



Upland Finfish Hatching and Rearing General Permit

Full Comments Received During Spring 2021
Public Comment Period

I-1:**ROGER WILLIAMS**

2391 PASADENA LANE

SPOKANE VALLEY, WA 99215

Email: watercleaner@juno.com

Submit Date: 05/05/2021

Submit Method: Website

In reviewing the draft Upland Finfish Hatching and Rearing General Permit, there was no requirement to test the hatcher discharge water for PCBs. Since the discharge ends up in the Spokane River which is listed for PCBs, all discharges to the Spokane River should be tested for PCBs. The Upland Finfish Hatching and Rearing General Permit needs to include at least quarterly testing for PCBs using EPA Methods 8082 A and 1668.

I-2:**WDFW-Megan Finley**

895 Riverside Dr. G279

Wenatchee, WA 98801

Email: megan.finley@dfw.wa.gov

Submit Date: 05/24/2021

Submit Method: Website

I have established 2 testing facilities for chlorine to cover my use of chloramine T at 12 hatcheries. The process to be approved and re-accredited every year is onerous and expensive. We use chloramine T maybe once a year at most hatcheries, often less because of poor availability of the product. Our effluent discharge is always low (we neutralize the chlorine with sodium thiosulfate), and heavily diluted, and the effort to test at the outflow is often dangerous for staff. Unfortunately because hatcheries are spaced out over the state it is not possible to bring samples to one lab within the 15 minute time period so multiple labs had to be set-up. As well, hatcheries operate year round and may need to treat fish on a weekend or holiday. With this set-up it often means that I personally have to travel to the hatchery with the meter to perform the testing whenever i prescribe a treatment. This is not sustainable or an efficient use of time and state resources.

I-3:

WDFW-Jed Varney

PO Box 424

Sedro Woolley, WA 98284

Email: jed.varney@dfw.wa.gov

Submit Date: 05/26/2021

Submit Method: Website

We have concerns about how Halamid or Chloramine T is managed in the permit. The FDA label on the compound sets a discharge benchmark for local NPDES authority, see the label for benchmark numbers. Currently it is required under our NPDES permit to measure free Chlorine within 15 minutes of taking a sample by a certified lab. Unfortunately there are few certified labs located within 15 minutes of most hatchery facilities. Hatchery specialists are not lab technicians and our attempts to get hatcheries as certified labs to measure Cl is difficult or unsuccessful. Discharge requirements in this permit essentially make this compound unusable and we have very few drugs at our disposal in aquaculture. Halamid is safe in fish and effective for many topical bacterial agents. Further Halamid when used is deputed with sodium thiosulfate. Given deputation and dilution from other ponds, our tests demonstrate we do not get measurable free Cl.

There must be another solution.

1. Can Cl be added to the exempted parameters on page 20 H
2. Can Cl be tested under the internal process control parameter in that list on page 20 H. Internal process control parameter is not defined in appendix B definitions.
3. Instead of measuring free Cl can the discharge level be calculated
4. Can we set a list of equipment to be used in the measurement of free Cl at hatcheries and provide training in the use of this equipment as a substitute for testing by a certified lab.
5. If the sample has to be measured by a certified lab can the sample be preserved so we can eliminate the 15 minute requirement and ship the sample to a certified lab.

We have so few drugs available for use in aquaculture, Halamid is safe and effective, we would not want to lose it based on discharge requirements.

A-1:

EPA Region 10 NPDES Permitting Section

Email: merz.martin@epa.gov

Submit Date: 05/26/2021

Submit Method: Website

EPA Region 10 NPDES Permitting Section Comments on Washington Department of Ecology's Upland Finfish Hatching and Rearing General Permit:

5/26/2021

EPA Region 10 NPDES Permitting Section recommends that Ecology amend the following permit and fact sheet provisions to clarify that to be authorized in discharge, Investigational New Animal Drugs (INADs) must be labeled correctly, used in accordance with U.S. FDA and U.S. FWS regulations and protocols, and be used in a consistent manner with Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) regulations. This NPDES general permit cannot be used to authorize use of pesticides in a manner inconsistent with FIFRA regulations. Broadly speaking, an NPDES permit cannot be used to authorize something that is otherwise illegal under other federal regulations. The permit and fact sheet should be revised accordingly. We recommend amending language as follows:

Permit Comments:

P17 H.5. –

[...] and/or the 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 FIFRA. (see S6.B).

S6.B. –

[...] Permittees may use USFDA approved Investigational New Animal Drugs (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; c) and reports the use on the Disease Control Chemical Use Form required in S5.C.1 (Disease Control and Chemical Use Annual Reporting).

Appendix G –

[...] 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 INAD protocols or an extra-label prescription issued by a licensed veterinarian. Permittees may use USFDA approved Investigational New Animal Drugs (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; c) and reports the use on the Disease Control Chemical Use Form required in S5.C.1 (Disease Control and Chemical Use Annual Reporting).

Appendix G –

The link to the INAD list is not active. This link may be what you intended:

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

Fact Sheet Comments:

P 11 – Pollutants of Concern –

[...] Permittees may use USFDA approved Investigational New Animal Drugs (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; c) and reports the use on the Disease Control Chemical Use Form.

P 11 – Pollutants of Concern –

EPA recommends that Ecology clarify that 'Diquat' – listed under external controls – must be labeled correctly and that the NPDES permit cannot be used to authorize use of pesticides in a manner inconsistent with FIFRA labeling.

P 17 – Technology based effluent limits

Disease control chemicals must be used in accordance with label instructions, and approved by USFDA or USEPA or under an INAD. Permittees may use USFDA approved Investigational New Animal Drugs (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; c) and reports the use on the Disease Control Chemical Use Form. WDFW has jurisdiction over fish pathogens, treatment, and aquaculture disease control.

A-2:

WDFW-Agency Response

Email: Eric.Kinne@dfw.wa.gov

Submit Date: 05/26/2021

Submit Method: Email

From: [Kinne, Eric B \(DFW\)](#)
To: [Niewolny, Laurie \(ECY\)](#)
Cc: [Fields, Jacqueline R \(DFW\)](#); [Leroux, Ann C \(DFW\)](#); [Cunningham, Kelly J \(DFW\)](#)
Subject: WDFW Comments on Draft Upland Finfish General Permit
Date: Wednesday, May 26, 2021 6:07:13 PM
Attachments: [Final Comment Letter DOE Re NPDES Permit 5 26 2021 \(003\).pdf](#)

Laurie, attached are WDFW's comments on the draft Upland Finfish General Permit.

Please feel free to contact me or my staff if you have any questions on our comments or suggested edits.

Thanks

EK



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: P.O. Box 43200, Olympia, WA 98504-3200 • (360) 902-2200 • TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

May 26, 2021

Laurie Niewolny
Washington Department of Ecology
PO Box 47775
Olympia, WA 98504-7775

RE: Comments on Draft Upland Finfish Hatching and Rearing National Pollution Discharge Elimination System (NPDES) General Permit

Dear Ms. Niewolny,

Thank you for the opportunity to comment on the draft Upland Finfish Hatching and Rearing National Pollution Discharge Elimination System (NPDES) General Permit. On this seventh anniversary of the General Permit, we express our appreciation that the process and administration has always been fair, cooperative, and mutually respectful.

Washington Department of Fish and Wildlife (WDFW) applied for coverage for sixty-four facilities. This letter provides comments regarding production and discharges to waterbodies impaired for temperature, dissolved oxygen, and polychlorinated biphenyls (PCBs). WDFW seeks clarification for use of aquaculture chemicals and drugs, water quality monitoring protocols, and reporting on DMRs.

Production

WDFW shall provide updated production to DOE and requests production be revised in the permit for the following eleven facilities: Eells Springs, Chambers Creek, Similkameen, Ringold Springs, Hoodspport, Goldendale, Bellingham, Fallert Creek, Satsop Springs, George Adams and Marblemount.

Production at eight facilities has increased more than 20% since the permit issued on Dec 16, 2015. WDFW will publish twice in a local newspaper of general circulation a notice for coverage has been made pursuant to Section 173-226-130(5) WAC. These eight facilities include: Bingham Creek, Eells Springs, Elwha, Chambers Creek, Similkameen, Ringold Springs, Hoodspport, and Goldendale.

Discharges to Impaired Waters

This issuance does contain substantial increased water quality monitoring at some facilities, and we seek clarification to ensure consistent administrative and operational fulfillment of permitted activities and reporting.

In Appendix D of the draft General Permit – there are 303(d) listing parameters for facilities that may discharge within one-half mile downstream of an impaired waterbody. WDFW facilities in the appendix include thirteen for temperature and nine for dissolved oxygen.

On page 56 and in Appendix E – Monitoring for Effluent Discharges, the sampling protocol for the dissolved oxygen parameters calls for six representative grab samples to be collected throughout the normal workday to create flow proportional composite samples. WDFW requests nutrient monitoring of effluent discharges be guided by the discharge monitoring requirements set forth in Administrative Orders #17969 and #17971. This request is based on the difficulty sampling throughout the day and meeting the 48-hour holding time for samples shipped overnight to laboratories. Also, many facilities have limited overnight shipping options nearby.

Hatcheries that discharge to impaired waters do not need to collect an influent sample if they assume the influent concentration is zero. The source water for many facilities is an impaired waterbody based on the State of Washington’s 303(d) list. Adding optional influent samples may be cost prohibitive for many facilities because the full nutrient suite costs \$200 per sample event for each site. First, WDFW asks DOE to consider using applicable water quality data from the water quality assessment to characterize the facility’s influent water source rather than assuming concentration is zero. Second, WDFW requests DOE consider an adaptive sampling protocol to balance the data required to assess effluent discharge with the actual pounds of fish feed used each month and the cost per parameter in the nutrient suite. For example, when feed use is under 1000 pounds per month, nutrient sample frequency could be reduced to once per month. Also, when feed use is low, the number of parameters in the nutrient suite could be reduced to those essential for evaluation of the effluent discharge to save costs.

WDFW respectfully requests that Vancouver Hatchery, which discharges into the Columbia River, be considered for exemption from additional monitoring. This request is based on the volume of discharge from the hatchery being insignificant compared to the receiving waterbody.

Aquaculture Drugs

The maximum holding time for Standard Methods 4500-CI G is 0.25 hour, requiring proximity to a laboratory or in-house accreditation. The short holding-time for this method essentially makes Chloramine-T, an effective aquaculture drug, unusable at hatcheries and few replacement aquaculture drugs are available. In Appendix A, WDFW would appreciate recommendations for chlorine screening methods that are practical in a hatchery setting and training for hatchery staff.

Does Section 6. B.– Disease Control Chemicals include drugs used under the direction of a licensed veterinarian?

On page 27. B. – Veterinarian, by extra label, may use any FDA labeled product not necessarily approved in fish or hatchery use as a treatment for fish.

Permittees must use disease control chemicals in conformance with product label instructions or approved INAD protocols. WDFW suggests changing the second half of this sentence to “or extra label use by a licensed veterinarian.”

On page 28, under Formalin Use, the Permittee must follow label directions. WDFW requests the exception for extra label use under the direction of a licensed veterinarian be included.

On page 31. C. – WDFW requests the permit add that any carcasses treated with drugs or chemicals under the direction of a licensed veterinarian need to be released by prescribing veterinarian for withdrawal purposes.

Appendix G. does not include Chloramine-T as an aquaculture drug. H₂O₂ is no longer a low regulatory priority drug as it is a labeled product. WDFW veterinarian provided this list of FDA approved drugs to update Appendix G.

- Chorionic Gonadotropin (Chorulon®)
- Formalin (Parasite-S, Formalin-FTM, Formacide-B)
- Hydrogen Peroxide (35% Perox Aid®)
- Chloramine-T (Halamid® Aqua)
- Oxytetracycline Hydrochloride (several products available)
- Tricaine Methanesulfonate (Tricaine-S)
- Florfenicol (Aquaflor®)
- Oxytetracycline dihydrate (Terramycin® 200 for Fish)
- Sulfadimethoxine & Ormetoprim (Romet® 30 & Romet® TC)

Water Quality

In the table on the top of page 18 and on page 56, please provide additional information to explain flow sample frequency, specifically for sample and non-sample days.

WDFW questions why discharges to Municipal Sewer Systems (POTW) require TSS and BOD₅ monitoring, when the POTW treats wastewater before discharging it to receiving waters?

PCB Mitigation

On page 55. B. – Despite the fact that Spokane Hatchery’s contribution to the PCB load in the river basin is small compared to other sources and past contamination, WDFW is prepared to follow DOE’s guidance to address contaminated building materials at the Spokane Hatchery. In addition, WDFW will work to decrease phosphorus loads to improve dissolved oxygen conditions in Lake Spokane. WDFW has worked on cooperative projects to improve water quality in the past. For example, WDFW has partnered with Avista Utilities to reduced bioturbation and loading of phosphorus and organic sediments to Lake Spokane by removing carp. Removal of carp has been shown to decrease algal blooms and improve dissolved oxygen, water transparency, and lake ecology.

For PCB Mitigation, the Spokane Hatchery’s renovation will require removal, source control and reduction, and treatment for PCBs. Please define the difference between removal and treatment of PCBs.

Please clarify the statement regarding the use of reduced PCB fish feed. WDFW intends to use reduced PCB fish feed whenever sufficient quantity/quality is available and is fiscally possible.

Reporting and DMRs

WDFW requests that DMRs allow a value and the code M, monitoring is conditional, to be entered on the same day. Please provide additional information to define and clarify the code “monitoring is conditional” and also “conditional,” as it applies to net values.

WDFW requests new DMRs facilitate calculations of heat loads and have instructions for how to report laboratory results not received before quarterly deadlines.

WDFW requests the ability to report and document flood conditions on the DMR, when stormwater impacts the water quality, outside of the facility's control.

Again, thanks for the opportunity to comment on the draft permit. If you have any questions regarding these comments, please contact me at (360) 601-1301 or by email at Eric.Kinne@dfw.wa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Kinne", is enclosed in a light gray rectangular box.

Eric Kinne
Hatchery Division Manager

cc: Kelly Cunningham, Fish Program Director
Renee Fields
Ann Laroux

From: [Kinne, Eric B \(DFW\)](#)
To: [Niewolny, Laurie \(ECY\)](#)
Cc: [Fields, Jacqueline R \(DFW\)](#)
Subject: NPDES Permit Requirements
Date: Friday, June 4, 2021 1:20:04 PM

Hi Laurie, WDFW is concerned with the amount of Nutrient monitoring that is in the draft permit. The current draft requires monitoring anytime fish is being fed which will be year around at 5 of the 9 facilities listed for WDFW. The permit also requires twice a month sampling.

We would like to understand the rational for year around sampling and sampling twice a month. This will be very costly and time consuming and want to better understand the need.

Thanks

EK

O-1:

Spokane Riverkeeper

35 W Main Street #308

Spokane, WA 99201-3042

Email: jerry@spokaneriverkeeper.org

Submit Date: 05/26/2021

Submit Method: Website

Spokane Riverkeeper

Spokane Riverkeeper (SRK) believes that the Little Spokane River (LSR) Facility is the primary hatchery within our area of concern. The following comments primarily focus on this facility unless specified.

The LSR hatchery is a hatchery that discharges high levels of Total Phosphorus into the LSR that contributes nearly half of the nutrient loading at the critical low flow time of year. This is a significant source of pollution and a degradation of uses in the watershed. The LSR TMDL recommends a 50% reduction of phosphorus. SRK supports this reduction of pollution loading and the recommended Waste Load Allocation for Total Phosphorus inside the NPDES draft permit and the Dissolved Oxygen TMDL. We appreciate that the WDOE produced the LSR TMDL and are following the guidance of this approved TMDL for water quality improvement in the LSR and main stem Spokane River.

We support the reporting requirements for nutrients and Total Phosphorus (TP) as presented inside the draft permit.

We support the infrastructure spending on design and construction of LSR Hatchery upgrades to minimize pollution for both TP, TSS and PCBs.

We support the prioritization of this infrastructure upgrade both within the WDFW priority list as well as Washington State infrastructure upgrades. We would add that this upgrade needs to occur in an expedited manner as it is critical to water quality improvements.

Compliance Schedule: We support the development of a compliance schedule (for the LSR Facility) but feel that optimally, the development of terms and conditions be specifically outlined inside the permit to contain binding benchmarks, schedules and water quality outcomes prior to permit approval. This is optimal rather than nonspecific references to the terms and conditions after the draft permit and comment period for the permit closes. However, since this will occur later in the permit cycle (and is conditional on funding), we feel that the public should at least have access to the terms and conditions of the compliance schedule and that the conditions should also be open for public input before April of 2022. This could lead to significant improvements and providing a mechanism for public input during the development would be constructive. Prior to the design phase and the construction phase, the compliance schedule should contain a public process around the development of those benchmarks, targets, schedules. That process should include windows for input and comment, and include email updates (to public stakeholders) via listserv, posted on the WDOE/WDFW web pages and are publicly reported.

PCB pollution:

The Spokane Hatchery discharges PCBs into state surface waters that are on the Category 5 list of impaired waterbodies for PCBs. As such, we ask that a PCB TMDL for the the Little Spokane River and the Spokane River be developed and approved so that any facility planning and Waste Load Allocations for facilities such as the LSR Hatchery are made in adherence to a final loading number and a larger loading calculus that is relevant to both rivers and the ultimate achievement of meeting Water Quality Standards for PCBs. As such we also ask that a WLA for PCBs be developed

and then compliance planned for, documented and reported on. In the absence of TMDL guidance, and a coherent plan with implementation guidance that contains outcomes, relevant WLAs, targets for fish tissue, water column improvements, progress is not guided with precision and accuracy. Without a TMDL, efforts to regulate individual pollution sources and meet water quality standards in both rivers are and will remain, vague, ad hoc, incoherent and ineffective.

We recommend that this permit permanently and specifically dissolve the requirement of WDFW to participate in the Spokane River Regional Toxics Task Force. Given the lack of measurable progress in the implementation side, we feel that WDFW's participation is not an effective use of public resources, and that WDFW energy and time could be better spent independently to improve Washington's waters and accomplish their own mission and objectives by simply coordinating directly with the WDOE where and when substantive water quality improvements can be coordinated - agency to agency.

Compliance schedule 2b: We suggest a compliance plan/schedule that includes the evaluation of PCBs removal and the study, development and implementation of AKART for this pollutant as well as Total Phosphorus.

In an appendix to the permit, we ask that WDOE report (for the LSR operations) the result and progress of the PCB removal work as per AO 13422 (specifically SC61.a, SC.6.1b, SC.6.1.c which pertain to paint and calk removal). This should be included inside the Fact Sheet and the appendices of the general permit. Further, the results should then spell out specifically the continued work that needs to happen in the LSR Hatchery in this permit cycle (2021-2026). The current disconnection of information makes it difficult for the public to connect with the history of PCB removal, the 2016 AO, WDOE and WDFW actions and progress in addressing PCB pollution with remedial actions.

Further, if the (paint, caulk, and construction materials) work needs to continue, we suggest folding into the framework of the compliance schedule (alongside facility upgrades) - to include benchmarks, schedules and outcomes. This was referenced and contested in the last round of permitting and should have specific terminal dates around which these paints and caulks are removed.

Monitoring for PCBs at periods of high facility production should continue in receiving waters using Method 1668c.

WDFW and WDOE should maintain efforts and public report outs on the effort to find and or develop fish feeds that have minimal PCB content. A record of the search and the effort to meet the fish feed requirement should be available to the public.

Pollution Prevention Plans (PPP): Any revisions, updates and progress inside of PPPs (sections S9 and S6) should be reported to the public. via a web page updates on the WDOE website and listserv announcements, quarterly PPP reviews should be available to the public via email on listserv updates.

Comments by permit sections:

Spokane Riverkeeper supports all suggestions to the general permit (with exceptions in 6C). From Test of Draft Fact Sheet: The changes proposed for this reissuance of the permit include:

- Condition S1.E: SRK supports this and appreciates the modification.

- Condition S3.G.1: SRK supports this and appreciates the modification.
- Condition S3.G.1: SRK supports this and appreciates the modification.
- Condition S3.G.2: SRK supports this and appreciates the modification.
- Condition S4.A: SRK supports this and appreciates the modification.
- Condition S5.C.2: SRK supports this and appreciates the modification.

S6.C Comments (also see above):

S6.C, 1. And 2: We suggest two reporting periods during the life of the permit. These should be accompanied by a progress report from last permit cycle - report required December 31, 2017

- Condition S7.C1: SRK Supports these and appreciates their inclusion.
- Condition S11 - Engineering Documents: SRK Supports these and appreciates their inclusion.

Thank you very much for the opportunity to comment.

O-2:

PUD No. 1 of Chelan County

327 N. Wenatchee Ave

Wenatchee, WA 98801

Email: Ian.Adams@chelanpud.org

Submit Date: 05/26/2021

Submit Method: Website

PUD No., 1 of Chelan County

Please find attached, Chelan PUD's comment letter regarding the Draft Upland Finfish General Permit. We have appreciated the opportunity to review and comment on this document during this public comment period.



PUBLIC UTILITY DISTRICT NO. 1 of CHELAN COUNTY

P.O. Box 1231, Wenatchee, WA 98807-1231 • 327 N. Wenatchee Ave., Wenatchee, WA 98801
 (509) 663-8121 • Toll free 1-888-663-8121 • www.chelanpud.org

May 26, 2021

Ms. Laurie Niewolny
 Washington State Department of Ecology
 P.O. Box 47775
 Olympia, WA 98504-7775

Re: Comments on the Draft Upland Finfish Hatching and Rearing General Permit and Fact Sheet

Dear Ms. Niewolny:

The Public Utility District No. 1 of Chelan County (Chelan PUD) respectfully submits this comment letter on the draft Upland Finfish Hatching and Rearing General Permit (General Permit) and Fact Sheet. Our comments are focused on the General Permit conditions that affect facilities owned or operated by Chelan PUD.

1. Discharge Limits for Eastbank and Chelan Hatcheries.

Condition S3.G.2, Table 3 of the Draft General Permit (Page 16) indicates that Eastbank and Chelan Hatcheries have a final heat load allocation under the Total Maximum Daily Load (TMDL) for temperature in the Columbia and Lower Snake Rivers¹. Appendix F of the General Permit provides the heat load allocation applicable for these hatcheries as applicable in the TMDL (also provided in Table 1 below). During the public comment period, Chelan PUD provided proposed revisions to the heat load allocations to accurately reflect the flow and temperature information that were used for these point sources in the Columbia and Snake Rivers Temperature TMDL (Table 1). U.S. Environmental Protection Agency has not yet released a final TMDL that has reconciled these revisions. We request that the final General Permit use the requested revisions to the flow, temperature, and the heat load allocations as shown in Table 1 to accurately reflect the conditions at the hatcheries.

Table 1. Heat Load Allocations in the TMDL, General Permit, and Changes Requested by Chelan PUD

Site	Columbia and Snake Rivers Temperature TMDL Table 6-13 and Appendix F (Page 57) of draft General Permit			Corrections Requested by Chelan PUD on the Columbia and Snake Rivers Temperature TMDL		
	Waste Load Allocation (kcal/day)	Flow (MGD)	Temperature (°C)	Waste Load Allocation (kcal/day)	Flow (MGD)	Temperature (°C)
Chelan Hatchery (WAG135006)	4.25E+08	6.7	16.8	1.14E+09	17.3	17.5
Eastbank Hatchery (WAG135001)	1.78E+09	27.1	16.8	1.95E+09	29.5	17.5

¹ U.S. Environmental Protection Agency, 2020. [Columbia and Lower Snake Rivers Temperature Total Maximum Daily Load](#), U.S. Environmental Protection Agency Region 10, Seattle, WA. May.

2. Monitoring and Reporting Requirements for Chelan and Eastbank Hatcheries.

Condition S3.G.2, of the Draft General Permit, identifies that facilities with a TMDL or pollution prevention plan will be required to conduct monitoring as under Appendix F. Section B, states, “*The implementation of the heat load WLAs will be assessed as an average monthly limit during the critical period of July through September...*”. The waste load allocations for temperature in the Columbia and Snake Rivers Temperature TMDL applies from July – October, and is as such different from the period indicated in Appendix F. The table in Section C. on Page 58 of Appendix F, identifies that the Chelan and Eastbank Hatcheries are required to monitor temperature continuously from July 1 – September 31, which we have interpreted to mean September 30. Please clarify whether the period indicated in Appendix F is correct for monitoring temperature and flow at the hatcheries.

3. Inconsistencies in Quantitation Levels for Parameters in Appendix A and Appendix E.

The quantitation levels for pH and dissolved organic carbon provided in Appendix A and Appendix E are inconsistent. Please clarify which one should be followed.

If there are any questions on these comments and requests, please contact Ian Adams at (509) 661-4409 or by email at Ian.Adams@chelanpud.org.

Sincerely,



Alene Underwood
Fish and Wildlife Manager
Public Utility District No. 1 of Chelan County

cc: Damon Roberts, Mark Peterschmidt, and Marcia Porter, Washington State Department of Ecology,
Central Region – **Sent via Email**

B-1:
Inland Empire Paper Company

3320 N Argonne

Spokane, WA 99212

Email: dougkrapas@iepc.com

Submit Date: 05/26/2021

Submit Method: Website

Inland Empire Paper Company

See attached comment letter



INLAND EMPIRE PAPER COMPANY

3320 N. ARGONNE
SPOKANE, WASHINGTON 99212-2099

PHONE 509/924-1911
FAX 509/927-8461

May 26, 2021

Via Ecology Online Comment Portal and by U.S. Mail

Ms. Laurie Niewolny
Washington Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

Re: Comments on Draft Upland Finfish Hatching and Rearing General Permit

Dear Ms. Niewolny:

Inland Empire Paper Company (IEP) appreciates the opportunity to provide these comments on the Draft Upland Finfish Hatching and Rearing Permit (Hatchery Permit).

IEP has been addressing Polychlorinated Biphenyls (PCBs) through its NPDES permit and as required under the permit, a member of the Spokane River Regional Toxics Task Force (Task Force). IEP was also a party to an appeal of the Washington Department of Fish and Wildlife (WDFW) Permit for its Spokane Hatchery under permit number WAG137007. That appeal resulted in the issuance of Administrative Order No. 13422 dated July 1, 2016.

IEP has the following comments regarding the draft permit:

1. The 2016 administrative order required WDFW to engage in more specific efforts to address PCBs than will be required under the proposed Condition S6.C of the draft Hatchery Permit. Can Ecology explain why it is reducing the PCB compliance measures from the administrative order?
2. The administrative order required WDFW to monitor fish, water and fish feed during and after 2017. The draft permit does not require WDFW to monitor or test for PCBs in any medium. All other NPDES permitted dischargers to the Spokane River are required to test for PCBs using a method that achieves a 50 pg/L target method detection limit, or lower, for all PCB congeners. Can Ecology explain why it is eliminating the requirement for PCB monitoring and testing in the draft permit?
3. The administrative order required WDFW to submit a Best Management Practices Plan (Plan) to Ecology by June 30, 2018 and to submit an annual report every year thereafter on the status of implementing and updating the Plan. Can Ecology explain the status of compliance

with these conditions in the administrative order and whether the requirements in the proposed Condition S6.C are replacing or supplementing the requirements in the administrative order?

4. The draft permit will not require WDFW to continue to be a participant in the Task Force as required in the administrative order. WDFW has been an important and constructive member of the Task Force and should be required to continue as a participant as required in IEP's NPDES permit and as required for all other individual NPDES permit holders on the Spokane River in Washington and Idaho.

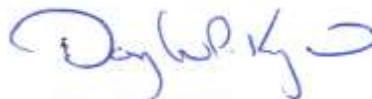
5. The Fact Sheet for the Draft Upland Finfish Hatching and Rearing NPDES General Permit (April 2021) states "*The draft permit does not authorize a violation of surface water quality standards or any other applicable local, state, or federal laws or regulations.*" Ecology is currently pursuing litigation against EPA that may result in a repeal and replacement of the state water quality standard for PCBs from 170 pg/L to 7 pg/L. Has Ecology conducted a reasonable potential analysis to determine whether the Spokane Hatchery will cause or contribute to a violation of the 7 pg/L standard?

6. Proposed Condition S6.C would require WDFW to eliminate PCB discharges from the Spokane Hatchery to the "maximum extent possible." Can Ecology explain the legal and regulatory basis for this qualification? Will this qualification apply as well to IEP's obligation to develop and implement toxic reduction plans under its NPDES permit? If not, can Ecology explain why it would not apply the same qualification for individual NPDES permits on the Spokane River?

7. Ecology reported in 2018 that the "estimated PCB loads from hatchery operations were comparable to PCB loads from individual municipal wastewater treatment plants." Ecology, Evaluation of Fish Hatcheries as Sources of PCBs to the Spokane River, at 30 (April 2018). Has Ecology concluded that it is not required to impose numeric water quality based effluent limits in NPDES permits for discharges to the Spokane River? In response to this comment can Ecology explain the basis for not including numeric PCB limits in the permit for the Spokane Hatchery?

I appreciate your time in considering these comments and invite Ecology staff to contact me for further information and clarification.

Sincerely,



Douglas P. Krapas
Environmental Manager