

**ADDENDUM TO THE FACT SHEET
FOR NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES)
PERMIT NO. WA0039268**

I. GENERAL INFORMATION

Facility: TroutSprings Canyon Falls Hatchery
4008 Pioneer Way East
Tacoma, WA 98443

II. APPLICATION REVIEW

TroutSprings Canyon Falls Hatchery submitted an application to the Department of Ecology (Ecology) on February 1, 2010, for permit reissuance, and Ecology accepted it on March 5, 2010. Ecology has sufficiently reviewed the application, discharge monitoring reports, and other facility information in enough detail to ensure that:

- TroutSprings Canyon Falls Hatchery has complied with all of the terms, conditions, requirements and schedules of compliance of the expired permit.
- Ecology has up-to date information on the facility's waste treatment practices; and the nature, content, volume, and frequency of its discharge.
- The discharge meets applicable effluent standards and limits, water quality standards, and other legally applicable requirements.

III. PERMIT REAUTHORIZATION

When Ecology reauthorizes a discharge permit it essentially reissues the permit with the existing limits, terms and conditions. Alternatively, when Ecology renews a permit it re-evaluates the impact of the discharge on the receiving water which may lead to changes in the limits, terms and conditions of the permit.

This fact sheet addendum accompanies the permit, which Ecology proposes to reauthorize for the discharge of wastewater to Canyon Falls Creek. Canyon Falls Creek is a tributary to the Puyallup River. The previous fact sheet explains the basis for the discharge limitations and conditions of the reauthorized permit and remains as part of the administrative record.

Ecology determined it does not need to change the existing permit requirements, including discharge limits and monitoring, to protect the receiving water receiving quality. The previous fact sheet addressed conditions and issues at the facility at the time when Ecology issued the permit in 2005. Since the issuance of the current permit, Ecology has not received any additional information, which indicates that environmental impacts from the discharge warrant a complete renewal of the permit. The reauthorized permit is virtually identical to the previously modified permit issued on December 22, 2005.

Ecology reviewed inspections and assessed compliance of the facility's discharge with the terms and conditions in the previous permit and determined that it should not rank the facility as a high priority for permit renewal. Ecology assigns a high priority for permit renewals in situations where water quality would benefit from a more stringent permit during the next five-year cycle.

The permit reauthorization process, along with the renewal of high priority permits, allows Ecology to reissue permits in a timely manner and minimize the number of active permits that have passed their expiration dates. For permit reissuance planning purposes, Ecology follows a system of ranking that considers the benefit gained by renewing a permit rather than reauthorizing a permit during its annual permit planning process. Ecology assesses each permit that is expiring and due for reissuance and compares it with other permits due for reissuance. Ecology notifies the public and seeks input after it has tentatively established the initial draft ranking of the permits it plans to renew and those it plans to reauthorize. Ecology considers all relevant comments and suggestions before it makes a final decision.

Ecology carried over the discharge limits and conditions in effect at the time of expiration of the previous permit to this reauthorized permit. Ecology removed the previously issued Interim Limits and only utilizes the Final Limitations from the previous permit. Ecology adjusted the dates for the other standard compliance and submittal requirements from the past permit into this reauthorized permit. Ecology considered these submittals as necessary in the previous permit and no information has come forward to cause it to reconsider. Ecology also made some minor updates to replace the word “shall” with “must,” and to Plain Talk some of the Special Conditions of the Permit. Ecology included a new Appendix A in the reauthorized permit which provides testing methods, detection limits, and method reporting limits that are required for testing as part of the permit renewal application and for routine permit compliance monitoring. Ecology also revised Special Condition S2—Monitoring Requirements to conform to the specifications provided in the new Appendix A table.

Ecology must public notice the availability of the draft reauthorized permit at least 30 days before it reissues the permit [Washington Administrative Code (WAC) 173-220-050]. Ecology invites you to review and comment on its decision to reauthorize the permit (see Appendix A-Public Involvement for more detail on the Public Notice procedures). After the public comment period has closed, Ecology will prepare a response to comments document that it will attach to this fact sheet addendum. The response to comments will include the resultant changes to the permit and either address each comment individually or summarize the substantive comments and respond. Ecology sends a copy of the response to comments to all parties who submitted comments. Ecology will include the response to comments in this fact sheet addendum.

IV. RECOMMENDATION FOR PERMIT ISSUANCE

Ecology proposes to reissue this permit for a period of five years.

APPENDIX A--PUBLIC INVOLVEMENT INFORMATION

Ecology proposes to reissue a permit to the TroutSprings Canyon Falls Hatchery. The permit includes wastewater discharge limits and other conditions. This fact sheet addendum describes the facility and Ecology's reasons for reauthorizing the permit conditions. Ecology placed a Public Notice of Application on June 9, 2008, and June 16, 2008, in the *Tacoma News Tribune* to inform the public about the submitted application and to invite comment on the reissuance of this permit.

Ecology will place a Public Notice of Draft on April 21, 2010, in the *Tacoma News Tribune* to inform the public and to invite comment on the proposed draft National Pollutant Discharge Elimination System permit and fact sheet addendum.

The Notice –

Tells where copies of the draft Permit and Fact Sheet are available for public evaluation (a local public library, the closest Regional or Field Office, posted on our website.).

Offers to provide the documents in an alternate format to accommodate special needs.

Urges people to submit their comments, in writing, before the end of the Comment Period

Tells how to request a public hearing of comments about the proposed NPDES Permit.

Explains the next step(s) in the permitting process.

Ecology has published a document entitled **Frequently Asked Questions about Effective Public Commenting** which is available on our website at <http://www.ecy.wa.gov/biblio/0307023.html>.

You may obtain further information from Ecology by telephone, **360-407-6280**, or by writing to the permit writer at the address listed below.

Industrial Unit Permit Coordinator
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

APPENDIX B – RESPONSE TO COMMENTS

On May 18, 2010, Ecology received comments via email from Wild Fish Conservancy. Ecology has considered/responded to the comments prior to issuance of the final permit. Provided below is a summary of their comments and Ecology's responses:

General Comments

1. Ecology should evaluate this permit using the new regulations and guidance.

Ecology's Response: Ecology utilized the most recent regulations and guidance during this permit re-authorization.

2. We have concerns that the permit as drafted may not protect water quality standards in Canyon Falls Creek.

Ecology's Response: Ecology utilized all the information available at the time the permit was written to adequately assess and ensure that water quality standards could be met in Canyon Falls Creek downstream of the discharge. Furthermore, the permit complies with the wasteload allocation established in the Addendum to the 1993 Puyallup River Total Maximum Daily Load (TMDL) for Biochemical Oxygen Demand, Ammonia, and Residual Chlorine (Ecology Publication No. 94-e36). The purpose of the TMDL study is to allocate sources of pollutants such that dissolved oxygen water quality impairments can be properly managed and water quality standards could be attained again.

Antidegradation Comments

3. It does not appear that a proper antidegradation review has been conducted. As a result, we do not believe that the permit should be issued as drafted.

Ecology's Response: A Tier II antidegradation review isn't necessary at this time. The hatchery's discharge actually falls under the Tier I – Protection and Maintenance of Existing and Designated Uses (see WAC173-201A-310(2)) category. The facility's permit implements the wasteload allocations that are established in the Puyallup River Dissolved Oxygen TMDL.

4. While this action (the discharge and other activities of the Hatchery) did not "commence" after EPA's approval, this facility has been operating with a NPDES permit that did not undergo an adequate antidegradation review.

Ecology's Response: WAC173-201A-320(2) states: "A Tier II review will only be conducted for **new or expanded** actions..." The hatchery facility is neither new or expanding. Therefore, a review is not necessary. Furthermore, for reasons stated under comment #3 (above), the discharge is considered to be under the Tier I category.

5. As you probably know, the US Environmental Protection Agency (EPA) approved Washington's latest revisions to the state's antidegradation policy (May 2, 2007 letter from Michael Gearheard, EPA, to David Peeler, Washington Department of Ecology). EPA's approval removes any possible ambiguity as Washington now has in place an antidegradation policy that meets current federal requirements. This antidegradation policy (Chapter 173-201A WAC, Part III) should be followed in Ecology's evaluation of this permit.

Ecology's Response: Ecology is following Part III – Antidegradation of the Water Quality Standards (WAC173-201A). Please see the responses provided for comments #3 and #4 (above).

6. Yet in the fact sheet addendum, there is no indication of results of any additional sampling to characterize the ambient quality of Canyon Falls Creek. Additional sampling should have occurred to determine if this permit requires a Tier II antidegradation review. Ecology should have conducted the requisite sampling in the last five years or ordered the permit holder to conduct the sampling. Otherwise, Ecology should assume that the water quality is better than standards and conduct a Tier II analysis.

Ecology's Response: Ecology has required monitoring of the upstream receiving water to assess whether or not there are any impacts from this discharge. A summary of the monitoring data is provided below. There does not appear to be any obvious impacts to the water that would arise from the TroutSprings Canyon Falls Hatchery discharge for temperature or pH.

Comparison of Discharge Monitoring Data between the Influent and Effluent (from January 2006 through March 2010).					
	NH3 (mg/L)	Settleable Solids (mL/L)	TSS (mg/L)	Temperature (deg. C)	pH (s.u.)
Influent (CSP 005)	Max.: <1.0	Max.: <0.1	Max.: <1.0	Max.: 13.8	Min.: 7.30 Max.: 8.10
Effluent (Outfalls 001 and 002)	Max.: <1.0	Max.: <0.1	Max.: 2.5	Max.: 13.8	Min.: 7.50 Max.: 8.30

Fish Blockage Comments

7. In January 2010, Ecology issued a final Clean Water Act Section 401 certification for the Leavenworth National Fish Hatchery in Chelan County (WQC Order No. 7192, January 7, 2010). The certification was in response to the draft NPDES permit issued by EPA for this federal facility, and as far as we can tell, it is the first Section 401 certification issued by Ecology to a fish hatchery. In it, Ecology has required the Hatchery to explore ways to increase fish passage at the various structures the Hatchery operates in Icicle Creek. The LNFH will be required to implement the plan once it is approved by Ecology. Presumably, the LNFH must investigate operational and structural changes at its facility and implement the plan to increase fish passage because fish migration is a designated use that must be protected and that the passage currently provided by Leavenworth facility is not sufficient to attain the designated use.

Here, Ecology must investigate the full range of impacts to ensure that this facility is not adversely affecting designated uses through its activities. Many fish hatcheries employ structures that block fish passage. This facility produces rainbow trout so it would not block fish passage for returning brood stock, but it may block Canyon Falls Creek for its water source.

Ecology's Response: The National Pollution Discharge Elimination System (NPDES) provides a regulatory framework for regulating discharges to surface waters of the United States. As such, the permits issued under the NPDES Program can only regulate discharges and issues associated with a permitted discharge.

Section 401 Certifications can provide broader protection of Water Quality Standards and are provided on a project-by-project basis.

“The federal Clean Water Act allows states to approve, condition, or deny projects proposed in waters of the United States, including wetlands. Projects that may result in a discharge to these waters must first receive a permit or license from one of several federal agencies.

Issuance of a 401 Certification means that Ecology has reasonable assurance that the applicant's project will comply with state water quality standards and other aquatic resources protection requirements under Ecology's authority. The 401 Certification can cover both the constructions and operation of a proposed project. Conditions of the 401 Certification become conditions of the Federal permit or license.” (From Ecology’s website:

[http://www.ecy.wa.gov/programs/sea/fed-permit/index.html#What is a 401 Water Quality Certification](http://www.ecy.wa.gov/programs/sea/fed-permit/index.html#What_is_a_401_Water_Quality_Certification)).