

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

**IN THE MATTER OF THE REQUEST BY** )  
Aquatechnex, Inc. and Carol Gruen )  
**FOR TEMPORARY MODIFICATION OF THE STATE** ) **ADMINISTRATIVE ORDER**  
**SURFACE WATER QUALITY STANDARDS FOR THE** ) **NO. DE 01WQSR-2468**  
**USE OF PESTICIDES TO CONTROL AQUATIC PESTS,** )  
**PLANTS AND/OR ALGAE IN Ken Lake** )

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

AND

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

**Aquatechnex, Inc., herein called the applicator, will be conducting pesticide treatments on behalf of the applicant and/or sponsor. The applicant and/or sponsor submitted a request to the Department of Ecology (Ecology) for temporary modification of the state's Surface Water Quality Standards for the purpose of applying aquatic pesticides (also includes herbicides and algicides).**

Pursuant to the 9<sup>th</sup> Circuit Court's decision in *Headwaters, Inc. v. Talent Irrigation District*, applicants who apply pesticides to waters of the United States must obtain a National Pollutant Discharge Elimination System (NPDES) permit. This order/permit is a short-term water quality standards modification. It is not an NPDES permit and does not authorize the discharge of pesticides to waters of the United States.

All applicants who apply pesticides to waters of the U.S. are also required to submit NPDES applications for their pesticide applications. NPDES application forms will be provided by Ecology and must be submitted to Ecology no later than 30 days from issuance of this Administrative Order (Order). In addition, any application of pesticides to waters of the state shall comply with the conditions listed below in this Order.

Ecology retains continuing jurisdiction to make modifications through supplemental actions if it appears necessary to protect the public interest. This includes protection of public health, safety, livestock, wildlife, and aquatic and wetland resources.

This Order is issued under the provisions of Chapter 90.48 Revised Code of Washington (RCW) and Washington Administrative Code (WAC) 173-201A-110.

The applicator must have this order in his or her possession during the application of the pesticide. The applicator shall comply with the following conditions during the application of aquatic pesticides within the state. Exception: When the waterbody is less than one (1) acre in size, entirely on the land of the project sponsor, with no inlets or outlets, and without access to the public, the applicator shall be required to follow the Specific and General Conditions listed in this Order.