

WSR 23-12-117

DEPARTMENT OF ECOLOGY

[Filed June 7, 2023, 11:13 a.m.]

## PUBLIC NOTICE

**Announcing the Issuance of the Aquatic and Invasive Species Control General Permit**

The Washington state department of ecology (ecology) is issuing the aquatic and invasive species control national pollutant discharge elimination system (NPDES) and state waste discharge general permit (permit) on June 28, 2023. The permit becomes effective on July 28, 2023, and expires on July 27, 2028.

**Purpose of the Permit:** The permit addresses various legal requirements and responsibilities, and regulates the discharge of pollutants to protect water quality in Washington state. The permit provides statewide NPDES coverage for the use of specific pesticides, products, and methods to control fish, invasive aquatic animals and insects. The permit is a combined NPDES and state waste discharge permit that limits the discharge of pollutants to surface waters under the authority of the Federal Water Pollution Control Act (33 U.S.C. 1251) and limits the discharge of pollutants to surface and groundwater under the authority of the State Water Pollution Control Act (chapter 90.48 RCW).

**Public Notice Process and Comments:** Ecology accepted public comments on the draft permit from December 21, 2022, *through* February 21, 2023. Ecology held informational public workshops and hearings during this time via online statewide webinars on January 24 and 25, 2023. Ecology received written public comments and emails. The comments and ecology's responses are included as Appendix C of the fact sheet.

**Copies of the Permit:** The final permit, fact sheet, and response to comments are available online at the Aquatic & Invasive Species Control general permit<sup>1</sup> website. You may request hard copies from Jackie Lince at jackie.lince@ecy.wa.gov or 360-407-6600.

<sup>1</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Aquatic-pesticide-permits/aquatic-invasive-species-control-general-permit>

**Applying for Coverage Under the Permit:** Any Washington state government agency may apply for permit coverage to conduct activities using specific pesticides, products, and methods for controlling fish, invasive aquatic animals and insects by submitting a complete permit application to ecology and satisfying all applicable public notice and State Environmental Policy Act requirements (WAC 173-226-200). The application is available online at Secure Access Washington (SAW)<sup>2</sup>.

<sup>2</sup> <https://secureaccess.wa.gov/myAccess/saw/select.do>

**Ecology Contact:** Shawn Ultican, Washington State Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, phone 360-407-6283, email shawn.ultican@ecy.wa.gov.

**Assistance for Persons with Disabilities (ADA):** To request ADA accommodation for disabilities, call ecology at 360-407-7285 or visit Accessibility & the Americans with Disabilities Act (ADA)<sup>3</sup>. People with impaired hearing may call Washington relay service at 711. People with speech disability may call TTY at 877-833-6341.

<sup>3</sup> <https://ecology.wa.gov/About-us/Accessibility-equity/Accessibility>

**En Español:** Para información en español, por favor comuníquese con Shawn Ultican al 360-407-6283.

**Your Right to Appeal:** You have a right to appeal the final general permit and general permit coverage for a specific facility to the pollution control hearings board. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC.

- Appeals of the general permit issuance must be filed **within 30 days of issuance** of the general permit. See the Appeal of the General Permit Focus Sheet<sup>4</sup> for more information.

<sup>4</sup> <https://apps.ecology.wa.gov/publications/documents/1710009.pdf>

- Appeals of general permit coverage for a specific facility must be filed **within 30 days of the effective date of coverage**. See the Appeal of a General Permit Coverage Focus Sheet<sup>5</sup> for more information.

<sup>5</sup> <https://apps.ecology.wa.gov/publications/documents/1710007.pdf>

If you have questions, please contact Shawn Ultican at [shawn.ultican@ecy.wa.gov](mailto:shawn.ultican@ecy.wa.gov) or 360-407-6283.