

Issuance Date: August 18, 2021  
Effective Date: October 1, 2021  
Expiration Date: September 30, 2026

# Upland Finfish Hatching and Rearing General Permit

A National Pollutant Discharge Elimination System and  
State Waste Discharge General Permit

**State of Washington**  
**Department of Ecology**  
Olympia, Washington

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified or revoked, Permittees that have properly obtained coverage under this general permit are authorized to discharge in accordance with the special and general conditions which follow.



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Washington State Department of  
Ecology

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## SUMMARY OF PERMIT SUBMITTALS AND DOCUMENTATION

Refer to the Special and General Conditions of this permit for additional requirements.

**Table 1 Summary of Submittals**

Permit Section	Submittal	Frequency	First Submittal Date
<a href="#">S2.B</a>	Notice of Changes - Coverage Modification	As necessary	Not applicable
<a href="#">S2.C</a>	Notice of Transfer	As necessary	Not applicable
<a href="#">S2.D</a>	Notice of Termination	As necessary	Not Applicable
<a href="#">S3.G.1.a</a>	Sample and Analysis Plan (SAP) for Temperature Monitoring for facility discharging to impaired waterbody for Temperature  or  Letter Indicating Facility Does not Discharge During Critical Period (April 1 to November 1)	Once for Approval: Finalize before sampling, which is to begin April 1, 2022  Once	Feb 1, 2022
<a href="#">S3.G.1.b</a>	Sample and Analysis Plan (SAP) for Nutrient Monitoring for facility discharging to Impaired Waterbody Dissolved Oxygen:	Once for Approval: Finalize before sampling, which is to begin October 1, 2022	April 1, 2022
<a href="#">S3.G.2</a>	Sample and Analysis Plan (SAP) for facilities with TMDL determinations	As necessary	Not applicable
<a href="#">S5.A.</a>	Discharge Monitoring Reports (DMRs)	Quarterly	January 30, 2022
<a href="#">S5.C.1</a>	Disease Control Chemical Use Report	Annually	January 30, 2022
<a href="#">S5.C.2</a>	Facility Site Plan	Once at mid-cycle	April 1, 2024
<a href="#">S5.H &amp; S5.I</a>	Reporting Permit Violations	As necessary	Not Applicable
<a href="#">S6.C.1</a>	Paint and Caulk PCB Evaluation and Mitigation	Once	October 1, 2023
<a href="#">S6.C.2</a>	Fish Feed PCB Reduction Plan	Once	April 1, 2022
<a href="#">S6.D</a>	Notice of Significant Fish Production Increase	As necessary	Not Applicable
<a href="#">S11.A</a>	Notice of Facility Changes-Engineering Checklist	As necessary	Not Applicable
<a href="#">S11.B</a>	Engineering Report	As necessary	Not Applicable

Permit Section	Submittal	Frequency	First Submittal Date
<a href="#">G2</a>	Signatory Requirement for responsible party and authorized representatives	As necessary for new permittee and with staff changes	Not Applicable
<a href="#">G6</a>	Reporting a Cause for Modification	As necessary	Not Applicable
<a href="#">G8</a>	Duty to Reapply	Once	April 1, 2026
<a href="#">G10</a>	Duty to Provide Information	As necessary	Not Applicable
<a href="#">G19</a>	Reporting Planned Changes	As necessary	Not Applicable

**Table 2 Summary of Required On-site Documentation**

Permit Condition(s)	Document Title
<a href="#">S3.G</a>	Copy of Sample and Analysis Plan (SAP) for additional monitoring and reporting of those parameters of discharge to impaired waterbodies and those with TMDL determinations
<a href="#">S4.G.</a>	Maintain any flow calibration records for at least 5 years
<a href="#">S5.C.2</a>	Copy of the Facility Site Plan with: Site-Specific Sampling Plan ( <a href="#">S7</a> ) Solid Waste Management Plan ( <a href="#">S8.D</a> ) Pollution Prevention Plan ( <a href="#">S9</a> ) Spill Control Plan ( <a href="#">S10</a> )
<a href="#">S5.D</a>	Operational Log – Disease Control Chemicals, Loading and Feeding Records
<a href="#">S5.E</a>	Copies of DMRs, Original Sampling Records (Field Notes and Laboratory Reports)
<a href="#">S5.J</a>	Copy of Permit and Permit Coverage Letter

# SPECIAL CONDITIONS

## S1. PERMIT COVERAGE

### A. Facilities Required to Seek Coverage under This General Permit

This statewide permit applies to upland aquaculture facilities or operations that discharge fish rearing process water to a surface waterbody or a system that drains to a surface waterbody. Beginning on the effective date of this permit and lasting through its expiration date, Permittees are authorized to discharge hatchery and aquaculture related discharge water to waters of the state. All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

The permit requires coverage for private entities, state, and local government facilities, and includes both existing and new facilities. The Department of Ecology (Ecology) may also require permit coverage for any facility on a case-by-case basis in order to protect waters of the state (Condition S1.A.3). Facilities required to seek coverage under this general permit include but are not limited to:

Every upland finfish hatching or rearing facility within the jurisdiction of Ecology that discharges at least 30 days a year, and:

1. Produces more than 20,000 pounds of fish a year, or
2. Feeds more than 5,000 pounds of fish food in any one calendar month, or
3. That Ecology determines is a significant contributor of pollution to waters of the state. To determine this, Ecology will consider the following factors:
  - a. The location, quantity, and quality of the receiving waters of the state.
  - b. The holding, feeding, and production capacities of the facility.
  - c. The quantity and nature of the pollutants reaching waters of the state.
  - d. Other relevant factors (40 CFR 122.24).

### B. Eligibility for Coverage of New Discharges to Impaired Waters

Facilities that meet the definition of “*new discharger*” and *discharge* to a 303(d)-listed waterbody (Category 5) or an impaired waterbody with an *applicable TMDL* (Category 4A) are not eligible for coverage under this permit unless the *facility*:

1. Documents that the *pollutant(s)* for which the waterbody is impaired is not present at the *facility*, and submits the documentation of this finding to the applicable regional office; or
2. Provides *Ecology* with data or an explanation to support a determination that the *discharge* is not expected to cause or contribute to an exceedance of a water quality standard, and submit such determination to Ecology. The *facility* must provide data or other technical information to *Ecology* sufficient to demonstrate:

- a. For discharges to waters without an EPA approved or established TMDL, that the discharge of the pollutant for which the water is impaired will meet instream water quality criteria at the point of discharge to the waterbody; or
- b. For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow hatchery discharges.

Facilities are eligible for coverage under this permit if *Ecology* issues permit coverage based upon an affirmative determination that the *discharge* will not cause or contribute to the existing impairment.

### C. Facilities Excluded from Coverage

*Ecology* will not provide coverage under this general permit when:

1. Facilities discharging to a waterbody with a Total Maximum Daily Load (TMDL) water clean-up plan or other control plan unless:
  - a. This general permit is adequate to provide the level of protection required by the TMDL or control plan.
  - b. The Permittee documents that the pollutants for which the waterbody is impaired is not present at the facility, and submits that documentation to *Ecology*.
  - c. The Permittee provides *Ecology* with data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard.
  - d. *Ecology* issues a companion document such as an administrative order with the specific facility WLA requirements listed.
2. New facilities or existing facilities with expansions, production increases, or process modifications which will result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants that discharge to a waterbody listed pursuant to Section 303(d) of the Clean Water Act unless *Ecology* has determined that the discharge will not cause or contribute to the water quality impairment.
3. Facilities which do not meet the definition for an upland finfish facility. This includes marine and freshwater net pens located within waters of the state, and facilities used to rear fish in waters of the state, which are not located in an upland setting (Chapter 173-221A WAC).
4. Federally owned or operated fish hatcheries or fish farms and discharges from fish hatcheries and fish farms to surface water on Federal Land or land within Indian Country, as defined in 18 U.S.C. 1151, except the Puyallup Exception: Following the Puyallup Tribes of Indians Land Settlement Act of 1898, 25 U.S.C. §1973; the permit does apply to land within the Puyallup Reservation except for discharges to surface water on land held in trust by the federal government. Indian Country includes:

- a. All land within any Indian Reservation notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation. This includes all federal, tribal, and Indian and non-Indian privately owned land within the reservation.
  - b. All off-reservation Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.
  - c. All off-reservation federal trust lands held for Native American Tribes.
5. Facilities operating without coverage under this General Permit (for example, those exempt according to the conditions in S1.A.) must meet the discharge standards in WAC 173-221A, including numeric discharge limits and solid waste management, and must not violate the state water quality and ground water standards (Chapters 173-200 and 201A).

#### **D. Discharges to Ground**

For sites that discharge to both surface water and ground water, the permit terms and conditions also apply to all ground water discharges. Permittees must comply with surface and groundwater standards (WAC 173-221A, WAC 173-200).

Facilities that discharge to ground water through an underground injection control well must comply with any applicable requirements of the Underground Injection Control (UIC) regulations, Chapter 173-218 WAC.

#### **E. Inactive Status**

A Permittee may request inactive status if there are no fish on station for at least one fiscal year (July 1-June 30). The Permittee must submit a written request to Ecology, and be approved, to be considered "Inactive".

In addition to the condition above, there can be no discharge of waste from a pollution abatement or offline settling pond at any time during the "inactive" status. If the pollution abatement pond or offline settling pond have been emptied and discharge only clean, flow through water, sampling may be suspended.

The permittee must submit a written request 60 days before and receive approval for Active Status reinstatement prior to discharges commencing. The Permittee does not need to submit DMRs during the inactive period.

## **S2. APPLICATION FOR PERMIT COVERAGE**

### **A. Obtaining Permit Coverage**

#### **1. Permitted Facilities:**

Permittees with coverage under the Upland Finfish Hatching and Rearing General Permit (effective October 1, 2021) must submit a complete permit application to Ecology for renewed coverage as follows:

- a. Current Permittees must submit applications electronically using Ecology’s Water Quality Web Portal – Permit Coverage Notice of Intent (NOI) application by April 1, 2026, which is at least 180 days prior to the general permit expiration.
  - b. If the Permittee applies for and receives an Electronic Reporting Waiver from Ecology, a completed and signed application must be sent to the appropriate Ecology regional office postmarked by April 1, 2026.
  - c. Unless Ecology responds in writing to the notification, coverage of a discharger under this permit will commence on the effective date of the permit.
2. Unpermitted Facilities:
- a. **Existing Facilities:** Unpermitted existing facilities are facilities in operation prior to the effective date of this permit, October 1, 2021. Applicants of an unpermitted existing facility that requires coverage under this permit must:
    - i. Submit electronically a complete and accurate permit application to Ecology using Ecology’s Water Quality Permitting Portal – Permit Coverage Notice of Intent (NOI) application, unless the applicant applies for and receives an Electronic Reporting Waiver from Ecology. Applicants that have received a waiver from Ecology must submit a completed and signed application to the appropriate regional Ecology office.
    - ii. Submit the Facility Site Plans in accordance with [S5.C.2. Submittal of Facility Site Plans](#).
    - iii. If determined to discharge to impaired waterbody or with a TMDL determination, further submittals and conditions may be required.
  - b. **New Facilities:** Unpermitted new facilities are facilities that begin operation on or after the effective date of this permit, October 1, 2021. All unpermitted new facilities must:
    - i. Submit a complete and accurate engineering report, plans, and specifications to Ecology at least 180 days before beginning the planned activity that will result in the discharge to waters of the state (WAC 173-240-110).  
  
The engineering report, plans, and specifications must be submitted as an attachment to the electronic application described below in permit condition S2.A.2.b.ii In addition to the electronic submittal, the applicant must submit one full size paper copy of plans and specifications to the appropriate Ecology regional office. If the applicant wants Ecology to provide a stamped approved copy it must submit an additional paper copy (total of 2 paper copies). Permittee must construct and operate wastewater control facilities in accordance with the approved plans.
    - ii. Submit a complete and accurate permit application to Ecology at least 180 days before the planned activity that will result in the discharge to waters of the state. Applicants must submit applications electronically using Ecology’s

Water Quality Permitting Portal – Permit Coverage Notice of Intent (NOI) application, unless the applicant applies for and receives an Electronic Reporting Waiver from Ecology. Applicants that have received a waiver from Ecology must submit a completed and signed application to the appropriate Ecology regional office.

- iii. The application must include certification that the facility has met the applicable public notice and State Environmental Policy Act (SEPA) requirements in WAC 173-226-200(f) which propose to begin activities which will result in a discharge or potential discharge to waters of the state on or after the effective date of this general permit.
3. Public Notice: The applicants seeking coverage for an unpermitted facility must publish twice in a local newspaper of general circulation a notice that an application for coverage has been made pursuant to Section 173-226-130(5) WAC. This notice must specify the last day of the 30-day public comment period. At the end of the 30-day comment period, Ecology will accept the application and review all comments prior to making a determination on whether to grant general permit coverage.
  4. Notifying Applicants: Ecology intends to notify applicants by email and/or mail of their status concerning coverage under this general permit. If the applicant does not receive notification of the coverage decision from Ecology, permit coverage automatically commences on whichever of the following dates occurs last:
    - a. The 30<sup>th</sup> day following receipt by Ecology of a complete application for coverage.
    - b. The 30<sup>th</sup> day following the end of a 30-day public comment period.
    - c. The effective date of the general permit.

**Ecology may need additional time to review the application:**

- a. If the application is incomplete.
- b. If it requires additional site-specific information.
- c. If the public requests a public hearing.
- d. If members of the public file comments.
- e. When more information is necessary to determine whether coverage under the general permit is appropriate.

**When Ecology needs additional time to review the application:**

- a. Ecology will notify the applicant in writing within 30 days and identify the issues that the applicant must resolve before a decision can be reached.
- b. Ecology will submit the final decision to the applicant in writing. If Ecology approves the application for coverage, coverage begins on the date specified in the permit coverage letter.

## **B. Modification of Permit Coverage**

Fish Production Changes: Ecology requires current Permittees to notice Ecology of significant fish production increases. ([S6.D](#)).

Facility Changes. Ecology requires current Permittees to notice Ecology of facility changes ([S11.A](#)).

These changes may require the modification of permit coverage. Ecology may require a new application or supplements to the existing application, along with engineering plans and reports for review and approval. If coverage modification is necessary, Permittee must undertake Steps S2.A.3 and Ecology will follow S2.A.4 as necessary.

## **C. Transfer of Permit Coverage**

Coverage under this general permit automatically transfers to a new discharger, if all of the following conditions are met:

1. The Permittee (existing discharger) and new discharger submit to Ecology a complete, written, and signed Transfer of Coverage form that can be found on [the permit's webpage](#)<sup>1</sup>. Specify the specific date for transfer of permit responsibility, coverage, and liability.
2. The Permittee shall sign the form in accordance with the signatory requirements specified in [General Condition G2 \(Signatory Requirements\)](#).

The Permittee shall submit the completed request form to Ecology either:

- a. Electronically through the Ecology Water Quality Permitting Portal; or
- b. If Ecology has issued a waiver due to the Permittee's inability to submit electronically, on a paper hardcopy sent to the appropriate address provided in Special Condition S5.B (Permit Submittals and Schedules).

Ecology does not notify the Permittee of the need to submit a new application for coverage under the general permit or for an individual permit pursuant to Chapters 173-216, 173-220, and 173-226 WAC.

Ecology does not notify the existing discharger and new discharger of its intent to revoke coverage under the general permit. The transfer is effective on the date specified in the written agreement unless Ecology gives this notice.

## **D. Termination of Permit Coverage**

1. Conditions Required for Ecology Approval

Ecology may approve a Permittee's request for termination of its coverage under this permit when the Permittee meets one or more of the following conditions:

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<sup>1</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Upland-fin-fish-permit#forms>

- a. All discharges with the activities that are authorized by this permit have ceased because the activity has ceased, and no potential source of pollutants remains in the hatching or rearing facility to produce discharge.
- b. The Permittee sells or otherwise legally transfers responsibility for the activity at the hatching or rearing facility.
- c. All discharges with the hatching or rearing activity have been eliminated because that discharge has been redirected to a sanitary sewer system operated by a municipality with a delegated pretreatment program, provided the Permittee has received a discharge authorization from the delegated municipality and authorization from all other applicable local sewerage authorities.

2. Procedure for Obtaining Termination of Coverage

The Permittee shall complete a Notification of Termination request form provided by Ecology or available from the [permit's webpage](#)<sup>2</sup>.

The Permittee shall sign the form in accordance with the signatory requirements specified in [General Condition G2 \(Signatory Requirements\)](#).

The Permittee shall submit the completed request form to Ecology either:

- a. Electronically through the Ecology Water Quality Permitting Portal; or
- b. If Ecology has issued a waiver due to the Permittee's inability to submit electronically, on a paper hardcopy sent to the appropriate address provided in Special Condition S5.B (Permit Submittals and Schedules).

### S3. DISCHARGE LIMITS

#### A. Process Wastewater Discharges

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the termination of permit coverage, the Permittee is authorized to discharge the following waste streams at the permitted locations, as specified in the Site-Specific Sampling Plan ([S7](#)), subject to complying with the following limits. (New dischargers must submit a Sampling Plan with permit application). The discharge of any of the following pollutants more frequently than, or at a level in excess of, that which is identified and authorized by this permit constitutes a violation of the terms and conditions of this permit.

#### B. Discharges from Rearing Ponds or Raceways

These limits apply to flow-through systems with inline settling for rearing pond or raceway discharges, and all other discharges **except** offline settling basin discharges and rearing

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<sup>2</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Upland-fin-fish-permit#forms>

pond/raceway drawdown for fish release discharges. The following limits also apply to pond drawdown discharges when drawdown occurs for reasons other than fish release.

Parameter	Monthly Average	Instantaneous Maximum <sup>2</sup>
Settleable Solids (SS) (net <sup>1</sup> mL/L)	0.1	--
Total Suspended Solids (TSS) (net <sup>1</sup> mg/L)	5.0	15.0

<sup>1</sup> Net values apply when influent and effluent solids are comparable (see Section S4.A). Ecology will accept net values if both influent and effluent values are reported on the DMR.

<sup>2</sup> If more than one grab sample is taken, the Permittee must report the highest sample value and not average the sample results.

**C. Discharges from Offline Settling Basins**

Parameter	Monthly Average	Instantaneous Maximum
Settleable Solids (mL/L)	--	1.0
Total Suspended Solids (mg/L)	--	100

**D. Discharges from Rearing Pond or Raceway for Drawdown for Fish Release**

Parameter	Instantaneous Maximum
Settleable Solids (mL/L)	1.0
Total Suspended Solids (mg/L)	100

**E. Discharges of Rearing Vessel Disinfection and Disease Treated Water**

Parameter	Daily Maximum into Fresh Water	Daily Maximum into Marine Water
Total Residual Chlorine (µg/L)	19.0 µg/L <sup>1</sup>	13.0 µg/L <sup>1</sup>

<sup>1</sup> Chlorine limits only apply when chlorine or Chloramine-T are being used. Ecology will consider the Permittee in compliance with the effluent limits for total residual chlorine, provided the total residual chlorine levels reported on the DMR are at or below the Method Detection Limit (MDL) of 50 µg/L.

**F. Discharges to Municipal Sewer Systems**

The Permittee is authorized to discharge cleaning wastewaters to a sewage treatment plant (POTW) subject to the following limits:

1. The Permittee must get signed approval from the POTW to discharge wastewater to the treatment plant.
2. The Permittee must demonstrate authorization to discharge to a POTW every permit coverage term.

## G. Discharges to Impaired Waters:

Permittees that discharge to an impaired waterbody must evaluate their facility's final effluent discharge for the listed parameters of concern in accordance with S1.B and S1.C above.

### 1. Monitoring Requirements and Numeric Effluent Limits for Discharges to Impaired Water Bodies not covered by a TMDL or another Pollution Control Plan

Impaired waterbodies for the parameters of concern (dissolved oxygen, temperature and PCBs) are those listed in accordance with Section 303(d) of the Clean Water Act (Ecology listing as Category 5) that exists on September 1, 2021, or the date when the Permittee's complete permit application is received by Ecology, whichever is later.

Applicability for current Permittees is based on the 2016 EPA-approved Water Quality Assessment. Facilities determined to discharge to an impaired waterbody were evaluated by GIS analysis and identified if the outfall was at or within 0.5 miles upstream of an impairment. The list of current facilities discharging to impaired waterbodies for the parameters of concern is in [Appendix D](#). Permittees with discharges to these impaired waterbodies must follow the conditions listed below.

#### a. Facility discharging to a Temperature impaired waterbody

- i. Permittees that discharge to an impaired waterbody for temperature must comply with the applicable monitoring requirements listed in [Appendix E](#). A Sampling and Analysis Plan (SAP) must be submitted by *February 1, 2022* for Ecology approval.
- ii. Temperature monitoring must begin *April 1, 2022*. Monitoring is to be repeated every year from April 1 through November 31 during the effective period of this permit.
- iii. Temperature monitoring for facilities that discharge to temperature impaired waterbodies must be done in accordance with [Appendix E](#) and the approved SAP.
- iv. If the facility does not discharge during a portion of the monitoring timeframe, Permittee must record no discharge in the eDMR. If the facility does not operate during the monitoring timeframe, Permittee must submit in writing the cause for non-reporting before *February 1, 2022*.
- v. Reporting will be in accordance with section S5.A.
- vi. If data collected shows reasonable potential to violate the standard, further effluent, influent and receiving water monitoring will be required by Ecology. The limit is 0.3°C above receiving water.

#### b. Facility discharging to a Dissolved Oxygen impaired waterbody

- i. Permittees that discharge to an impaired waterbody for dissolved oxygen (DO) must comply with the applicable monitoring requirements listed in [Appendix](#)

[E](#). A Sampling and Analysis Plan (SAP) must be submitted by *April 1, 2022* for Ecology approval.

- ii. The discharge monitoring requirements for those facilities discharging to DO impaired waterbodies includes all parameters related to downstream far-field oxygen use that will be referred to as Nutrient Parameters.
- iii. Monitoring must begin *October 1, 2022* and must be performed at the frequency indicated in Appendix D during the time period when fish are present on station being fed during the effective period of this permit.
- iv. Reporting will be in accordance with section S5.A.
- v. Nutrient monitoring for facilities that discharge to DO impaired waterbody must be done in accordance with [Appendix E](#) and the approved SAP.
- vi. When in compliance with the effluent limits in S3.B, S3.C, and S3.D above, the dissolved oxygen criteria is met at the point of discharge.

**c. Facility discharging to a Polychlorinated Biphenyl listed waterbody**

- i. Permittees that discharges (Facility List in [Appendix D](#)) to a waterbody on the CWA 303(d) list for PCBs must implement procedures to eliminate, to the maximum extent possible, the release of polychlorinated biphenyls (PCBs) from any known sources in the facility. This includes paint, caulk, or feed that comes in contact with water.
- ii. The procedures specified in Operations and Maintenance section [S6.C PCB Reduction Activities and BMPs](#), must be performed in accordance with submittal schedule for current and new facilities.

**2. Monitoring Requirements and Effluent Limits for Facilities Discharging to Waters Covered by a Total Maximum Daily Load Determination or another Pollution Control Plan**

Permittees must comply with any applicable Total Maximum Daily Load (TMDL) determination. Applicable TMDL determinations are those that have been finalized by the issuance date of this permit, or which have been finalized prior to the date that the Permittee's application is received by Ecology, whichever is later. Permittee compliance requirements will be included in the permit coverage letter.

Current facilities with TMDL determinations from finalized TMDLs are listed in Table 3. Contained within [Appendix F](#) are each facility's specific TMDL determinations, which can include wasteload allocations, numeric limits, narrative criteria, monitoring and other additional requirements in order to meet the water quality limits. In some cases, facility specific Administrative Orders were issued that contained the TMDL determinations. Those facilities must continue to comply with the administrative orders, and those orders are included in [Appendix F](#) of this permit.

**Table 3. Facilities with additional requirements based on final TMDL determinations (see [Appendix F](#) for facility specific requirements)**

Facility Name / Permittee (Permit No.)	TMDL	Parameters of concern
Spokane Hatchery / WDFW (WAG137007)	<a href="#">Little Spokane River Dissolved Oxygen and pH Total Maximum Daily Load (TMDL) water quality improvement plan</a>	Phosphorus
Wells Fish Hatchery / Douglas County PUD No. 1 (WAG135009) Eastbank Hatchery / WDFW (WAG135011) Chelan Hatchery / WDFW (WAG135006) Lyons Ferry Hatchery / WDFW (WAG137006) Priest Rapids Hatchery / WDFW (WAG137013)	<a href="#">TMDL for Temperature in the Columbia and Lower Snake Rivers   US EPA<sup>a</sup></a>	Heat Load
Melvin R. Sampson Coho Facility / Confederated Tribes and Bands of the Yakama Nation (WAG994355)	<a href="#">Upper Yakima River Basin Suspended Sediment, Turbidity and Organochlorine Pesticide Total Maximum Daily Load</a>	TSS Phosphorus Nitrogen
Dryden Pond / WDFW (WAG135014)	<a href="#">Addendum to Wenatchee River Watershed Dissolved Oxygen and pH Total Maximum Daily Load, WRIA 45</a>	Phosphorus

<sup>a</sup> Chelan Falls Rearing Facility Hatchery / WDFW (WAG137019) operates mid-winter through mid-April during the non-critical period. No heat load WLA was assigned

The facilities listed above in Table 3, with requirements contained in [Appendix F](#), may require further conditions to meet water quality limits. Future Administrative Orders issued after the issuance of this permit may supersede or augment the orders and requirements listed herein.

TMDL requirements associated with TMDLs completed or amended after the issuance date of this permit may become effective if Permittee is issued an Administrative Order.

If a TMDL is in process, Ecology may require the Permittee sample for the parameters of concern if indicated in the TMDL study plan. This will be required through an Administrative Order on a case-by-case basis.

## H. Prohibitions

The discharge of any pollutant not specifically authorized by this permit in concentrations that cause or contribute to an exceedance of receiving water quality standards established under Section 307(a) of the Clean Water Act or Chapter 173-201A WAC, or groundwater standards (Chapter 173-200 WAC) constitutes a violation of this permit and the Clean Water Act.

The Permittee must not discharge to water of the state from the hatchery complex:

1. Atlantic salmon (*Salmo salar*) unless the Permittee received prior written approval from the Director of the Washington State Department of Fish and Wildlife (WDFW).
2. Solids, including sludge and grit that accumulate in raceways or ponds, in offline settling basins, or in other components of the production facility in excess of the applicable limits in this permit.
3. Hazardous substances, unless authorized by this permit.
4. Visible foam or floating, suspended or submerged matter, including fish mortalities, kill spawning, processing wastes, and leachate from these materials, in amounts causing, or contributing to a nuisance or objectionable condition in the receiving water or that may impair designated beneficial uses in the receiving water. This does not apply to approved nutrient enhancement efforts.
5. Disease control chemicals and drugs except those approved by the U.S. Food and Drug Administration and/or the U.S. EPA for hatchery use or approved as an Investigational New Animal Drug (INAD) that is labeled correctly, used in accordance with established protocols, and that does not violate Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) ([see S6.B](#)).
6. Toxic substances, including drugs, pesticides or other chemicals in toxic amounts that will violate water quality standards of the receiving water.

## S4. TESTING SCHEDULE

Permittees must collect and analyze samples and measure flow as described in the site-specific Facility Sampling Plan (S5.C) according to the following schedules.

### A. Rearing Pond or Raceway Discharges

Flow-through rearing pond or raceway discharges (effluent), and all other effluent discharges **except** offline settling basin effluent discharges and rearing pond or raceway drawdown for fish release discharges.

Parameter	Sample Point <sup>a</sup>	Sampling Frequency	Type of Samples
Flow (MGD) <sup>e</sup>	I or E	Daily, (record at SS, TSS, and nutrient parameters sampling events), and summarize monthly <sup>e</sup>	Daily total, Calculated
Settleable Solids (net mL/L) <sup>b</sup>	I & E	1/week	Grab <sup>d</sup>
Total Suspended Solids (net mg/L) <sup>b</sup>	I & E	1/month	Composite <sup>c</sup>
Nutrient Parameters for DO impaired waterbodies <sup>b</sup>	E (I -see Appendix D for when influent is recommended)	See Appendix D	Composite <sup>c</sup>
Temperature for Temperature impaired waterbodies	E	See Appendix D	Daily Max, Continuous

I Hatchery or rearing facility influent. Permittees do not need to collect an influent sample if they assume the influent concentration is zero. Permittees may only use net calculations if the influent and effluent solids are characteristically similar. Permittees can use influent and effluent total volatile suspended solids (TVSS) measurements to demonstrate comparability.

E Hatchery or rearing facility effluent prior to mixing with the receiving waters or any other flow.

<sup>a</sup> Refer to site-specific Sampling Plan for appropriate sampling locations.

<sup>b</sup> For reporting **net** settleable solids, total suspended solids and nutrient parameters, the Permittee must collect influent and effluent grab samples on the same day. Permittees must take effluent samples during rearing pond or raceway cleaning. If the Permittee cleans the rearing pond or raceway less often than twice per week, they must collect a settleable solids sample immediately following fish feeding. If the Permittee did not collect or analyze an influent sample, it must assume an influent sample concentration of zero. Ecology will only accept net values if the Permittee reports both influent and effluent sample values on the DMR form. For reporting net values, the Permittee must report influent and effluent values on the DMR form. Ecology may require further characterization of the influent and effluent solids to demonstrate comparability.

<sup>c</sup> Permittees must collect samples of all influent (if sampled) and effluent water sources using flow proportional composite samples. Permittees must collect and combine at least six representative grab samples of effluent throughout the normal working day. The Permittee must collect at least one sample while it feeds the fish and another while it cleans the rearing pond or raceway. The Permittee must combine equal volumes of each of six grab samples to constitute the total suspended solids composite sample. The Permittee may use the same total suspended solids composite sample to determine compliance with the monthly average and the instantaneous maximum limits. If necessary, the Permittee may take additional composite sample(s) to reach compliance with the monthly average limit.

<sup>d</sup> All effluent grab samples must be representative samples of all outfalls which discharge rearing pond or raceway water to waters of the state.

<sup>e</sup> Flow values shall be calculated using acceptable aquaculture practices. Flow must be recorded on same days that SS, TSS, and nutrient parameters (if required) are sampled. Those individual daily values are required to be recorded on the electronic DMR form on the date sampled and as summarized monthly data.

**B. Offline Settling Basin Discharges**

Permittees must monitor offline settling basin effluent discharges at the sampling frequency specified in the following table during every month that the settling basin discharges.

Parameter	Sample Point <sup>a</sup>	Sampling Frequency <sup>b</sup>	Type of Samples <sup>c</sup>
Flow (Gallons)	EW	Per discharge	Daily Total <sup>d</sup>
Settleable Solids (mL/L)	EW	1/month	Grab
Total Suspended Solids (mg/L)	EW	1/month	Grab

EW Offline settling basin effluent sample taken prior to mixing with any other hatchery or rearing flows or receiving waters.

<sup>a</sup> Refer to site-specific Sampling Plan for sampling locations.

<sup>b</sup> If the offline settling basin discharges less frequently than 1/week, the Permittee must measure flow at the discharge frequency. If the offline settling basin does not discharge during a reporting period, the Permittee must report “No Discharge” on the DMR form. If there is more than one discharge a day, the permittee only needs to sample one discharge, but must record the total daily volume.

<sup>c</sup> Offline settling basin effluent samples must be collected during the last quarter of a rearing pond or raceway cleaning event. (For batch type settling basins, the Permittee must collect a representative sample of the effluent at the time of discharge.)

<sup>d</sup> Flow must be monitored and recorded on the DMR as a daily total discharge. *Offline settling basin discharges must be monitored 12 months out of the year if there is a discharge, regardless of pounds of fish on station.*

**C. Rearing Pond or Raceway Drawdown for Fish Release Discharges**

Permittees must collect samples for rearing pond or raceway drawdown for fish release regardless of pounds of fish on-hand. The rearing pond drawdown for fish release effluent limits do not apply to pond drawdown for purposes other than fish release. Pond drawdowns for reasons other than fish release are subject to the effluent limits in S4.A of this permit.

Parameter	Sample Point <sup>a</sup>	Sampling Frequency <sup>b</sup>	Type of Samples <sup>b</sup>
Settleable Solids (mL/L)	E	1/drawdown	Grab
Total Suspended Solids (mg/L)	E	1/drawdown	Grab

E Effluent. Permittees must collect grab samples of rearing pond or raceway effluent prior to mixing with receiving waters or any other flow.

<sup>a</sup> Refer to site-specific Sampling Plan (S5.C) for appropriate sampling locations.

<sup>b</sup> Rearing pond drawdown for fish release sample(s) must be collected during the last quarter of the volume of the rearing pond or raceway drawdown for release event. If releasing multiple raceways or rearing ponds at the same time, Permittees may combine grab samples from individual discharges into a flow proportional composite sample for analysis.

#### D. Cleaning Wastewater Discharge to Municipal Sewer System (POTW)

Parameter	Sample Point <sup>a</sup>	Sampling Frequency	Type of Samples
Flow (GPD)	E	Per discharge	Daily total, calculated
Total Suspended Solids-TSS (mg/L)	E	1/month	Grab <sup>b</sup>
Biochemical Oxygen Demand - BOD <sub>5</sub> (mg/L)	E	1/month	Grab <sup>b</sup>

E Effluent. Permittees must collect grab samples of hatchery or pond cleaning water discharges to a municipal sewage treatment plant prior to mixing with any other flows.

<sup>a</sup> Refer to site-specific Sampling Plan (S5.C) for appropriate sampling locations.

<sup>b</sup> All effluent grab samples must be representative samples of all outfalls which discharge rearing pond or raceway cleaning water to a POTW.

#### E. Rearing Vessel Disinfection Water and Disease Treated Water

Permittees must neutralize water chlorinated for rearing vessel disinfection and water containing Chloramine-T from external immersion disease treatments so that the total residual chlorine is less than 18 µg/L for fresh water discharges, and 12.3 µg/L for marine discharges (S3.E). 50 µg/L is the Quantitation Level (QL) for chlorine.

Ecology will consider the Permittee in compliance with the effluent limit for Chlorine, provided the total residual chlorine levels reported on the discharge monitoring report are at or below the QL of 50 µg/L.

Permittees must monitor for total chlorine residual when Chloramine-T is used. Permittees must report analytical results for halogen-based disinfectants other than chlorine as the equivalent concentration of chlorine.

The permittee is not required to monitor chlorine or Chloramine-T if it does not reach surface water. The permittee is still required to enter the chemical or drug use including the amount used on the Chemical Operational Log, see sample in [Appendix H](#). Enter a zero in Estimated Concentration Discharged column.

Parameter	Sample Point <sup>a</sup>	Sampling Frequency <sup>b</sup>	Type of Samples <sup>b</sup>
Total Residual Chlorine	E	1/Discharge	Grab

E Effluent. Permittees must collect grab samples of rearing pond or raceway disinfection water prior to mixing with receiving waters or any other flow.

<sup>a</sup> Refer to site-specific Sampling Plan (S5.C) for appropriate sampling locations.

<sup>b</sup> Sampling must be representative of the highest calculated concentration discharged to surface waters.

#### F. Sampling and Analytical Procedures

The Permittee must collect effluent samples to comply with the monitoring and testing requirements established in this permit from the effluent stream prior to discharge into the

receiving waters. The Permittee must collect influent samples at the point where the water enters the facility or settling pond. Facilities must sample at the locations designated in their site-specific Sampling Plan (S5.D).

Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 (see Appendix A).

#### **G. Flow Measurement**

The Permittee must select appropriate flow measurement devices and methods consistent with accepted aquaculture practice to ensure the accuracy and reliability of measurements of the quantity of monitored flows.

When monitoring devices are used, the Permittee must install, calibrate (if appropriate), and maintain and flow measurement devices so that accuracy of the measurements is consistent with accepted industry standard for that type of device. Frequency of calibration must be in conformance with the manufacturer's recommendation (where applicable) and at a minimum frequency of at least one calibration per year. The Permittee must maintain calibration records for at least five years.

#### **H. Laboratory Accreditation**

The Permittee must ensure that all monitoring data required by Ecology is prepared by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, *Accreditation of Environmental Laboratories*. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement.

### **S5. REPORTING AND RECORD KEEPING REQUIREMENTS**

The Permittee must report monitoring and other information in accordance with the following conditions. Falsification of information submitted to Ecology is a violation of the terms and conditions of this permit.

The Permittee shall sign all forms and reports in accordance with the signatory requirements specified in [General Condition G2 \(Signatory Requirements\)](#).

#### **A. Discharge Monitoring Reports**

The first discharge monitoring period begins on the effective date of the permit. The Permittee must:

1. Submit discharge monitoring data obtained during each monitoring period on the electronic Discharge Monitoring Report (DMR). The link to the Discharge Monitoring Reports is found at Ecology's Water Quality Web Portal.
  - a. Go to the Ecology website: [WQWebPortal guidance - Washington State Department of Ecology](#) to learn how to access and use the Water Quality Web Portal.
  - b. In order to access the Water Quality Web Portal and submit a DMR as required, new Permittees or new staff must set up an Electronic Signature Account. Follow the Portal [guidance](#) to get started and to set up this account. As staff change, new delegations and forms must be set up and submitted. See section [G2](#) regarding signatory requirements.
2. Use the Water Quality Web Portal to submit data unless the Permittee applies for and Ecology approves an Electronic Reporting Waiver (Ecology form [ECY 070-381](#)). Waivers typically are approved if a Permittee does not have a computer or internet connection. Permittees that have received an Electronic Reporting Waiver from Ecology must submit their DMRs to the appropriate regional Ecology office indicated on the waiver form.
3. Submit a Discharge Monitoring Report on a quarterly basis unless directed to submit more frequently such as permit conditions for facilities discharging to an impaired waterbody or with a TMDL determination. Quarterly DMRs must be electronically submitted or postmarked, unless otherwise specified in the permit, by the 30<sup>th</sup> day of the month following the quarterly monitoring period. Quarterly monitoring periods are January through March, April through June, July through September, and October through December.
4. Include data for each of the parameters specified under Special Condition S3 and S4, which will include extra reporting for facilities discharging to impaired waterbodies and those with current TMDL determinations. Report a value for each day sampling occurred (unless specifically exempted in the permit) and for the summary values (when applicable) included on the electronic form.
5. Enter the "No Discharge" reporting code or check box for an entire DMR, for a specific monitoring point, or for a specific parameter as appropriate, if no discharge of wastewater or a specific pollutant occurred during a given monitoring period.
6. Report single analytical values below detection as "less than the detection level" (DL) by entering < followed by the numeric value of the detection level (e.g. < 2.0) on the DMR. If the method used did not meet the minimum DL and quantitation level (QL) identified in the permit, report the actual QL and DL in the comments or in the space provided.
7. Report the average pounds of fish on station and the total pounds of food fed during the calendar month on the DMR form in the space provided.
8. If net values are calculated (TSS, SS, and nutrient parameters), both influent and effluent values must be reported on the DMR form, in addition to the calculated net value. If the Permittee is reporting net values, they will need to enter the M code (monitoring is

conditional and not required for this monitoring) into the parameter field on the DMR form for the effluent monitoring point and enter the measured effluent value and the net value in the appropriate column associated with the monitoring point included for the net value data.

9. Calculate average values and calculated total values (unless otherwise specified in the permit) using:
  - a. The reported numeric value for all parameters measured between the agency-required detection value and the agency-required quantitation value.
  - b. One-half the detection value (for values reported below detection) if the lab detected the parameter in another sample from the same monitoring point for the reporting period.
  - c. Zero (for values reported below detection) if the lab did not detect the parameter in another sample for the reporting period.

**B. Permit Submittals and Schedules**

The Permittee must use the Water Quality Web Portal – Permit Submittals link (unless otherwise specified in the permit or if Ecology grants an electronic reporting waiver) to submit all other permit-required reports and plans by the date specified in the permit. [Table 1](#) contains a summary of the submittal schedule.

1. Go to the Ecology website: [WQWebPortal guidance - Washington State Department of Ecology](#) to learn how to access and use the Water Quality Web Portal.
2. In order to access the Portal and submit any plan or report as required, new Permittees or new staff must set up an Electronic Signature Account. Follow the Portal [guidance](#) to get started and to set up this account. As staff change, new delegations and forms must be set up and submitted. The Permittee shall sign forms in accordance with the signatory requirements specified in [General Condition G2](#) (Signatory Requirements).

If Ecology has granted an electronic reporting waiver, the Permittee must ensure that submittals are postmarked or received by Ecology no later than the dates specified by this permit. Send these paper reports to the address indicated below for the respective location of the upland finfish facility.

<p><b>Central Regional Office</b>          (509) 575-2490          Department of Ecology          1250 W. Alder Street          Union Gap, WA 98903-0009  <i>For: Yakima, Benton, Klickitat, Chelan, Douglas, Kittitas, and Okanogan Counties</i></p>	<p><b>Eastern Regional Office</b>          (509) 329-3400          Department of Ecology          4601 North Monroe Street          Spokane, WA 99205-1295  <i>For: Spokane, Grant, Adams, Whitman, Ferry, Franklin, Stevens, Pend Oreille, Garfield, Columbia, Asotin, Lincoln, and Walla Walla Counties</i></p>
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<p><b>Northwest Regional Office</b>  (425) 649-7000  Department of Ecology  3190 - 160th Ave. SE,  Bellevue, WA 98008-5452  <i>For: Island, King, Kitsap, San Juan, Skagit, Snohomish,  and Whatcom Counties</i></p>	<p><b>Southwest Regional Office</b>  (360) 407-6300  Department of Ecology  P.O. Box 47775  Olympia, WA 98504-7775  <i>For: Clallam, Clark, Cowlitz, Grays Harbor, Jefferson,  Mason, Lewis, Pacific, Pierce, Skamania, Thurston, and  Wahkiakum Counties</i></p>
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**C. Submittals: Reports and Plans:**

1. Disease Control and Chemical Use Annual Report

Report the use of any disease control chemicals using the Chemical Operational Log in accordance with [S5.D.1](#) (Chemical Operational Log) and [S6.B](#) (Disease Control Chemicals). Submit a Disease Control and Chemical Use Report annually, unless Ecology requests this information on a more frequent basis.

- a. Each annual report must cover the amounts of chemicals used during the previous calendar year. Each annual report must be submitted by the 30<sup>th</sup> day of January following the annual reporting period.
- b. Formalin Reporting: Calculations for formalin usage in each facility must be completed and recorded in the Chemical Operational Log. The Permittee must account for dosage concentration and quantity applied, volume, velocity (when possible) and flow of receiving pond/raceway/trough/egg tray, detention time, and calculate discharge concentration to the receiving water. The Permittee must follow label directions.

2. Facility Site Plans

The Permittee must submit the Facility Site Plans as one document which is the combination of four plans indicated below. Mid-way through the permit cycle, current Permittees must review the existing Facility Site Plans and resubmit April 1, 2024. Each individual plan must be identified as separate sections and each must be completed as required noted in the sections identified below:

- a. Site-Specific Sampling Plan ([S7](#))
- b. Solid Waste Management Plan ([S8.D](#))
- c. Pollution Prevention Plan ([S9](#))
- d. Spill Control Plan ([S10](#))

Throughout cycle, the Facility Site Plans must be submitted within 60 days of any changes. New permittees with existing facilities must submit the Facility Site Plans with application.

The Facility Site Plans (all the corresponding plans contained therein) must be present on site for staff to reference and for Ecology or the public to request.

#### **D. Operational Logs**

1. Chemical Operational Log: The Permittee must keep records on all disease control chemicals used at the facility, on the Chemical Operational Log Form (example in [Appendix H](#)). All variances from the disease control chemical use procedures contained in the facility Pollution Prevention Plan must be noted in this log. In addition, records must include the:
  - a. Person responsible for the administration of the disease control chemical if different from the individual identified in the facility Pollution Prevention Plan.
  - b. Date of application of the disease control chemical used. For disease chemicals that are used on a routine basis the frequency of application may be recorded in place of each individual application date.
  - c. Trade name of the disease control chemical used.
  - d. Pond or raceway treatment concentration of the active ingredient, duration of treatment, and amount in gallons or pounds of the chemical.
  - e. Estimated concentration of the active ingredient in the hatchery or rearing facility effluent at the point of discharge to the receiving waters.
  - f. Reason for use and method of application.
  - g. Quantity, type (trade name), method of disposal, and location of any disposed spent chemical dip solutions.
  - h. For chloramine-T use, additionally, report the neutralizing compound used, the amount used, and whether the treated water was immediately discharged or held in a depuration pond indicating for how long.
2. Production Log: The Permittee must keep records of the average and maximum loading in pounds of fish and the total amount of food fed in pounds for each calendar month at the facility. The Permittee must provide a copy of loading and feeding records to Ecology upon request.

#### **E. Records Retention**

The Permittee must retain records of all monitoring information for a minimum of five (5) years [40 CFR 122.41(j)(2)]. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

#### **F. Recording of Results**

For each measurement or sample taken, the Permittee must record the following information:

1. The date, exact place, method, and time of sampling or measurement.
2. The individual who performed the sampling or measurement.
3. The dates the analyses were performed.
4. The individual who performed the analyses.
5. The analytical techniques or methods used.
6. The results of all analyses.

#### **G. Additional Monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by Special Condition S4 of this permit, then the Permittee must include the results of such monitoring in the calculation and reporting of the data submitted in the Permittee's DMR unless otherwise specified by Special Condition S3 or S4.

#### **H. Reporting Permit Violations**

The Permittee must take the following actions when it violates or is unable to comply with any permit condition:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.
2. If applicable, immediately repeat sampling and analysis. Submit the results of any repeat sampling to Ecology within thirty (30) days of sampling.

##### **a. Immediate Reporting**

The Permittee must immediately report to the Department of Ecology and the Department of Health, Drinking Water Program (at the numbers listed below), all:

- i. Failures of the disinfection system.
- ii. Collection system overflows discharging to a water body used as a source of drinking water.
- iii. Plant bypasses discharging to a waterbody used as a source of drinking water.

##### **b. Twenty-four-hour reporting**

The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at the telephone numbers listed in [S5.B](#) above, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:

- i. Any noncompliance that may endanger health or the environment, unless previously reported under immediate reporting requirements.
- ii. Any unanticipated bypass that causes an exceedance of any effluent limit in the permit.

- iii. Any upset that causes an exceedance of an effluent limit in the permit (See G.14, "Upset").
- iv. Any violation of a maximum daily or instantaneous maximum discharge limit for any of the pollutants in Sections S3 and S4 of this permit.
- v. Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limit in the permit. This requirement does not include industrial process wastewater overflows to impermeable surfaces which are collected and routed to the treatment works.
- vi. Spills (e.g. drugs, pesticides, feed, maintenance related pollutants, other) resulting in discharge to surface water or groundwater

**c. Report within five days**

The Permittee must also submit a written report within five days of the time that the Permittee becomes aware of any reportable event under subparts a or b, above. The report must contain:

- i. A description of the noncompliance and its cause.
- ii. The period of noncompliance, including exact dates and times.
- iii. The estimated time the Permittee expects the noncompliance to continue if not yet corrected.
- iv. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- v. If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

**d. Waiver of written reports**

Ecology may waive the written report required above, on a case-by--case- basis, upon request if the Permittee has submitted a timely oral report.

**e. All other permit violation reporting**

The Permittee must report all permit violations, which do not require immediate or within 24 hours reporting, when it submits monitoring reports for S5.A and B ("Reporting"). The reports must contain the information listed in subpart c, above. Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

**I. Other Reporting**

1. Spills of oil or hazardous materials: The Permittee must report a spill of oil or hazardous materials in accordance with the requirements of RCW 90.56.280 and chapter

173-303-145. You can visit Ecology's website to obtain [further instructions on reporting spills](#)<sup>3</sup>.

2. Failure to submit relevant or correct facts: Where the Permittee becomes aware that it failed to submit any relevant facts, or submitted incorrect information in a permit application, or in any report to Ecology, it must submit such facts or information promptly.

#### **J. Maintaining a Copy of this Permit and Coverage Letter**

The Permittee must keep a copy of this permit and the permit coverage letter at the facility and make them available upon request to Ecology inspectors.

### **S6. OPERATION AND MAINTENANCE**

The Permittee must, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances), which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes keeping a daily operation logbook (paper or electronic), adequate laboratory controls, and appropriate quality assurance procedures. This provision of the permit requires the Permittee to operate backup or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of this permit.

#### **A. General Operating Requirements**

The Permittee must:

1. Properly handle and dispose of sand, silt, mud, solids, sludges, filter backwash, debris, or other pollutants deposited or removed in the course of treatment or control of water supply and wastewaters in a manner so as to prevent such materials or leachate from such materials entering waters of the state, including ground water.
2. Not discharge untreated cleaning wastes (for example, obtained from a vacuum or standpipe bottom drain system) to waters of the state (including ground water) without prior treatment.
3. Not sweep or intentionally discharge accumulated solids from raceways or ponds to waters of the state without prior treatment.
4. Not remove dam boards in raceways or ponds that allow accumulated solids to discharge to waters of the state.
5. Clean rearing ponds and raceways within one week prior to drawdown for fish release, where practical.
6. Implement all aspects of the Solid Waste Management Plan and Pollution Prevention Plan during all phases of operation of the facility.

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<sup>3</sup> <https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill>

7. Keep a copy of this permit and the Operational Log at the facility at all times and make it available to all employees and to Ecology upon request.
8. Dispose of fish mortalities, egg taking, or processing wastes in a manner so as to prevent such materials, including leachate, from entering the waters of the state. (For approved carcass placement and nutrient enhancement activities, refer to solid waste section, S7.C.)
9. Conduct phased reductions of the amount of water discharged prior to complete shutdown, if supplied with ground water and discharging to surface receiving waters.
10. Prevent the discharge of floating solids to surface waters to the extent possible.
11. Ensure proper storage, containment, and disposal of drugs, pesticides, and feed to prevent such materials from entering waters of the state.
12. Dispose of excess/unused disinfectants in a way that does not allow them to enter waters of the state.
13. Treat any water used in the rearing and holding units or hauling trucks that is disinfected with chlorine or other chemicals before it is discharged to waters of the state.
14. At all times comply with applicable water quality standards.

#### **B. Disease Control Chemicals**

The following requirements apply to drugs and chemicals (disease control chemicals) that are used in such a way which results or may result in those materials being discharged to waters of the state. Notwithstanding the provisions of Section S6.B, the Permittee is responsible for fully complying with all the terms and conditions in the General Permit for Upland Finfish Hatching and Rearing Facilities including, but not limited to monitoring, record keeping, and reporting. Further, this clarification of disease control chemicals use does not authorize the Permittee to violate or cause an exceedance of applicable water quality standards.

Unless approved by Ecology, the Permittee may only use disease control chemicals and drugs approved for hatchery use by the United States Food and Drug Administration (USFDA) or the United States Environmental Protection Agency (USEPA). Permittees may use USFDA approved Investigational New Animal Drugs (INADs) provided the chemical or drug is labeled correctly, used in accordance with USFDA and USFWS regulations and protocols, and use is consistent with Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) regulations. Furthermore, permittees may use USFDA approved INADs if the facility a) is signed up as an INAD study participant through USFWS; b) meets the conditions detailed in the facility's INAD permit application; and c) uses INADs that are labeled correctly and do not violate FIFRA. Potential disease control chemicals and drugs are listed or referenced in [Appendix G](#).

### **Reporting Requirements:**

All disease control chemical and drug use must be reported in accordance with [S5.C.1 \(Annual Reporting\)](#) and [S5.D.1 \(Chemical Operational Log\)](#). In the [Chemical Operational Log](#), permittees must document the disposal of all spent chemical bath, drip and dip treatment. The Permittee must also record amount used, estimated concentration, detention time, type of treatment (bath, flush, dip), facility flow, and receiving water. Refer to formalin and chloramine-T additional reporting requirements in section below.

### **Extra-Label Drug Use:**

All disease control drug and chemical use must be done in conformance with product label instructions, approved INAD protocols, or be administered by or under the supervision of a licensed veterinarian. Disease control drugs and chemicals which are not used in accordance with product label instructions, or under USFDA approved INAD protocols must be approved in advance by the department unless:

#### **1. Non-Emergency Extra-Label Drug and Chemical Use**

Ecology recognizes that there are many situations where the extra-label use of disease control chemicals could occur with little or no reasonable potential to impact water quality.

*If administered by or under the supervision of a licensed veterinarian, Permittees may use:*

- a. Disease control chemicals or drugs through injection, by the use of a drip, dip, or as an additive to feed (excludes immersion or water-borne treatment).
- b. Any drugs classified by USFDA as a low priority aquaculture drug ([Appendix G](#)).

#### **2. Emergency Extra-Label Drug and Chemical Use**

Ecology recognizes that an emergency epizootic disease may require the use of a drug or chemical not approved by either the USFDA or the USEPA, and not in conformance with Non-Emergency Extra-Label Drug and Chemical Use.

The use of disease control chemicals not otherwise approved by Ecology is approved for the treatment of an emergency epizootic disease provided:

- a. *A licensed veterinarian administers or directly supervises the administration of the drug or disease control chemical.*
- b. The Permittee notifies Ecology 24 hours prior to administering the drug or disease-control chemical in writing by facsimile or by email.

### **Formalin and Chloramine-T Use and Reporting Requirements:**

When formalin or chloramine T are used in the hatchery and discharged to the receiving water, the Permittee must follow all label directions and calculate the final concentration in the final discharge. The Permittee must record amount used, estimated concentration, retention time, type of drug treatment (static, or flow-through, bath, flush, dip), facility flow, and receiving water. For chloramine-T use, additionally, report the neutralizing

compound used, the amount used, and whether the treated water was immediately discharged or held in a depuration pond indicating for how long. This information must be entered into the Chemical Operational Log.

### C. PCB Reduction Activities and BMPs

All facilities discharging to waterbodies on the CWA 303(d) list for PCBs must implement procedures to eliminate, to the maximum extent possible, the release of polychlorinated biphenyls (PCBs) from any known sources in the facility; including paint, caulk, or feed, that come in contact with water. The list of current facilities that discharge to PCB impaired waterbodies is found in [Appendix D](#).

#### 1. Paint and Caulk Evaluation and Mitigation

Assess the facility for the presence of paint or caulk manufactured prior to 1980. Evaluate if any of these sources come in contact with water and could contribute to a discharge of PCBs to surface waters. Permittee must provide documentation of removal if warranted.

New and existing facilities that obtained new coverage: Permittee must implement the PCB Reduction Activities and BMPs specified in this section no later than two years from issuance of permit coverage. Current facilities: Those facilities currently covered must complete by October 1, 2023 (two years from issuance).

- a. Paint and Caulk Assessment Report: Submit an assessment report to Ecology that includes the following:
  - i. Pre-1980 caulk and paint usage and location in the facility.
  - ii. Amounts of stored caulk or paint at the facility.
  - iii. PCB material removed from hatchery use but still on-site.
- b. Paint and Caulk Removal Plan: Submit a plan for the proper, EPA approved removal and disposal of all pre-1980 paint and caulk that comes in contact with water or occurs as waste on-site.
  - i. The paint and caulk removal and disposal must be consistent with the Environmental Protection Agency (EPA) guidance at their webpages:  
Managing Remediation Waste from Polychlorinated Biphenyls (PCBs) Cleanups - <https://www.epa.gov/pcbs/managing-remediation-waste-polychlorinated-biphenyls-pcbs-cleanups>  
Steps to Safe PCB Abatement Activities - <https://www.epa.gov/pcbs/steps-safe-pcb-abatement-activities>
  - ii. The paint and caulk removal plan may contain documentation that paint or caulk on site does not contain PCBs as an alternative to their removal, or has no chance of coming in contact with water and being discharged to surface water.

- c. Removal Documentation: Submit documentation to Ecology within 30 days of completion of the facility's paint and caulk removal plan. No removal documentation is necessary if the Paint and Caulk Removal Plan indicates that the products do not contain PCBs.

Facilities that were required to submit removal documentation for completion of the paint and caulk removal plans under the current permit must submit removal documentation by April 1, 2022 or request an extension of the paint and caulk removal for cause, which can only be extended by written Ecology approval.

BMPs: The Permittee is required to use any available product testing data to preferentially purchase paint, caulk and construction materials with the lowest practicable total PCB concentration. State run facilities must comply with RCW 39.26.280(2) that prohibits a state agency of knowingly purchasing products containing PCBs above quantitation levels unless it is not cost effective or feasible to do so.

## 2. Fish Feed PCB Reduction and BMP Plan.

Permittees must develop and implement a plan to reduce PCBs in the facility discharge from fish feed and feeding activities. New or existing facilities receiving new coverage must submit the plan to Ecology with the application. Current facilities must review and submit plan by April 1, 2022.

The Feed Plan must contain the following elements at a minimum:

- a. Purchasing procedures that give preference for fish food that contains the lowest amount of PCBs that is economically and practically feasible.
- b. Fish feeding practices that minimize the discharge of unconsumed food.
- c. Methods to reduce and remove accumulated fish feed regularly to keep feed out of the discharge.
- d. Permittees must request PCB content information from fish food suppliers and include this in the Best Management Practices Plan.

State run facilities must comply with RCW 39.26.280(2) that prohibits a state agency of knowingly purchasing products containing PCBs above quantitation levels unless it is not cost effective or feasible.

## D. Fish Production Changes

### 1. Increases:

The Permittee must notify Ecology of any proposed significant production increase (20% or greater) or changes in the nature of the discharge which substantially deviates from the information submitted in the permit application.

2. Decreases:

If the pounds of fish on hand for a facility drops below 20,000 pounds and the monthly pounds of food fed for a month is less than 5,000 pounds, the Permittee must continue monitoring and submitting DMRs to Ecology.

Exceptions are:

- a. **Seasonal Decreases:** Raceway and rearing pond ([S4.A](#)) discharge sampling may be suspended 30 days after all fish are released from those structures. The Permittee must still submit DMR forms with “no fish” noted in the comment section and may use the reporting code “M”, (monitoring is conditional and not required for this monitoring period) on the DMR form. Sampling must resume when fish are reintroduced to the raceway or pond.

Nothing in this section relieves the Permittees of the testing requirements of S4.B, Offline Settling Basin Discharges, or S4.C, Rearing Pond or Raceway Drawdown for Fish Release Discharges.

- b. **Other Decreases:** If the Permittee anticipates production to fall below the 20,000 pounds of fish for a complete, consecutive 12 month period, the Permittee may contact Ecology and file a request to suspend or reduce sampling. If production falls to no fish, see the conditions in the Inactive Status section in [S1.E](#) to request inactive status.

If suspension of sampling is approved, the Permittee must still submit signed quarterly DMR forms, with the comment section filled out to indicate production below 20,000 pounds. The Permittee may use the overall DMR reporting code “M”, (monitoring is conditional and not required for this monitoring period) on the DMR form to cover all outfalls in this situation.

This condition is available only for facilities that are below the permitting thresholds for the full calendar year. This section may not apply for discharges to waterbodies listed on the 303(d) list for a parameter known to be present in the hatchery discharge. Sampling suspensions do not apply to any discharges from the Offline Settling Basin (see [S4.B](#)).

## S7. SITE-SPECIFIC SAMPLING PLAN

The Permittee must maintain a copy of the most current version of the Site-Specific Sampling Plan at the facility and ensure that its operations staff for the facility are familiar with the plan and adequately trained in the specific procedures that it requires. The Permittee must comply with the plan and any plan modifications. The Permittee must operate the facility in accordance with this plan along with any subsequent amendments or revisions.

### A. Review and Submit

Current Permittees must review and resubmit the Site-Specific Sampling Plan in the Facility Site Plans submittal (S5.C.2) to Ecology by April 1, 2024.

## **B. Changes**

Update as necessary and resubmit the Facility Site Plan within 60 days of any changes. If effluent, influent, or monitoring points change, contact Ecology's facility manager.

## **C. Site Specific Sampling Plan Contents**

The sampling plan must describe the sampling of discharges specified in S3. This includes the sampling of and locations of the influent, effluent or outfalls, and each sampling or monitoring point.

The sampling plan must include:

1. Map of all discharge points (outfalls) to surface water or land and location of sampling points. This must include a map labelling all discharge and sampling points (i.e., monitoring points) and a list to include each corresponding latitudes/longitudes.
2. The source(s) of water for the influent and the receiving water(s).
3. How each pond or raceway contribute to the discharge(s).
4. How the Permittee measures or calculates flow at each outfall.
5. A description of how samples are taken. In the case of compositing, describe how they are composited. Specifically, how the Permittee will compound a flow proportional composite sample from the individual grab samples, if it plans to combine grab samples from different outfalls into a composite sample.

## **S8. SOLID WASTE MANAGEMENT**

### **A. Solid Waste Handling**

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

### **B. Leachate**

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC.

### **C. Carcass Placement for Nutrient Enhancement**

Any nutrient enhancement or carcass placement activities must be done in accordance with Washington State Department of Fish and Wildlife (WDFW) Salmonid Disease Control Policy of the Fisheries Co-Managers of WA State and in accordance with current Ecology policy and guidance for carcass placement/nutrient enhancement. This includes that any carcass from fish treated with drugs or chemicals under the direction of a licensed veterinarian must be released by the prescribing veterinarian.

#### **D. Solid Waste Management Plan**

The Permittee must maintain a copy of the most current version of the Solid Waste Management Plan at the facility and ensure that its operations staff for the facility are familiar with the plan and adequately trained in the specific procedures that it requires. The Permittee must comply with the plan and any plan modifications. The Permittee must operate the facility in accordance with this plan along with any subsequent amendments or revisions.

1. Review and Submit

Current Permittees must review and resubmit the Solid Waste Management Plan in the Facility Site Plans submittal (S5.C.2) to Ecology by April 1, 2024.

2. Changes

Submit any revision or modification of the plan to Ecology and the local Health Department (if applicable). Resubmit within the Facility Site Plans submittal to Ecology within 60 days of any changes.

3. Plan Requirements

This plan must include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan must describe how the Permittee collects, stores, and disposes of solid and biological wastes. Among the solid wastes of concern are:

- a. Sands, silts, and other debris collected from facility source waters.
- b. Accumulated settled solids in rearing ponds and settling ponds.
- c. Fish mortalities due to a fish kill involving more than five percent of the fish in any raceway or pond, or due to kill spawning operations.
- d. Blood from kill spawning or harvesting operations.
- e. Floating debris removed from ponds and raceways.
- f. Any fish mortalities under normal hatchery operation.

4. The Permittee must ensure the plan does not conflict with any approved local Solid Waste Management Plan.

#### **S9. POLLUTION PREVENTION PLAN**

The Permittee must maintain a copy of the most current version of the Pollution Prevention Plan at the facility and ensure that its operations staff for the facility are familiar with the plan and adequately trained in the specific procedures that it requires. The Permittee must comply with the plan and any plan modifications. The Permittee must operate the facility in accordance with this plan along with any subsequent amendments or revisions.

This plan must address operating, spill prevention, spill response, and stormwater discharge practices that will prevent or minimize the release of pollutants from the facility to the waters of the state.

**A. Review and Submit**

The Permittee must review the effectiveness of the Pollution Prevention Plan at least annually, and following any facility changes and revise the plan as needed. Current Permittees must resubmit the Pollution Prevention Plan in the Facility Site Plans submittal (S5.C.2) to Ecology by April 1, 2024.

**B. Changes**

Any proposed revision or modification of the Pollution Prevention Plan must be submitted to Ecology within 60 days of plan revision. Update the Pollution Prevention Plan as necessary and resubmit the Facility Site Plans within 60 days of any changes.

**C. The Permittee must address the following in the Plan.**

1. How it will conduct fish feeding to minimize the discharge of unconsumed food.
2. The frequency of pond and raceway cleaning and what procedures it will use to determine when cleaning is necessary to prevent accumulated solids from being discharged.
3. How it will perform pond and raceway cleaning to reduce the disturbance and subsequent discharge of settled solids during cleaning events.
4. How it will carry out fish grading, harvesting, and other activities within ponds or raceways to minimize the disturbance and subsequent discharge of accumulated solids.
5. How it will prevent the discharge of accumulated solids during the fish release if it release fishes for enhancement purposes.
6. How it uses disease control chemicals within the facility to ensure that the amounts and frequency of application are the minimum necessary for effective disease treatment and control. The Permittee must minimize the concentration of disease control chemicals in the facility's discharge to the maximum extent practicable.
7. Practices for the storage and, if necessary, disposal of disease control chemicals.
8. Procedures to prevent or respond to spills and unplanned discharges of oil and hazardous materials. These procedures must address the following:
  - a. A description of the reporting system to alert responsible facility management and appropriate legal authorities.
  - b. A description of facilities (including an overall facility site plan) which prevent, control, or treat spills and unplanned discharges and compliance schedule to install any necessary facilities in accordance with the approved plan.

- c. A list of all hazardous materials used, processed, or stored at the facility that may spill directly or indirectly into state waters.
9. Procedures to identify and prevent existing and potential sources of stormwater pollution.
10. Best Management Practices to reduce the temperature discharges to the receiving water. This includes consideration of covers or awnings over the Pollution Abatement ponds or settling ponds. The Permittee must evaluate all hatchery related discharges and evaluate methods to reduce the temperature in the discharge.
11. Ongoing PCB reduction activities including requirements of S6.C. as it relates to food, construction, operational and equipment purchases.

## **S10. SPILL CONTROL PLAN**

For the prevention, containment, and control of spills or unplanned releases of pollutants the Permittee must maintain a copy of the most current version of the Spill Control Plan at the facility and ensure that its staff for the facility are familiar with the plan and adequately trained in the specific procedures that it requires. The Permittee must comply with the plan and any plan modifications. The Permittee must operate the facility in accordance with this plan along with any subsequent amendments or revisions.

### **A. Review and Submit**

The Permittee must review the effectiveness of the Spill Control Plan at least annually, and following any facility changes and revise the plan as needed. Current Permittees must resubmit the Spill Control Plan in the Facility Site Plans submittal (S5.C.2) to Ecology by April 1, 2024.

### **B. Changes**

Any proposed revision or modification of the Spill Control Plan must be submitted to Ecology within 60 days of plan revision. Update the Pollution Prevention Plan as necessary and resubmit the Facility Site Plans within 60 days of any changes.

### **C. Spill Control Plan Components**

The spill control plan must include the following:

1. A list of all oil and petroleum products and other materials used and/or stored on-site, which when spilled, or otherwise released into the environment, designate as Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070. Include other materials used and/or stored on-site which may become pollutants or cause pollution upon reaching state's waters.
2. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
3. A description of the reporting system the Permittee will use to alert responsible managers and legal authorities in the event of a spill.

4. A description of operator training to implement the plan.
5. The Permittee may submit plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies, which meet the intent of this section.

## **S11. ENGINEERING DOCUMENTS: MODIFICATIONS AND RECONSTRUCTION**

Ecology may require a Permittee to submit a new application or supplemental information to an existing application, along with required engineering plans and reports for review and approval.

### **A. Notice for Planned Changes**

1. The Permittee must give notice to Ecology of planned changes.

These changes include physical alterations or additions, reconstruction, process modifications, pollution control structure changes, as well as significant fish production increases ([S6.D.1](#)), which could result in:

- a. The permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b).
- b. A significant change in the nature or an increase in quantity of pollutants discharged.
- c. A significant change in the Permittee's sludge use or disposal practices.

Newly constructed facilities, or facilities that expand production by fifty percent over the production on October 31, 1995, must conduct a receiving water quality study (WAC173-221A-100(6)). Dilution must be evaluated using total facility effluent at maximum production at the lowest seven-day average receiving stream flow with a 10-year recurrence interval (7Q10).

2. Submit an Engineering Checklist for planned changes.

The Permittee must complete an Engineering Checklist, submit to Ecology and contact facility manager to determine need for engineering report. You can find and download the Engineering Checklist from the [permit webpage](#).<sup>4</sup>

### **B. Engineering Report:**

Prior to constructing or modifying any wastewater control facilities (including Pollution Abatement structures), the Permittee must:

1. Submit an engineering report, detailed plans and specifications to Ecology for approval in accordance with Chapter 173-240 WAC.

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<sup>4</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Upland-fin-fish-permit#forms>

2. Submit engineering reports, plans, and specifications at least 180 days prior to the planned start of construction unless Ecology approves a shorter time. In addition to the electronic copy, the applicant must submit one full size paper copy of plans and specifications to the appropriate Ecology regional office.

Permittees must construct and operate facilities in accordance with the approved plans.

# GENERAL CONDITIONS

## G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this general permit must be consistent with the terms and conditions of this general permit. Any discharge of any pollutant more frequent than or at a level in excess of that identified and authorized by the general permit must constitute a violation of the terms and conditions of this permit.

## G2. SIGNATORY REQUIREMENTS

### A. Signature Authority

All permit applications must bear a certification of correctness to be signed:

1. In the case of corporations, by a responsible corporate officer.
2. In the case of a partnership, by a general partner of a partnership.
3. In the case of sole proprietorship, by the proprietor.
4. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

### B. Reports

All reports required by this permit and other information requested by Ecology (including NOIs forms) must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to Ecology.
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

### C. Changes to authorization

If an authorization under paragraph G2.B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph G2.B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

### D. Certification

Any person signing a document under this section must make the following certification:

*"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to*

*assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

### **G3. RIGHT OF INSPECTION AND ENTRY**

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

1. To enter upon the premises where a discharge is located or where any records are kept under the terms and conditions of this permit.
2. To have access to and copy, at reasonable times and at reasonable cost, any records required to be kept under the terms and conditions of this permit.
3. To inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
4. To sample or monitor, at reasonable times, any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

### **G4. GENERAL PERMIT MODIFICATION AND REVOCATION**

This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of Chapter 173-226 WAC. Grounds for modification, revocation and reissuance, or termination include, but are not limited to, the following:

1. When a change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this permit.
2. When effluent limitation guidelines or standards are promulgated pursuant to the CWA or Chapter 90.48 RCW, for the category of dischargers covered under this permit.
3. When a water quality management plan containing requirements applicable to the category of dischargers covered under this permit is approved, or
4. When information is obtained that indicates cumulative effects on the environment from dischargers covered under this permit are unacceptable.

### **G5. REVOCATION OF COVERAGE UNDER THE PERMIT**

#### **A. Termination of Coverage**

Pursuant to Chapter 43.21B RCW and Chapter 173-226 WAC, the Director may terminate coverage for any discharger under this permit for cause. Cases where coverage may be terminated include, but are not limited to, the following:

1. Violation of any term or condition of this permit.
2. Obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts.
3. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
4. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
5. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations.
6. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC.
7. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable.

#### **B. Other permits**

The Director may require any discharger under this permit to apply for and obtain coverage under an individual permit or another more specific general permit.

#### **C. Temporary Coverage**

Permittees who have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

### **G6. REPORTING A CAUSE FOR MODIFICATION**

The Permittee must submit a new application, or a supplement to the previous application, whenever a material change to the industrial activity or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application must be submitted at least sixty (60) days prior to any proposed changes. Filing a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

### **G7. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit will be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

### **G8. DUTY TO REAPPLY**

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this permit. The Permittee must submit an application for renewal of this permit by April 1, 2026. An expired general permit continues in force and effective until Ecology issues a

new general permit or until Ecology cancels it. Only those facilities that have reapplied for coverage under this general permit are covered under the continued permit.

## **G9. REMOVED SUBSTANCE**

The Permittee must not re-suspend or reintroduce collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater to the final effluent stream for discharge to state waters.

## **G10. DUTY TO PROVIDE INFORMATION**

The Permittee must submit to Ecology, within a reasonable time, all information that Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology, upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

## **G11. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference. The permittee is subject to requirements established on or before the date this permit was issued.

## **G12. ADDITIONAL MONITORING**

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

## **G13. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment at the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

## **G14. UPSET**

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to

the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in Special Condition S5.H.2.b.iii the Permittee complied with any remedial measures required under this permit.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

## **G15. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

## **G16. DUTY TO COMPLY**

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

## **G17. TOXIC POLLUTANTS**

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

## **G18. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this condition, punishment shall be a fine of not more than \$20,000 per day of violation, or imprisonment of not more than four (4) years, or both.

## **G19. REPORTING PLANNED CHANGES**

The Permittee must, as soon as possible, give notice to Ecology of planned physical alterations, modifications or additions to the permitted industrial activity. The Permittee should be aware that, depending on the nature and size of the changes to the original permit coverage, a new public notice and other permit process requirements may be required. Changes in activities that require reporting to Ecology include those that will result in:

1. The permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b).
2. A significant change in the nature or an increase in quantity of pollutants discharged, including but not limited to: a 20% or greater increase in production.
3. A change in the location of *industrial activity* that affects the Permittee's monitoring requirements in Conditions S3, S4, S5, and S6.

Following such notice, permit coverage may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

## **G20. REPORTING OTHER INFORMATION**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to Ecology, it must promptly submit such facts or information.

## **G21. REPORTING ANTICIPATED NON-COMPLIANCE**

The Permittee must give advance notice to Ecology by submission of a new application or supplement thereto at least forty-five (45) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, must be scheduled during non-critical water quality periods and carried out in a manner approved by Ecology.

## **G22. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER THE PERMIT**

Any discharger authorized by this permit may request to be excluded from coverage under the general permit by applying for an individual permit.

The discharger must submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. These reasons will fully document how an individual permit will apply to the applicant in a way that the general permit cannot.

Ecology may make specific requests for information to support the request. The Director will either issue an individual permit or deny the request with a statement explaining the reason for the denial.

When an individual permit is issued to a discharger to cover the hatchery operation otherwise subject to the upland finfish hatching and rearing general permit, the applicability of the upland finfish hatching and rearing general permit to that Permittee is automatically terminated on the effective date of the individual permit.

## **G23. APPEALS**

The terms and conditions of this general permit, as they apply to the appropriate class of dischargers, are subject to appeal by any person within 30 days of issuance of this general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.

The terms and conditions of this general permit, as they apply to an individual discharger, are appealable in accordance with Chapter 43.21B RCW within 30 days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or non-applicability to that individual discharger.

The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under this general permit. If the terms and conditions of this general permit are found to be inapplicable to any individual discharger(s), the matter shall be remanded to Ecology for consideration of issuance of an individual permit or permits.

## **G24. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit, or application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

## **G25. BYPASS PROHIBITED**

### **A. Bypass Circumstances**

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and Ecology may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by *Ecology* prior to the *bypass*. The Permittee must submit prior notice, if possible, at least ten days before the date of the *bypass*.

2. Bypass which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
- c. Ecology is properly notified of the bypass as required in condition S5.H of this permit.

3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit

The Permittee must notify Ecology at least thirty (30) days before the planned date of bypass. The notice must contain:

- a. A description of the bypass and its cause
- b. An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing.
- c. A cost-effectiveness analysis of alternatives including comparative resource damage assessment.
- d. The minimum and maximum duration of bypass under each alternative.
- e. A recommendation as to the preferred alternative for conducting the bypass.
- f. The projected date of bypass initiation.
- g. A statement of compliance with SEPA.
- h. A request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated.
- i. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above must be considered during preparation of the engineering report or facilities plan and plans and specifications and must be included to the extent practical. In cases where the probable need to bypass is

determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

Ecology will consider the following before issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve, conditionally approve, or deny the request. The public must be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by Ecology under RCW 90.48.120.

#### **B. Duty to Mitigate**

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

## APPENDIX A

### LIST OF POLLUTANTS WITH ANALYTICAL METHODS, DETECTION LIMITS AND QUANTITATION LEVELS

The Permittee must use the specified analytical methods, detection limits (DLs) and quantitation levels (QLs) in the following table for permit and application required monitoring unless:

- Another permit condition specifies other methods, detection levels, or quantitation levels.
- The method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136.

If the Permittee uses an alternative method, not specified in the permit and as allowed above, it must report the test method, DL, and QL on the discharge monitoring report or in the required report.

If the Permittee is unable to obtain the required DL and QL in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit (MDL) and a quantitation limit (QL) to Ecology with appropriate laboratory documentation.

Ecology added this appendix to the permit in order to reduce the number of analytical “non-detects” in permit-required monitoring and to measure effluent concentrations near or below criteria values where possible at a reasonable cost.

Pollutant	CAS Number (if available)	Recommended Analytical Protocol	Detection (DL) <sup>1</sup> $\mu\text{g/L}$ unless specified	Quantitation Level (QL) <sup>2</sup> $\mu\text{g/L}$ unless specified
Ammonia, Total (as N)		SM4500-NH3-B and C/D/E/G/H	NA	20
Biochemical Oxygen Demand		SM5210-B		2 mg/L
Chlorine, Total Residual		SM4500 Cl G		50.0
Dissolved oxygen		SM4500-OC/OG		0.2 mg/L
Flow		Calibrated device		
Nitrate + Nitrite Nitrogen (as N)		SM4500-NO3- E/F/H		100
Nitrogen, Total Persulfate (as N)		SM 4500N B /C	NA	25
pH		SM4500-H <sup>+</sup> B	NA	NA

Phosphorous, Total (as P)		SM 4500 PB, followed by SM 4500-PE/PF	3	10
Settleable Solids		SM2540 -F		0.1 - 1
Orthophosphate or Soluble Reactive Phosphorus (as P)		SM4500-P E/F/G	3	10
Temperature (max. 7-day avg.)		Analog recorder or Use micro-recording devices known as thermistors		0.2° C
Dissolved Organic Carbon (TOC on filtered sample)		SM5310-B/C/D		1 mg/L
Total Suspended Solids		SM2540-D		5 mg/L
PCBs (for paint or caulk)		8082		

1. Detection level (DL) or detection limit means the minimum concentration of an analyte (substance) that can be measured and reported with a 99% confidence that the analyte concentration is greater than zero as determined by the procedure given in 40 CFR part 136, Appendix B.
2. Quantitation Level (QL) also known as Minimum Level of Quantitation (ML) – The lowest level at which the entire analytical system must give a recognizable signal and acceptable calibration point for the analyte. It is equivalent to the concentration of the lowest calibration standard, assuming that the lab has used all method-specified sample weights, volumes, and cleanup procedures. The QL is calculated by multiplying the MDL by 3.18 and rounding the result to the number nearest to (1, 2, or 5) x 10<sup>n</sup>, where n is an integer (64 FR 30417). ALSO GIVEN AS: The smallest detectable concentration of analyte greater than the Detection Limit (DL) where the accuracy (precision & bias) achieves the objectives of the intended purpose. (Report of the Federal Advisory Committee on Detection and Quantitation Approaches and Uses in Clean Water Act Programs Submitted to the US Environmental Protection Agency December 2007).

## APPENDIX B GLOSSARY

**All definitions listed below are for use in the context of this permit only.**

**303(d) List:** The list of waterbodies in Washington State that do not meet the water quality standards specified in Chapter 173-201A WAC based on the Washington State Water Quality Assessment. The Washington State Department of Ecology prepares and the U.S. Environmental Protection Agency approves this list every 2 years. See Water quality standard.

**303(d)-Listed waterbody:** Waterbody listed as impaired (polluted) through assignment to Category 5 in the current Washington State Water Quality Assessment.

**40 CFR:** Title 40 of the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

**Acute Toxicity:** The lethal effect of a compound on an organism that occurs in a short period of time, usually 48 to 96 hours.

**AKART:** The acronym for “all known, available, and reasonable methods of prevention, control and treatment”. A technology-based approach of engineering and economic decision-making for limiting pollutants from discharges. AKART represents the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants and controlling pollution associated with a discharge, which can be reasonably installed or used at a reasonable cost.

**Ambient Water Quality:** The existing environmental condition of the water in a receiving water body.

**Ammonia:** Ammonia is produced by the breakdown of nitrogenous materials in waste water. Ammonia is toxic to aquatic organisms, exerts an oxygen demand, and contributes to eutrophication. It also increases the amount of chlorine needed to disinfect waste water.

**Antidegradation Policy:** Description in [WAC 173-201A-300](#).

**Applicable TMDL:** Any TMDL which has been completed and approved by EPA either before the issuance date of this permit or the date the Permittee first obtains coverage under this permit, whichever is later.

**Authorized representative:**

1. If the represented entity is a corporation: President, secretary, treasurer, or vice-president of the corporation in charge of a principal business function; any other person who performs similar policy- or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operation facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the represented entity is a partnership or sole proprietorship: General partner or proprietor, respectively.
3. If the represented entity is a federal, state, or local governmental facility: Director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

The individuals described above may designate another authorized representative if the authorization is written, specifies the individual or position responsible, and is submitted to the Washington State Department of Ecology.

**Best Management Practices (BMPs):** Schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, operating procedures, and practices to control spillage or leaks, sludge or waste disposal, discharge of pollutants.

**BOD<sub>5</sub>:** Determining the Biochemical Oxygen Demand of an effluent is an indirect way of measuring the quantity of organic material present in an effluent that is utilized by bacteria. The BOD<sub>5</sub> is used in modeling to measure the reduction of dissolved oxygen in a receiving water after effluent is discharged. Stress caused by reduced dissolved oxygen levels makes organisms less competitive and less able to sustain their species in the aquatic environment. Although BOD is not a specific compound, it is defined as a conventional pollutant under the federal Clean Water Act.

**Bypass:** The intentional diversion of waste streams from any portion of a treatment facility.

**CAAP:** Concentrated aquatic animal production.

**CFR:** Acronym that means Code of Federal Regulation.

**Chlorine:** Chlorine is used to disinfect waste waters of pathogens harmful to human health. It is also extremely toxic to aquatic life.

**Chronic Toxicity:** The effect of a compound on an organism over a relatively long time, often 1/10 of an organism's lifespan or more. Chronic toxicity can measure survival, reproduction, or growth rates, or other parameters to measure the toxic effects of a compound or combination of compounds.

**Clean Water Act (CWA):** The Clean Water Act, 33 U.S.C. §1251 *et seq.* The CWA is the primary Federal law in the United States governing water pollution, with the objective to restore and maintain the chemical, physical, and biological integrity of the nation's waters by preventing point and nonpoint pollution sources, providing assistance to publicly owned treatment works for the improvement of wastewater treatment, and maintaining the integrity of wetlands. (Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, 97-117, and 100-4; USC 1251, *et seq.*)

**Composite Sample:** A flow-proportional mixture of not less than six discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in

accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.

**Critical Condition:** The time during which the combination of receiving water and waste discharge conditions have the highest potential for causing toxicity in the receiving water environment. This situation usually occurs when the flow within a water body is low; thus, its ability to dilute effluent is reduced.

**Current EPA-approved 303(d) list:** The 303(d) list that is in effect on the effective date of this permit or on the date Ecology receives the Permittee's first application for coverage, whichever is later. See 303(d) List.

**Daily Discharge:** The amount of a pollutant discharged during a calendar day or any 24-hour period that reasonably represents a calendar day. For pollutants with limits expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged during the day. For pollutants with limits expressed in other units of measurement, the daily discharge is calculated as the arithmetic average of all the measurements of the pollutant throughout the day, except for pH.

**Director:** The Director of the Washington State Department of Ecology or their authorized representative.

**Ecology:** Washington State Department of Ecology.

**Epizootic:** Means the occurrence of a disease event that is a sharp increase in the incidence rate of disease beyond normal background rate. This can be a few cases of a rare disease or many cases of a common disease.

**FIFRA:** The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is the Federal statute that governs the registration, distribution, sale, and use of pesticides in the United States. Acronym for the Toxics Substances Control Act.

**FWPCA:** The acronym that stands for the Federal Water Pollution Control Act (The Clean Water Act), Title 33 United States Code, Section 1251 *et seq.*

**GPD:** Gallons per day

**Grab Sample:** An individual discrete water sample.

**Instantaneous Maximum:** The maximum allowable concentration of a pollutant determined from the analysis of any discrete or composite sample collected, independent of the flow rate and the duration of the sampling event.

**Lined Pond:** Asphalt, concrete, plastic membrane, or similarly lined ponds. Ponds lined with gravel or soil are considered unlined.

**Maximum Daily:** The highest allowable sample value from a daily discharge taken during a calendar month.

**MDL:** The method detection limit (MDL) is defined as the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte

concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte. [40 CFR Part 136, Appendix B to Part 136](#)

**MGD:** Million gallons per day

**mg/L:** Milligrams per liter (“Net mg/L” = mg/L in Hatchery Effluent minus mg/L in Hatchery Influent)

**mL/L:** Milliliters per liter (“Net mL/L” = mL/L in Hatchery Effluent minus mL/L in Hatchery Influent)

**Monthly Average:** Calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**New Discharge(r):** Defined as a facility from which there is a discharge that did not commence discharging at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

**New Facility:** Defined as a facility that begins activities that will result in a discharge or potential discharge to waters of the state on or after the effective date of the general permit.

**National Pollutant Discharge Elimination System (NPDES):** The NPDES (Section 402 of the Clean Water Act) is the federal wastewater permitting system for discharges to navigable waters of the United States. Many states, including the state of Washington, have been delegated the authority to issue these permits. NPDES permits issued by Washington State permit writers are joint NPDES/state permits issued under both state and federal laws.

**Offline Settling Basin:** The pond cleaning waste treatment system with hydraulic detention time of 24 hours and a designed removal efficiency of at least 85% for total suspended solids and 90% for settleable solids.

**PCBs:** The acronym for the chemical suite of 209 congeners called polychlorinated biphenyls.

**Production:** Production, beginning with the 2010 permit, is defined as net gain of weight at the facility. Furthermore, Ecology has defined net gain (i.e., net pounds) as the maximum pounds of fish on station in any one time (month) of a year’s production cycle or period. A facility producing greater than 20,000 pounds in any month of the year must have permit coverage. This is based on WAC 173-221A-100(1)a)(i), which states that facilities that produce more than 20,000 net pounds of finfish on station at any time of the year is required to obtain a permit or permit coverage. Production is the act of harvesting, processing or releasing fish in a hatchery or the harvest weight of fish contained, grown, or held in a CAAP facility in a year (40 CFR §122 Appx.C).

**Publicly Owned Treatment Works (POTW):**

1. A sewage treatment plant and its collection system that is owned by a municipality, the State of Washington, or the federal government. A POTW includes the sewers, pipes and other conveyances that convey wastewater to the treatment plant, and any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature.

2. The municipality or other entity that has jurisdiction over the indirect discharges to and the discharges from the treatment works.

**Rearing Ponds or Raceways:** Ponds, raceways, circular ponds, or any other method used to keep finfish captive for culture purposes at an upland finfish rearing facility.

**Rearing Vessel:** Rearing ponds, raceways, and fish hauling tanks.

**Representative Sample:** Defined as a sample representing multiple outfalls/discharges with similar waste streams. Each can be sampled and combined into one sample for one analysis. The sample volume from each outfall shall be apportioned according to the volume of flow at the time of sampling. These apportioned samples can then be combined into one representative sample for analysis.

**Sampling and Analysis Plan or SAP:** The plan that describes how, who, what, when and where samples are collected, analyzed, and reported to assure reproducible and representative data. In this permit, such plan is needed for the monitoring of additional parameters for impaired waterbodies.

**Settleable Solids:** Defined as the solids in surface waters or waste waters which are measured volumetrically in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.

**Section 303(d) List:** Part of the federal Clean Water Act that requires states to identify waterbodies that are water quality limited or do not meet the water quality standards specified in Chapter 173-201A WAC based on the Washington State Water Quality Assessment. (i.e., waterbodies that do not meet, or are not expected to meet, applicable water quality standards after sources have undergone technology-based controls). The Washington State Department of Ecology prepares and the U.S. Environmental Protection Agency approves this list every 2 years.

**Severe Property Damage:** Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays or losses in production.

**Surface Waters:** Lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state of Washington. For the purposes of this permit, surface waters do not include hatchery ponds, raceways, pollution abatement ponds, and wetlands constructed solely for wastewater treatment.

**Total Maximum Daily Load (TMDL):** Defined as the sum of all waste load allocations (WLAs) and load allocations (LAs) (non-point source and background) and a safety margin. The TMDL is a mechanism for establishing water quality-based controls on all point and nonpoint sources of pollutants within a water quality-limited basin, sub-basin, or hydrographic segment.

**TSCA:** Acronym for the Toxics Substances Control Act. This United States law, passed by the US Congress in 1976, is administered by the US EPA and regulates the introduction of new or already existing chemicals. This law provides EPA with the authority to require reporting,

record-keeping and testing requirements and restrictions relating to chemical substances and/or mixtures.

**TVSS:** The total volatile suspended solids in the influent or effluent water, which are measured in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.

**Upset:** An exceptional incident in which there is unintentional and temporary noncompliance with technology-based, permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Note – An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met:

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

- 1) an upset occurred and that the Permittee can identify the cause(s) of the upset;
- 2) the permitted facilities were being properly operated at the time of the upset;
- 3) the Permittee submitted notice of the upset as required; and
- 4) the Permittee complied with any remedial measures required under this permit.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**WDFW:** Washington State Department of Fish and Wildlife.

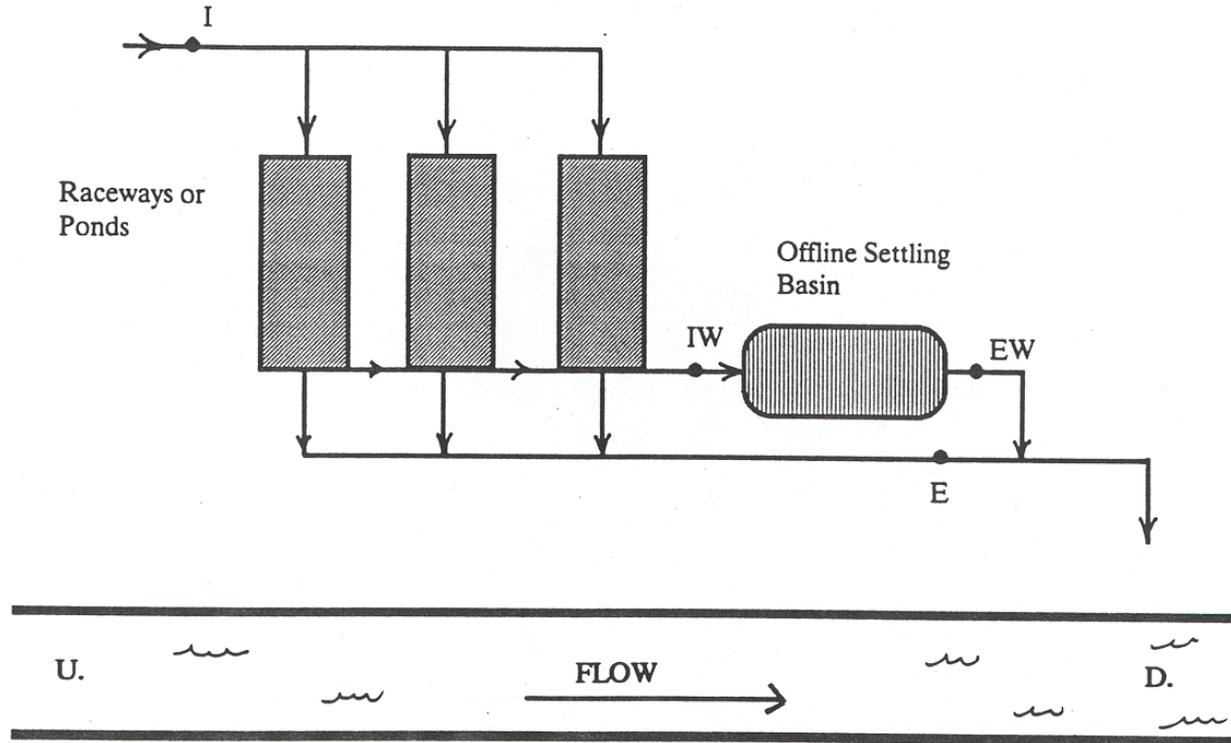
**Waters of the State:** Defined to include those waters defined as "waters of the United States" in 40 CFR 122.2 within the geographic boundaries of Washington State and "waters of the state" as defined in Chapter RCW 90.48 RCW which include lakes, rivers, ponds, streams, waters, underground waters, salt waters, and all other surface water and water courses including wetlands within the jurisdiction of the state of Washington.

**Water Quality Standards:** Defined as the water quality standards for ground waters of the state of Washington (Chapter 173-200 WAC), the water quality standards for surface waters of the state of Washington (Chapter 173-201A WAC), and the sediment management standards of the state of Washington (Chapter 173-204 WAC)

**In the absence of other definitions set forth herein, the definitions set forth in 40 CFR Part 403.3 or in chapter 90.48 RCW apply.**

## APPENDIX C SAMPLING LOCATIONS

Figure 1 Offline Settling Basin



**I** = Hatchery or rearing facility influent

**IW** = Internal pond wastewater that is influent to the offline settling basin. This value is used in determining settling pond efficiency.

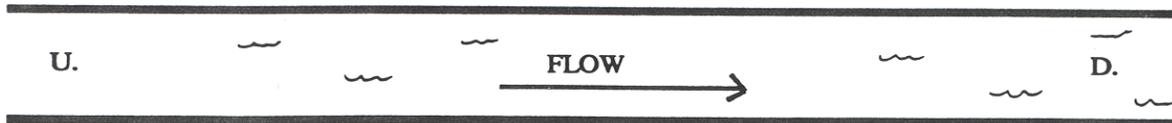
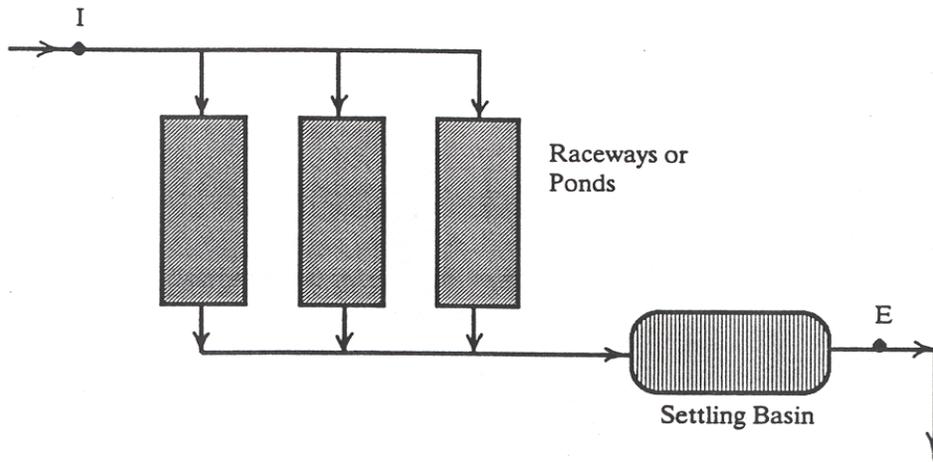
**EW** = offline settling basin effluent

**E** = Hatchery or rearing facility effluent, usually flow through water from the ponds or raceways, that does not discharge to the offline settling basin.

**U** = Upstream

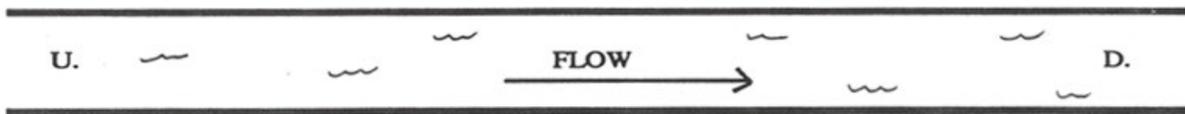
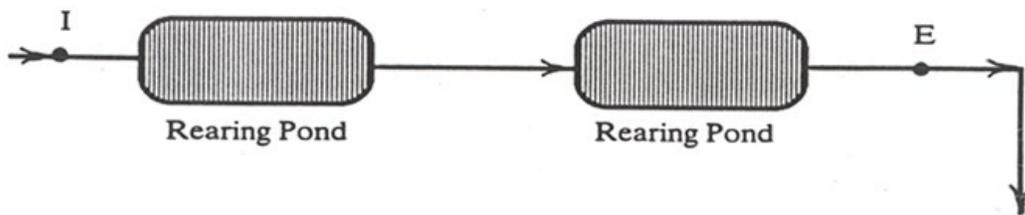
**D** = Downstream

Figure 2 Inline Settling Basin



E=Effluent      I=Influent  
 U= Upstream      D=Downstream

Figure 3 Rearing Pond Culture



E=Effluent      I=Influent  
 U= Upstream      D=Downstream

## APPENDIX D

### CURRENT FACILITIES DISCHARGING TO IMPAIRED WATERS

Impaired waterbodies for the parameters of concern (dissolved oxygen, temperature and PCBs) are those listed in accordance with Section 303(d) of the Clean Water Act (Ecology listing as Category 5) that exists on September 1, 2021, or the date when the Permittee's complete permit application is received by Ecology, whichever is later.

Applicability for current Permittees is based on the 2012 EPA-approved Water Quality Assessment. Facilities determined to discharge to an impaired waterbody were evaluated by GIS analysis and identified if the outfall was at or within 0.5 miles upstream of an impaired reach.

**Table 1. Current Facilities Discharging to Waterbodies Impaired for *Temperature***

Facility	Permittee	Permit Number	Listing Waterbody Name	Listing Number
Beaver Creek Hatchery	WDFW	WAG131027	Beaver Creek, Elochoman River	34964, 34950
Bingham Creek Hatchery	WDFW	WAG131022	Satsop River, E.F.	72704
Bogachiel Hatchery	WDFW	WAG131051	Bogachiel River	7696
Dungeness Hatchery	WDFW	WAG131037	Dungeness River	72660
Elwha Hatchery	WDFW	WAG131043	Elwha River	48265
Grays River Hatchery	WDFW	WAG131015	Grays River, W.F.	3792
Kendall Creek Hatchery	WDFW	WAG133007	Kendall Creek	42099
Ringold Springs Hatchery	WDFW	WAG137009	Columbia River	TMDL
Samish Hatchery	WDFW	WAG133011	Samish River and Friday Creek	6563 and 10540
Satsop Springs Hatchery	WDFW	WAG131023	Satsop River, E.F.	72704
Soos Creek Hatchery	WDFW	WAG133014	Big Soos Creek	7493
Troutlodge 2	Troutlodge, Inc.	WAG137002	Rocky Ford Creek	8397
Vancouver Hatchery	WDFW	WAG131032	Columbia River (Friendly Reach)	7874 and TMDL

**Table 2. Current Facilities Discharging to Waterbodies Impaired for *Dissolved Oxygen***

Facility	Permittee	Permit Number	Listing Waterbody Name	Listing Number
Bellingham Hatchery <sup>5</sup>	WDFW	WAG994275	Whatcom Creek	78014
George Adams Hatchery	WDFW	WAG131019	Purdy Creek	14846
Icy Creek	WDFW	WAG133013	Green River	10824
Issaquah Hatchery	WDFW	WAG133010	Issaquah Creek	9304
McKernan State Hatchery	WDFW	WAG131036	Weaver Creek	78064
Nisqually Trout Farm 2	Nisqually Trout Farm Inc.	WAG131002	Woodland Creek	48067
Pacific Aquaculture - Shelton, LLC	Pacific Seafood Group	WAG131062	Skokomish River	10921
Palmer Ponds <sup>5</sup>	WDFW	WAG133002	Green River	10824
Samish Hatchery <sup>5</sup>	WDFW	WAG133011	Samish River and Friday Creek	10549 and 10541
Soos Creek Hatchery <sup>5</sup>	WDFW	WAG133014	Big Soos Creek	10835
Troutlodge 1	Troutlodge Inc.	WAG137001	Rocky Ford Creek	15077
Troutlodge 2	Troutlodge Inc.	WAG137002	Rocky Ford Creek	8395
Vancouver Hatchery	WDFW	WAG131032	Columbia River	49044

<sup>5</sup> The facility operates seasonally as indicated on NOI submitted.

**Table 3. Current Facilities Discharging to Waterbodies Impaired for *PCBs***

All facilities listed below *must* submit Fish Feed PCB Reduction and BMP Plan in accordance with [S6.C.2](#). Facilities below are at various stages of paint and caulk evaluation ([S6.C.1.](#)) and removal as noted.

Facility	Permittee	Permit Number	Listing Waterbody Name	Listing Number
<b>Following facilities need to complete paint and caulk evaluation and removal if found necessary in accordance with <a href="#">S6.C.1.</a></b>				
Priest Rapids Hatchery	WDFW	WAG137013	Columbia River	19393
Lyons Ferry Hatchery	WDFW	WAG137006	Snake River	78962

Facility	Permittee	Permit Number	Listing Waterbody Name	Listing Number
<b><u>Following facility evaluated. Removal and monitoring plan being developed to be issued through an administrative order with compliance schedule. See the Spokane Hatchery section of <a href="#">Appendix F</a>.</u></b>				
Spokane Hatchery	WDFW	WAG137007	Little Spokane River, Spokane Lake, Spokane River	9051, 9021, 9033
<b><u>Following facilities have completed evaluation and removal occurred when necessary; have met permit requirement.</u></b>				
Eastbank Hatchery	WDFW	WAG135011	Columbia River	52655
Chelan Hatchery	WDFW	WAG135006	Columbia River (Lake Entiat)	52656
Wells Fish Hatchery	Douglas County PUD No. 1	WAG135009	Columbia River (Lake Entiat)	52656
Mossyrock Hatchery	WDFW	WAG131013	Mayfield Lake	52669
Speelyai Hatchery	WDFW	WAG131041	Merwin Lake	52671

## APPENDIX E

### REQUIRED MONITORING FOR EFFLUENT DISCHARGES TO IMPAIRED WATERBODIES

<b>Impairment: Dissolved Oxygen</b>			
<b>The following parameters relate to or are indicated of oxygen consumption and are collectively called nutrient parameters.</b>			
<b>Parameters to Monitor</b>	<b>Detection/ Quantitation Limit</b>	<b>Methodology</b>	<b>Duration, Frequency, and Location</b>
Phosphorus, Total (as P)	3 ug/L / 10 ug/L	SM 4500 PB followed by SM4500-PE/PF	<p><b>Duration:</b> Monitoring must be conducted during the time of year that fish feeding operations are occurring. If fish are fed yearlong, monitoring must be conducted in every month. Where fish are reared for release, begin monitoring after fish are large enough that fish are being fed until their release.</p> <p><b>Frequency:</b> Flow composite grab<sup>c</sup> samples, once monthly. If facility is a seasonal operation meaning operates less than 12 months in a calendar year, then sampling must be performed twice every month during which fish are being fed; no less than one week in between sampling events.</p> <p><b>Monitoring Location:</b> Effluent, after leaving rearing and raceways, and prior to discharging to receiving waters. Influent is optional. Permittee may determine if necessary based on water source. If the influent is highly influenced by the surrounding watershed such as surface water from a river with high degree of septic or nonpoint issues, it is recommended that influent be monitored.</p>
Orthophosphate (Soluble Reactive Phosphorus as P)	3 ug/L / 10 ug/L	SM4500-P E/F/G	
Nitrogen, Total Persulfate (as N)	NA / 25 ug/L	SM 4500N B /C	
Nitrate + Nitrite Nitrogen (as N)	NA / 100 ug/L	SM4500-NO3-E/F/H	
Ammonia, Total (as N)	NA / 20 ug/L	SM4500-NH3-B and C/D/E/G/H	
pH <sup>a</sup>	0.5 SU	SM 4500-H+B-2011 Standard Units between 5.0 and 9.0 <sup>b</sup>	
Dissolved Organic Carbon (filtered sample)	0.2 mg/L / 0.5 mg/L	SM 5310 B/C/D	
Biochemical Oxygen Demand (BOD) 5 day	NA / 2 mg/L	SM 5210-B	

**Impairment: Temperature**

Parameters to Monitor	Detection/Quantitation Limit	Methodology	Duration, Frequency, and Location
Temperature (max. 7-day avg.)	NA / 0.2 <sup>a</sup> C	Analog recorder or use micro-recording devices known as thermistors	<p><b>Duration:</b> April 1 through November 30<sup>b</sup></p> <p><b>Frequency:</b> Continuous (24/7) monitoring and report daily maximum</p> <p><b>Monitoring Location:</b> Effluent at point of discharge(s). Sample point is where the wastewater leaves facility just prior to entering receiving water.</p>

<sup>a</sup> Shall use either a calibrated pH meter or narrow-range pH indicator paper with a resolution not greater than ± 0.5 SU

<sup>b</sup> If data collected shows reasonable potential to violate WQ standards, further effluent, influent and receiving water monitoring will be required by Ecology. Limit is 0.3 °C above receiving water.

<sup>c</sup> Permittees must collect samples of all influent water sources (if collected) and effluent using flow proportional composite samples if multiple influent and discharge locations are present at facility. Permittees must collect the grab samples of effluent within one hour after feeding begins. If influent is collected, must be collected on same day with effluent.

## APPENDIX F TMDL DETERMINATIONS

The following facilities and associated determinations are contained in this appendix and organized by TMDL study.

1. [Spokane Hatchery / WDFW \(WAG137007\)](#)
2. [Wells Fish Hatchery / Douglas County PUD No. 1 \(WAG135009\)](#)  
[Eastbank Hatchery / WDFW \(WAG135011\)](#)  
[Chelan Hatchery / WDFW \(WAG135006\)](#)  
[Lyons Ferry Hatchery / WDFW \(WAG137006\)](#)  
[Priest Rapides Hatchery / WDFW \(WAG137013\)](#)
3. [Melvin R. Sampson Coho Facility / Confederated Tribes and Bands of the Yakama Nation \(WAG994355\)](#)
4. [Dryden Pond / WDFW \(WAG135014\)](#)

## Facility: Spokane Fish Hatchery

Permittee: WDFW

Permit number: WAG137007

TMDL: [Little Spokane River Dissolved Oxygen and pH Total Maximum Daily Load \(TMDL\) water quality improvement plan](#)

### A. TMDL Determination

The Little Spokane TMDL improvement plan indicates that the WDFW Spokane Hatchery needs to reduce approximately 50% of their net total phosphorus loading from their current operation to meet the necessary wasteload allocation (WLA). Spokane Hatchery is a significant contributor of anthropogenic phosphorus loading to the Little Spokane River, particularly during summer months. This will require Spokane Hatchery to adopt state-of-the-art effluent treatment.

#### Discharge Limits for the Spokane Hatchery

Parameter	Timeframe	WLA	Discharge Limit	
			Concentration <sup>b</sup>	Flow <sup>c</sup>
Total Phosphorus	March - October	0.51 kg/day (net) <sup>a</sup>	0.010 mg/L (net)	21 cubic feet/second (cfs) or 13.6 MGD

<sup>a</sup> Wasteload allocation and concentration for Spokane Hatchery is based on a net calculation for discharge (effluent minus influent) This means that the load and concentration represent only the amount of phosphorus the hatchery contributes. They do not include the phosphorus already present in the intake water from Griffith Spring.

<sup>b</sup> The concentration indicating the discharge limit is dependent on the outfall flows.

<sup>c</sup> Spokane Hatchery has 8 separate outfalls. This discharge flow value represents the sum of all outfalls outflows determined in the TMDL and not the water right WDFW has for their hatchery operation.

### B. Water Quality Criteria and Requirements

**Phosphorus Limitation:** The TMDL determination requires hatchery operations to reduce their current estimated net phosphorus load by 50% during March through October so that Little Spokane River demand for dissolved oxygen is reduced and the water quality standard can be met. The Spokane Hatchery is a 100 year old facility with inline settling prior to discharge to an oxbow of Little Spokane River. The reduction of phosphorus in the discharge cannot be done without further treatment and source control.

**PCBs Limitation:** The Spokane Hatchery discharges to impaired waterbodies for PCBs. The numeric criteria for PCBs (Human Health Criteria for Consumption) at the time this permit was issued is 170 pg/L. Through Direct to Implementation for PCBs in the Spokane River Watershed, the Permittee must reduce known sources of PCBs in their discharge. The permittee must comply with Section 6.C for Fish Feed PCB Reduction which includes using reduced PCB fish feed when feasible and using feeding and cleaning practices preventing uneaten feed from entering the discharge. Additionally, source control includes the removal of rearing units that were found to contain paint and caulk with PCBs reported in the PCB BMP plan submitted last

permit cycle and improved solids management to prevent uneaten feed from entering the discharge. The reduction of PCB sources and compliance with water quality limit requires renovation and upgrades of the hatchery.

Compliance Schedule: The permittee (WDFW) understands that the hatchery must be renovated and upgraded to include more advanced treatment technology. For the hatchery to meet water quality limits for both phosphorus and PCBs, a compliance schedule will be developed and issued through an administrative order. The following are minimum requirements for the compliance schedule:

1. Ecology, in collaboration with the permittee, will develop a compliance schedule in accordance with [WAC 173-226-180](#). The schedule will be drafted by April 1, 2022 and Ecology will issue the schedule through an Administrative Order to the Permittee.
2. The Compliance Schedule should include:
  - a. Interim implementation of source controls and BMPs such as low phosphorus feed and feed technology to reduce feed waste or uneaten food to enter wastestream. Implementation dates will be included.
  - b. An analysis of all known, available, and reasonable methods of prevention, control, and treatment (AKART) and date to be submitted. The analysis shall include all potential source controls, BMPs and treatment technology to reduce phosphorus and PCBs in the discharge so to meet the water quality criteria. The AKART study must be conducted in accordance with Chapter 173-240 WAC.
  - c. Date when an Engineering Report will be submitted. The submittal of an engineering report, detailed plans and specifications must be in accordance with Chapter 173-240 WAC. The engineering report must include the findings from the AKART analysis that identifies the source controls, BMPs, and treatment that must be used to meet water quality limits. The report must also include the removal and mitigation for PCBs.
  - d. Timeline for pre-design reporting and 30/60/90 design development plans.
  - e. Identify a completion schedule that is no longer than ten years describing the interim budget steps and construction phases. Include a completion date.
3. The Compliance Schedule should be written to contain interim requirements and dates for their achievements between which no more than one year elapses. Interim dates shall be specified for the submission of reports of progress toward completion of the interim requirement. Permittee must provide Ecology with written notice of compliance or noncompliance for each requirement.
4. If the Compliance Schedule needs to be implemented after the expiration of permit, the Permittee must request an extension of the Compliance Schedule. The extension request must be made with the submission of the NOI for renewal of coverage and include a description of how interim requirements were met, what remains to be completed, and the expected date that the hatchery discharge will meet the water quality limit for phosphorus and the PCB mitigation requirement.

**C. Monitoring and Reporting**

Permittee must collect and analyze samples and measure flow according to the following schedule. Permittee must submit a Sampling and Analysis Plan (SAP) by February 1, 2022 for approval. The SAP must be finalized by and monitoring must begin April 1, 2022. Monitoring includes all the flow-through rearing pond and raceway discharges (effluent). Report in accordance with S5.A (Discharge Monitoring Reports).

**Monitoring and Testing Schedule of Discharges from all Rearing Ponds and Raceways**

Parameter	Type of Samples	Sampling Frequency	Sample Point	Duration
Phosphorus, Total (as P)	Flow Composite grab sample <sup>a</sup>	Twice monthly; no less than one week in between sampling events.	Influent and Effluent	March 1-October 31
Orthophosphate (Soluble Reactive Phosphorus as P)				
Flow (MGD)	Daily total, Calculated	Daily (record at TP and orthophosphate sampling events), and summarize monthly <sup>b</sup>		

<sup>a</sup> Permittees must collect samples of all influent and effluent water sources using flow proportional composite samples. The Permittee must collect at least one sample within one hour after feeding begins and another while cleaning the rearing ponds or raceways. The Permittee must combine equal volumes of each of grab samples to create the composite sample. The number of grab samples and whether they are composited will be dependent on the operation and location of accredited lab and can be determined in SAP approval process.

## **Facilities: Wells, Eastbank, Chelan, Lyons Ferry, and Priest Rapids Fish Hatcheries<sup>a</sup>**

Permittee: Douglas County PUD No. 1 (Wells) and WDFW (Eastbank, Chelan, Lyons Ferry, and Priest Rapids)

Permit number: WAG135009, WAG135011, WAG135006, WAG137006, and WAG137013

TMDL: [TMDL for Temperature in the Columbia and Lower Snake Rivers | US EPA](#)

<sup>a</sup> Chelan Falls Rearing Facility Hatchery / WDFW (WAG137019) operates mid-winter through mid-April during the non-critical period. No heat load WLA was assigned

### **A. TMDL Determination**

EPA established the Columbia/Lower Snake River Temperature TMDL in May 2020 to address temperature impairments in portions of the Columbia and Lower Snake Rivers. After considering public comments, EPA will be reissuing the TMDL. EPA issued a final TMDL in May 2020 and reissued an amended TMDL in August 2020. The overall structure of the May 2020 EPA-established TMDL has not changed.

The loading capacity, and therefore the portion available for allocation during the critical period (July – October), is defined by the numeric temperature criteria plus the 0.3°C human use allowance provided in the Washington and Oregon standards. The U.S. Environmental Protection Agency (EPA) allocation of heat to all point and nonpoint sources is limited to a cumulative increase of no greater than 0.3°C above the numeric temperature criteria.

Existing data and modeling suggest that these sources of heat cause exceedances of Washington's and Oregon's water quality standards. In establishing the TMDL for the Columbia and lower Snake River mainstems, EPA is dividing the 0.3°C portion of the loading capacity equally among three types of sources: tributaries; current and future NPDES sources; and nonpoint source impacts from dam impoundments

EPA's analysis of NPDES point sources discharging to the Columbia and lower Snake Rivers indicates that the cumulative loading of heat from these point sources is slightly less than 0.1°C. EPA chose to allocate 0.1°C to the point sources because this cumulative temperature impact is achievable by the point sources without imposing a disproportionate burden on other source categories.

The wasteload allocation (WLA) for heat load was calculated using the facility design flow and the highest known or estimated temperature of the facility effluent. The Chelan Falls Rearing Facility Hatchery / WDFW (WAG137019) operates in mid-winter through mid-April during the non-critical period. No heat load WLA was assigned.

**WLAs of Heat Load for a “Minor facility” - NPDES Permitted Hatchery Facilities (i.e., Point Sources)**

Facility Name / Permittee	Permit Number	Location (RM)	Flow (MGD)	Temp ( C)	WLA (kcal/day)
Wells Fish Hatchery / Douglas County PUD No. 1	WAG135009	--	36.2	17.7	<b>2.42E+09</b> <b>(2.42 x 10<sup>9</sup>)</b>
Eastbank Hatchery / WDFW	WAG135011	--	29.5	17.5	<b>1.95E+09</b> <b>(1.95 x 10<sup>9</sup>)</b>
Chelan Hatchery / WDFW	WAG135006	--	17.3	17.5	<b>1.14E+09</b> <b>(1.14 x 10<sup>9</sup>)</b>
Lyons Ferry Hatchery / WDFW	WAG137006	59.1	91.9	16.8	<b>5.84E+09</b> <b>(5.84 x 10<sup>9</sup>)</b>
Priest Rapids Hatchery / WDFW	WAG137013	397	76.5	19.8	<b>5.72E+09</b> <b>(5.72 x 10<sup>9</sup>)</b>

**B. Water Quality Limits for Heat Load**

The implementation of the heat load WLAs will be assessed as an average monthly limit during the critical period of July through October expressed as million kcal per day.

Facility Name / Permittee	Permit Number	<u>Average Monthly Heat Load (million kcal/day)<sup>a</sup></u>
Wells Fish Hatchery / Douglas County PUD No. 1	WAG135009	<b>2,420</b>
Eastbank Hatchery / WDFW	WAG135011	<b>1,950</b>
Chelan Hatchery / WDFW	WAG135006	<b>1,140</b>
Lyons Ferry Hatchery / WDFW	WAG137006	<b>5,840</b>
Priest Rapides Hatchery / WDFW	WAG137013	<b>5,720</b>

<sup>a</sup> Applicable only for four months July through October (inclusively)

**C. Monitoring and Reporting for Heat Load Limit**

These Permittees must collect and analyze samples and measure flow according to the following schedule. Permittee must submit a Sampling and Analysis Plan (SAP) by February 1, 2022 for approval. The SAP must be finalized by and monitoring must begin July 1, 2022. Monitoring includes all the flow-through rearing pond and raceway discharges (effluent) just

prior to entering the receiving waterbody. Report in accordance with S5.A (Discharge Monitoring Reports).

Parameter	Type of Sample	Sampling Frequency	Sample Point	Duration
Temperature (°C)	Daily measurement, calculate average	Continuous (24/7) monitoring, record daily and summarize monthly	Point of discharge(s) where the wastewater leaves facility just prior to entering receiving water.	July 1-October 31
Flow (MGD)	Daily total, Calculated	Daily, (record at SS and TSS sampling events - condition S4) and summarize monthly average <sup>a</sup>		
Heat Load (million kcal/day)	Calculated	Monthly average summary <sup>b</sup>		

<sup>a</sup> Total flow values shall be calculated using acceptable aquaculture practices on a daily basis. Flow must be recorded on same days that SS and TSS are sampled (condition S4). Those individual daily values are required to be entered on the electronic DMR form on date sampled and summarized as monthly average.

<sup>b</sup> Calculation of the average monthly heat load in million kcal/day is: [(average monthly temperature in °C) x (average monthly flow in MGD) x (3.776)]. More specifically, the average monthly heat load is calculated as the product of the average monthly temperature (°C) multiplied and the average monthly flow (MGD) with the conversion factor of 3.776. The average monthly temperature is the sum of average daily temperatures divided by the number of daily discharges measured in the month. The average monthly flow is the same value as historically reported as monthly average flow. It is the sum of all flows in the month divided by the number of days in the month.

**Facility: Melvin R. Sampson Coho Facility**

Permittee: Confederated Tribes and Bands of the Yakama Nation

Permit number: WAG994355

TMDL: [Upper Yakima River Basin Suspended Sediment, Turbidity and Organochlorine Pesticide Total Maximum Daily Load](#)

The TMDL determination, water quality limits, and monitoring and reporting requirements were issued to the permittee in [Companion Order number 15787](#)<sup>5</sup> and are now permit requirements.

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<sup>5</sup> <https://apps.ecology.wa.gov/paris/DownloadDocument.aspx?Id=246505>

## Facility: Dryden Pond

Permittee: WDFW

Permit number: WAG135014

TMDL: [Addendum to Wenatchee River Watershed Dissolved Oxygen and pH Total Maximum Daily Load, WRIA 45](#)

The TMDL determination, water quality limits, and monitoring and reporting requirements were issued to the permittee in the facility coverage page in January 2019 and are now permit requirements. [The cover page and conditions](#)<sup>6</sup> are available online.

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<sup>6</sup> <https://apps.ecology.wa.gov/paris/DownloadDocument.aspx?id=252579>

# APPENDIX G

## AQUACULTURE DRUGS

### LOW REGULATORY PRIORITY AQUACULTURE DRUGS

The following compounds have undergone review by the U.S. Food and Drug Administration's Center for Veterinary Medicine (CVM) and have been determined to be new animal drugs of low regulatory priority (LRP) that pose a low risk when used in fish intended for human consumption. At production aquaculture facilities, it is illegal to use any drug that is not approved unless it is being used under the strict conditions of an INAD exemption or an extra-label prescription issued by a licensed veterinarian.

ACETIC ACID - 1000 to 2000 ppm dip for 1 to 10 minutes as a parasiticide for fish.

CALCIUM CHLORIDE - Used to increase water calcium concentration to ensure proper egg hardening. Dosages used would be those necessary to raise calcium concentration to 10-20 ppm CaCO<sub>3</sub>.

- Up to 150 ppm indefinitely to increase the hardness of water for holding and transporting fish in order to enable fish to maintain osmotic balance.

CALCIUM OXIDE - Used as an external protozoacide for fingerlings to adult fish at a concentration of 2000 mg/L for 5 seconds.

CARBON DIOXIDE GAS - For anesthetic purposes in cold, cool, and warm water fish.

FULLER'S EARTH - Used to reduce the adhesiveness of fish eggs to improve hatchability.

GARLIC (Whole Form) - Used for control of helminth and sea lice infestations of marine salmonids at all life stages.

ICE: Used to reduce the metabolic rate of fish during transport.

MAGNESIUM SULFATE - Used to treat external parasitic infections in fish at all life stages. Used in all freshwater species. Fish are immersed in a 30,000 mg MgSO<sub>4</sub>/L and 7000 mg NaCl/L solutions for 5 to 10 minutes.

ONION (Whole Form) - Used to treat external crustacean parasites, and to deter sea lice from infesting external surface of salmonids at all life stages.

PAPAIN - Use of a 0.2% solution in removing the gelatinous matrix of fish egg masses in order to improve hatchability and decrease the incidence of disease.

POTASSIUM CHLORIDE - Used as an aid in osmoregulation; relieves stress and prevents shock. Dosages used would be those necessary to increase chloride ion concentration to 10-2000 mg/L.

POVIDONE IODINE - 100 ppm solution for 10 minutes as an egg surface disinfectant during and after water hardening.

SODIUM BICARBONATE - 142 to 642 ppm for 5 minutes as a means of introducing carbon dioxide into the water to anesthetize fish.

SODIUM CHLORIDE - 0.5% to 1.0% solution for an indefinite period as an osmoregulatory aid for the relief of stress and prevention of shock; and 3% solution for 10 to 30 minutes as a parasiticide.

SODIUM SULFITE - 15% solution for 5 to 8 minutes to treat eggs in order to improve their hatchability.

THIAMINE HYDROCHLORIDE - Used to prevent or treat thiamine deficiency in salmonids. Eggs are immersed in an aqueous solution of up to 100 ppm for up to four hours during water hardening. Sac fry are immersed in an aqueous solution of up to 1,000 ppm for up to one hour.

UREA and TANNIC ACID - Used to denature the adhesive component of fish eggs at concentrations of 15g urea and 20g NaCl/5 liters of water for approximately 6 minutes, followed by a separate solution of 0.75 g tannic acid/5 liters of water for an additional 6 minutes. These amounts will treat approximately 400,000 eggs.

### **DRUGS UNDER “DEFERRED REGULATORY STATUS”**

Products found not to be low regulatory priority but regulatory action deferred pending further study:

COPPER SULFATE - Target pathogens: external parasites, bacteria and fungi, Immersion. Treatment dose varies, duration 1 hour.

POTASSIUM PERMANGANATE - Used for external parasites, bacteria and fungi. Method of treatment is Immersion: standing-bath or flow-through treatment. Dosage: 1-10 mg/L, treatment duration 1 hour.

### **USFDA APPROVED AQUACULTURE DRUGS**

The following is a [list of CVM approved aquaculture drugs](#)<sup>7</sup>(as the active ingredient or established name) at the time this permit was issued. ( ):

Immersion:

- Chloramine-T
- Formalin
- Hydrogen peroxide
- Oxytetracycline hydrochloride
- Tricaine methanesulfonate

Injectable

- Chorionic gonadotropin

Medicated Articles/Feeds

- Florfenicol
- Oxytetracycline dihydrate
- Sulfadimethoxine/ormetoprim
- Sulfamerazine

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<sup>7</sup> <https://www.fda.gov/animal-veterinary/aquaculture/approved-aquaculture-drugs>

## INVESTIGATIONAL NEW ANIMAL DRUGS (INADS)

Investigational New Animal Drugs (INADs) are drugs that are in the approval pipeline but are not yet approved by U.S. Food and Drug Administration (FDA) for use in the United States. The Aquatic Animal Drug Approval Partnership (AADAP) program is part of the U.S. Fish and Wildlife Service-Fish and Aquatic Conservation fish health network. Participation in the AADAP National INAD Program requires enrollment and drug use must follow INAD program protocols.

Permittees may use INADs provided the facility a) is signed up as an INAD study participant through USFWS; b) meets the conditions detailed in the facility's INAD permit application; c) uses INADs that are labeled correctly and do not violate FIFRA; d) and reports use in accordance with [S5.C.1 \(Annual Reporting\)](#) and [S5.D.1 \(Chemical Operational Log\)](#) of this permit. The [complete list of INADs](#)<sup>8</sup> is available online,

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<sup>8</sup> <https://www.fws.gov/fisheries/aadap/inads.html>

