of this permit.
  - 2. The permittee must not use adjuvants.

3. Wherever treated water from a pesticide application eventually flows to a point of compliance, the permittee must ensure that the concentrations do not exceed the following limits at the point of compliance:

Parameter	Maximum instantaneous concentration
Copper (dissolved)	25 ug/l
Acrolein	21 ug/l (See S5.B7)
Dipotassium Salt of Endothall (such as Cascade)	5.0 mg/l (acid equivalent)
Mono (N,N-Dimethyl Alkylamine) Salt of Endothall (such as Teton)	0.050 mg/l (equal to 50 ug/l) (acid equivalent) at any time and 0.2 mg/l (equal to 200 ug/l) (acid equivalent), subject to timing windows. See S5.B.6.d.
Xylene	5.1 mg/l
Sodium Carbonate Peroxyhydrate	See S5.B4
Fluridone	See S5.B4
Imazapyr	See S5.B4
The maximum instantaneous concentration means the highest allowable discharge at any time.	

4. For sodium carbonate peroxyhydrate, fluridone, and imazapyr applications, the permittee:
- Need not conduct monitoring under S6.
  - Must comply with reporting and record keeping for all treatments under S11.
  - Must only use the aquatic formulation and follow all label requirements.
5. Experimental use

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).

- Project proponents must obtain coverage under this general permit for any projects conducted under a federal EUP, unless the project proponent conducts the project at a site excluded from coverage under this permit. The permittee must operate under both federal and state experimental use permits for projects over one acre.
  - 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).
6. For endothall applications:
- Permittees must submit a general plan to Ecology describing how the permittee intends to apply endothall. Submit the plan to Ecology 30 days before using endothall. The plan is only required for the first year of endothall use. The plan must include:

- i. A list of the proposed endothall application sites.
  - ii. A list of the corresponding points of compliance for endothall.
  - iii. The endothall formulation(s) the permittee is proposing to use: dipotassium salt (such as Cascade) and/or the amine salt (such as Teton).
  - iv. The proposed concentration and duration of the endothall application. If the concentration and duration will depend on weed conditions, providing ranges of concentrations and durations is acceptable.
  - v. A plan for tracking the treated water or time travel studies documenting the amount of time it will take the pesticide to travel from the proposed application site to the point of compliance under the expected flow.
  - vi. The proposed changes in copper treatments or plan for adjusting copper treatments (endothall use may reduce the need for copper; maintaining the same copper treatment may lead to violations of the copper limits).
- b. The permittee must notify Ecology of any changes to the information submitted in S5.B6.a before the application of endothall.
- c. The laboratory cannot differentiate between the dipotassium salt (such as Cascade) and the amine salt (such as Teton) formulations. If a permittee uses both formulations, Ecology will assume that the concentration of endothall reported by the laboratory is the amine salt. (For example, if the permittee applies the dipotassium salt at 0.85 mg/l and the amine salt at 0.15 mg/l and the laboratory result at the point of compliance is 0.10 mg/l of endothall, Ecology will assume that the amine salt concentration is 0.10 mg/l.) However, if the laboratory concentration is above the concentration the amine salt was initially applied at, Ecology will assume that the concentration of the amine salt at the point of compliance is no higher than the initial concentration of the amine salt. (For example, if the permittee applies the dipotassium salt at 0.45 mg/l and the amine salt at 0.05 mg/l, Ecology will assume that there is no more than 0.05 mg/l of the amine salt at the point of compliance.)
- d. The discharge limit at the point of compliance for the amine salt of endothall (such as Teton) is 0.050 mg/l (equal to 50 ug/l) (acid equivalent) at any time. The discharge limit at the point of compliance is 0.2 mg/l (equal to 200 ug/l), (acid equivalent), subject to timing windows, as follows:

**Timing Windows:** The permittee must comply with WDFW timing windows 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:

[http://www.ecy.wa.gov/programs/wq/pesticides/final\\_pesticide\\_permits/aquatic\\_plants/permitdocs/wdfwtiming.pdf](http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/aquatic_plants/permitdocs/wdfwtiming.pdf).

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.

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.

7. For acrolein applications:

During the period of this permit, permittees must make reasonable efforts to reduce the use of acrolein in favor of more environmentally sensitive chemicals as demonstrated in the permittees' discharge monitoring reports.

## **S6. Monitoring requirements**

- A. The permittee must monitor all pesticide applications where the treated water eventually flows to a point of compliance according to the directions and the tabulated sampling schedule provided below.

The permittee must take the two samples per treatment event to identify the highest concentration of the pesticide. The permittee must take both samples during the peak pesticide concentration at the compliance point.

- a. If the travel time is 20 hours or more, the permittee must space sampling at least two hours apart.
- b. If the travel time is less than 20 hours, the permittee must space samples at 10% of the travel time of the pesticide.
- c. If the permittee is tracking multiple treatments simultaneously, the permittee must use the shortest travel time to determine if the permittee follows S6.Aa or S6.Ab.



Parameter	Test Method	Method Detection Limit (Quantitation Level)	Minimum Sampling Frequency	Sample Type
<b>Monitor at Point(s) of Compliance</b>				
Flow		Not Applicable	Concurrent with all other samples	Measurement
Copper, dissolved	EPA 200.8	0.4/2.0 ug/l	2 times per treatment	Grab
Total Hardness (only when monitoring copper)	SM2340B	200 ug/l	Concurrently with copper sampling or as detailed in S6.B.6	Grab
Acrolein	EPA 624	5/10 ug/l	2 times per treatment	Grab
Endothall	EPA 548/548.1	12 ug/l	2 times per treatment	Grab
Xylene	EPA SW 846 8021/8260	1 mg/l	2 times per treatment	Grab
<b>No Monitoring Required</b>				
Sodium Carbonate Peroxyhydrate	Not Applicable	Not Applicable	None	None
Fluridone	Not Applicable	Not Applicable	None	None
Imazapyr	Not Applicable	Not Applicable	None	None

## B. Special situations

1. Ecology may reduce the minimum sampling frequency if the permittee meets specific conditions and Ecology grants written approval. A permittee may provide information to Ecology that reliably predicts the travel time (even under variable flow rates) and the pesticide's potential maximum concentration at the point of compliance. If approved by Ecology, the permittee must take no less than one sample during two different treatments at each treatment site each year. The permittee must take each sample at the peak concentration of the pesticide.
2. If the permittee holds treated water (any amount) and then releases it days or weeks later, the permittee must conduct monitoring according to S6.A until Ecology approves reduced monitoring in writing (S6.B1). To receive approval from Ecology, the permittee must document that it prevents any flows to the point of compliance for a sufficient length of time to allow the pesticide to degrade to levels below the discharge limits in S5.B. The documentation must include any combination of calculations and/or monitoring data. If approved by Ecology, the permittee must monitor at least twice annually as per the reduced monitoring allowance in S6.B1.
3. If all treated water is consumed (i.e. used on-farm) and the end of the canal/spillway is dry, the permittee need not conduct monitoring. The permittee must include all pesticide applications covered by this special situation on the

monthly discharge monitoring report (DMR). The DMR must also provide evidence (such as data photographs or flow records) to show that the canal was dry long enough so that all the treated water was consumed. This special situation only applies if no treated water (or water mixed with treated water) is held. If any water is simply held, this special situation does not apply.

4. In some situations, the permittee prevents treated water from reaching some points of compliance by closing side canals/spillways. (For example, a permittee closes a gate to a spillway while treating the primary canal and all the treated water passes the closed gate.) The permittee must conduct full monitoring (S6.A) at the points of compliance corresponding to the closed canals/spillways when the canals/spillways are reopened unless:
  - a. The closed canal/spillway is kept closed for double the travel time it takes the treated water to reach the point of closure. In this situation, no monitoring is required. For this special situation only, the travel time is counted from when the pesticide application ends. (For example, if a treatment ends at 1:00 and it takes four hours to pass the closed gate at 5:00, the permittee must keep the gate closed for another four hours until 9:00 for this special situation to apply).
  - b. Ecology approves reduced monitoring as per S6.B1. In this case, the permittee must sample as required in S6.B1 when the canals are reopened.
5. If the permittee applies endothall at a concentration below the effluent limit, the permittee may request a reduction in sampling. The first treatment at each application site with either dipotassium salt (such as Cascade) or amine salt (such as Teton) must be monitored in full, according to S6.A. A permittee may submit the results of this sampling event to Ecology to request reduced monitoring. If Ecology approves the reduced monitoring, the permittee must take no less than one sample for each treatment site each year. The samples may be taken at either the point of compliance or anywhere downstream of the application site (but upstream of the point of compliance) in a well-mixed location.
  - a. Full monitoring according to S6.A is required if the permittee applies endothall at a concentration higher than the effluent limit.
  - b. The permittee must include all endothall applications on the monthly discharge monitoring report (DMR) whether or not monitoring occurs.
6. As an alternative to sampling for hardness concurrently with each copper sample, hardness may be sampled once a year at each point of compliance in July providing the following requirements are met:
  - a. The irrigation system is in Eastern Washington.
  - b. The permittee has hardness sampling result records for at least one full permit cycle of monitoring when sampling for copper,
  - c. Hardness results for the record are consistently above 50 ppm

- d. The sampling record for at least one permit cycle is provided to Ecology in a table and Ecology approves the change to yearly sampling as detailed above.

C. Time travel study

1. The permittee must support all monitoring by completing a time travel study at each application site.
2. Time travel studies must determine the amount of time it takes the pesticide to travel from the application site to the point of compliance.
3. The flow conditions during the time travel study must mimic the conditions during pesticide application.
4. The permittee must use time travel studies that are less than five years old.
5. The permittee must submit the results of the most recent time travel studies to Ecology by February 1 of each year.
6. Time travel studies are only required for pesticide applications that flow to a point of compliance.

D. Sampling and analytical procedures

1. The permittee must ensure that all samples and measurements taken to meet the requirements of this permit are representative of the volume, concentration, and nature of the monitored parameters.
2. The permittee must ensure that sampling and analytical methods used to meet the monitoring requirements specified in this permit conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136* or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by Ecology.

E. Laboratory accreditation

The permittee must ensure that all monitoring data required by Ecology is prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC, Accreditation of Environmental Laboratories. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement.

## **S7. Integrated vegetation management plan**

- A. The permittee must maintain and implement a current Integrated Vegetation Management Plan (IVMP) that has been approved by Ecology. New permittees must submit a plan to Ecology for approval.
- B. If the permittee selects treatment to reduce or eliminate pesticide residues as a method to achieve compliance, the permittee must submit two copies of an approvable engineering report in accordance with WAC 173-240 to Ecology for review and approval.

## **S8. Operation and maintenance**

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

## **S9. Spill plan for pesticide storage and application sites**

- A. The permittee must submit a spill control plan by February 13, 2013 for the prevention, containment, and control of spills or unplanned discharges from the application, storage, and transportation of pesticides.
  - 1. The permittee must review and update the spill control plan, as needed, and submit any updates/changes to Ecology.
  - 2. The permittee must follow the plan and any supplements throughout the term of the permit.
- B. The spill control plan must include the following:
  - 1. A description of the process the permittee will use to alert responsible managers and legal authorities in the event of a spill.
  - 2. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
  - 3. A list of all pesticides used, processed, or stored at the facility that could spill into state waters.

## **S10. Public notice procedures**

- A. Legal notice procedures
  - 1. Prior to each treatment season, the permittee must publish a notice in the legal notices section of a local newspaper of general circulation (or nearest regional paper if a local paper does not exist).
  - 2. The permittee must publish the legal notices prior to the first pesticide application of the season.
  - 3. The legal notice must include:
    - a. The purpose of the pesticide application
    - b. A general description of the canals to be treated
    - c. The pesticide(s) the permittee will use and their active ingredient(s)

- d. The approximate date(s) of treatment
  - e. The approximate location(s) of treatment
  - f. Any water use restrictions or precautions
  - g. The posting procedure
  - h. The names and phone numbers of the permittee
  - i. The address and phone number of the appropriate Ecology regional office
4. The permittee must mail or fax a dated copy of the published notice or an affidavit from the newspaper to:

Aquatic Pesticides Team  
Water Quality Program  
Department of Ecology  
PO Box 47600  
Olympia, Washington 98504-7600.

5. The permittee must submit a copy of the published notice or an affidavit from the newspaper no later than February 1 of the following year.
6. The permittee must mail or hand deliver a copy of the published notice or an affidavit from the newspaper to Ecology with five days upon request.
7. In addition, the permittee may provide notice using general newsletters, special notices enclosed in the annual assessments, and individual letters.

**B. Posting procedures**

1. For acrolein, endothall, and xylene treatments, the permittee must post signs at all irrigation canal and drainage ditch accesses within one mile of the point of application that are normally available to the public (such as public road crossings of canals or drainage ditches).
2. The permittee must post and maintain all signs prior to the each application.
3. The permittee must use good faith and reasonable effort to ensure that posted signs remain in place throughout the treatment.
4. The permittee should use signs printed in both English and Spanish.
5. The signs must include, at a minimum, the following information:
  - a. Name and telephone number of the irrigation district
  - b. A statement that the public must not trespass on access sites
  - c. A statement that water treatments using {the pesticide} to control aquatic plants may occur during the irrigation season

C. Variations to this procedure

The permittee must obtain advance written approval from Ecology before making variations to the posting and notification procedures listed in this Permit.

## **S11. Reporting and recordkeeping requirements**

The permittee must record and report in accordance with the following conditions. The falsification of information submitted to Ecology is a violation of the terms and conditions of this permit. Reporting requirements take effect on the effective date of the permit.

The permittee must send reports to:

Aquatic Pesticides Team  
Water Quality Program  
Department of Ecology  
PO Box 47600  
Olympia, Washington 98504-7600.

A. Discharge monitoring reports

1. The permittee must submit monitoring results monthly whether or not the permittee applied pesticides or discharged treated water.
  - a. The permittee must summarize, report, and submit monitoring data on a Discharge Monitoring Report (DMR) form provided or otherwise approved by Ecology.
  - b. DMRs for each month must be postmarked or received by the 1st day of the month after the following month. For example, the April DMR must be postmarked or received by June 1st.
  - c. If the permittee conducted no aquatic pesticide treatments during a given month, the permittee must submit the form as required with the words "no discharge" entered in place of the monitoring results.
  - d. For each month with a fluridone or imazapyr treatment, the DMR must state whether or not any fluridone or imazapyr treated water reached a point of compliance.
2. See S6.B3 for additional requirements for DMRs when all treated water is consumed.

B. Annual treatment reports

1. The permittee must keep complete application records on a report form provided by Ecology.
2. The report must include a listing of all pesticide applications, including the amount of pesticide used.

3. The permittee must submit the annual report to Ecology no later than February 1 of each year.

C. Notification of treatments

1. The permittee must telephone, fax, or submit electronically a list of planned treatments to Ecology at least 24 hours prior to any treatment.
2. This list must contain the names and locations of the treatment sites.

D. Records retention

1. The permittee must retain records of all monitoring information for a minimum of five years.
2. Such information must include all calibration and maintenance records, all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, all original laboratory data, and records of all data used to complete the application for this permit.
3. The permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by Ecology.

E. Recording of results

1. For each sample taken, the permittee must record the following information:
  - a. The date
  - b. Exact place
  - c. Time of sampling
  - d. The individual who performed the sampling
  - e. The analytical techniques or methods used
  - f. The results of all analyses
2. All laboratory reports providing data for organic and metal parameters must include the following information:
  - a. Sampling date
  - b. Sample location
  - c. Date of analysis
  - d. Parameter name
  - e. Analytical method / number
  - f. Preservation method
  - g. Method detection limit (MDL)
  - h. Laboratory quantitation limit (QL)

- i. Reporting units
    - j. Concentration detected
  3. Acrolein monitoring data must also include the time of analysis, and method of sample transport.
- F. Additional monitoring by the permittee

If the permittee monitors any pollutant more frequently than required by this permit using test procedures and sampling locations specified under Condition S6 of this permit, then the permittee must include the results of this monitoring in the DMR.
- G. Reporting permit violations
  1. In the event the permittee is unable to comply with any of the terms and conditions of this permit, the permittee must:
    - a. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.
    - b. Notify Ecology within 24 hours of becoming aware of the failure to comply.
    - c. Submit a detailed written report to Ecology within five (5) days of becoming aware of the failure to comply. The report must contain a description of the noncompliance (including exact dates and times) and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. If the permittee has not corrected the noncompliance, the report must also include the anticipated time the permittee expects it to return to compliance.
  2. Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

## **S12. Compliance with standards**

This permit does not authorize a violation of Washington State Surface Water Quality Standards (Chapter 173-201A Washington Administrative Code (WAC)), Ground Water Quality Standards (Chapter 173-200 WAC), Sediment Management Standards (Chapter 173-204 WAC), or human health-based criteria in the National Toxics Rule (Federal Register, Vol. 57, NO. 246, Dec. 22, 1992, pages 60848-60923).



## **General Conditions**

### **G1. Discharge violations**

All discharges and activities authorized by this general permit must be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a concentration in excess authorized by this permit, constitutes a violation of the terms and conditions of this permit.

### **G2. Proper operation and maintenance**

The permittee must at all times properly operate and maintain all systems of treatment and control to achieve compliance with the terms and conditions of the general permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit. The permittee must not allow concentrations of the product(s) to exceed FIFRA label requirements.

### **G3. Right of entry**

The permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law, at reasonable times:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this general permit;
- B. To have access to and to copy any records that must be kept under the terms and conditions of the permit;
- C. To inspect any posting, monitoring equipment, or method of monitoring required in this permit;
- D. To inspect any collection, treatment, pollution management, or discharge facilities; and
- E. To sample any discharge of pollutants.

### **G4. Permit coverage revocation**

Pursuant to chapter 43.21B RCW and chapter 173-226 WAC, the Director may require any discharger authorized by this general permit to apply for and obtain coverage under an individual permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are not limited to the following:

- A. Violation of any term or condition of this general permit.

- B. Obtaining coverage under this general permit by misrepresentation or failure to disclose fully all relevant facts.
- C. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- D. A determination that the permitted activity endangers human health or the environment, or significantly contributes to water quality standards violations.
- E. Nonpayment of permit fees or penalties assessed pursuant to chapter 90.48.465 RCW and chapter 173-224 WAC.
- F. Failure of the permittee to satisfy the public notice requirements of WAC 173-226-120(5), when applicable; or Permittees who have their coverage revoked for cause according to WAC 173-226-240, may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

## **G5. General permit modification or revocation**

This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of chapter 173-226 WAC. Grounds for modification or revocation and reissuance include, but are not limited to, the following:

- A. When a change that occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this permit.
- B. When effluent limitation guidelines or standards are promulgated pursuant to the Federal Water Pollution Control Act or chapter 90.48 RCW for the category of dischargers covered under this general permit.
- C. When a water quality management plan containing requirements applicable to the category of dischargers covered under this general permit is approved.
- D. When information is obtained which indicates that cumulative effects on the environment from dischargers covered under this general permit are unacceptable.

## **G6. Reporting a cause for revocation of coverage**

A permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for revocation under condition G5 above or 40 CFR 122.62 must report such information to Ecology so that a decision can be made on whether action to revoke coverage under this general permit will be required. Ecology may then require submission of a new application for coverage under this or another general permit or an application for an individual permit. Submission of a new application does not relieve the permittee of the duty to comply with all the terms and conditions of the existing general permit until the new application for coverage has been approved.

## **G7. 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.

## **G8. Duty to provide information**

The permittee shall 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 shall also submit to Ecology upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

## **G9. Other requirements of title 40 code of federal regulations**

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

## **G10. Compliance with other laws and statutes**

Nothing in this permit excuses the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

## **G11. Additional monitoring**

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

## **G12. Payment of fees**

The permittee must submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit coverage or take enforcement, collection, or other actions, if the permit fees established under chapter 173-224 WAC are not paid.

## **G13. Reporting planned changes**

The permittee shall, as soon as possible, give notice to Ecology of planned physical alterations, modifications or additions to the permitted activity, which will result in

- A. A significant change in the nature or an increase in quantity of pollutants discharged.
- or
- B. A new point of compliance.

Following such notice, permit coverage 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.

#### **G14. Reporting other information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to Ecology, it shall promptly submit such facts or information.

#### **G15. Requests to be excluded from coverage under a General permit**

Any discharger authorized by this general permit may request to be excluded from coverage under this general permit by applying for an individual permit. The discharger must submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. The reasons must fully document how an individual permit will apply to the applicant in a way that the general permit cannot. The Director may either issue an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of this general permit to that permittee is automatically terminated on the effective date of the individual permit.

#### **G16. Transfer of permit coverage**

This permit coverage may be automatically transferred to a new permittee if:

- A. The permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
- B. The notice includes a written signed agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them.
- C. Ecology does not notify existing permittee and the proposed new permittee of its intent to modify or revoke coverage.

#### **G17. 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 must 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 may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit will incur, 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 violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance must be deemed to be a separate and distinct violation.

## **G18. Signatory requirements**

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

- A. In the case of a municipal, state, or public facility, all permit applications must be signed by a principal executive officer or ranking elected official. In the case of a corporation, partnership, or sole proprietorship, all permit applications must be signed by either a principal executive officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. 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 a person described above and submitted to Ecology.
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of a regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for environmental matters, a new authorization satisfying the requirements of paragraph B.2. must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. 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 inquiries 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 fines and imprisonment for knowing violations.*

## **G19. Appeals**

The terms and conditions of the Irrigation System Aquatic Weed Control general permit are subject to appeal. There are two different appeal categories:

- A. The permit terms and conditions as they apply to the appropriate class of dischargers are subject to appeal within thirty (30) days of issuance of this general permit in accordance with chapter 43.21(B) RCW and chapter 173-226 WAC; and
- B. The applicability of the permit terms and conditions to an individual discharger are subject to appeal in accordance with chapter 43.21(B) RCW within thirty (30) days of the effective date of coverage of that discharger.

An appeal of the coverage of this permit to an individual discharger is limited to applicability or non-applicability to that same discharger. Appeal of this permit coverage of an individual discharger will not affect any other individual dischargers. If the terms and conditions of this general permit are found to be inapplicable to any discharger (s), the matter must be remanded to Ecology for consideration of issuance of an individual permit or permits.

## **G20. Severability**

The provisions of this general permit are severable, and if any provision of this general permit, or application of any provision of this general permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this general permit must not be affected thereby.

## **G21. 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 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.