

**FACT SHEET FOR LOWER DEEP RIVER SALMON NET PENS  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
PERMIT WA0040053**

**Purpose of this Fact Sheet**

This fact sheet explains and documents the decisions the Department of Ecology (Ecology) made in drafting the proposed National Pollutant Discharge Elimination System (NPDES) permit for the Deep River Salmon Net Pens.

This fact sheet complies with Section 173-220-060 of the Washington Administrative Code (WAC), which requires Ecology to prepare a draft permit and accompanying fact sheet for public evaluation before issuing an NPDES permit.

Ecology makes the draft permit and fact sheet available for public review and comment at least 30 days before issuing the final permit. Copies of the fact sheet and draft permit for the Lower Deep River Salmon Net Pens, NPDES Permit WA0040053, are available for public review and comment. For more details on preparing and filing comments about these documents, please see **Appendix A - Public Involvement Information**.

The Lower Deep River Salmon Net Pens reviewed the draft permit and fact sheet for factual accuracy. Ecology corrected any errors or omissions regarding the facility's location, history, discharges, or receiving water prior to publishing this draft fact sheet for public notice.

After the public comment period closes, Ecology will summarize substantive comments and provide responses to them. Ecology will include the summary and responses to comments in this fact sheet as **Appendix E - Response to Comments**, and publish it when issuing the final NPDES permit. Ecology generally will not revise the rest of the fact sheet. The full document will become part of the legal history contained in the facility's permit file.

**Summary**

The Lower Deep River Salmon Net Pens (Net Pens) is located in Naselle, Washington, in Wahkiakum County. This facility started its operations in 1993. The Washington Department of Fish and Wildlife (WDFW) operates this facility for rearing juvenile salmon in the Lower Deep River for release into the natural environment.

The proposed permit is the first NPDES permit for this facility. The proposed permit requires the Net Pens to sample and report Turbidity, Dissolved Oxygen, and Biochemical Oxygen Demand (BOD) results monthly when there is fish present in the net pens. Fish production, fish size, the amount of fish, and fish feed are also required to be reported.

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## I. INTRODUCTION

The Federal Clean Water Act (FCWA, 1972, and later amendments in 1977, 1981, and 1987) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the Clean Water Act is the National Pollutant Discharge Elimination System (NPDES), administered by the federal Environmental Protection Agency (EPA). The EPA authorized the state of Washington to manage the NPDES permit program in our state. Our state legislature accepted the delegation and assigned the power and duty for conducting NPDES permitting and enforcement to Ecology. The Legislature defined Ecology's authority and obligations for the wastewater discharge permit program in 90.48 Revised Code of Washington (RCW).

The following regulations apply to industrial NPDES permits:

- Procedures Ecology Follows for Issuing NPDES Permits [chapter 173-220 Washington Administrative Code (WAC)]
- Water Quality Criteria for Surface Waters (chapter 173-201A WAC)
- Water Quality Criteria for Ground Waters (chapter 173-200 WAC)
- Whole Effluent Toxicity Testing and Limits (chapter 173-205 WAC)
- Sediment Management Standards (chapter 173-204 WAC)
- Submission of Plans and Reports for Construction of Wastewater Facilities (chapter 173-240 WAC)

These rules require any industrial facility owner/operator to obtain an NPDES permit before discharging wastewater to state waters. They also help define the basis for limits on each discharge and for performance requirements imposed by the permit.

Under the NPDES permit program and in response to a complete and accepted permit application, Ecology must prepare a draft permit and accompanying fact sheet, and make them available for public review before final issuance. Ecology must also publish an announcement (public notice) telling people where they can read the draft permit, and where to send their comments, during a period of thirty days (WAC 173-220-050). (See **Appendix A-Public Involvement Information** for more detail about the public notice and comment procedures). After the public comment period ends, Ecology may make changes to the draft NPDES permit in response to comment(s). Ecology will summarize the responses to comments and any changes to the permit in **Appendix E**.

## II. BACKGROUND INFORMATION

Table 1 — Facility Information

Applicant	Washington Department of Fish and Wildlife
Facility Name and Address	Lower Deep River Salmon Net Pens
Contact at Facility	Name: Patrick Hulett Telephone #: (360) 846-5268
Responsible Official	Name: Aaron Roberts Title: Regional Hatchery Reform and Operations Manager Address: 111 Merwin Hatchery Court Ariel, WA 98603-9727 Telephone #: (360) 225-4390
Industry Type	Concentrated Aquatic Animal Production; Net Pen
Fee Category	Finfish Hatching and Rearing – Individual Permit
SIC Codes	0273
NAICS Codes	112511
Facility Location (NAD83/WGS84 Reference Datum)	Latitude: 46.32775 Longitude: -123.69921
Discharge Waterbody Name and Location (NAD83/WGS84 Reference Datum)	<u>Lower Deep River</u> Latitude: 46.32775 Longitude: -123.69921

Table 2 — Permit Status

Application for Permit Submittal Date	August 6, 2007 March 11, 2013 October 31, 2020
Date of Ecology Acceptance of Application	March 3, 2021

Table 3 — Inspection Status

Date of Last Non-sampling Inspection Date	February 8, 2021
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**FACT SHEET FOR  
LOWER DEEP RIVER SALMON NET PENS  
NPDES PERMIT WA0040053**

**Figure 1 — Facility Location Map**



**A. Facility Description**

**History**

The Washington Department of Fish and Wildlife (WDFW) started the net pens operation at the existing location on the Lower Deep River in 1993. The net pens are only accessible using a road through leased property. The WDFW owns the steel pilings, dock, nets, and the structure at the net pens. The net pens are located roughly 5 miles north of the Columbia River.

The intent of WDFW is to rear and release salmon to mature in the ocean and be harvested in a gillnet fishery in the Deep River when the salmon return as adults. The WDFW intends to provide commercial gillnet harvest opportunity within the Deep River, where there is less likelihood of capture of Endangered Species Act (ESA) protected stocks of salmon and steelhead than that might occur in the Columbia River.

On top of receiving funding from the WDFW, the Deep River net pens also receives funding from the Bonneville Power Administration (BPA). In 1993, the Northwest Power Planning Council, which is now Northwest Power and Conservation Council (NPCC) recommended fishing sites to be developed to allow harvest of fish from hatcheries while minimizing incidental harvest of ESA endangered species. This recommendation led to the BPA starting up the Select Area Fisheries Evaluation (SAFE) project to provide the opportunity to harvest locally-produced salmon stocks in

off-channel areas of the Columbia River. Since 1993, the BPA has funded the net pens operations on the Deep River.

### Cooling Water Intakes

Clean Water Act (CWA) § 316(b) requires the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. Since July 2013, Ecology has required a supplemental application for all applicants using EPA Form 2-C. The Lower Deep River Net Pens selected “No” on this form when asked if a cooling water intake is associated with the facility.

### Industrial Processes

The Washington Department of Fish and Wildlife (WDFW) operates the net pens on the Lower Deep River. The Deep River is a tidally influenced backwater in the lower Columbia River. The tidal range can be up to 10 feet. The depth of the river where the net pens are placed is roughly 20 to 30 feet. Each net is 20 feet in width, 20 feet in length, and 10 feet in depth. There are currently 31 nets in place at the net pens. There is a wooden structure on the surface surrounding each net. The structure and the nets are along the west shore of the Deep River. The structure is chained and connected to steel pilings that are placed parallel to the shore.

The WDFW rears juvenile Coho and Spring Chinook salmon in the net pens. This facility typically rears more Coho salmon than Spring Chinook salmon. During a typical season, roughly 20 net pens are used for Coho salmon and roughly four net pens are used for Spring Chinook salmon.

The juvenile salmon are loaded into the net pens using a pipe that stretches from the shore to the net pens. A truck from a hatchery pulls up to the shore, attaches to the pipe, then unloads the juvenile salmon into each net pen until the desired amount of salmon are loaded into each net pen.

The Coho salmon juveniles are loaded into the net pens in October or November at a size of roughly 40 fish per pound. Then the juveniles are reared to a size of about 16 fish per pound when they are released the following May. The Coho salmon are stocked from the Beaver Creek Hatchery.

The timing of when the Spring Chinook salmon are loaded into the net pens and released vary. The Spring Chinook salmon are stocked from the Beaver Creek Hatchery. The Spring Chinook salmon juveniles are released at a smaller size after a much shorter 4-5-week acclimation period in the net pens. One release group is released in the spring at 60 fish per pound and another group of the same cohort is released in the fall at 25 fish per pound.

WDFW personnel is onsite roughly three days per week. Personnel typically spend roughly one hour onsite when providing feed for the salmon. The amount of feed is calculated using a computer model that accounts for the target fish per pound and release date. The fish per pound values are verified weekly or bi-weekly. The feed accounts to roughly two percent of the bodyweight of the fish. The amount of feed provided also is adjusted by season. Less feed is needed in the colder months because the fish are less active and often do not come up to the surface. More feed is typically needed in the warmer months.



WDFW personnel spend more time onsite when juvenile salmon are being unloaded into the net pens. This typically lasts half a day or longer and throughout the week. WDFW personnel also spend time at the site when maintenance is required. WDFW maintains the net pens and its structure.

The wooden boards that are used for walking on are fixed or replaced as needed. The nets are inspected every year. After planting the fish, the nets are pulled, hosed off, pressure washed, then inspected. According to WDFW staff, the nets at this site typically last 10 years and holes are typically not found. When holes are present, WDFW personnel typically find out because the feed in the water is left uneaten in the net pens.

### Wastewater Treatment Processes

The Lower Deep River Net Pens does not have a wastewater treatment process. Similar to other net pens in the state, the water inside and near the net pens is not treated.

### Solid Wastes

The Lower Deep River Net Pens facility does not generate solid wastes during normal operations. Other wastes such as replaced wooden boards, general refuse, etc. generated from maintenance tasks are disposed of offsite.

## B. Description of the Receiving Water

The Lower Deep River Net Pens is located on the Deep River.

The characteristic uses of the receiving water are:

- Aquatic life use: Salmonid spawning, rearing, and migration
- Recreation use: Primary contact recreation
- Water supply uses: Domestic, Industrial, Agricultural, Stock, Wildlife Habitat
- Miscellaneous uses: Harvesting, Commerce and Navigation, Boating, Aesthetics

Because the net pens are located roughly 5 miles away from the Columbia River, the water quality of the Deep River is similar to that of the Columbia River. During an inspection on February 8, 2021, there was no algae visible in the net pens. However, when the water temperature increases in the warmer months, the volume decreases, and the flow of the river slows, there is typically algae growth in the Deep River and in the net pens.

WDFW personnel has measured Dissolved Oxygen near the net pens in the Lower Deep River. The Dissolved Oxygen is typically at the lowest around 8 mg/L and is usually between 9 and 10 mg/L.

### C. State Environmental Policy Act (SEPA) Compliance

State law exempts the issuance, reissuance or modification of any wastewater discharge permit from the SEPA process as long as the permit contains conditions that are no less stringent than federal and state rules and regulations (RCW 43.21C.0383). The exemption applies only to existing discharges, not to new discharges.

## III. PROPOSED PERMIT LIMITS

Federal and state regulations require that effluent limits in an NPDES permit must be either technology- or water quality-based.

- Technology-based limits are based upon the treatment methods available to treat specific pollutants. Technology-based limits are set by the EPA and published as a regulation, or Ecology develops the limit on a case-by-case basis [40 Code of Federal Regulations (CFR) 125.3, and chapter 173-220 WAC].
- Water quality-based limits are calculated so that the effluent will comply with the Surface Water Quality Standards (chapter 173-201A WAC), Ground Water Standards (chapter 173-200 WAC), Sediment Quality Standards (chapter 173-204 WAC), or the Federal Water Quality Criteria Applicable to Washington (40 CFR 131.45).
- Ecology must apply the most stringent of these limits to each parameter of concern. These limits are described below.

The limits in this permit reflect information received in the application and from supporting reports (engineering, hydrogeology, etc.). Ecology evaluated the permit application and determined the limits needed to comply with the rules adopted by the state of Washington. Ecology does not develop effluent limits for all reported pollutants. Some pollutants are not treatable at the concentrations reported, are not controllable at the source, are not listed in regulation, and do not have a reasonable potential to cause a water quality violation.

Ecology does not usually develop limits for pollutants not reported in the permit application but may be present in the discharge. The permit does not authorize discharge of the non-reported pollutants. During the five-year permit term, the facility's effluent discharge conditions may change from those conditions reported in the permit application. The facility must notify Ecology if significant changes occur in any constituent [40 CFR 122.42(a)]. Until Ecology modifies the permit to reflect additional discharge of pollutants, a permitted facility could be violating its permit.

### A. Technology-Based Effluent Limits

Ecology must ensure that facilities provide all known, available, and reasonable methods of prevention, control, and treatment (AKART) when it issues a permit.

Technology-based effluent limits for a freshwater net pen does not exist. Ecology will implement AKART in this permit by requiring compliance with the requirements in WAC 173-221A-100.



## B. Surface Water Quality-Based Effluent Limits

The Washington State surface water quality standards (chapter 173-201A WAC) are designed to protect existing water quality and preserve the beneficial uses of Washington's surface waters. Waste discharge permits must include conditions that ensure the discharge will meet the surface water quality standards (WAC 173-201A-510). Water quality-based effluent limits may be based on an individual waste load allocation or on a waste load allocation developed during a basin wide Total Maximum Daily Load (TMDL) study.

### Numerical Criteria for the Protection of Aquatic Life and Recreation

Numerical water quality criteria are listed in the water quality standards for surface waters (chapter 173-201A WAC). They specify the maximum levels of pollutants allowed in receiving water to protect aquatic life and recreation in and on the water. Ecology uses numerical criteria along with chemical and physical data for the wastewater and receiving water to derive the effluent limits in the discharge permit. When surface water quality-based limits are more stringent or potentially more stringent than technology-based limits, the discharge must meet the water quality-based limits.

### Numerical Criteria for the Protection of Human Health

Numerical criteria for the protection of human health are promulgated in Chapter 173-201A WAC and 40 CFR 131.45. These criteria are designed to protect human health from exposure to pollutants linked to cancer and other diseases, based on consuming fish and shellfish and drinking contaminated surface waters. The water quality standards also include radionuclide criteria to protect humans from the effects of radioactive substances.

### Narrative Criteria

Narrative water quality criteria [e.g., WAC 173-201A-240(1); 2006] limit the toxic, radioactive, or other deleterious material concentrations that the facility may discharge to levels below those which have the potential to:

- Adversely affect designated water uses
- Cause acute or chronic toxicity to biota
- Impair aesthetic values
- Adversely affect human health

Narrative criteria protect the specific designated uses of all fresh waters (WAC 173-201A-200, 2016) and of all marine waters (WAC 173-201A-210, 2016) in the state of Washington.

### Antidegradation

**Description** – The purpose of Washington's Antidegradation Policy (WAC 173-201A-300-330; 2016) is to:

- Restore and maintain the highest possible quality of the surface waters of Washington.
- Describe situations under which water quality may be lowered from its current condition.
- Apply to human activities that are likely to have an impact on the water quality of surface water.
- Ensure that all human activities likely to contribute to a lowering of water quality, at a minimum, apply AKART.
- Apply three tiers of protection (described below) for surface waters of the state.

**Tier I:** ensures existing and designated uses are maintained and protected and applies to all waters and all sources of pollutions.

**Tier II:** ensures that waters of a higher quality than the criteria assigned are not degraded unless such lowering of water quality is necessary and in the overriding public interest. Tier II applies only to a specific list of polluting activities.

**Tier III:** prevents the degradation of waters formally listed as "outstanding resource waters," and applies to all sources of pollution.

A facility must prepare a Tier II analysis when all three of the following conditions are met:

- The facility is planning a new or expanded action.
- Ecology regulates or authorizes the action.
- The action has the potential to cause measurable degradation to existing water quality at the edge of a chronic mixing zone.

**Facility Specific Requirements** — This facility must meet Tier I requirements.

- Dischargers must maintain and protect existing and designated uses. Ecology must not allow any degradation that will interfere with, or become injurious to, existing or designated uses, except as provided for in chapter 173-201A WAC.
- For waters that do not meet assigned criteria, or protect existing or designated uses, Ecology will take appropriate and definitive steps to bring the water quality back into compliance with the water quality standards.
- Whenever the natural conditions of a water body are of a lower quality than the assigned criteria, the natural conditions constitute the water quality criteria. Where water quality criteria are not met because of natural conditions, human actions are not allowed to further lower the water quality, except where explicitly allowed in chapter 173-201A WAC.

Ecology's analysis described in this section of the fact sheet demonstrates that the proposed permit conditions will protect existing and designated uses of the receiving water.

Ecology determined that this facility must meet Tier I requirements. Ecology determined that this facility does not need to complete a Tier II analysis at this time. Ecology is introducing water quality monitoring in the proposed permit.

C. Designated Uses and Surface Water Quality Criteria

Applicable designated uses and surface water quality criteria are defined in chapter 173-201A WAC. The table included below summarizes the criteria applicable to this facility's discharge.

- Aquatic Life Uses are designated based on the presence of, or the intent to provide protection for the key uses. All indigenous fish and non-fish aquatic species must be protected in waters of the state in addition to the key species. The Aquatic Life Uses for this receiving water are identified below.

**Freshwater Aquatic Life Uses and Associated Criteria**

Table 4 — Core Summer Salmonid Habitat

Criteria	Value
Temperature Criteria – Highest 7-DAD MAX	16°C (60.8°F)
Dissolved Oxygen Criteria	9.5 mg/L
Turbidity Criteria	<ul style="list-style-type: none"><li>• 5 NTU over background when the background is 50 NTU or less; or</li><li>• A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.</li></ul>
Total Dissolved Gas Criteria	Total Dissolved Gas must not exceed 110 percent of saturation at any point of sample collection.
pH Criteria	The pH must measure within the range of 6.5 to 8.5, with a human-caused variation within the above range of less than 0.2 units.

Table 5 — Salmonid Spawning, Rearing, and Migration

Criteria	Value
Temperature Criteria – Highest 7-DAD MAX	17.5°C (63.5°F)
Dissolved Oxygen Criteria – Lowest 1-Day Minimum	8.0 mg/L
Turbidity Criteria	<ul style="list-style-type: none"> <li>• 5 NTU over background when the background is 50 NTU or less; or</li> <li>• A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.</li> </ul>
Total Dissolved Gas Criteria	Total Dissolved Gas must not exceed 110 percent of saturation at any point of sample collection.
pH Criteria	The pH must measure within the range of 6.5 to 8.5 with a human-caused variation within the above range of less than 0.5 units.

Table 6 — Salmonid Rearing and Migration Only

Criteria	Value
Dissolved Oxygen Criteria – Lowest 1-Day Minimum	6.5 mg/L
Turbidity Criteria	<ul style="list-style-type: none"> <li>• 10 NTU over background when the background is 50 NTU or less; or</li> <li>• A 20 percent increase in turbidity when the background turbidity is more than 50 NTU.</li> </ul>
Total Dissolved Gas Criteria	Total Dissolved Gas must not exceed 110 percent of saturation at any point of sample collection.
pH Criteria	The pH must measure within the range of 6.5 to 8.5 with a human-caused variation within the above range of less than 0.5 units.

Table 7 — Salmon and Trout Spawning  
 (Applies Seasonally as Described in Ecology Publication 06 10-038)

Criteria	Value
Temperature Criteria – Highest 7-DAD MAX	13°C (55.4°F)

Table 8: Non-Anadromous Interior Redband Trout

Criteria	Value
Temperature Criteria – Highest 7-DAD MAX	18°C (64.4°F)
Dissolved Oxygen Criteria – Lowest 1-Day Minimum	8.0 mg/L
Turbidity Criteria	<ul style="list-style-type: none"> <li>5 NTU over background when the background is 50 NTU or less; or</li> <li>A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.</li> </ul>
Total Dissolved Gas Criteria	Total Dissolved Gas must not exceed 110 percent of saturation at any point of sample collection.
pH Criteria	The pH must measure within the range of 6.5 to 8.5 with a human-caused variation within the above range of less than 0.5 units.

- The [recreational uses](#) for this receiving water are identified below.

Table 9 — Recreational Uses and Associated Criteria

Recreational Use	Criteria
Primary Contact Recreation (effective 1/1/2021)	<i>E.coli</i> organism levels must not exceed a geometric mean value of 100 CFU or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained within the averaging period exceeding 320 CFU or MPN per 100 mL.

- The water supply uses are domestic, agricultural, industrial, and stock watering.
- The miscellaneous freshwater uses are wildlife habitat, harvesting, commerce and navigation, boating, and aesthetics.
- The [recreational use](#) is primary contact recreation. After December 31, 2020, all marine waters will be designated for primary contact recreation. This re-designation of the recreational use includes a change in the bacteria indicator from fecal coliform to enterococci and elimination of the secondary contact enterococci standard.

Table 10 — Recreational Uses

Recreational Use	Criteria
Primary Contact Recreation (effective 1/1/2021)	Enterococci organism levels within an averaging period must not exceed a geometric mean of 30 CFR or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample values exist) obtained within the averaging period exceeding 110 CFU or MPN per 100 mL.

- The miscellaneous marine water uses are wildlife habitat, harvesting, commerce and navigation, boating, and aesthetics.

#### D. Water Quality Impairments

Ecology has not documented any water quality impairments in the receiving water in the vicinity of the outfall.

#### E. Evaluation of Surface Water Quality-Based Effluent Limits for Narrative Criteria

Ecology must consider the narrative criteria described in WAC 173-201A-260 when it determines permit limits and conditions. Narrative water quality criteria limit the toxic, radioactive, or other deleterious material concentrations that the facility may discharge which have the potential to adversely affect designated uses, cause acute or chronic toxicity to biota, impair aesthetic values, or adversely affect human health.

Ecology considers narrative criteria when it evaluates the characteristics of the wastewater and when it implements AKART as described above in the technology-based limits section. When Ecology determines if a facility is meeting AKART it considers the pollutants in the wastewater and the adequacy of the treatment to prevent the violation of narrative criteria.

In addition, Ecology considers the toxicity of the wastewater discharge by requiring Whole Effluent Toxicity (WET) testing when there is a reasonable potential for the discharge to contain toxics. Ecology's analysis of the need for WET testing for this discharge is described later in the fact sheet.

#### F. Evaluation of Surface Water Quality-Based Effluent Limits for Numeric Criteria

Ecology has not authorized a mixing zone in the permit.

#### G. Human Health

Washington's water quality standards include numeric human health-based criteria for priority pollutants that Ecology must consider when writing NPDES permits.

Ecology determined the applicant's discharge is unlikely to contain chemicals regulated to protect human health, Ecology will reevaluate this discharge for impacts to human health at the next permit reissuance.

#### H. Sediment Quality

The aquatic sediment standards (chapter 173-204 WAC) protect aquatic biota and human health. Under these standards Ecology may require a facility to evaluate the potential for its discharge to cause a violation of sediment standards (WAC 173-204-400). You can obtain additional information about sediments at the Aquatic Lands Cleanup Unit available at: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Sediment-cleanups>.

Through a review of the discharger characteristics and of the effluent characteristics, Ecology determined that this discharge has no reasonable potential to violate the sediment management standards.

#### I. Groundwater Quality Limits

The groundwater quality standards (chapter 173-200 WAC) protect beneficial uses of groundwater. Permits issued by Ecology must not allow violations of those standards (WAC 173-200-100).

The Lower Deep River Net Pens does not discharge wastewater to the ground. No permit limits are required to protect groundwater.

#### J. Whole Effluent Toxicity

The water quality standards for surface waters forbid discharge of effluent that has the potential to cause toxic effects in the receiving waters. Many toxic pollutants cannot be measured by commonly available detection methods. However, laboratory tests can measure toxicity directly by exposing living organisms to the wastewater and measuring their responses. These tests measure the aggregate toxicity of the whole effluent, so this approach is called WET testing. Some WET tests measure acute toxicity and other WET tests measure chronic toxicity.

Using the screening criteria in chapter 173-205-040 WAC, Ecology determined that toxic effects caused by unidentified pollutants in the effluent are unlikely. Therefore, this permit does not require WET testing. Ecology may require WET testing in the future if it receives information indicating that toxicity may be present in this effluent.

### IV. MONITORING REQUIREMENTS

Ecology requires monitoring, recording, and reporting (WAC 173-220-210 and 40 CFR 122.41) to verify that the treatment process is functioning correctly and that the discharge complies with the permit's effluent limits.

If a facility uses a contract laboratory to monitor wastewater, it must ensure that the laboratory uses the methods and meets or exceeds the method detection levels required by the permit. The permit describes when facilities may use alternative methods. It also describes what to do in certain situations when the laboratory encounters matrix effects. When a facility uses an alternative method as allowed by the permit, it must report the test method, Detection Level (DL), and Quantitation Level (QL) on the discharge monitoring report or in the required report.



A. Wastewater Monitoring

Ecology updated the water contact recreation bacteria criteria in January 2019. This change will be effective January 1, 2021, and eliminated all recreational uses except for primary contact criteria in both fresh and marine waters. Primary contact criteria changed to E.coli for freshwater and to enterococci for marine water.

Because the Lower Deep River Net Pens does not have a treatment system, bacteria testing is not required in the proposed permit. This decision is consistent with other permitted net pens in Washington state.

B. Lab Accreditation

Ecology requires that facilities must use a laboratory registered or accredited under the provisions of chapter 173-50 WAC, Accreditation of Environmental Laboratories, to prepare all monitoring data (with the exception of certain parameters). Other Permit Conditions

V. OTHER PERMIT CONDITIONS

A. Reporting and Record Keeping

Ecology based Special Condition S3 on its authority to specify any appropriate reporting and record keeping requirements to prevent and control waste discharges (WAC 173-220-210).

B. Operation and Maintenance (O&M) Manual

Ecology requires industries to take all reasonable steps to properly operate and maintain their wastewater treatment system in accordance with state and federal regulations [40 CFR 122.41(e) and WAC 173-220-150 (1)(g)]. The facility will prepare and submit an operation and maintenance manual as required by state regulation for the construction of wastewater treatment facilities (WAC 173-240-150). Implementation of the procedures in the operation and maintenance manual ensures the facility's compliance with the terms and limits in the permit.

Because this facility does not have a wastewater treatment system, requirements relating to the treatment system covered in the previous paragraph do not apply. However, this facility must include at a minimum the O&M Manual components covered in Special Condition S4.A, Operations and Maintenance (O&M) Manual portion of the permit.

C. Best Management Practices

Best Management Practices (BMPs) are the actions identified to manage, prevent contamination of, and treat stormwater. BMPs include 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 also include treatment systems, operating procedures, and practices used to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage.

The following BMP at the minimum must be practiced:

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1. Feed management: The discharger must employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of growth [40 CFR§ 451.21(a)].
2. Waste collection and disposal: The discharger must collect, return to shore, and properly dispose of all feed bags, packaging materials, waste rope and netting [40 CFR § 451.21(b)].
3. Transport or harvest discharge: The discharger must minimize any discharge associated with the transport or harvesting of aquatic animals including blood, viscera, carcasses, or transport water containing blood [40 CFR § 451.21(c)].
4. Carcass removal: The discharger must remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to WOTUS [40 CFR § 451.21(d)].
5. Materials storage: The discharger must properly store drugs, pesticides, and feed in a manner to prevent spills, and implement procedures for containing, cleaning, and disposing of any spilled material [40 CFR §451.21(e)].
6. Maintenance: The discharger must inspect the production system on a routine basis to identify and promptly repair any damage and must conduct regular maintenance of, the production systems in order to ensure that it is properly functioning [40 CFR §451.21(f)].
7. Recordkeeping: The discharger must document feed amounts and estimates of the numbers and weights of aquatic animals to calculate feed conversion ratios, and must keep records of net changes, inspections, and repairs [40 CFR §451.21(g)].
8. Training: The discharger must train personnel in spill prevention and response in the event of a spill as well as on the proper operation and cleaning of production systems including in feeding procedures and proper use of equipment [40 CFR § 451.21(h)].

D. General Conditions

Ecology bases the standardized General Conditions on state and federal law and regulations. They are included in all individual industrial NPDES permits issued by Ecology.

VI. PERMIT ISSUANCE PROCEDURES

A. Permit Modifications

Ecology may modify this permit to impose numerical limits, if necessary to comply with water quality standards for surface waters, with sediment quality standards, or with water quality standards for groundwaters, after obtaining new information from sources such as inspections, effluent monitoring, outfall studies, and effluent mixing studies.

Ecology may also modify this permit to comply with new or amended state or federal regulations.

## B. Proposed Permit Issuance

This proposed permit includes all statutory requirements for Ecology to authorize a wastewater discharge. The permit includes limits and conditions to protect human health and aquatic life, and the beneficial uses of waters of the state of Washington. Ecology proposes to issue this permit for a term of five years.

## VII. REFERENCES FOR TEXT AND APPENDICES

### Environmental Protection Agency (EPA)

- 1992. National Toxics Rule. Federal Register, V. 57, No. 246, Tuesday, December 22, 1992.
- 1991. *Technical Support Document for Water Quality-based Toxics Control*. EPA/505/2-90-001.
- 1988. *Technical Guidance on Supplementary Stream Design Conditions for Steady State Modeling*. USEPA Office of Water, Washington, D.C.
- 1985. *Water Quality Assessment: A Screening Procedure for Toxic and Conventional Pollutants in Surface and Ground Water*. EPA/600/6-85/002a.
- 1983. *Water Quality Standards Handbook*. USEPA Office of Water, Washington, D.C. Tsivoglou, E.C., and J.R. Wallace.
- 1972. *Characterization of Stream Reaeration Capacity*. EPA-R3-72-012. (Cited in EPA 1985 op.cit.)
- 1979. *In-stream Deoxygenation Rate Prediction*. Journal Environmental Engineering Division, ASCE. 105(EE2). (Cited in EPA 1985 op.cit.)

### Washington State Department of Ecology

- July 2018. *Permit Writer's Manual*. Publication Number 92-109  
(<https://fortress.wa.gov/ecy/publications/documents/92109.pdf>)
- September 2011. *Water Quality Program Guidance Manual – Supplemental Guidance on Implementing Tier II Antidegradation*. Publication Number 11-10-073  
(<https://fortress.wa.gov/ecy/publications/summarypages/1110073.html>)
- October 2010 (revised). *Water Quality Program Guidance Manual – Procedures to Implement the State's Temperature Standards through NPDES Permits*. Publication Number 06-10-100  
(<https://fortress.wa.gov/ecy/publications/summarypages/0610100.html>)
- February 2007. *Focus Sheet on Solid Waste Control Plan, Developing a Solid Waste Control Plan for Industrial Wastewater Discharge Permittees*, Publication Number 07-10-024.  
(<https://fortress.wa.gov/ecy/publications/documents/0710024.pdf>) Wright, R.M., and A.J. McDonnell.
- Laws and Regulations (<http://leg.wa.gov/LawsAndAgencyRules/Pages/default.aspx>)
- Permit and Wastewater Related Information (<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance>)

## APPENDIX A — PUBLIC INVOLVEMENT INFORMATION

Ecology proposes to issue a permit to the Lower Deep River Net Pens. The permit includes wastewater discharge limits and other conditions. This fact sheet describes the facility and Ecology's reasons for requiring permit conditions.

Ecology placed a Public Notice of Application on June 5, 2019; June 12, 2019; June 10, 2020; and June 17, 2020, in the [Chinook Observer](#) to inform the public about the submitted application and to invite comment on the reissuance (or issuance) of this permit.

Ecology will place a Public Notice of Draft on July 21, 2021, in the [Chinook Observer](#) to inform the public and to invite comment on the proposed draft National Pollutant Discharge Elimination System permit and fact sheet.

The notice:

- Tells where copies of the draft Permit and Fact Sheet are available for public evaluation (a local public library, the closest Regional or Field Office, posted on our website).
- Offers to provide the documents in an alternate format to accommodate special needs.
- Urges people to submit their comments, in writing, before the end of the Comment Period
- Tells how to request a public hearing of comments about the proposed NPDES permit.
- Explains the next step(s) in the permitting process.

Ecology has published a document entitled [Frequently Asked Questions about Effective Public Commenting](#) which is available on our website at <https://apps.ecology.wa.gov/publications/SummaryPages/0307023.html>.

You may obtain further information from Ecology by email at [carey.cholski@ecy.wa.gov](mailto:carey.cholski@ecy.wa.gov), or by writing to the address listed below.

Water Quality Permit Coordinator  
Department of the Department  
Southwest Regional Office  
PO Box 47775  
Olympia, WA 98504-7775

The primary author of this permit and fact sheet is Hiro Kusakabe.

## APPENDIX B — YOUR RIGHT TO APPEAL

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

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

File your appeal and a copy of this permit with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

Serve a copy of your appeal and this permit on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

Table 11 Address and Location Information

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive Southeast Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road Southwest, Suite 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

## APPENDIX C — GLOSSARY

**1-DMax or 1-day maximum temperature** – The highest water temperature reached on any given day. This measure can be obtained using calibrated maximum/minimum thermometers or continuous monitoring probes having sampling intervals of thirty minutes or less.

**7-DADMax or 7-day average of the daily maximum temperatures** – The arithmetic average of seven consecutive measures of daily maximum temperatures. The 7-DADMax for any individual day is calculated by averaging that day's daily maximum temperature with the daily maximum temperatures of the three days prior and the three days after that date.

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

**AKART** – The acronym for “all known, available, and reasonable methods of prevention, control and treatment.” AKART is a technology-based approach to limiting pollutants from wastewater discharges, which requires an engineering judgment and an economic judgment. AKART must be applied to all wastes and contaminants prior to entry into waters of the state in accordance with RCW 90.48.010 and RCW 90.48.520, WAC 173-200-030(2)(c)(ii), and WAC 173-216-110(1)(a).

**Alternate point of compliance** – An alternative location in the groundwater from the point of compliance where compliance with the groundwater standards is measured. It may be established in the groundwater at locations some distance from the discharge source, up to, but not exceeding the property boundary and is determined on a site specific basis following an AKART analysis. An “early warning value” must be used when an alternate point is established. An alternate point of compliance must be determined and approved in accordance with WAC 173-200-060(2).

**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 wastewater. Ammonia is toxic to aquatic organisms, exerts an oxygen demand, and contributes to eutrophication. It also increases the amount of chlorine needed to disinfect wastewater.

**Annual average design flow (AADF)** – average of the daily flow volumes anticipated to occur over a calendar year.

**Average monthly (intermittent) discharge limit** – The average of the measured values obtained over a calendar months' time taking into account zero discharge days.

**Average monthly discharge limit** – The average of the measured values obtained over a calendar months' time.

**Background water quality** – The concentrations of chemical, physical, biological or radiological constituents or other characteristics in or of groundwater at a particular point in time upgradient of an activity that has not been affected by that activity, [WAC 173-200-020(3)]. Background water quality for any parameter is statistically defined as the 95 percent upper tolerance interval with a 95 percent confidence based on at least eight hydraulically upgradient water quality samples. The eight samples are collected over a period of at least one year, with no more than one sample collected during any month in a single calendar year.

**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: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may be further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

**BOD<sub>5</sub>** – Determining the five-day 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 receiving waters 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<sub>5</sub> 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.

**Categorical pretreatment standards** – National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties, which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories.

**Chlorine** – A chemical used to disinfect wastewaters 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 federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, 97-117; USC 1251 et seq.

**Compliance inspection-without sampling** – A site visit for the purpose of determining the compliance of a facility with the terms and conditions of its permit or with applicable statutes and regulations.

**Compliance inspection-with sampling** – A site visit for the purpose of determining the compliance of a facility with the terms and conditions of its permit or with applicable statutes and regulations. In addition, it includes as a minimum, sampling and analysis for all parameters with limits in the permit to ascertain compliance with those limits; and, for municipal facilities, sampling of influent to ascertain compliance with the 85 percent removal requirement. Ecology may conduct additional sampling.

**Composite sample** – A mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing discrete samples. May be "time-composite" (collected at constant time intervals) or "flow-proportional" (collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increased while maintaining a constant time interval between the aliquots).

**Construction activity** – Clearing, grading, excavation, and any other activity, which disturbs the surface of the land. Such activities may include road building; construction of residential houses, office buildings, or industrial buildings; and demolition activity.



**Continuous monitoring** – Uninterrupted, unless otherwise noted in the permit.

**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.

**Date of receipt** – This is defined in RCW 43.21B.001(2) as five business days after the date of mailing; or the date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the agency, constitutes sufficient evidence of actual receipt. The date of actual receipt, however, may not exceed forty-five days from the date of mailing.

**Detection limit** – The minimum concentration of a substance that can be measured and reported with 99 percent confidence that the pollutant concentration is above zero and is determined from analysis of a sample in a given matrix containing the pollutant.

**Dilution factor (DF)** – A measure of the amount of mixing of effluent and receiving water that occurs at the boundary of the mixing zone. Expressed as the inverse of the percent effluent fraction, for example, a dilution factor of 10 means the effluent comprises 10 percent by volume and the receiving water 90 percent.

**Distribution uniformity** – The uniformity of infiltration (or application in the case of sprinkle or trickle irrigation) throughout the field expressed as a percent relating to the average depth infiltrated in the lowest one-quarter of the area to the average depth of water infiltrated.

**Early warning value** – The concentration of a pollutant set in accordance with WAC 173-200-070 that is a percentage of an enforcement limit. It may be established in the effluent, groundwater, surface water, the vadose zone or within the treatment process. This value acts as a trigger to detect and respond to increasing contaminant concentrations prior to the degradation of a beneficial use.

**Enforcement limit** – The concentration assigned to a contaminant in the groundwater at the point of compliance for the purpose of regulation, [WAC 173-200-020(11)]. This limit assures that a groundwater criterion will not be exceeded and that background water quality will be protected.

**Engineering report** – A document that thoroughly examines the engineering and administrative aspects of a particular domestic or industrial wastewater facility. The report must contain the appropriate information required in WAC 173-240-060 or WAC 173-240-130.

**Enterococci** – A subgroup of fecal streptococci that includes *S. faecalis*, *S. faecium*, *S. gallinarum*, and *S. avium*. The enterococci are differentiated from other streptococci by their ability to grow in 6.5% sodium chloride, at pH 9.6, and at 10°C and 45°C.

**E. coli** – A bacterium in the family Enterobacteriaceae named *Escherichia coli* and is a common inhabitant of the intestinal tract of warm-blooded animals, and its presence in water samples is an indication of fecal pollution and the possible presence of enteric pathogens.

**Fecal coliform bacteria** – Fecal coliform bacteria are used as indicators of pathogenic bacteria in the effluent that are harmful to humans. Pathogenic bacteria in wastewater discharges are controlled by disinfecting the

wastewater. The presence of high numbers of fecal coliform bacteria in a water body can indicate the recent release of untreated wastewater and/or the presence of animal feces.

**Grab sample** – A single sample or measurement taken at a specific time or over as short a period of time as is feasible.

**Groundwater** – Water in a saturated zone or stratum beneath the surface of land or below a surface water body.

**Industrial user** – A discharger of wastewater to the sanitary sewer that is not sanitary wastewater or is not equivalent to sanitary wastewater in character.

**Industrial wastewater** – Water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business; from the development of any natural resource; or from animal operations such as feed lots, poultry houses, or dairies. The term includes contaminated stormwater and, also, leachate from solid waste facilities.

**Interference** – A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), sludge regulations appearing in 40 CFR Part 507, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

**Local limits** – Specific prohibitions or limits on pollutants or pollutant parameters developed by a POTW.

**Major facility** – A facility discharging to surface water with an EPA rating score of > 80 points based on such factors as flow volume, toxic pollutant potential, and public health impact.

**Maximum daily discharge limit** – The highest allowable daily discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. The daily discharge is calculated as the average measurement of the pollutant over the day.

**Maximum day design flow (MDDF)** – The largest volume of flow anticipated to occur during a one-day period, expressed as a daily average.

**Maximum month design flow (MMDF)** – The largest volume of flow anticipated to occur during a continuous 30-day period, expressed as a daily average.

**Maximum week design flow (MWDF)** – The largest volume of flow anticipated to occur during a continuous 7-day period, expressed as a daily average.

**Method detection level (MDL)** – See Detection Limit.

**Minor facility** -- A facility discharging to surface water with an EPA rating score of < 80 points based on such factors as flow volume, toxic pollutant potential, and public health impact.

**Mixing zone** – An area that surrounds an effluent discharge within which water quality criteria may be exceeded. The permit specifies the area of the authorized mixing zone that Ecology defines following procedures outlined in state regulations (chapter 173-201A WAC).

**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.

**pH** – The pH of a liquid measures its acidity or alkalinity. It is the negative logarithm of the hydrogen ion concentration. A pH of 7 is defined as neutral and large variations above or below this value are considered harmful to most aquatic life.

**Pass-through** – A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation), or which is a cause of a violation of State water quality standards.

**Peak hour design flow (PHDF)** – The largest volume of flow anticipated to occur during a one-hour period, expressed as a daily or hourly average.

**Peak instantaneous design flow (PIDF)** – The maximum anticipated instantaneous flow.

**Point of compliance** – The location in the groundwater where the enforcement limit must not be exceeded and a facility must comply with the Ground Water Quality Standards. Ecology determines this limit on a site-specific basis. Ecology locates the point of compliance in the groundwater as near and directly downgradient from the pollutant source as technically, hydrogeologically, and geographically feasible, unless it approves an alternative point of compliance.

**Potential significant industrial user (PSIU)** – A potential significant industrial user is defined as an Industrial User that does not meet the criteria for a Significant Industrial User, but which discharges wastewater meeting one or more of the following criteria:

- a. Exceeds 0.5 percent of treatment plant design capacity criteria and discharges <25,000 gallons per day or;
- b. Is a member of a group of similar industrial users which, taken together, have the potential to cause pass through or interference at the POTW (e.g. facilities which develop photographic film or paper, and car washes).

Ecology may determine that a discharger initially classified as a potential significant industrial user should be managed as a significant industrial user.

**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  $(1, 2, \text{ or } 5) \times 10^n$ , 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).

**Reasonable potential** – A reasonable potential to cause a water quality violation, or loss of sensitive and/or important habitat.

**Responsible corporate officer** – A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures (40 CFR 122.22).

**Sample Maximum** – No sample may exceed this value.

**Significant industrial user (SIU)** –

- 1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N and;
- 2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater); contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority\* on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement [in accordance with 40 CFR 403.8(f)(6)].

Upon finding that the industrial user meeting the criteria in paragraph 2, above, has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority\* may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

\*The term "Control Authority" refers to the Washington State Department of Ecology in the case of non-delegated POTWs or to the POTW in the case of delegated POTWs.

**Slug discharge** – Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge to the POTW. This may include any pollutant released at a flow rate that

may cause interference or pass through with the POTW or in any way violate the permit conditions or the POTW's regulations and local limits.

**Soil scientist** – An individual who is registered as a Certified or Registered Professional Soil Scientist or as a Certified Professional Soil Specialist by the American Registry of Certified Professionals in Agronomy, Crops, and Soils or by the National Society of Consulting Scientists or who has the credentials for membership. Minimum requirements for eligibility are: possession of a baccalaureate, masters, or doctorate degree from a U.S. or Canadian institution with a minimum of 30 semester hours or 45 quarter hours professional core courses in agronomy, crops or soils, and have 5,3, or 1 years, respectively, of professional experience working in the area of agronomy, crops, or soils.

**Solid waste** – All putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

**Soluble BOD<sub>5</sub>** – Determining the soluble fraction of Biochemical Oxygen Demand of an effluent is an indirect way of measuring the quantity of soluble organic material present in an effluent that is utilized by bacteria. Although the soluble BOD<sub>5</sub> test is not specifically described in Standard Methods, filtering the raw sample through at least a 1.2 um filter prior to running the standard BOD<sub>5</sub> test is sufficient to remove the particulate organic fraction.

**State waters** – Lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

**Stormwater** – That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface water body, or a constructed infiltration facility.

**Technology-based effluent limit** – A permit limit based on the ability of a treatment method to reduce the pollutant.

**Total coliform bacteria** – A microbiological test, which detects and enumerates the total coliform group of bacteria in water samples.

**Total dissolved solids** – That portion of total solids in water or wastewater that passes through a specific filter.

**Total maximum daily load (TMDL)** – A determination of the amount of pollutant that a water body can receive and still meet water quality standards.

**Total suspended solids (TSS)** – Total suspended solids is the particulate material in an effluent. Large quantities of TSS discharged to a receiving water may result in solids accumulation. Apart from any toxic effects attributable to substances leached out by water, suspended solids may kill fish, shellfish, and other aquatic organisms by causing abrasive injuries and by clogging the gills and respiratory passages of various aquatic fauna. Indirectly, suspended solids can screen out light and can promote and maintain the development of noxious conditions through oxygen depletion.

**Upset** – An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits 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, lack of preventative maintenance, or careless or improper operation.

**Water quality-based effluent limit** – A limit imposed on the concentration of an effluent parameter to prevent the concentration of that parameter from exceeding its water quality criterion after discharge into receiving waters.

**APPENDIX D — TECHNICAL CALCULATIONS**



**APPENDIX E — RESPONSE TO COMMENTS**

No comments were received.