

**Addendum to the Fact Sheet for
National Pollutant Discharge Elimination System
Waste Discharge Permit No. WA0991008
Modification Date: July 6, 2021**

1. General Information

Facility: Hughes Farms, Inc.
13255 Farm to Market Road, Mount Vernon, WA 98273

This is an addendum to the fact sheet to explain changes proposed for NPDES Permit No. WA0991008, issued on December 12, 2016. The permit included additional monitoring of *Escherichia coli* (E.coli) for effluent and stormwater runoff in the vicinity of the silo area, development of a stormwater pollution prevention plan (SWPPP), and the maximum design flow rate. The E.coli monitoring and the SWPPP requirements are prompted by the recent approved Padilla Bay Freshwater Tributaries Fecal Coliform Bacteria Total Maximum Daily Load (TMDL) Report, and the new water quality standard for E.coli effective January 1, 2021. The maximum design flow rate for the treatment lagoons was discussed in the original fact sheet but was not included in the permit because the applicant indicated the discharge rate would not exceed 40% of the design flow rate. However, flow reported on the discharge monitoring reports within the last two years indicates the discharge has exceeded the design flow rate. Ecology is modifying the permit to address these items. Ecology also updated the contact information for Ecology's Northwest Regional Office.

Note: New text in the modified permit is marked with grey highlight.

2. Changes to Permit

Page 4, Summary of Permit Report Submittals: A new item, submittal for Stormwater Pollution Prevention Plan (SWPPP) specified in S7 of the permit, is added to this summary table. The submittal date for the SWPPP is due December 31, 2021.

Page 5, S2.A Monitoring Schedule: The latitude and longitude for Outfalls 001 and 002 are specified in this section for clarity to ensure samples are collected at the correct sampling locations. E.coli has been added to the monitoring schedule to require samples to be collected at both Outfalls 001 and 002 for the purpose of data collection and evaluation with the TMDL bacteria waste load allocation. Footnote 1 has been included to add clarification to the outfall locations.

Page 15 to 18, S7 Stormwater Pollution Prevention Plan: This requirement is new and has been added to the permit to require a stormwater pollution prevention plan which includes best management practices to be developed and implemented to minimize or prevent the discharge of pollutants to waters of the state. BMPs constitute Best Conventional Pollutant Control Technology (BCT) and Best Available Technology Economically Achievable (BAT) for stormwater discharges. The SWPPP must contain adequate BMPs in order to meet the requirements of "all known, available, and reasonable methods of prevention, control, and treatment" (AKART). A SWPPP

requires a facility to implement actions necessary to manage stormwater to comply with the waste load allocation specified in the Padilla Bay Freshwater Tributaries Bacteria TMDL, and the state's requirement under chapter 90.48 RCW to protect the beneficial uses of waters of the state.

Page 19, S8 Facility Loading: This requirement is new to the permit, but not new information because the maximum design flow is discussed under the Design Criteria section on page 9 of the original fact sheet. Hughes Farms constructed two lined treatment lagoons in 2015, with a design flow rate of 187,200 gpd each pond and with 13-hour settling time after dosing with a flocculating agent to aid the sedimentation of the wastewater in the primary pond. During the design and construction phase, Hughes Farms indicated that the lagoons were overly designed and that discharge rate is unlikely to exceed 32% or maximum of 40% of the design flow rate. Therefore, Ecology determined that setting a flow limit was not necessary at that time when the permit was issued to Hughes Farms in 2016. However, flow reported during the last two years (2018 to present) indicates the discharge rate has exceeded the design flow rate. Ecology is placing the maximum design flow rate of 187,200 gpd in S8 of the permit to require Hughes Farms to manage the treatment system properly and not to exceed this design flow rate.

Page 27, Appendix A of the permit: The test method for E.coli is added to this appendix table to ensure the correct test method is used.

3. Public Process

The proposed changes to this permit constitute a major modification under 40 CFR 122.62. Notice of the draft permit modification will be published to allow a 30 day public review and comment period. This modification was published in the *Skagit Valley Herald* on April 21, 2021 to fulfil the above requirements. The issuance of the final modification is contingent upon the outcome of the public review and comment period.

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](https://apps.ecology.wa.gov/publications/SummaryPages/0307023.html) which is available on our website at <https://apps.ecology.wa.gov/publications/SummaryPages/0307023.html>

You may obtain further information from Ecology by telephone, 206-594-0000, or by writing to the address listed below.

Water Quality Permit Coordinator
Department of Ecology
Northwest Regional Office
PO Box 330316
Shoreline, WA 98133-9716

4. Permit Appeal Process

Appendix A describes the permit appeal process.

The primary author of this permit modification and fact sheet is Jeanne Tran.

Appendix A--Your Right to Appeal

You have a right to appeal this permit to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of the final permit. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this permit:

- File your appeal and a copy of this permit with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this permit on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Appendix B — Response to Comments

Ecology received one comment from Doug Lyons of Poulsbo, WA, during the public comment period.

Comment: I would hope that you would provide the most latitude possible in issuing this permit to Hughes Farms. It is important that we help the farms of the Skagit Valley survive.

Response: Thank you for taking the time to review the proposed permit modification and addendum to the fact sheet, and for providing your comments.