



Permit No: WA0039021
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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

June 10, 2010

CERTIFIED MAIL 7009 1410 0002 4073 2617

Mr. James Parsons
TroutLodge, Inc.
P. O. Box 1290
Sumner, WA 98390

Dear Mr. Parsons:

Enclosed is a National Pollutant Discharge Elimination System (NPDES) Permit No. WA0039021 for your facility. The permit is issued by the Department of Ecology (Ecology) in conformance with the Water Pollution Control Law [Chapter 90.48 Revised Code of Washington (RCW)], and as authorized by the U.S. Environmental Protection Agency (EPA) acting under the Federal Clean Water Act.

Also enclosed are Ecology's Fact Sheet, pre-printed Discharge Monitoring Report (DMR) form with a key for codes used, and General Instructions. Please note that your permit limits, frequency, and sample type are printed in the shaded areas of your DMR. This is your master copy. Please make copies as needed for your submittals. If no discharge occurs during a reporting period, you must still submit a DMR with a statement that no discharge occurred.

Approximately ten years ago, Ecology moved the due date for submission of permit renewal applications from six months to 18 months prior to the permit expiration date. This change was the result of a total quality management effort to improve permit process and efficiency. This improvement achieved cost savings in reviewing and public noticing applications together in watershed groups, reduced the backlog of expired permits, and allows extra time for complex permit development. Ecology will contact you about 30 months prior to expiration to remind you about early application submittal. Please contact Sherri Greenup, Industrial Unit Permit Coordinator, at 360-407-6280, or by e-mail at Sherri.Greenup@ecy.wa.gov for an application form.

Permit Fees

The Department of Ecology, in response to the passage of Initiative 97 in 1988, has adopted a regulation to recover costs associated with the issuance and administration of wastewater discharge permits (Chapter 173-224 WAC).

The annual fee for both industrial and municipal/domestic discharges is computed according to the permit fee schedules contained in WAC 173-224-040. The Department notifies permit holders of fee charges by mailed billing statements. Failure to pay the applicable permit fee may result in the suspension or revocation of the permit, and could result in the issuance of civil penalties or actions to enjoin the activity under the permit.

Appeal Process

You have the right to appeal this permit within thirty (30) days upon receipt of this document. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.





Issuance Date: June 10, 2010
Effective Date: July 1, 2010
Expiration Date: June 30, 2015

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA0039021

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

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

TroutCo Clear Creek Hatchery
P.O. Box 1290
Sumner, WA 98390

Facility Location:
4008 Pioneer Way East
Tacoma, WA 98443

Receiving Water:
Clear Creek

Water Body I.D. No.:
1223927472341

Discharge Location:
Latitude: 47° 13' 07" N
Longitude: 122° 22' 21" W

Industry Type:
SIC 0273: Animal Aquaculture
SIC: 0921: Fish Hatcheries and Preserves

is authorized to discharge in accordance with the special and general conditions which follow.

Garin Schrieve, P.E.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

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SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Process Wastewater Discharges

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

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

The discharge of any pollutant not specifically authorized by this permit in concentrations which violate receiving water quality standards established under section 307(a) of the Clean Water Act or Chapter 173-201A Washington Administrative Code (WAC) shall also be a violation of this permit and the Clean Water Act.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge wastewater associated with rearing ponds and raceways, incubation, the offline settling basin and the adult rearing pond at Outfall 001 subject to complying with the following limitations:

Parameter	Average Monthly ^a	Maximum Daily ^b
REARING POND OR RACEWAY EFFLUENT LIMITATIONS: OUTFALL #001		
Total 5-day biochemical oxygen demand discharged from both Outfalls (lbs/day) ^c	N/A	273.4
Total ammonia discharged from both Outfalls (lbs/day) ^c	N/A	38.8
Settleable Solids at each Outfall (net ml/L)	0.1	N/A
Total suspended solids at each Outfall (net mg/L)	5.0	15.0
pH at each Outfall (S.U.)	At all times between 6.0 and 9.0	
OFFLINE SETTLING BASIN EFFLUENT LIMITATIONS: COMPLIANCE SAMPLING POINT (CSP) #002		
Settleable solids (ml/L)	N/A	1.0
Total suspended solids (mg/L)	N/A	100
REARING POND OR RACEWAY DRAWDOWN EFFLUENT FOR FISH RELEASE LIMITATIONS: COMPLIANCE SAMPLING POINT (CSP) #003		
Settleable solids (ml/L)	N/A	1.0
Total suspended solids (mg/L)	N/A	100
^a The average monthly effluent limitation is defined as the highest allowable average of daily		

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Offline Settling Basin Effluent	Settleable Solids	ml/L	CSP #002	1/month ^{d,e}	Grab
Offline Settling Basin Effluent	TSS	mg/L	CSP #002	1/month ^{d,e}	Grab
Rearing Pond or Raceway Drawdown Effluent for Fish Release	Settleable Solids	ml/L	CSP #003	1/drawdown	Grab ^f
Rearing Pond or Raceway Drawdown Effluent for Fish Release	Total Suspended Solids (TSS)	mg/L	CSP #003	1/drawdown	Grab ^f
Influent	Total Pumped and Gravity Flow	MGD	CSP #004	2/month	Daily Total
Influent	Settleable Solids ^b	ml/L	CSP #004	1/week	Grab
Influent	Total Suspended Solids ^c (TSS)	mg/L	CSP #004	1/month	Composite

^a The BOD₅ and NH₃ effluent concentrations (in the units of mg/L) shall be multiplied by effluent flow (in the units of MGD) and multiplied by 8.34 (conversion factor) to calculate the effluent loading to Clear Creek (in the units of pounds per day). Both effluent concentrations and loadings of BOD₅ and NH₃ to Clear Creek shall be reported on the monthly Discharge Monitoring Report forms.

^b Influent and effluent grab samples are to be taken on the same day. Effluent samples shall be taken during rearing pond or raceway cleaning, or if the frequency of rearing pond or raceway cleaning is less than twice per week, settleable solids samples may be collected immediately following fish feeding.

^c The total suspended solids influent sample shall be a flow proportional composite sample of all influent water sources. Total suspended solids effluent samples shall be a combination of at least six representative grab samples collected throughout the normal working day. At least one sample shall be collected while the fish are being fed and another during rearing pond or raceway cleaning. Equal volumes of each of the six grab samples shall be combined and shall constitute the total suspended solids composite sample. The solids contained in each of the six grab samples must be re-suspended prior to compositing a sample.

^d If the offline settling basin discharges less frequently than required in this permit, the sampling and testing frequency for flow and settleable solids shall be the offline settling basin discharge frequency. Testing of the offline settling basin discharge is unnecessary if the basin does not discharge during a reporting period. In such instances, "no discharge" should be reported on the DMRs.

^e Offline settling basin effluent samples shall be collected during the last quarter of a rearing pond or raceway cleaning event (for batch type settling basins, a representative sample of the effluent shall be taken at the time of discharge).

^f Rearing pond drawdown for fish release sample(s) shall be collected during the last quarter of each drawdown for release event. A composite sample representing the last quarter of each rearing pond or raceway involved in a continuous drawdown event may replace multiple grab samples from each rearing pond or raceway if the drawdown event involves more than one rearing pond or raceway.

E. Operational Log

1. The Permittee must keep records on all **disease control chemicals** used at the facility. All variances from the disease control chemical use procedures contained in the facility Pollution Prevention Plan must be noted. These records must include the:
 - a. Person responsible for the administration of the disease control chemical if different from the individual identified in the facility pollution prevention plan.
 - b. Date of application of the disease control chemical used. For disease chemicals that are used on a routine basis, the frequency of application may be recorded in place of each individual application date.
 - c. Trade name of the disease control chemical used.
 - d. Pond or raceway treatment concentration of the active ingredient, duration of treatment, and amount in gallons or pounds of chemical.
 - e. Estimated concentration of the active ingredient in the hatchery or rearing facility effluent at the point of discharge to the receiving waters.
 - f. Reason for use and method of application.
 - g. Quantity, type (trade name), method of disposal, and location of any disposed spent chemical dip solutions.
2. The Permittee must keep records of the average loading in pounds of fish and the total amount of food fed in pounds of each calendar month at the facility. The Permittee must provide a copy of loading and feeding records to Ecology upon request.
3. The Permittee must use the information contained in the operational log to complete the disease control chemical use reporting requirements as noted in Special Condition S3.B of this permit.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to Ecology shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Results obtained from the monitoring required in Special Condition S2. of this permit shall be documented on the monthly discharge monitoring report (DMR) form supplied by, or approved by, Ecology. The three monthly reports shall be submitted quarterly. The quarterly reporting periods shall be January through March, April through June, July through September, and October through December. Reports shall be postmarked by the 30th day of the month following the quarterly reporting period. The report(s) shall be sent to;

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to Ecology within 30 days after becoming aware of the violation.
2. Immediately notify Ecology of the failure to comply.
3. Submit a detailed written report to Ecology within 30 days (five days for upsets and bypasses), unless requested earlier by Ecology. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

G. Maintaining a Copy of This Permit

A copy of this permit must be kept at the facility and be made available upon request to Ecology inspectors.

S4. OPERATING REQUIREMENTS AND CONDITIONS

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

The following requirements and conditions shall apply:

A. General Operating Requirements

The Permittee must:

1. Properly handle and dispose of sand, silt, mud, solids, sludges, filter backwash, debris, or other pollutants deposited or removed in the course of treatment or control of water supply and wastewaters in a manner so as to prevent such materials or leachate from such materials entering waters of the state, including ground water.
2. Not discharge untreated cleaning wastes (for example, obtained from a vacuum or standpipe bottom drain system) to waters of the state (including ground water) without prior treatment.
3. Not sweep or intentionally discharge accumulated solids from raceways or ponds to waters of the state without prior treatment.

- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
 - c. Ecology is properly notified of the bypass as required in Special Condition S3.F of this permit.
3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee shall notify Ecology at least 30 days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with State Environmental Policy Act (SEPA); (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

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

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

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

- a. The drug or disease control chemical is administered by, or under the direct supervision of, a licensed veterinarian.
- b. The drug or disease control chemical used and/or the method of its application could not have reasonably been anticipated; and
- c. Written or facsimile notification is provided to the South Puget Sound Basin Water Quality Management Area Permit Manager at least 24-hours prior to administering the drug or disease control chemical.

Notwithstanding the provisions of Special Condition S4.D, the Permittee is responsible for fully complying with all the terms and conditions contained in this permit including, but not limited to: monitoring, recordkeeping, and reporting. Further, this clarification of disease control chemicals use does not authorize the Permittee to violate, or cause an exceedance of, applicable water quality standards.

E. Production Changes

If the pounds of fish on hand for a facility drops below 20,000 pounds and the monthly pounds of food fed for a month is less than 5,000 pounds, the Permittee shall continue submitting DMRs to Ecology, but may, for those months, suspend the testing requirements for settleable solids and total suspended solids contained in Special Condition S2.A for Rearing Pond or Raceway Effluent and for the Influent until the facility again exceeds the above biomass or feeding rate thresholds. Permittees shall note on the DMR comment and explanation section the reason(s) monitoring information was not submitted (i.e. monthly pounds of fish on hand was below 20,000 pounds and less than 5,000 pounds of fish food was fed). Nothing in this section shall relieve the Permittee of the Equivalent Oxygen Demand, BOD₅, NH₃ and pH testing requirements for Outfall #001, or for any other the testing requirements for Compliance Sampling Points (CSPs) #'s 002, 003, and 004.

S5. POLLUTION PREVENTION PLAN

The Permittee shall review the Pollution Prevention (P2) Plan for how effective it has been in achieving the goals of minimizing the discharge of pollutants to waters of the state within the first six months after permit coverage has been granted under this permit. This plan shall address operating, spill prevention, spill response, solid waste, and stormwater discharge practices that will prevent or minimize the release of pollutants from the facility to the waters of the state. The Permittee shall review the plan following any significant discharge of pollutants and revise the plan as needed. The Permittee shall operate the facility in accordance with this plan along with any subsequent amendments or revisions.

The Permittee shall maintain a copy of the most current version of the P2 Plan at the facility and assure that its operations staff for the facility are familiar with the plan and have been adequately trained in the specific procedures that it requires. The Permittee shall submit a copy of the plan to Ecology by **March 31, 2011**.

K. Facility monitoring plan, including a map identifying all sample locations.

S6. REQUEST TO CHANGE THE WLAS FOR AMMONIA AND BOD₅.

The WLAs for this facility are 273.4 lbs/day for five-day BOD, and 38.8 lbs/day for ammonia, which Ecology used to define limits on the water quality of the discharge. The TMDL Study allows trading of the ammonia WLA for additional BOD₅ WLA at a ratio of 13.4 lbs/day of BOD₅ for 1 lb/day of ammonia. The Permittee may request to interchangeably exchange between the WLAs granted to the Permittee for ammonia and BOD₅. The Permittee must request such a trade at least 90 days before such a trade will go into effect. Ecology will review the request and modify this NPDES permit as necessary.

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.
- E. Ecology must provide 72 hours advance notice to enter this particular facility.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
 - 1. A material change in the condition of the waters of the state.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal no later than **January 2, 2014**.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to Ecology.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: (1) an upset occurred and that the Permittee can identify the cause(s) of the upset; (2) the permitted facility was being properly operated at the time of the upset; (3) the Permittee submitted notice of the upset as required in condition S3.F; and (4) the Permittee complied with any remedial measures required under S4.C of this permit.

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

G17. PROPERTY RIGHTS

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

G18. DUTY TO COMPLY

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

G19. TOXIC POLLUTANTS

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

G20. PENALTIES FOR TAMPERING

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

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to Ecology by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by Ecology.

DEFINITIONS

Bypass means the intentional diversion of wastestreams from any portion of a treatment facility.

Composite Sample shall mean a flow-proportioned mixture of not less than six discrete aliquots. Each aliquot shall be a grab sample of not less than 100 milliliters (ml) and shall be collected and stored in accordance with procedures prescribed in the most recent edition of **Standard Methods for the Examination of Water and Wastewater**.

Department means Department of Ecology.

Director means the Director of the Department of Ecology or his/her authorized representative.

Epizootic means the occurrence of a specific disease which can be detected in 50 percent of the mortality or moribund individual fish in an affected container or within an affected population, and which results in an average daily mortality of at least one-half of one percent of the affected individual fish for five or more days in any 30-day period.

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

gpd means gallons per day.

Grab sample means an individual discrete water sample.

Lined pond means asphalt, concrete, plastic membrane or similarly lined ponds. Ponds lined with gravel or soil are considered unlined.

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

MGD means million gallons per day.

mg/L means milligrams per liter ("Net mg/L" means mg/L in hatchery effluent minus mg/L in hatchery influent).

ml/L means milliliters per liter ("Net ml/L" means ml/L in hatchery effluent minus ml/L in hatchery influent).

Monthly average shall be calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Offline settling basin shall mean those pond cleaning waste treatment systems which have a hydraulic detention time of 24 hours and a designed removal efficiency of 85 percent for total suspended solids and 90 percent for settleable solids.

Production means net gain in weight of fish at the facility.

Rearing ponds or raceways means ponds, raceways, circular ponds, or any other method used to keep fin-fish captive for culture purposes at an upland fin-fish rearing facility.

APPENDIX A

EFFLUENT CHARACTERIZATION FOR POLLUTANTS THIS LIST INCLUDES EPA REQUIRED POLLUTANTS (PRIORITY POLLUTANTS) AND SOME ECOLOGY PRIORITY TOXIC CHEMICALS (PBTs)

The following table specifies analytical methods and levels to be used for effluent characterization in NPDES and State waste discharge permits. This appendix specifies effluent characterization requirements of the Department of Ecology unless other methods are specified in the body of this permit.

This permit specifies the compounds and groups of compounds to be analyzed. Ecology may require additional pollutants to be analyzed within a group. The objective of this appendix is to reduce the number of analytical "non-detects" in permit-required monitoring and to measure effluent concentrations near or below criteria values where possible at a reasonable cost. If a Permittee knows that an alternate, less sensitive method (higher DL and QL) from 40 CFR Part 136 is sufficient to produce measurable results in their effluent, that method may be used for analysis.

Pollutant & CAS No. (if available)	Recommended Analytical Protocol	Detection (DL) ¹ µg/L unless specified	Quantitation Level (QL) ² µg/L unless specified
CONVENTIONALS			
Biochemical Oxygen Demand	SM5210-B		2 mg/L
Chemical Oxygen Demand	SM5220-D		10 mg/L
Total Organic Carbon	SM5310-B/C/D		1 mg/L
Total Suspended Solids	SM2540-D		5 mg/L
Total Ammonia (as N)	SM4500-NH3-GH		0.3 mg/L
Flow	Calibrated device		
Dissolved oxygen	4500-OC/OG		0.2 mg/L
Temperature (max. 7-day avg.)	Analog recorder or Use micro-recording devices known as thermistors		0.2° C
pH	SM4500-H ⁺ B	N/A	N/A
NONCONVENTIONALS			
Total Alkalinity	SM2320-B		5 mg/L as CaCo3
Chlorine, Total Residual	4500 Cl G		50.0
Color	SM2120 B/C/E		10 color unit
Fecal Coliform	SM 9221D/E, 9222	N/A	N/A
Fluoride (16984-48-8)	SM4500-F E	25	100
Nitrate-Nitrite (as N)	4500-NO3-E/F/H		100
Nitrogen, Total Kjeldahl (as N)	4500-NH3-C/E/FG		300
Ortho-Phosphate (PO ₄ as P)	4500- PE/PF	3	10

Pollutant & CAS No. (if available)	Recommended Analytical Protocol	Detection (DL) ¹ µg/L unless specified	Quantitation Level (QL) ² µg/L unless specified
Acrylonitrile (107-13-1)	624	1.0	2.0
Benzene (71-43-2)	624	1.0	2.0
Bromoform (75-25-2)	624	1.0	2.0
Carbon tetrachloride (56-23-5)	624/601 or SM6230B	1.0	2.0
Chlorobenzene (108-90-7)	624	1.0	2.0
Chloroethane (75-00-3)	624/601	1.0	2.0
2-Chloroethylvinyl Ether (110-75-8)	624	1.0	2.0
Chloroform (67-66-3)	624 or SM6210B	1.0	2.0
Dibromochloromethane (124-48-1)	624	1.0	2.0
1,2-Dichlorobenzene (95-50-1)	624	1.9	7.6
1,3-Dichlorobenzene (541-73-1)	624	1.9	7.6
1,4-Dichlorobenzene (106-46-7)	624	4.4	17.6
Dichlorobromomethane (75-27-4)	624	1.0	2.0
1,1-Dichloroethane (75-34-3)	624	1.0	2.0
1,2-Dichloroethane (107-06-2)	624	1.0	2.0
1,1-Dichloroethylene (75-35-4)	624	1.0	2.0
1,2-Dichloropropane (78-87-5)	624	1.0	2.0
1,3-dichloropropylene (mixed isomers) (542-75-6)	624	1.0	2.0
Ethylbenzene (100-41-4)	624	1.0	2.0
Methyl bromide (74-83-9) (Bromomethane)	624/601	5.0	10.0
Methyl chloride (74-87-3) (Chloromethane)	624	1.0	2.0
Methylene chloride (75-09-2)	624	5.0	10.0
1,1,2,2-Tetrachloroethane (79-34-5)	624	1.9	2.0
Tetrachloroethylene (127-18-4)	624	1.0	2.0
Toulene (108-88-3)	624	1.0	2.0
1,2-Trans-Dichloroethylene (156-60-5) (Ethylene dichloride)	624	1.0	2.0
1,1,1-Trichloroethane (71-55-6)	624	1.0	2.0
1,1,2-Trichloroethane (79-00-5)	624	1.0	2.0
Trichloroethylene (79-01-6)	624	1.0	2.0
Vinyl chloride (75-01-4)	624/SM6200B	1.0	2.0
ACID COMPOUNDS			
2-Chlorophenol (95-57-8)	625	1.0	2.0

Pollutant & CAS No. (if available)	Recommended Analytical Protocol	Detection (DL) ¹ µg/L unless specified	Quantitation Level (QL) ² µg/L unless specified
4-Chlorophenyl phenyl ether (7005-72-3)	625	0.3	0.5
Chrysene (218-01-9)	610/625	0.3	0.6
Dibenzo (a,j)acridine (224-42-0)	610M/625M	2.5	10.0
Dibenzo (a,h)acridine (226-36-8)	610M/625M	2.5	10.0
Dibenzo(a-h)anthracene (53-70-3)(1,2,5,6-dibenzanthracene)	625	0.8	1.6
Dibenzo(a,e)pyrene (192-65-4)	610M/625M	2.5	10.0
Dibenzo(a,h)pyrene (189-64-0)	625M	2.5	10.0
3,3-Dichlorobenzidine (91-94-1)	605/625	0.5	1.0
Diethyl phthalate (84-66-2)	625	1.9	7.6
Dimethyl phthalate (131-11-3)	625	1.6	6.4
Di-n-butyl phthalate (84-74-2)	625	0.5	1.0
2,4-dinitrotoluene (121-14-2)	609/625	0.2	0.4
2,6-dinitrotoluene (606-20-2)	609/625	0.2	0.4
Di-n-octyl phthalate (117-84-0)	625	0.3	0.6
1,2-Diphenylhydrazine (as Azobenzene) (122-66-7)	1625B	5.0	20
Fluoranthene (206-44-0)	625	0.3	0.6
Fluorene (86-73-7)	625	0.3	0.6
Hexachlorobenzene (118-74-1)	612/625	0.3	0.6
Hexachlorobutadiene (87-68-3)	625	0.5	1.0
Hexachlorocyclopentadiene (77-47-4)	1625B/625	0.5	1.0
Hexachloroethane (67-72-1)	625	0.5	1.0
Indeno(1,2,3-cd)Pyrene (193-39-5)	610/625	0.5	1.0
Isophorone (78-59-1)	625	0.5	1.0
3-Methyl cholanthrene (56-49-5)	625	2.0	8.0
Naphthalene (91-20-3)	625	0.3	0.6
Nitrobenzene (98-95-3)	625	0.5	1.0
N-Nitrosodimethylamine (62-75-9)	607/625	2.0	4.0
N-Nitrosodi-n-propylamine (621-64-7)	607/625	0.5	1.0
N-Nitrosodiphenylamine (86-30-6)	625	0.5	1.0
Perylene (198-55-0)	625	1.9	7.6
Phenanthrene (85-01-8)	625	0.3	0.6

**ADDENDUM TO THE FACT SHEET
FOR NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES)
PERMIT NO. WA0039021**

I. GENERAL INFORMATION

Facility: TroutCo Clear Creek Hatchery
4008 Pioneer Way East
Tacoma, WA 98443

II. APPLICATION REVIEW

TroutCo Clear Creek Hatchery submitted an application to the Department of Ecology (Ecology) on December 4, 2009, for permit reissuance, and Ecology accepted it on January 6, 2010. Ecology has sufficiently reviewed the application, discharge monitoring reports, and other facility information in enough detail to ensure that:

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

III. PERMIT REAUTHORIZATION

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

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

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

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

APPENDIX A--PUBLIC INVOLVEMENT INFORMATION

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

Ecology will place a Public Notice of Draft on April 19, 2010, in the *Tacoma News Tribune* to inform the public and to invite comment on the proposed draft National Pollutant Discharge Elimination System permit and fact sheet addendum.

The Notice –

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

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

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

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

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

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

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

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



Issuance Date: December 22, 2005
Effective Date: January 1, 2006
Expiration Date: June 30, 2010
Modification Date: September 22, 2006

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA0039021

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

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

TroutCo Clear Creek Hatchery
P.O. Box 1290
Sumner, WA 98390

Facility Location:
4008 Pioneer Way East
Tacoma, WA 98443

Receiving Water:
Clear Creek

Water Body I.D. No.:
1223927472341

Discharge Location:
Latitude: 47° 13' 07" N
Longitude: 122° 22' 21" W

Industry Type:
SIC 0273: Animal Aquaculture
SIC: 0921: Fish Hatcheries and Preserves

is authorized to discharge in accordance with the special and general conditions which follow.

Kelly Susewind, P.E., P.G.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

*Aquaculture - Trout Farm
A - Trout Hatchery Near*

5,012

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SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Process Wastewater Discharges

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

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

The discharge of any pollutant not specifically authorized by this permit in concentrations which violate receiving water quality standards established under section 307(a) of the Clean Water Act or Chapter 173-201A WAC, shall also be a violation of this permit and the Clean Water Act.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge wastewater associated with rearing ponds and raceways, incubation, the offline settling basin and the adult rearing pond at Outfall 001 subject to complying with the following interim and final limitations:

Interim Limitations (to be effective January 1, 2006 to June 30, 2007)

Parameter	Average Monthly ^a	Maximum Daily ^b
REARING POND OR RACEWAY EFFLUENT LIMITATIONS: OUTFALL #001		
Equivalent Oxygen demand ^c (lbs/day)	N/A	793
Settleable Solids at each Outfall (net ml/L)	0.1	N/A
Total suspended solids at each Outfall (net mg/L)	5.0	15.0
pH at each Outfall (S.U.)	At all times between 6.0 and 9.0	
OFFLINE SETTLING BASIN EFFLUENT LIMITATIONS: COMPLIANCE SAMPLING POINT (CSP) #002		
Settleable solids (ml/L)	N/A	1.0
Total suspended solids (mg/L)	N/A	100
REARING POND OR RACEWAY DRAWDOWN EFFLUENT FOR FISH RELEASE LIMITATIONS: COMPLIANCE SAMPLING POINT (CSP) #003		
Settleable solids (ml/L)	N/A	1.0
Total suspended solids (mg/L)	N/A	100
^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month		

The Permittee shall not discharge or release Atlantic salmon (*Salmo salar*) to any freshwater surface waters of the State, unless specifically authorized in writing by the Washington Department of Fish and Wildlife.

S2. MONITORING REQUIREMENTS

The Permittee shall monitor in accordance with the following schedule:

A. Monitoring Schedule

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Rearing Pond or Raceway Effluent	BOD ₅ (May through Oct) ^a	mg/L and lbs/day	Outfall 001	1/month	Grab
Rearing Pond or Raceway Effluent	NH ₃ (May through Oct) ^a	mg/L and lbs/day	Outfall 001	1/month	Grab
Rearing Pond or Raceway Effluent	Equivalent Oxygen Demand (May through October) ^b	lbs/day	Outfalls 001	1/month	Calculated
Rearing Pond or Raceway Effluent	Settleable Solids ^c	ml/L	Outfall 001	1/week	Grab
Rearing Pond or Raceway Effluent	Total Suspended Solids (TSS) ^d	mg/L	Outfall 001	1/month	Composite
Offline Settling Basin Effluent	Flow	gpd	CSP #002	1/week ^{e,f}	Daily Total
Offline Settling Basin Effluent	Settleable Solids	ml/L	CSP #002	1/month ^{e,f}	Grab
Offline Settling Basin Effluent	TSS	mg/L	CSP #002	1/month ^{e,f}	Grab

B. Sampling and Analytical Procedures

Effluent samples taken in compliance with the monitoring and testing requirements established in this permit shall be collected from the effluent stream prior to discharge into the receiving waters. Influent samples shall be taken at the point where the water enters the facility or settling pond. Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department.

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted aquaculture practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations (where applicable) and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.

E. Operational Log

1. The Permittee shall keep records on all disease control chemicals used at the facility. All variances from the disease control chemical use procedures contained in the facility pollution prevention plan shall be noted. These records shall include:
 - a. Person responsible for the administration of the disease control chemical if different from the individual identified in the facility pollution prevention plan.
 - b. The date of application of the disease control chemical used. For disease chemicals that are used on a routine basis, the frequency of application may be recorded in place of each individual application date.

B. Disease Control Chemical Use Report

The Permittee shall report the use of any disease control chemicals on a form supplied by the Department. The Disease Control Chemical Use Report shall be submitted annually unless the Department requests this information on a more frequent basis. Each annual report, covering the previous calendar year, shall be post-marked by the 30th day of January. The first report is due by **January 30, 2007**.

C. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

D. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

E. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Special Condition S2 of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

F. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within 30 days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within 30 days (five days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

B. Bypass Procedures

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

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

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least 10 days before the date of the bypass.

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

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
 - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
 - c. The Department is properly notified of the bypass as required in Special Condition S3.F of this permit.
3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with State Environmental Policy Act (SEPA); (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is

The Department recognizes that there are many situations where the extra-label use of disease control chemicals could occur with little or no reasonable potential to impact water quality. As a result, the following use of disease control chemicals or drugs administered by, or under the supervision of, a licensed veterinarian is approved by the Department:

- a. Any drug or chemical administered through injection;
- b. Any drug or chemical administered by the use of a dip;
- c. Any drug or chemical administered as an additive to feed; and
- d. Any drugs classified by the USFDA as a low priority aquaculture drug (Appendix A of the fact sheet).

2. Emergency Drug and Chemical Use

The Department recognizes that an emergency epizootic disease may require the use of a drug or chemical not approved by either the USFDA or the USEPA, and not in conformance with Special Condition S4.D.1, above.

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

- a. The drug or disease control chemical is administered by, or under the direct supervision of, a licensed veterinarian.
- b. The drug or disease control chemical used and/or the method of its application could not have reasonably been anticipated; and
- c. Written or facsimile notification is provided to the South Puget Sound Basin Water Quality Management Area Permit Manager at least 24 hours prior to administering the drug or disease control chemical.

Notwithstanding the provisions of Special Condition S4.D, the Permittee is responsible for fully complying with all the terms and conditions contained in this permit including, but not limited to: monitoring, recordkeeping, and reporting. Further, this clarification of disease control chemicals use does not authorize the Permittee to violate, or cause an exceedance of, applicable water quality standards.

- H. How solid and biological wastes are collected, stored, and ultimately disposed. Among the solid wastes of concern are:
 - 1. Sands, silts, and other debris collected from facility source waters.
 - 2. Accumulated settled solids in rearing ponds and settling ponds.
 - 3. Any fish mortalities under normal hatchery operation.
 - 4. Fish mortalities due to a fish kill involving more than five percent of the fish in any raceway or pond, or due to kill spawning operations.
 - 5. Blood from kill spawning or harvesting operations.
- I. Procedures to prevent or respond to spills and unplanned discharges of oil and hazardous materials. These procedures shall address the following:
 - 1. A description of the reporting system which will be used to alert responsible facility management and appropriate legal authorities.
 - 2. A description of facilities (including an overall facility site plan) which prevent, control, or treat spills and unplanned discharges and a compliance schedule to install any necessary facilities in accordance with the approved plan.
 - 3. A list of all hazardous materials used, processed, or stored at the facility that may be spilled directly or indirectly into State waters..
- J. Procedures to identify and prevent existing and potential sources of stormwater pollution.
- K. Facility monitoring plan, including a map identifying all sample locations.

S6. REQUEST TO CHANGE THE WLAS FOR AMMONIA AND BOD₅

The WLA for this facility is 273.4 lbs/day for five-day BOD, and 38.8 lbs/day for ammonia. The Total Maximum Daily Load (TMDL) Study used intensive modeling using the Water Quality Analysis Simulation Program (WASP) model. The TMDL Study allows trading of the ammonia WLA for additional BOD₅ WLA at a ratio of 13.4 lbs/day of BOD₅ for 1 lb/day of ammonia. The WLAs recommended in the TMDL study have been adopted in this permit and are used to define limitations on the water quality of the discharge. The Permittee may request to interchangeably exchange between the WLAs granted to the Permittee for ammonia and BOD₅. The Permittee shall request such a trade at least 90 days before such a trade will go into effect. The Department will review the request and modify this NPDES permit as necessary.

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.
- E. The Department must provide 72 hours advance notice to enter this particular facility.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
 - 1. A material change in the condition of the waters of the state.
 - 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 - 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal no later than **December 1, 2009**.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing,

G17. PROPERTY RIGHTS

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

G18. DUTY TO COMPLY

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

G19. TOXIC POLLUTANTS

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

G20. PENALTIES FOR TAMPERING

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

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

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

G23. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

DEFINITIONS

Bypass means the intentional diversion of wastestreams from any portion of a treatment facility.

Composite Sample shall mean a flow-proportioned mixture of not less than six discrete aliquots. Each aliquot shall be a grab sample of not less than 100 milliliters (ml) and shall be collected and stored in accordance with procedures prescribed in the most recent edition of **Standard Methods for the Examination of Water and Wastewater**.

Department means Department of Ecology.

Director means the Director of the Department of Ecology or his/her authorized representative.

Epizootic means the occurrence of a specific disease which can be detected in 50 percent of the mortality or moribund individual fish in an affected container or within an affected population, and which results in an average daily mortality of at least one-half of one percent of the affected individual fish for five or more days in any 30-day period.

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

gpd means gallons per day.

Grab sample means an individual discrete water sample.

Lined pond means asphalt, concrete, plastic membrane or similarly lined ponds. Ponds lined with gravel or soil are considered unlined.

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

MGD means million gallons per day.

mg/L means milligrams per liter ("Net mg/L" means mg/L in hatchery effluent minus mg/L in hatchery influent).

ml/L means milliliters per liter ("Net ml/L" means ml/L in hatchery effluent minus ml/L in hatchery influent).

Monthly average shall be calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Offline settling basin shall mean those pond cleaning waste treatment systems which have a hydraulic detention time of 24 hours and a designed removal efficiency of 85 percent for total suspended solids and 90 percent for settleable solids.

Production means net gain in weight of fish at the facility.

Rearing ponds or raceways means ponds, raceways, circular ponds, or any other method used to keep fin-fish captive for culture purposes at an upland fin-fish rearing facility.

FACT SHEET FOR NPDES PERMIT WA0039021
TROUTCO CLEAR CREEK HATCHERY

FACT SHEET FOR NPDES PERMIT WA0039021
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*FACT SHEET FOR NPDES PERMIT WA0039021
TROUTCO CLEAR CREEK HATCHERY*



Figure 1. Vicinity Map.

BACKGROUND INFORMATION

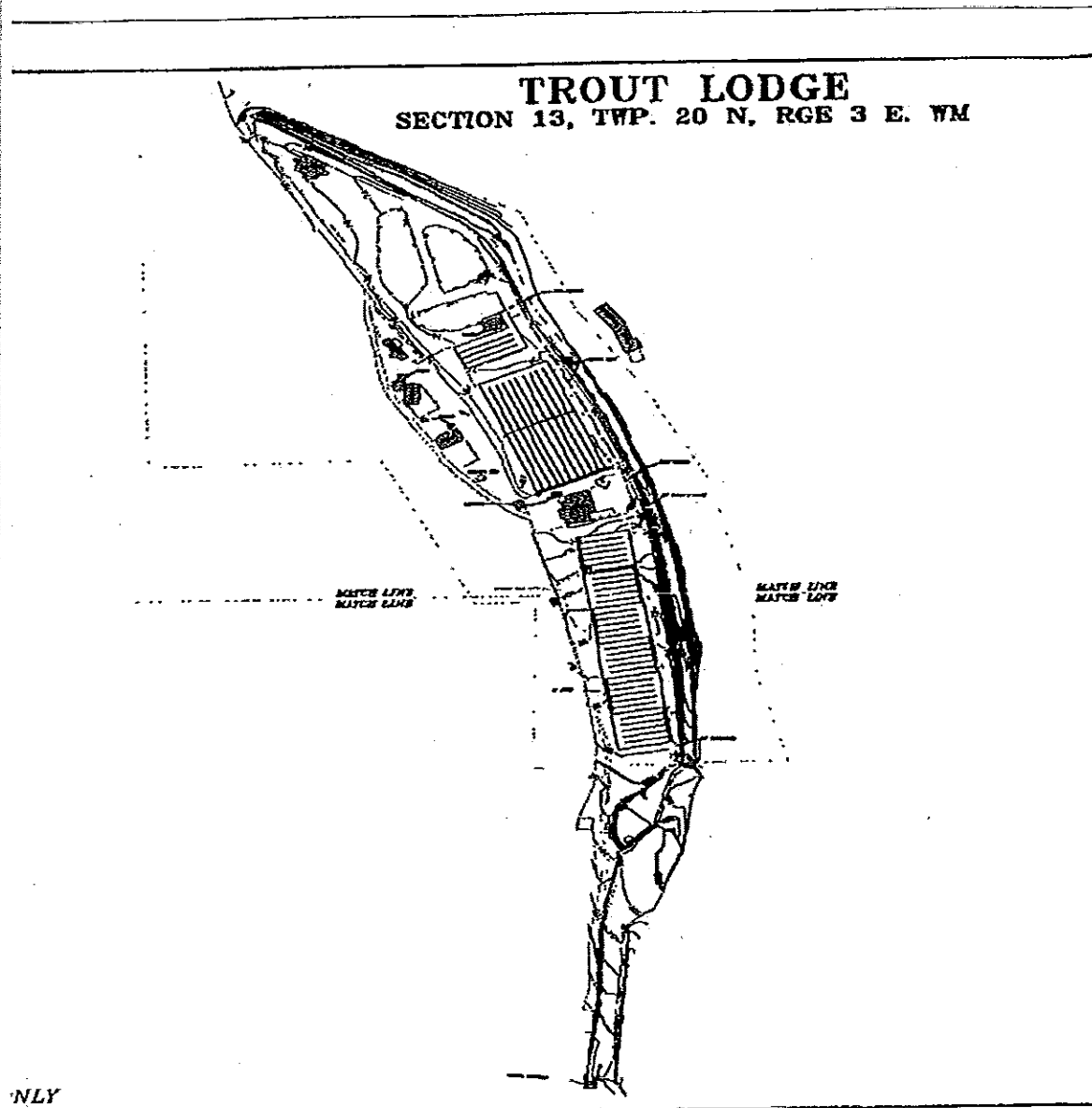
DESCRIPTION OF THE FACILITY

HISTORY

Troutlodge, Inc. was founded in 1945 by Ed McLeary and Ken Drew. The company's first fish farm site was near Soap Lake, Washington. When the company was first established, trout was raised and sold to restaurants and grocery markets. Soon after, a broodstock program was developed to produce high quality trout eggs for sale to other trout farms. In the following years, Troutlodge continued to expand their operations with the development of trout egg sales to federal and state agencies, as well as, private commercial trout farms. As the business grew, Troutlodge purchased the TroutCo Clear Creek Hatchery (near Tacoma) and the Troutsprings Canyon Falls Creek Hatchery (near McMillin) to provide better access to SeaTac International Airport for export.

Troutlodge continued to expand in the 1970s and 1980s with the acquisition of four other hatchery sites: in Ephrata, Hoodspport, Carbon River, and Hood River (in Oregon). In an agreement with the Washington State Game Department, Troutlodge supplies the state with 200,000 fish annually in exchange for the right to continue to commercially operate the hatchery near Soap Lake.

Troutlodge now air ships more than 350 million trout eggs throughout the United States as well as 26 foreign countries. In May 1988, Troutlodge was awarded the Governor's Export Award in the category of Agriculture for their contribution to export expansion for Washington State. Troutlodge has begun



*FACT SHEET FOR NPDES PERMIT WA0039021
TROUTCO CLEAR CREEK HATCHERY*

SEPA COMPLIANCE

This is an existing facility and is therefore not subject to any State Environmental Policy Act (SEPA) requirements at this time. There are no known previous SEPA requirements that are still in effect for this facility at this time.

PROPOSED PERMIT LIMITATIONS

Federal and state regulations require that effluent limitations set forth in a NPDES permit must be either technology- or water quality-based. Technology-based limitations are based upon the treatment methods available to treat specific pollutants. Technology-based limitations are set by regulation or developed on a case-by-case basis (40 CFR 125.3, and Chapter 173-220 WAC). Water quality-based limitations are based upon compliance 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 National Toxics Rule (Federal Register, Volume 57, No. 246, Tuesday, December 22, 1992). The more stringent of these two limits must be chosen for each of the parameters of concern. Each of these types of limits is described in more detail below.

The limits in this permit are based in part on information received in the application. The effluent constituents in the application were evaluated on a technology- and water quality-basis. The limits necessary to meet the rules and regulations of the state of Washington were determined and included in this permit. Ecology does not develop effluent limits for all pollutants that may be reported on the application as present in the effluent. 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. Effluent limits are not always developed for pollutants that may be in the discharge but not reported as present in the application. In those circumstances the permit does not authorize discharge of the non-reported pollutants. Effluent discharge conditions may change from the conditions reported in the permit application. If significant changes occur in any constituent, as described in 40 CFR 122.42(a), the Permittee is required to notify the Department. The Permittee may be in violation of the permit until the permit is modified to reflect additional discharge of pollutants.

TECHNOLOGY-BASED EFFLUENT LIMITATIONS

The Technology-based effluent limitations are dictated by federal law (Title 40 CFR Part 451 -- Concentrated Aquatic Animal Production Point Source Category) and by state law (requirements to meet AKART in WAC173-201A). 40 CFR Part 451 requires that investigational new animal drugs (INADs) be reported and a best management practices (BMPs) plan be developed and maintained on site. There are also a few requirements which need to be met in order to meet the EPA's definition for best practicable control technology currently available (BPT), best available technology economically achievable (BAT), and best conventional technology (BCT). These elements are listed as follows:

- Solids Control
- Material Storage
- Structural Maintenance
- Recordkeeping
- Training

These elements have been addressed in the previous Upland Fin-Fish Hatching and Rearing NPDES Waste Discharge General Permit and these relevant permit requirements have been retained in this permit.

*FACT SHEET FOR NPDES PERMIT WA0039021
TROUTCO CLEAR CREEK HATCHERY*

NARRATIVE CRITERIA

In addition to numerical criteria, "narrative" water quality criteria (WAC 173-201A-030) limit toxic, radioactive, or deleterious material concentrations below those which have the potential to adversely affect characteristic water uses, cause acute or chronic toxicity to biota, impair aesthetic values, or adversely affect human health. Narrative criteria protect the specific beneficial uses of all fresh (WAC 173-201A-130) and marine (WAC 173-201A-140) waters in the state of Washington.

ANTIDEGRADATION

The state of Washington's Antidegradation Policy requires that discharges into a receiving water shall not further degrade the existing water quality of the water body. In cases where the natural conditions of a receiving water are of lower quality than the criteria assigned, the natural conditions shall constitute the water quality criteria. Similarly, when the natural conditions of a receiving water are of higher quality than the criteria assigned, the natural conditions shall be protected. More information on the state Antidegradation Policy can be obtained by referring to WAC 173-201A-070.

The Department has reviewed existing records and is unable to determine if ambient water quality is either higher or lower than the designated classification criteria given in Chapter 173-201A WAC; therefore, the Department will use the designated classification criteria for this water body in the proposed permit. The discharges authorized by this proposed permit should not cause a loss of beneficial uses.

CRITICAL CONDITIONS

Surface water quality-based limits are derived for the waterbody's critical condition, which represents the receiving water and waste discharge condition with the highest potential for adverse impact on the aquatic biota, human health, and existing or characteristic water body uses.

MIXING ZONES

The Water Quality Standards allow the Department to authorize mixing zones around a point of discharge in establishing surface water quality-based effluent limits. Both "acute" and "chronic" mixing zones may be authorized for pollutants that can have a toxic effect on the aquatic environment near the point of discharge. The concentration of pollutants at the boundary of these mixing zones may not exceed the numerical criteria for that type of zone. Mixing zones can only be authorized for discharges that are receiving all known, available, and reasonable methods of prevention, control and treatment (AKART) and in accordance with other mixing zone requirements of WAC 173-201A-100.

The National Toxics Rule (EPA, 1992) allows the chronic mixing zone to be used to meet human health criteria.

DESCRIPTION OF THE RECEIVING WATER

The facility discharges to Clear Creek which is designated as a Class A receiving water in the vicinity of the outfall. Characteristic uses include the following:

water supply (domestic, industrial, agricultural); stock watering; fish migration; fish rearing, spawning and harvesting; wildlife habitat; primary contact recreation; sport fishing; boating and aesthetic enjoyment; commerce and navigation. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

*FACT SHEET FOR NPDES PERMIT WA0039021
TROUTCO CLEAR CREEK HATCHERY*

The WLAs recommended in the TMDL study have been adopted in this permit and are used to define limitations on the water quality of the discharge.

Toxic Pollutants--Federal regulations (40 CFR 122.44) require NPDES permits to contain effluent limits for toxic chemicals in an effluent whenever there is a reasonable potential for those chemicals to exceed the surface water quality criteria. This process occurs concurrently with the derivation of technology-based effluent limits. Facilities with technology-based effluent limits defined in regulation are not exempt from meeting the Water Quality Standards for Surface Waters or from having surface water quality-based effluent limits. Water quality evaluations were done for ammonia which showed there is no reasonable potential to exceed ammonia criteria (please refer to Appendix D for a print out of the calculation spreadsheets).

Some of the disease control chemicals used at the facility may be classified as toxic pollutants. The Department has determined that when these chemicals are used according to US Food and Drug Administration (FDA) requirements, they pose no reasonable potential to violate federal or state water quality standards

Disease Control Chemicals—The disease control chemicals used at this facility are administered for the internal and external control of fish diseases and also to disinfect facility tools, rearing ponds, or source waters to prevent the spread of these diseases. The discharge concentration of these chemicals should not cause receiving water toxicity if the use is consistent with product labels, FDA regulations, and the permit requirement mandating Permittees to follow BMPs to dilute the treatment concentrations with other hatchery flows. The Department has determined that the use of BMPs will meet AKART for this pollutant.

Following the issuance of a previous Upland Fin-Fish Hatching and Rearing NPDES Waste Discharge General Permit, a document was developed entitled "Approval of Disease Control Chemical Use Under the Department of Ecology's General Permit for Upland Fin-Fish Hatching and Rearing Facilities." This document authorized the use of non-emergency and emergency extra-label drug and chemical use without the prior approval of the Department. In October 1995, Chapter 173-221A WAC was amended to specifically allow the extra-label use of disease control drugs and chemicals if the drugs and chemicals are administered by, or under, the supervision of a licensed veterinarian and approved in advance by the Department.

This permit has adopted the conditions of previous general permits and incorporated them into S4.D. The Department recognizes that there are many situations where extra-label disease control drug and chemical use could occur with little reasonable potential to impact water quality. The Department also recognizes that an epizootic disease outbreak may require extraordinary measures to save the fish. Epizootic disease outbreaks may require the extra-label use of a drug or chemical or the use of a drug or chemical that is not approved by the FDA or EPA. The Department will require 24-hours of prior notification for emergency drug and chemical use. The method and quantity of disposed disease control drugs and chemicals must be detailed in the facility's operational log.

WHOLE EFFLUENT TOXICITY

The Water Quality Standards for Surface Waters require that the effluent not cause toxic effects in the receiving waters. Many toxic pollutants cannot be detected by commonly available detection methods. However, toxicity can be measured directly by exposing living organisms to the wastewater in laboratory tests and measuring the response of the organisms. Toxicity tests measure the aggregate toxicity of the whole effluent, and therefore this approach is called whole effluent toxicity (WET) testing.

*FACT SHEET FOR NPDES PERMIT WA0039021
TROUTCO CLEAR CREEK HATCHERY*

The monitoring schedule is detailed in Special Condition S2. Specified monitoring frequencies take into account the quantity and variability of the discharge, the treatment method, past compliance, significance of pollutants, and cost of monitoring.

LAB ACCREDITATION

With the exception of flow, temperature, settleable solids, pH, turbidity, and internal process control parameters (specified in the permit as being exempt from the accredited lab requirements), the permit requires all monitoring data to be prepared by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, *Accreditation of Environmental Laboratories*.

OTHER PERMIT CONDITIONS

REPORTING AND RECORDKEEPING

The conditions of S3. are based on the authority to specify any appropriate reporting and recordkeeping requirements to prevent and control waste discharges (WAC 173-220-210).

GENERAL CONDITIONS

General Conditions are based directly on state and federal law and regulations and have been standardized for all individual industrial NPDES permits issued by the Department.

PERMIT ISSUANCE PROCEDURES

PERMIT MODIFICATIONS

The Department may modify this permit to impose numerical limitations, if necessary to meet Water Quality Standards for Surface Waters, Sediment Quality Standards, or Water Quality Standards for Ground Waters, based on new information obtained from sources such as inspections, effluent monitoring, outfall studies, and effluent mixing studies.

The Department may also modify this permit as a result of new or amended state or federal regulations.

RECOMMENDATION FOR PERMIT ISSUANCE

This proposed permit meets all statutory requirements for authorizing a wastewater discharge, including those limitations and conditions believed necessary to control toxics, protect human health, aquatic life, and the beneficial uses of waters of the state of Washington. The Department proposes that this permit be issued for a period of less than five years so that this permit may stay synchronized with the permit cycles of other similar individual permits.

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.

APPENDIX A--LOW REGULATORY PRIORITY AQUACULTURE DRUGS

The following compounds have undergone review by the Food and Drug Administration and have been determined to be new animal drugs of low regulatory priority.

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

CALCIUM CHLORIDE - Used to increase water calcium concentration to ensure proper egg hardening. Dosages used would be those necessary to raise calcium concentration to 10-20 ppm CaCO_3 .

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

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

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

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

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

HYDROGEN PEROXIDE - Used at 250-500 mg/L to control fungi on all species and life stages of fish, including eggs.

ICE - Used to reduce metabolic rate of fish during transport.

MAGNESIUM SULFATE - Used to treat external monogenic trematode infestations and external crustacean infestations in fish at all life stages. Used in all freshwater species. Fish are immersed in a 30,000 mg MgSO_4/L and 7000 mg NaCl/L solutions for 5 to 10 minutes.

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

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

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

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

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

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

APPENDIX B--PUBLIC INVOLVEMENT INFORMATION

The Department has tentatively determined to issue a permit to the applicant listed on page 1 of this fact sheet. The permit contains conditions and effluent limitations which are described in the rest of this fact sheet.

Public notice of application was published on August 11, 2005 and August 15, 2005 in Tacoma News Tribune to inform the public that an application had been submitted and to invite comment on the issuance of this permit.

The Department will publish a Public Notice of Draft (PNOD) on (date) in (name of publication) to inform the public that a draft permit and fact sheet are available for review. Interested persons are invited to submit written comments regarding the draft permit. The draft permit, fact sheet, and related documents are available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. weekdays, by appointment, at the regional office listed below. Written comments should be mailed to:

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

Any interested party may comment on the draft permit or request a public hearing on this draft permit within the thirty (30) day comment period to the address above. The request for a hearing shall indicate the interest of the party and reasons why the hearing is warranted. The Department will hold a hearing if it determines there is a significant public interest in the draft permit (WAC 173-220-090). Public notice regarding any hearing will be circulated at least 30 days in advance of the hearing. People expressing an interest in this permit will be mailed an individual notice of hearing (WAC 173-220-100).

Comments should reference specific text followed by proposed modification or concern when possible. Comments may address technical issues, accuracy and completeness of information, the scope of the facility's proposed coverage, adequacy of environmental protection, permit conditions, or any other concern that would result from issuance of this permit.

The Department will consider all comments received within 30 days from the date of public notice of draft indicated above, in formulating a final determination to issue, revise, or deny the permit. The Department's response to all significant comments is available upon request and will be mailed directly to people expressing an interest in this permit.

Further information may be obtained from the Department by telephone, 360-407-6280, or by writing to the address listed above.

This permit and fact sheet were written by John Diamant, P.E.

*FACT SHEET FOR NPDES PERMIT WA0039021
TROUTCO CLEAR CREEK HATCHERY*

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.

Dilution Factor--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 e.g., a dilution factor of 10 means the effluent comprises 10% by volume and the receiving water 90%.

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

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 period of time as is feasible.

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 storm water and, also, leachate from solid waste facilities.

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 Limitation--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.

Method Detection Level (MDL)--The minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is above zero and is determined from analysis of a sample in a given matrix containing the analyte.

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 area of the authorized mixing zone is specified in a facility's permit and follows 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.

*FACT SHEET FOR NPDES PERMIT WA0039021
TROUTCO CLEAR CREEK HATCHERY*

APPENDIX D—TECHNICAL CALCULATIONS

Ammonia Criteria Calculations (Using TSDCalc11.xls)

INPUT	
1. Ambient Temperature (deg C; 0<T<30)	11.5
2. Ambient pH (6.5<pH<9.0)	7.58
3. Acute TCAP (Salmonids present- 20; absent- 25)	20
4. Chronic TCAP (Salmonids present- 15; absent- 20)	15
OUTPUT	
1. Intermediate Calculations:	
Acute FT	1.80
Chronic FT	1.80
FPH	1.33
RATIO	16
pKa	9.68
Fraction Of Total Ammonia Present As Un-ionized	0.7888%
2. Un-ionized Ammonia Criteria	
Acute (1-hour) Un-ionized Ammonia Criterion (ug NH3/L)	108.6
Chronic (4-day) Un-ionized Ammonia Criterion (ug NH3/L)	20.8
3. Total Ammonia Criteria:	
Acute Total Ammonia Criterion (mg NH3+ NH4/L)	13.8
Chronic Total Ammonia Criterion (mg NH3+ NH4/L)	2.6
4. Total Ammonia Criteria expressed as Nitrogen:	
Acute Ammonia Criterion as mg N	11.322
Chronic Ammonia Criterion as N	2.167

*FACT SHEET FOR NPDES PERMIT WA0039021
TROUTCO CLEAR CREEK HATCHERY*

APPENDIX E--RESPONSE TO COMMENTS

STATEMENT OF BASIS

Trout Lodge, Inc.
P.O. Box 1290
Sumner, WA 98390

The purpose of this statement of basis is to explain the need to modify the wastewater discharge permit and provide the basis for the change.

I. GENERAL INFORMATION

<u>Permittee:</u>	Trout Lodge, Inc. P.O. Box 1290 Sumner, WA 98390
<u>Facility:</u>	TroutCo Clear Creek Hatchery 4008 Pioneer Way East Tacoma, WA 98443
<u>Discharge Location:</u>	Latitude: 47° 13' 07" N Longitude: 122° 22' 21" W

II. MODIFICATION

The Department of Ecology (Department) has decided to modify this permit to clarify the monitoring and reporting requirements as was originally intended in the permit. Due to differences of interpretation, monitoring (at some of the Hatchery facilities who must comply with the Puyallup River Dissolved Oxygen Total Maximum Daily Load Study) has been conducted, summarized and submitted quarterly. The original intent of the permit was to contain the same monitoring and reporting requirements for Discharge Monitoring Reports (DMRs) as contained in the Upland Fin-Fish Hatching and Rearing General NPDES Permit. The general permit required monthly monitoring and quarterly reporting where three DMRs (one per month) are submitted per quarter.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

March 09, 2015

TROUTCO CLEAR CREEK HATCHERY
Attn: ACCOUNTS PAYABLE
PO BOX 1290
SUMNER, WA 98390

RE: Delinquent Wastewater Fee Account
Permit Number: WA0039021
Site Name: TROUTCO CLEAR CREEK HATCHERY

Dear ACCOUNTS PAYABLE:

Ecology's fiscal records show that payment of the recent wastewater permit fee invoice mailed to you has not been received. If our records are in error, please contact Shirley Rollins at (360) 407-7330 or email her at shirley.rollins@ecy.wa.gov to correct the payment information.

Fees totaling \$2,506.00 for invoice number 2015-WA0039021 are now considered delinquent. This letter is formal notice of what actions Ecology will take if payment is not received by **April 08, 2015**.

Please remit the amount identified on the attached fee statement and return the notice along with your check to:

Department of Ecology
Cashiering Unit
PO Box 47611
Olympia WA 98504-7611

Industrial Permit Accounts:

Delinquent accounts are turned over for collection action if payment is not submitted by the due date listed above. Any account turned over for collection will, in addition, to the delinquent amount owed, be assessed a surcharge totaling 20 percent of the delinquent amount to recover the cost for collection. This means when the account is turned over for collection, you will also owe Ecology an additional amount totaling \$501.00. This surcharge cannot be waived since this is the cost to the department for using the collection agency.

Pat 3/19/15
60

March 09, 2015

Page 2

Municipal and/or Government Permit Accounts:

If payment is not received by the requested due date, Ecology will begin action to revoke the permit coverage for nonpayment of fees. Delinquent municipal and/or government accounts are exempt from collection action.

Permit Cancellation/Termination:

Permit fees stop when the permit has been officially canceled or terminated by Ecology. Permit holders need to contact their Ecology permit manager as soon as a permitted activity ceases. Permit fees will continue until the permit has been cancelled regardless of when the permitted activity ceases.

Final Amounts Owed for Terminated Accounts:

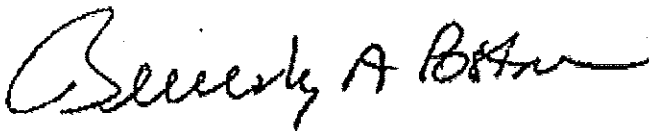
An annual permit fee will no longer be assessed once the permit has been canceled or terminated by Ecology. However, the full annual fee will be owed for the fiscal year (July 1 through June 30) regardless of the permit termination/cancellation date within that fiscal year.

Permit holders need to contact their Ecology permit manager as soon as a permitted activity ceases. Ecology will continue to assess an annual permit fee for any permit holder who has an active permit at the beginning of the state fiscal year (July 1) regardless of when the permitted activity ceased..

If you have questions about the permit coverage or wish to request permit termination, please contact your permit manager. Additional information about the wastewater/stormwater permit fee program may be obtained at the following website:

http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm

Sincerely,



Beverly A. Poston
Fee Program Administrator
Water Quality Program

*Washington State Department of Ecology
Wastewater Fee Statement
Notice Date: 03/09/2015*



- *Please return this statement with your check.*
- *Please include the Number on your check.*
- *Make check payable to: Department of Ecology.*
- *Please do not send cash.*

Customer Information:

ACCOUNTS PAYABLE
TROUTCO CLEAR CREEK HATCHERY
PO BOX 1290
SUMNER, WA 98390

Fee Information:

Permit #: WA 0039021
Fee Category: Aquaculture - Individual Permit
DELINQUENT AMOUNT DUE: \$2,506.00
Due Date: 04/08/2015

Mail this statement and your check to:

Department of Ecology
P.O. Box 47611
Olympia, WA 98504-7611

Agency Use Only
Invoice#: 2015-WA 0039021
176 - WWD - 02-86-000196



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

March 11, 2013

TROUTCO CLEAR CREEK HATCHERY
Attn: ACCOUNTS PAYABLE
PO BOX 1290
SUMNER, WA 98390

RE: Delinquent Wastewater Fee Account
Permit Number: WA0039021
Site Name: TROUTCO CLEAR CREEK HATCHERY

Dear ACCOUNTS PAYABLE:

Ecology's fiscal records show that payment of the recent wastewater permit fee invoice mailed to you has not been received. If our records are in error, please contact Shirley Rollins at (360) 407-7330 or email her at shirley.rollins@ecy.wa.gov to correct the payment information.

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Please remit the amount identified on the attached fee statement and return the notice along with your check to:

Department of Ecology
Cashiering Unit
PO Box 47611
Olympia WA 98504-7611

Industrial Permit Accounts:

Delinquent accounts are turned over for collection action if payment is not submitted by the due date listed above. Any account turned over for collection will, in addition, to the delinquent amount owed, be assessed a surcharge totaling 20 percent of the delinquent amount to recover the cost for collection. This means when the account is turned over for collection, you will also owe Ecology an additional amount totaling \$501.00. This surcharge cannot be waived since this is the cost to the department for using the collection agency.

Pat 4/9/13
60

Municipal and/or Government Permit Accounts:

If payment is not received by the requested due date, Ecology will begin action to revoke the permit coverage for nonpayment of fees. Delinquent municipal and/or government accounts are exempt from collection action.

Permit Cancellation/Termination:

Permit fees stop when the permit has been officially canceled or terminated by Ecology. Permit holders need to contact their Ecology permit manager as soon as a permitted activity ceases. Permit fees will continue until the permit has been cancelled regardless of when the permitted activity ceases.

Final Amounts Owed for Terminated Accounts:

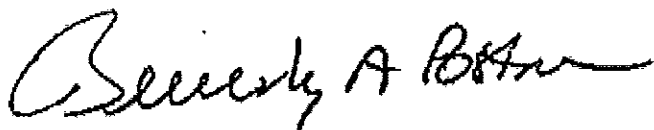
An annual permit fee will no longer be assessed once the permit has been canceled or terminated by Ecology. However, the full annual fee will be owed for the fiscal year (July 1 through June 30) regardless of the permit termination/cancellation date within that fiscal year.

Permit holders need to contact their Ecology permit manager as soon as a permitted activity ceases. Ecology will continue to assess an annual permit fee for any permit holder who has an active permit at the beginning of the state fiscal year (July 1) regardless of when the permitted activity ceased..

If you have questions about the permit coverage or wish to request permit termination, please contact your permit manager. Additional information about the wastewater/stormwater permit fee program may be obtained at the following website:

http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm

Sincerely,



Beverly A. Poston
Fee Program Administrator
Water Quality Program

Washington State Department of Ecology
Wastewater Fee Statement
Notice Date: 03/11/2013



- *Please return this statement with your check.*
- *Please include the Number on your check.*
- *Make check payable to: Department of Ecology.*
- *Please do not send cash.*

Customer Information:

ACCOUNTS PAYABLE
TROUTCO CLEAR CREEK HATCHERY
PO BOX 1290
SUMNER, WA 98390

Fee Information:

Permit #: WA0039021
Fee Category: Aquaculture - Individual Permit
DELINQUENT AMOUNT DUE: \$2,506.00
Due Date: 04/10/2013

Mail this statement and your check to:

Department of Ecology
P.O. Box 47611
Olympia, WA 98504-7611

Agency Use Only
Invoice#: 2013-WA0039021
176 - WWD - 02-86-000196



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

March 16, 2010

TROUTCO CLEAR CREEK HATCHERY

Attn: ACCOUNTS PAYABLE

PO BOX 1290

SUMNER, WA 98390

RE:Delinquent Wastewater Fee Account

Permit Number: WA0039021

Site Name: TROUTCO CLEAR CREEK HATCHERY

Dear ACCOUNTS PAYABLE:

Ecology's fiscal records show that payment of the recent wastewater permit fee invoice mailed to you has not been received. If our records are in error, please contact Shirley Rollins at (360) 407-7330 or email her at SROL461@ecy.wa.gov to correct the payment information.

Fees totaling \$2,506.00 for invoice number 2010-WA0039021 are now considered delinquent. This letter is formal notice of what actions Ecology will take if payment is not received by **April 21, 2010**.

Please remit the amount identified on the attached fee statement and return the notice along with your check to:

Department of Ecology

Cashiering Unit

PO Box 47611

Olympia WA 98504-7611

Industrial Permit Accounts:

Delinquent accounts are turned over for collection action if payment is not submitted by the due date listed above. Any account turned over for collection will, in addition, to the delinquent amount owed, be assessed a surcharge totaling 20 percent of the delinquent amount to recover the cost for collection. This means when the account is turned over for collection, you will also owe Ecology an additional amount totaling \$501.00. This surcharge cannot be waived since this is the cost to the department for using the collection agency.

*pd 2/26/2010
bp*

March 16, 2010

Page 2

Municipal and/or Government Permit Accounts:

If payment is not received by the requested due date, Ecology will begin action to revoke the permit coverage for nonpayment of fees. Delinquent municipal and/or government accounts are exempt from collection action.

Permit Cancellation/Termination:

Permit fees stop when the permit has been officially canceled or terminated by Ecology. Permit holders need to contact their Ecology permit manager as soon as a permitted activity ceases. Permit fees will continue until the permit has been cancelled regardless of when the permitted activity ceases.

Final Amounts Owed for Terminated Accounts:

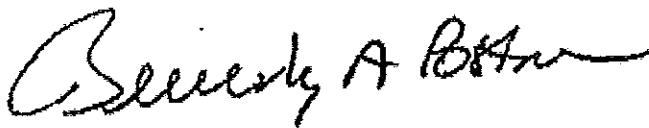
An annual permit fee will no longer be assessed once the permit has been canceled or terminated by Ecology. However, the full annual fee will be owed for the fiscal year (July 1 through June 30) regardless of the permit termination/cancellation date within that fiscal year.

Permit holders need to contact their Ecology permit manager as soon as a permitted activity ceases. Ecology will continue to assess an annual permit fee for any permit holder who has an active permit at the beginning of the state fiscal year (July 1) regardless of when the permitted activity ceased..

If you have questions about the permit coverage or wish to request permit termination, please contact your permit manager. Additional information about the wastewater/stormwater permit fee program may be obtained at the following website:

http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm

Sincerely,



Beverly A. Poston
Fee Program Administrator
Water Quality Program

Washington State Department of Ecology

Wastewater Fee Statement

Notice Date: 03/16/2010



- *Please return this statement with your check.*
- *Please include the Number on your check.*
- *Make check payable to: Department of Ecology.*
- *Please do not send cash.*

Customer Information:

ACCOUNTS PAYABLE
TROUTCO CLEAR CREEK HATCHERY
PO BOX 1290
SUMNER, WA 98390

Fee Information:

Permit #: WA0039021
Fee Category: Aquaculture - Individual Permit
DELINQUENT AMOUNT DUE: \$2,506.00
Due Date: 04/21/2010

Mail this statement and your check to:

Department of Ecology
P.O. Box 47611
Olympia, WA 98504-7611

Agency Use Only

Invoice#: 2010-WA0039021
176 - WWD - 02-86-000196



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 25, 2009

Accounts Payable
Troutco Clear Creek Hatchery
PO Box 1290
Sumner, WA 98390

Dear Permit Holder:

Re: Wastewater/Storm water Discharge Permit Fee for:
Permit Number: WA0039021
Site Name: Troutco Clear Creek Hatchery

The Washington Department of Ecology is required by law to collect fees from all wastewater and/or storm water dischargers in the state that hold or apply for a discharge permit. The permit fee provisions of this law (RCW 90.48.465) are designed to fund Ecology's administration of the federal and state water quality wastewater pollution control regulatory program.

As a result of this law, Ecology developed Chapter 173-224 WAC that sets a permit fee for holders of wastewater and/or storm water discharge permits. This regulation was originally adopted in 1988 and undergoes an amendment every two years. Ecology last amended the fee regulation on August 2008.

Troutco Clear Creek Hatchery was issued permit coverage on December 22, 2005. Information about this permit coverage was not forwarded to the Ecology Permit Fee Office. A recent audit of the permit system revealed the permit coverage. Because of the delay in receiving the permit information, you have never been invoiced for this wastewater permit. I apologize for this error.

Although the permit coverage began in 2005, Ecology will not be backbilling for this permit. This letter is meant to inform you what the annual fee and permit fee category will be for Fiscal Year 2009 (July 1, 2008 through June 30, 2009). An invoice is included with this packet.

Fee Category: Aquaculture - Individual Permit
Subcategory: A - Fin fish hatching & rearing
Permitted Discharge: N/A
Annual Permit Fee: \$ 5,012.00



Permit Fee Billing

Ecology mails invoices directly to permit holders. Permit holders owing more than \$500 in fees are usually mailed two invoices (splitting the amount owed in two) within the fiscal year. The two invoices are mailed out around July/August and January/February. If you would rather pay once per fiscal year, please let us know and we will change the billing frequency from semi-annual to annual.

Nonpayment of Permit Fees

Permit holders who do not pay the assessed permit fee by the billing due date are considered delinquent. Delinquent industrial permit holders are notified directly by Ecology that if payment is not received upon a specified date, the account will be turned over for collection. In addition, a surcharge of 20% is added to the delinquent amount owed to cover the cost of the collection action. Delinquent municipal permit holders are notified by Ecology that if payment is not submitted within 45 days, Ecology will begin proceedings to terminate the permit for nonpayment of fees.

Permit Cancellation/Termination

Permit fees stop when the permit has been officially canceled or terminated by Ecology. Permit holders need to contact Ecology's Regional Office as soon as a permitted activity ceases. Permit fees will continue until the permit is canceled regardless of when the permitted activity stopped.

Ecology prorates fees to the quarter of the state fiscal year in which the permit was canceled. Quarters are July - September; October - December; January - March; April - June. For example, if a permit is canceled in February, the permit holder pays for the first three quarters of the fiscal year (July through March) which will calculate to 75% of the annual fee.

Small Business/Extreme Hardship Fee Reductions

To mitigate the impact of fees on small business, the fee regulation contains criteria that will reduce a fee by 50% for small business and reduce a fee to \$106 for a business granted an extreme hardship fee reduction. If you would like more information on what the criteria is and how to apply for these reductions, please contact Shirley Rollins at 360/407-7330 or email her at srol461@ecy.wa.gov.

Troutco Clear Creek Hatchery
Page 2
February 25, 2009

Permit Fee Appeal

Any permit holder not agreeing with the permit fee category and/or subcategory may file a written appeal to the department no later than the billing due date for payment of fees.

Such appeal shall state the reasons the aggrieved person believes that the department's determination is contrary to the requirements of RCW 90.48.465, and specific actions that he/she is requesting that are consistent with those requirements. The department shall either issue a revised determination or a statement upholding the original determination. A revised determination shall be consistent with RCW 90.48.465.

Appeals should be addressed to:

Washington Department of Ecology
Attn: Bev Poston
PO Box 47600
Olympia, WA 98504-7600.

Ecology Assistance

If you have questions regarding your permit, please contact your permit manager. If you have any questions regarding your fee assessment, please call me at (360) 407-6425 or e-mail me at bpos461@ecy.wa.gov.

Sincerely,



Beverly A. Poston
Fee Program Administrator
Water Quality Program



Washington State Department of Ecology
Wastewater Permit Invoice

Printed: Feb 23, 2009

TROUTCO CLEAR CREEK HATCHERY
Attn: ACCOUNTS PAYABLE
PO BOX 1290
SUMNER, WA 98390

Invoice #: 2009-WA0039021
Permit: WA0039021
Fee Type: Wastewater
Category: Aquaculture - Individual Permit- A - Fin
Fish Hatchling & Rearing

Date	Description	Annual Fee	Amount Billed	Amount Paid	Amount Due	Due Date
02/23/2009	Annual Fee Amount	\$5,012.00	\$0.00	\$0.00	\$0.00	
02/23/2009	Billing Amount	\$0.00	\$5,012.00	\$0.00	\$5,012.00	04/09/2009
Total Annual Fee:		\$5,012.00	\$5,012.00	\$0.00	\$5,012.00	

This invoice reflects any previously-billed charges for the first half, and any NEW charges for the second half of Fiscal Year 2009 (July 1, 2008, through June 30, 2009).

- * Small business/extreme hardship fee reduction application requests must be received by Ecology no later than September 30th of any given fiscal year. Requests received after that date will NOT be given consideration. Application forms can be obtained by calling 360/407-7330. New permit holders will have 45 days from their first billing due date to submit small business/extreme hardship fee reduction applications.
- * Permit fees will continue until the permit has been terminated by Ecology regardless of when the permitted activity ceased.
- * Delinquent accounts will be turned over for collection.

* Wastewater and State Waste Discharge Permit Fee Questions should be addressed to: Bev Poston, 360/407-6425 (bpos461@ecy.wa.gov).

Please send check or money order payable to:
Department of Ecology
Cashiering Unit
PO Box 47611
Olympia WA 98504-7611

(DO NOT SEND CASH!)

2/23/2009 4:38:59PM 4.00

Detach and return this portion with your check. PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK.

Printed: Feb 23, 2009

Wastewater Fee Billing Notice

Past Due Amount This Fiscal Year:

\$0.00

Current Amount Due:

\$5,012.00

Total Amount Due:

\$5,012.00

← This Amount Due By 04/09/2009

TROUTCO CLEAR CREEK HATCHERY
Attn: ACCOUNTS PAYABLE
PO BOX 1290
SUMNER, WA 98390

Invoice #: 2009-WA0039021
Permit: WA0039021
Coding: 176 - WWD - 02-86-000196
ECY 010-72b (6/99)