

# **WSDA Update Grayland Ditch 2012**

➤ **WSDA Surface Water Monitoring**

➤ **WSDA Proposed Rules Moving Forward**

# Monitoring 2012

The goal is two-fold:

- 1) Establish a good baseline data set by which to assess the effectiveness of mandatory BMP's
  - 2) Provide high quality, third party data to assess whether the Grayland Ditch system should remain on Ecology's 303(d) list for impacted water bodies
- Weekly sampling April to July
  - 6-8 samples along the ditch – sites tbd
  - Only Lorsban and Diazinon

# Monitoring 2012

- Monitoring will be conducted by WSDA through the Natural Resource Assessment Section
- WSDA has worked extensively with officials from the Drainage District and the Cranberry Growers Association in developing this monitoring program
- WSDA will coordinate with Ecology to ensure that the data collected will be considered valid to address the 303(d) listing issues

# Rule making 2013/2014

- Just for Grayland ditch area (not Long Beach or North Beach)
- Makes Diazinon and Lorsban restricted use (must have a pesticide applicator license and the purchase and use of must be recorded)
- It will be a violation to apply these two chemistries on a farm without ditch cribbing and covering, or sub-surface drains

# Rule making 2013/2014

- Ditch protection requirements same as NRCS Standards and BMPs in place for Years
- Also, If you farm in Grayland you are in violation if you get Diazinon or Lorsban in open water (ditch or sump).
  - ❖ *This is true everywhere with all pesticides – it's not legal to put pesticides into any water body if it is connected to waters of the state*

# Rule making 2013/2014

- Enforced By WSDA Pesticide Management Compliance
- First Restrictive Use For Insecticides And For A Specific Water Body In Western Wa.
  - ❖ Quite A Few Statewide And Eastern WA Herbicide Restricted Use Rules
  - ❖ Some Pollinator Protection Restricted Use Rules And
  - ❖ Aquatic Uses Are Restricted Use Across The State

# Implementation- Process

- 2012-2014 *and beyond as needed* – Technical Assistance Available To Educate Growers On Requirements
- 2013-2014 *and beyond as needed* – Field Technical Assistance And Outreach To Gain Voluntary Compliance
- 2013 Or 2014 – Likely Implementation Of Rule
- Talk To Board Members If You Have Concerns Regarding Rule

# Possible Enforcement Scenarios

- WSDA may sample Grayland ditches for Diazinon & Lorsban in subsequent years
- Complaints may come in informing WSDA of lack of compliance – i.e. growers not cribbing and covering
- WSDA may conduct surveillance in Grayland and ask for Pesticide Records to determine who is still using Diazinon and Lorsban
- Detections of Lorsban and Diazinon in water may trigger enforcement action
- Enforcement Action Includes



# Enforcement Process

- Full Investigation
  - Sampling, Records, Testimony, Photos
- Chlorpyrifos and/or Diazinon Residues in Water after Implementation
  - May result in Notice of Correction
  - Or if Adverse Effects Likely Could Result in
    - Fines and/or License Suspension { WAC 16-228-1130}
  - Ecology Could Become Involved
  - Could Adversely Affect Cranberry Industry
  - Could Adversely Affect Grayland Area and Farming in WA

# WSDA Civil Penalty/ Enforcement – Actions

- **1<sup>st</sup> Time Violations w/ more than minor environmental harm** could result in
  - – Fines from \$350 w/ 5 day license suspension/violation
  - – To \$550 w/ 9 day license suspension/violation
- Can be **multiple violations** in one application
  - Applying a Pesticide in a Way that Pollutes a Waterway
  - Applying Restricted Use Pesticide Without a License
  - Applying a Pesticide Contrary to Label
  - Not Keeping Complete Records, and so on. . . .
- **2<sup>nd</sup> Time Violations** ( ie. 2<sup>nd</sup> year in a row or twice in 3 yrs)
  - Fines from \$600 w/ 10 day license suspension/violation
  - To \$2000 w/ 20 day license suspension/violation
- **WSDA fines** can be up to \$7500/violation, but rare
- Does not include any possible **Ecology** action