



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

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July 3, 2001

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REGISTERED MAIL

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Mr. Terry McNabb
Aquatechnex, Inc.
PO Box 118
Centralia, WA 98531

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I M. HILL

Ms. Carol Gruen, Contact
Lakemoore Community Club Inc.
P.O. Box 2285
Olympia, WA 98507

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REFERENCE _____

Dear Mr. McNabb and Ms. Gruen:

Enclosed is Order No. DE 01WQSR-2468. All questions and correspondence relating to this document should be directed to Margaret Hill, Department of Ecology, Southwest Regional Office, PO Box 47775, Olympia, Washington 98504-7775, (360) 407-0246.

This Order is issued to control aquatic plants. If you wish to formally contest the Order, you must follow the procedures described in the Order on the last page.

Pursuant to the 9th Circuit Court's decision in *Headwaters, Inc. v. Talent Irrigation District*, all applicants that apply pesticides from a point source to waters of the United States must obtain a National Pollutant Discharge Elimination System (NPDES) permit. Without a NPDES permit, you may be subject to enforcement under the Federal Clean Water Act. Although the court decision related specifically to an irrigation district, it may also be applicable to any other aquatic pesticide applications, including but not limited to, control of mosquitoes, burrowing shrimp, fish, and noxious and non-noxious aquatic plants.

This order/permit is a short-term water quality standards modification and is not an NPDES permit. Therefore, applicators, applicants and/or sponsors of aquatic pesticides should be aware that even though this permit/order has been issued by the Department of Ecology (Ecology) they may still be vulnerable to enforcement actions under the Clean Water Act.

