



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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PUBLIC NOTICE

Announcing Draft NPDES General Permit for Tribal Enhancement and Federal Research Marine Net Pen Facilities within Puget Sound Request for Clean Water Act Section 401 Certification

Proposed Permit

The United States Environmental Protection Agency requested Washington State Department of Ecology (Ecology) Clean Water Act (CWA) Section 401 certification on February 9, 2021 for the following draft permit:

- NPDES General Permit for Tribal Enhancement and Federal Research Marine Net Pen Facilities within Puget Sound

The draft NPDES General Permit for Tribal Enhancement and Federal Research Marine Net Pen Facilities within Puget Sound (Tribal Enhancement and Federal Research Marine Net Pen Facilities) for discharge of wastewater from these permitted facilities is operated under the National Pollutant Discharge Elimination system (NPDES) in the Puget Sound.

Purpose of the Permit

The Tribal Enhancement and Federal Research Marine Net Pen Facilities General Permit would replace the existing Tribal Enhancement and Federal Research Marine Net Pen Facilities General Permit once finalized. The existing Tribal Enhancement and Federal Research Marine Net Pen Facilities General Permit was issued for a five-year term in 2015 and expired on October 31, 2020. The current permit allows discharge of wastewater from tribal enhancement marine net pen facilities in Puget Sound. Coverage is currently allowed for facilities that produce up to 100,000 pounds of native Coho salmonids annually and operate for four to six months in the marine waters within the boundaries of Washington State.

The EPA proposes changes to the scope of coverage. The general permit will cover:

- Tribal enhancement net pens that produce up to 200,000 pounds operating no longer than four months or up to 100,000 pounds for greater than four months.
- Federal research marine net pens facilities that culture native finfish species for a net biomass of up to 99,999 pounds, operating year-round with required fallowing period.
- Facilities in Puget Sound marine waters within the boundaries of Washington State.

Purpose of the 401 Certifications

Section 401 of the CWA provides that the federal government may not issue a permit relating to any activity which may result in any discharge into the navigable waters until a certification is granted or waived by the state in which the discharge originates, or will originate.

The state certification evaluates whether the discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 of the CWA and appropriate requirements of state law. Ecology will review the draft permits pursuant to Section 401 of the CWA, and with applicable provisions of State water pollution control laws.

Copies of the Draft Permits

Draft NPDES permit documents for the Tribal Enhancement and Federal Research Marine Net Pen Facilities are available [online](#). EPA's public comment period goes until March 26, 2021.

Contact EPA staff, Martin Merz at merz.martin@epa.gov or 206-553-0205 with questions related to EPA's draft permit documents. Ecology is not accepting comments on the contents of the draft permit documents.

Ecology Contact

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Submitting Written Comments

Ecology is requesting comments from the public, state and local agencies, tribes, and other interested parties on EPA's request, in relation to water pollution control considerations. Ecology will accept written comments until midnight, March 15, 2021. Ecology prefers comments be submitted electronically via the online portal. Alternatively, comments may be supplied by email or in a letter format mailed directly to Ecology.

Submit comments online (preferred method): <http://wq.ecology.commentinput.com/?id=7Qhig>

Submit comments by mail to: Department of Ecology—SEA Program
Federal Project Coordinator
PO Box 47600
Olympia, WA 98504-7600

You must provide comments before midnight, March 15, 2021. Written comments must be postmarked no later than midnight, March 15, 2021.