



DEPARTMENT OF
ECOLOGY
State of Washington

United States
Environmental Protection
Agency

Office of
Enforcement
Washington, D.C 20460

EPA Form 3510-1
Ecology Form #ECY 070-429
Ecology Revision 04/2015

Permits Division

Application Form 1 – General Information

Consolidated Permits Program

This form must be completed by all persons applying for a permit under EPA's Consolidated Permits Program. See the general instructions to Form 1 to determine which other application forms you will need.

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**WA State Department
of Ecology (SWRO)**

DESCRIPTION OF CONSOLIDATED PERMIT APPLICATION FORMS	FORM 1 PACKAGE TABLE OF CONTENTS
<p>The Consolidated Permit Application Forms are:</p> <p>Form 1 - General Information (<i>included in this part</i>);</p> <p>Form 2 - Discharges to Surface Water (<i>NPDES Permits</i>):</p> <p>2A. Publicly Owned Treatment Works,</p> <p>2B. Concentrated Animal Feeding Operations and Aquatic Animal Production Facilities,</p> <p>2C. Existing Manufacturing, Commercial, Mining, and Silvicultural Operations,</p> <p>2D. New Manufacturing, Commercial, Mining, and Silvicultural Operations,</p> <p>2F. Application for Permit to Discharge Storm Water Associated with Industrial Activity;</p> <p>Form 3 - Hazardous Waste Application Form</p> <p>Form 4 - Underground Injection of Fluids.</p>	<p>Section A. General Instructions</p> <p>Section B. Instructions for Form 1</p> <p>Section C. Activities Which do Not Require Permits</p> <p>Section D. Glossary</p> <p>Form 1</p> <p>If you are submitting this form to the Washington State Department of Ecology, please submit it electronically (email or disk) in addition to the signed hard copy.</p>

SECTION A - GENERAL INSTRUCTIONS

Who Must Apply

With the exceptions described in Section C of these instructions, Federal laws prohibit you from conducting any of the following activities without a permit.

NPDES (*National Pollutant Discharge Elimination System Under the Clean Water Act, 33 U.S.C. 1251*). Discharge of pollutants into the waters of the United States.

RCRA (*Resource Conservation and Recovery Act, 42 U.S.C. 6901*). Treatment, storage, or disposal of hazardous wastes.

UIC (*Underground Injection Control Under the Safe Drinking Water Act, 42 U.S.C. 300f*). Injection of fluids underground by gravity flow or pumping.

PSD (*Prevention of Significant Deterioration Under the Clean Air Act, 72 U.S.C. 7401*). Emission of an air pollutant by a new or modified facility in or near an area which has attained the National Ambient Air Quality Standards for that pollutant.

Each of the above permit programs is operated in any particular State by either the United States Environmental Protection Agency (EPA) or by an approved State agency. You must use this application form to apply for a permit for those programs administered by EPA. For those programs administered by approved States, contact the State environmental agency for the proper forms.

If you have any questions about whether you need a permit under any of the above programs, or if you need information as to whether a particular program is administered by EPA or a State agency, or if you need to obtain application forms, contact your EPA Regional office (*see address opposite column*).

Upon your request, and based upon information supplied by you, Ecology will determine whether you are required to obtain a permit for a particular facility. Be sure to contact Ecology if you have a question, because Federal and State laws provide that **you may be heavily penalized if you do not apply for a permit when a permit is required.**

Form 1 of the EPA consolidated application forms collects general information applying to all programs. You must fill out Form 1 regardless of which permit you are applying for. In addition, you must fill out one of the supplementary forms (*Forms 2 - 5*) for each permit needed under each of the above programs. Item II of Form 1 will guide you to the appropriate supplementary forms.

You should note that there are certain exclusions to the permit requirements listed above. The exclusions are described in detail in Section C of these instructions. If your activities are excluded from permit requirements then you do not need to complete and return any forms.

NOTE: Certain activities not listed above also are subject to EPA administered environmental permit requirements. These include permits for ocean dumping, dredged or fill material discharging, and certain types of air emissions. Contact your EPA Regional office for further information.

EPA REGION 10 (Federal and Tribal Facilities)

Permit Contact (*M/S 521*),
U.S. Environmental Protection Agency
1200 6th Avenue, Seattle, WA 98101
(206) 442-7176
FTS 399-7176.
Alaska, Idaho, Oregon, and Washington.

Where to File

The application forms should be mailed to the appropriate Ecology Regional Office. See:
<http://www.ecy.wa.gov/directory.html>

When to File

Because of statutory requirements, the deadlines for filing applications vary according to the type of facility you operate, the type of permit you need and if your current permit specifies reapplication dates. The minimum deadlines are provided in Table 1.

Table 1. Filing Dates for Permits¹

FORM (permit)	WHEN TO FILE
2A(NPDES).....	180 days before your present NPDES permit expires.
2B(NPDES).....	180 days before your present NPDES permit expires, or 180 days prior to start-up if you are a new facility. ²
2C(NPDES).....	180 days before your present NPDES permit expires ² .
2D(NPDES).....	180 days prior to startup.
2F (NPDES).....	180 days prior to startup.
3(Hazardous Waste)	Existing facility: Six months following publication of regulations listing hazardous wastes. New facility: 180 days before commencing physical construction.
(UIC)	A reasonable time prior to construction for new wells; as directed by the Director for existing wells

¹ Please note that some of these forms are not yet available for use and are listed as "Reserved" at the beginning of these instructions. Contact your EPA Regional office for information on current application requirements and forms.

² Ecology recommends new facilities submit application at least one year before commencing operation. Application to renew an existing permit is usually required one year before expiration.

Federal regulations provide that you may not begin to construct a new source in the NPDES program, a new hazardous waste management facility, a new injection well, or a facility covered by the PSD program before the issuance of a permit under the applicable program. Please note that if you are required to obtain a permit before beginning construction, as described above, you may need to submit your permit application well in advance of an applicable deadline listed in Table 2.

Fees

Ecology charges a fee for applications for new individual wastewater discharge permits.

Availability of Information to the Public

Information contained in these application forms will, upon request, be made available to the public for inspection and copying. However, you may request confidential treatment for certain information which you submit on certain supplementary forms. The specific instructions for each supplementary form state what information on the form, if any, may be claimed as confidential and what procedures govern the claim. No information on Forms 1 and 2A through 2D may be claimed as confidential.

Completion of Forms

Unless otherwise specified in instructions to the forms, each item in each form must be answered. To indicate that each item has been considered, enter "NA," for not applicable, if a particular item does not fit the circumstances or characteristics of your facility or activity.

If you have previously submitted information to EPA or to an approved state agency which answers a question, you may either repeat the information in the space provided or attach a copy of the previous submission. Some items in the form require narrative explanation. If more space is necessary to answer a question, attach a separate sheet entitled "Additional Information."

Financial Assistance for Pollution Control

There are a number of direct loans, loan guarantees, and grants available to firms and communities for pollution control expenditures. These are provided by the Small Business Administration, the Economic Development Administration, the Farmers Home Administration, and the Department of Housing and Urban Development. EPA Region 10 office has an economic assistance coordinator who can provide you with additional information. EPA's construction grants program under Title II of the Clean Water Act is an additional source of assistance to publicly owned treatment works. Contact your EPA Region 10 office for details.

SECTION B - FORM 1 LINE-BY-LINE INSTRUCTIONS

This form must be completed by all applicants.

Item I

Space is provided at the upper right hand corner of Form 1 for insertion of your Identification Number. If you have an existing wastewater discharge permit, enter the permit number here. If your facility does not currently have a wastewater discharge permit, leave this item blank.

Item II

Answer each question to determine which supplementary forms you need to fill out. Be sure to check the glossary in Section D of these instructions for the legal definitions of the **bold faced words**. Check Section C of these instructions to determine whether your activity is excluded from permit requirements.

If you answer "no" to every question, then you do not need a permit, and you do not need to complete and return any of these forms.

If you answer "yes" to any question, then you must complete and file the supplementary form by the deadline listed in Table 1 along with this form. (*The applicable form number follows each question and is enclosed in parentheses.*) You need not submit a supplementary form if you already have a permit under the appropriate federal program, unless your permit is due to expire and you wish to renew your permit.

Questions (I) and (J) of Item II refer to major new or modified sources subject to Prevention of Significant Deterioration (PSD) requirements under the Clean Air Act. For the purpose of the PSD program, major sources are defined as: (A) Sources listed in Table 3 which have the potential to emit 100 tons or more per year emissions; and (B) All other sources with the potential to emit 250 tons or more per year. See Section C of these instructions for discussion of exclusions of certain modified sources.

Table 2. 28 Industrial Categories Listed in Section 169(1) of the Clean Air Act of 1977

Fossil fuel-fired steam generators of more than 250 million BTU per hour heat input;
Coal cleaning plants (*with thermal dryers*);
Kraft pulp mills;
Portland cement plants;
Primary zinc smelters;
Iron and steel mill plants;
Primary aluminum ore reduction plants;
Primary copper smelters;
Municipal incinerators capable of charging more than 250 tons of refuse per day;
Hydrofluoric acid plants;
Nitric acid plants;
Sulfuric acid plants;
Petroleum refineries;
Lime plants;
Phosphate rock processing plants;
Coke oven batteries;
Sulfur recovery plants;
Carbon black plants (*furnace process*);
Primary lead smelters;
Fuel conversion plants;
Sintering plants;
Secondary metal production plants;
Chemical process plants;
Fossil fuel boilers (*or combination thereof*) totaling more than 250 million BTU per hour heat input.
Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

Taconite ore processing plants;
Glass fiber processing plants; and
Charcoal production plants.

Item III

Enter the facility's official or legal name. Do not use a colloquial name.

Item IV

Give the name, title, and work telephone number of a person who is thoroughly familiar with the operation of the facility and with the facts reported in this application and who can be contacted by reviewing offices if necessary.

Item V

Give the complete mailing address of the office where correspondence should be sent. This office is not the address used to designate the location of the facility.

Item VI

Give the address or location of the facility identified in Item III of this form. If the facility lacks a street name or route number, give the most accurate alternative geographic information (e.g. section number or quarter section number from the county records or at the intersection of Rts 425 and 22.)

Give the latitude and longitude using NAD83 (GCS North America 1983) or WGS84 datum reference. Use degree decimal format to 4 decimal places (e.g. N47.0123)

Item VII

List, in descending order of significance, the four 4-digit standard industrial classification (SIC) codes which best describe your facility in terms of the principal products or services you produce or provide. Also, specify each classification in words. These classifications may differ from the SIC codes describing the operation generating the discharge, air emissions, or hazardous wastes.

SIC code numbers are descriptions which may be found in the "Standard Industrial Classification Manual" prepared by the Executive Office of the President, Office of Management and Budget, which is available from the Government Printing Office, Washington, D.C. Use the current edition of the manual. See the website <http://www.naics.com/search.htm> for more information.

The Department of Licensing issues you a **UBI number** (Unified Business Identifier) with your business license. The Washington State Departments of Revenue, Licensing, Employment Security, Labor and Industry, and the Office of the Secretary of State use this number to identify your business. You can identify your UBI number at the following Department of Revenue website: <http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/>

Item VIII-A

Give the name, as it is legally referred to, of the person, firm, public organization, or any other entity which operates the facility described in this application. This may or may not be the same name as the facility. The operator of the facility is the legal entity which controls the facility's operation rather than the plant or site manager. Do not use a colloquial name.

Item VIII-B

Indicate whether the entity which operates the facility also owns it by marking the appropriate box.

SECTION B - FORM 1 LINE-BY-LINE INSTRUCTIONS (continued)

Item VIII-C

Enter the appropriate letter to indicate the legal status of the operator of the facility. Indicate "public" for a facility solely owned by local government(s) such as a city, town, county, parish, etc.

Items VIII-D-H

Enter the telephone number and address of the operator identified in Item VIII-A.

Item IX

Indicate whether the facility is located on Indian Lands.

Item X

Give the number of each presently effective permit issued to the facility for each program or, if you have previously filed an application but have not yet received a permit, give the number of the application, if any. Fill in the unshaded area only. If you have more than one currently effective permit for your facility under a particular permit program, you may list additional permit numbers on a separate sheet of paper. List any relevant environmental Federal (*e.g., permits under the Ocean Dumping Act, Section 404 of the Clean Water Act or the Surface Mining control and Reclamation Act*), State (*e.g., State permits for new air emission sources in nonattainment areas under Part D of the Clean Air Act or State permits under Section 404 of the Clean Water Act*), or local permits or applications under "other."

Item XI

Provide a topographic map or maps of the area extending at least one mile beyond the property boundaries of the facility, which clearly show the following:

The legal boundaries of the facility;

The location and serial number of each of your existing and proposed intake and discharge structures;

All hazardous waste management facilities;

Each well where you inject fluids underground; and

All springs and surface water bodies in the area, plus all drinking water wells within 1/4 mile of the facility which are identified in the public record or otherwise known to you.

If an intake or discharge structure, hazardous waste disposal site, or injection well associated with the facility is located more than one mile from the plant, include it on the map, if possible. If not, attach additional sheets describing the location of the structure, disposal site, or well, and identify the U.S. Geological Survey (*or other*) map corresponding to the location.

On each map, include the map scale, a meridian arrow showing north, and latitude and longitude to 4 decimal places. On all maps of rivers, show the direction of the current, and in tidal waters, show the direction of the ebb and flow tides. Use a 7-1/2 minute series map published by the U.S. Geological Survey, which may be obtained through the U.S. Geological Survey Offices listed below. If a 7-1/2 minute series map has not been published for your facility site, then you may use a 15 minute series map from the U.S. Geological Survey. If neither a 7-1/2 nor 15 minute series map has been published for your facility site, use a plat map or other appropriate map, including all the requested information; in this case, briefly describe land uses in the map area (*e.g., residential, commercial*).

You may trace your map from a geological survey chart, or other map meeting the above specifications. If you do, your map should bear a note showing the number or title of the map or chart it was traced from. Include the names of nearby towns, water bodies, and other prominent points. An example of an acceptable location map is shown in Figure 1-1 of these instructions. (*NOTE: Figure 1-1 is provided for purposes of illustration only, and does not represent any actual facility.*)

USGS OFFICE

AREA SERVED

Eastern Mapping Center
National Cartographic
Information Center
U.S.G.S.
536 National Center
Reston, VA 22092
Phone No. (703) 860-6336

AL, CT., DE., D.C., FL,
GA, IN, KY, ME, MD,
MA, NH, NJ, NY, NC,
SC, OH, PA, Puerto Rico,
RI, TN, VT, VA, WV,
and U.S. Virgin Islands.

Mid Continent Mapping Center
National Cartographic
Information Center
U.S.G.S.
1400 Independence Road
Rolla, MO. 65401
Phone No. (314) 341-0851

AR, IL, IA, KS, LA,
MI, MN, MS, MO,
ND, NE, OK, SD,
and WI

Rocky Mountain Mapping Center
National Cartographic
Information Center
U.S.G.S.
Stop 504, Box 25046 Federal Center
Denver, CO 80225
Phone No. (303) 234-2326

AK, CO, MT, NM,
TX, UT, and WY

Western Mapping Center
National Cartographic
Information Center
U.S.G.S.
345 Middlefield Road
Menlo Park, CA 94025
Phone No. (415) 323-8111

AZ, CA, HI, ID,
NV, OR, WA, American
Samoa, Guam, and Trust
Territories

Item XII

Briefly describe the nature of your business (*e.g., products produced or services provided*).

Item XIII

Federal statutes authorize severe penalties for submitting false information on this application form.

18 U.S.C. Section 1001 provides that "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

Section 309(c)(2) of the Clean Water Act and Section 113(c)(2) of the Clean Air Act each provide that "Any person knowingly makes any false statement, representation, or certification in any application, . . . shall upon conviction, be punished by a fine of no more than \$10,000 or by imprisonment for not more than six months, or both."

In addition, Section 3008(d)(3) of the Resource Conservation and Recovery Act provides for a fine up to \$25,000 per day or imprisonment up to one year, or both, for a first conviction for making a false statement in any application under the Act, and for double these penalties upon subsequent convictions.

FEDERAL REGULATIONS REQUIRE THIS APPLICATION TO BE SIGNED AS FOLLOWS:

- A. For a corporation, by a principal executive officer of at least the level of vice president. However, if the only activity in Item II which is marked "yes" is Question G, the officer may authorize a person having responsibility for the overall operations of the well or well field to sign the certification. In that case, the authorization must be written and submitted to the permitting authority;
- B. For partnership or sole proprietorship, by a general partner or the proprietor, respectively; or For a municipality, state, Federal, or other public facility, by either a principal executive officer or ranking elected official (e.g. mayor).
- C. For a municipality, state, Federal, or other public facility, by either a principal executive officer or ranking elected official.

SECTION C - ACTIVITIES WHICH DO NOT REQUIRE PERMITS

I. National Pollutant Discharge Elimination System Permits Under the Clean Water Act. You are not required to obtain a NPDES permit if your discharge is in one of the following categories, as provided by the Clean Water Act (CWA) and by the NPDES regulations (40 CFR Parts 122-125). However, under Section 510 of CWA a discharge exempt from the federal NPDES requirements may still be regulated by a state authority; contact Ecology to determine whether you need a state permit.

A. DREDGED OR FILL MATERIAL. Discharges of dredged or fill material into waters of the United States do not need NPDES permits if the dredging or filling is authorized by a permit issued by the U.S. Army Corps of Engineers or an EPA approved state under Section 404 of CWA.

B. DISCHARGES INTO PUBLICLY OWNED TREATMENT WORKS (POTW). The introduction of sewage, industrial wastes, or other pollutants into a POTW does not need an NPDES permit but may require a state permit. You must comply with all applicable pretreatment standards promulgated under Section 307(b) of CWA, which may be included in the permit issued to the POTW. If you have a plan or an agreement to switch to a POTW in the future, this does not relieve you of the obligation to apply for and receive an NPDES permit until you have stopped discharging pollutants into waters of the United States.

(NOTE: Dischargers into privately owned treatment works do not have to apply for or obtain NPDES permits except as otherwise required by the EPA Regional Administrator but may require a state discharge permit. The owner or operator of the treatment works itself, however, must apply for a permit and identify all users in its application. Users so identified will receive public notice of actions taken on the permit for the treatment works.)

C. DISCHARGES FROM AGRICULTURAL AND SILVICULTURAL ACTIVITIES. Most discharges from agricultural and silvicultural activities to waters of the United States do not require NPDES permits. These include runoff from orchards, cultivated crops, pastures, range lands, and forest lands. However, the discharges listed below do require NPDES permits. Definitions of the terms listed below are contained in the Glossary section of these instructions.

1. Discharges from Concentrated Animal Feeding Operations. *(See Glossary for definitions of "animal feeding operations" and "concentrated animal feeding operations." Only the latter require permits.)*
2. Discharges from Concentrated Aquatic Animal Production Facilities. *(See Glossary for size cutoffs.)*
3. Discharges associated with approved Aquaculture Projects.
4. Discharges from Silvicultural Point Sources. *(See Glossary for the definition of "silvicultural point source.")* Nonpoint source silvicultural activities are excluded from NPDES permit requirements. However, some of these activities, such as stream crossings for roads, may involve point source discharges of dredged or fill material which may require a Section 404 permit. See 33 CFR 209.120.

D. DISCHARGES IN COMPLIANCE WITH AN ON-SCENE COORDINATOR'S INSTRUCTIONS.

II. Hazardous Waste Permits Under the Resource Conservation and Recovery Act. You may be excluded from the requirement to obtain a permit under this program if you fall into one of the following categories:

Generators who accumulate their own hazardous waste on-site for less than 90 days as provided in 40 CFR 262.34;

Farmers who dispose of hazardous waste pesticide from their own use as provided in 40 CFR 262.51;

Certain persons treating, storing, or disposing of small quantities of hazardous waste as provided in 40 CFR 261.4 or 261.5; and

Owners and operators of totally enclosed treatment facilities as defined in 40 CFR 20.10.

Check with your EPA or Ecology Regional office for details. Please note that even if you are excluded from permit requirements, you may be required by Federal regulations to handle your waste in a particular manner.

III. Underground Injection Control Permits Under the Safe Drinking Water Act. You are not required to obtain an NPDES permit under this program if you:

Inject into existing wells used to enhance recovery of oil and gas or to store hydrocarbons (*note, however, that these underground injections are regulated by Federal and state rules*); or

Inject into or above a stratum which contains, within 1/4 mile of the well bore, an underground source of drinking water (*unless your injection is the type identified in Item II-H, for which you do need a permit*). However, you must notify EPA of your injection and submit certain required information on forms supplied by the Agency, and your operation may be phased out if you are a generator of hazardous wastes or a hazardous waste management facility which uses wells or septic tanks to dispose of hazardous waste.

IV. Prevention of significant Deterioration Permits Under the Clean Air Act. The PSD program applies to newly constructed or modified facilities (*both of which are referred to as "new sources"*) which increase air emissions. The Clean Air Act Amendments of 1977 exclude small new sources of air emissions from the PSD review program. Any new source in an industrial category listed in Table 2 of these instructions whose potential to emit is less than 100 tons per year is not required to get a PSD permit. In addition, any new source in an industrial category not listed in Table 2 whose potential to emit is less than 250 tons per year is exempted from the PSD requirements.

Modified sources which increase their net emissions (*the difference between the total emission increases and total emission decreases at the source*) less than the significant amount set forth in EPA regulations are also exempt from PSD requirements. Contact your EPA Regional office for further information.

SECTION D - GLOSSARY

NOTE: This Glossary includes terms used in the instructions and in Forms 1, 2B, 2C, and 3. Additional terms will be included in the future when other forms are developed to reflect the requirements of other parts of the Consolidated Permits Program. If you have any questions concerning the meaning of any of these terms, please contact your EPA Regional office.

ALiquot means a sample of specified volume used to make up a total composite sample.

ANIMAL FEEDING OPERATION means a lot or facility (*other than an aquatic animal production facility*) where the following conditions are met:

A. Animals (*other than aquatic animals*) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and

B. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation if the adjoint each other or if they use a common area or system for the disposal of wastes.

ANIMAL UNIT means a unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by 1.0; Plus the number of mature dairy cattle multiplied by 1.4; Plus the number of swine weighing over 25 kilograms (*approximately 55 pounds*) multiplied by 0.4; Plus the number of sheep multiplied by 0.1; Plus the number of horses multiplied by 2.0.

APPLICATION means the EPA standard national forms for applying for a permit, including any additions, revisions, or modifications to the forms; or forms approved by EPA for use in approved States, including any approved modifications or revisions. For RCRA, "application" also means "Application, Part B."

APPLICATION, PART A means that part of the Consolidated Permit Applications forms which a RCRA permit applicant must complete to qualify for interim status under Section 3005(e) of RCRA and for consideration for a permit. Part A consists of Form 1 (*General Information*) and Form 3 (*Hazardous Waste Application Form*).

APPLICATION, PART B means that part of the application which a RCRA permit applicant must complete to be issued a permit. (*NOTE: EPA is not developing a specific form for Part B of the permit application, but an instruction booklet explaining what information must be supplied is available from the EPA Regional office.*)

APPROVED PROGRAM or APPROVED STATE means a State program which has been approved or authorized by EPA under 40 CFR Part 123.

AQUACULTURE PROJECT means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.

"Designated area" means the portions of waters of the United States within which the applicant plans to confine the cultivated species, using a method of plan or operation (*including, but not limited to, physical confinement*) which, on the basis of reliable scientific evidence, is expected to ensure the specific individual organisms comprising an aquaculture crop will enjoy increased

growth attributable to the discharge of pollutants and be harvested within a defined geographic area.

AQUIFER means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

AREA OF REVIEW means the area surrounding an injection well which is described according to the criteria set forth in 40 CFR Section 146.06.

AREA PERMIT means a UIC permit applicable to all or certain wells within a geographic area, rather than to a specified well, under 40 CFR Section 122.37.

ATTAINMENT AREA means, for any air pollutant, an area which has been designated under Section 107 of the Clean Air Act as having ambient air quality levels better than any national primary or secondary ambient air quality standard for that pollutant. Standards have been set for sulfur oxides, particulate matter, nitrogen dioxide, carbon monoxide, ozone, lead, and hydrocarbons. For purposes of the Glossary, "attainment area" also refers to "unclassifiable area," which means for any pollutants, an area designated under Section 107 as unclassifiable with respect to that pollutant due to insufficient information.

BEST MANAGEMENT PRACTICES (*BMP*) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMP's include treatment requirements, operation procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BIOLOGICAL MONITORING TEST means any test which includes the use of aquatic algal, invertebrate, or vertebrate species to measure acute or chronic toxicity, and any biological or chemical measure of bioaccumulation.

BYPASS means the intentional diversion of wastes from any portion of a treatment facility.

CONCENTRATED ANIMAL FEEDING OPERATION means an animal feeding operation which meets the criteria set forth in either (A) or (B) below or which the Director designates as such on a case-by-case basis:

A. More than the numbers of animals specified in any of the following categories are confined:

1. 1,000 slaughter or feeder cattle,
2. 700 mature dairy cattle (*whether milked or dry cows*),
3. 2500 swine each weighing over 25 kilograms (*approximately 55 pounds*),
4. 500 horses,
5. 10,000 sheep or lambs,
6. 55,000 turkeys,
7. 100,000 laying hens or broilers (*if the facility has a continuous overflow watering*),

8. 30,000 laying hens or broilers (*if the facility has a liquid manure handling system*),

9. 5,000 ducks, or

10. 1,000 animal units; or

B. More than the following numbers and types of animals are confined:

1. 300 slaughter or feeder cattle

2. 200 mature dairy cattle (*whether milked or dry cows*),

3. 750 swine each weighing over 25 kilograms (*approximately 55 pounds*),

4. 150 horses

5. 3,000 sheep or lambs,

6. 16,500 turkeys,

7. 30,000 laying hens or broilers (*if the facility has continuous overflow watering*),

8. 9,000 laying hens or broilers (*if the facility has a liquid manure handling system*),

9. 1,500 ducks, or

10. 300 animal units; AND

Either one of the following conditions are met: Pollutants are discharged into waters of the United States through a manmade, ditch flushing system or other similar manmade device ("*manmade*" means constructed by man and used for the purpose of transporting wastes); or Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

Provided, however, that no animal feeding operation is a concentrated animal feeding operation as defined above if such animal feeding operation discharges only in the event of a 25 year, 24 hour storm event.

CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY means a hatchery, fish farm, or other facility which contains, grows or holds aquatic animals in either of the following categories, or which the Director designates as such on a case-by-case basis:

A. Cold water fish species or other cold water aquatic animals including, but not limited to, the Salmonidae family of fish (*e.g., trout and salmon*) in ponds, raceways or other similar structures which discharge at least 30 days per year but does not include:

1. Facility which produce less than 9,090 harvest weight kilograms (*approximately 20,000 pounds*) of aquatic animals per year; and

2. Facilities which feed less than 2,272 kilograms (*approximately 5,000 pounds*) of food during the calendar month of maximum feeding.

B. Warm water fish species or other warm water aquatic animals including, but not limited to, the Ameiuridae, Cetrachidae, and Cyprinidae families of fish (*e.g., respectively, catfish, sunfish, and minnows*) in ponds, raceways, or other similar structures which discharge at least 30 days per year, but does not include:

1. Closed ponds which discharge only during periods of excess runoff; or

2. Facilities which produce less than 45,454 harvest weight kilograms (*approximately 100,000 pounds*) of aquatic animals per year.

CONTACT COOLING WATER means water used to reduce temperature which comes into contact with a raw material, intermediate product, waste product other than heat, or finished product.

CONTAINER means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

CONTIGUOUS ZONE means the entire zone established by the United States under article 24 of the convention of the Territorial Sea and the Contiguous Zone.

COOLING WATER INTAKE STRUCTURE means the total physical structure and any associated constructed waterways used to withdraw cooling water from waters of the United States.

CWA means the Clean Water Act (*formerly referred to the Federal Water Pollution Control Act*) pub. L. 92-500, as amended by Pub. L. 95-217 and Pub. L. 95-576, 33 U.S.C. 1251 *et seq.*

DIKE means any embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

DIRECT DISCHARGE means the discharge of a pollutant as defined below.

DIRECTOR means the EPA Regional Administrator or the State Director as the context requires.

DISCHARGE (OF A POLLUTANT) means:

A. Any addition of any pollutant or combination of pollutants to waters of the United States from any point source; or

B. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes discharges into waters of the United States from: Surface runoff which is collected or channeled by man; Discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to POTW's; and Discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

DISPOSAL (in the RCRA program) means the discharge, deposit, injection, jumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that the hazardous waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters, including ground water.

DISPOSAL FACILITY means a facility or part of a facility at which hazardous waste is intentionally placed into or on land or water, and at which hazardous waste will remain after closure.

SECTION D - GLOSSARY (continued)

EFFLUENT LIMITATION means any restriction imposed by the Director on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean.

EFFLUENT LIMITATION GUIDELINE means a regulation published by the Administrator under Section 304(b) of the Clean Water Act to adopt or revise effluent limitations.

ENVIRONMENTAL PROTECTION AGENCY (EPA) means the United States Environmental Protection Agency.

EPA IDENTIFICATION NUMBER means the number assigned by EPA to each generator, transporter, and facility.

EXEMPTED AQUIFER means an aquifer or its portion that meets the criteria in the definition of USDW, but which has been exempted according to the procedures in 40 CFR Section 122.35(b).

EXISTING SOURCE or EXISTING DISCHARGER (in the NPDES program) means any source which is not a new source or a new discharger.

EXISTING INJECTION WELL means an injection well other than a new injection well.

FACILITY means any HWM facility, UIC underground injection well, NPDES point source, PSD stationary source, or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the RCRA, UIC, NPDES, or PSD programs.

FLUID means material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

GENERATOR means any person by site, whose act or process produces hazardous waste identified or listed in 40 CFR Part 261.

GROUNDWATER means water below the land surface in a zone of saturation.

HAZARDOUS SUBSTANCE means any of the substances designated under 40 CFR Part 116 pursuant to Section 311 of CWA. (NOTE: These substances are listed in Table 2c-4 of the instructions to Form 2C).

HAZARDOUS WASTE means a hazardous waste as defined in 40 CFR Section 261.3 published May 19, 1980.

HAZARDOUS WASTE MANAGEMENT FACILITY (HWM facility) means all contiguous land, structures, appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous wastes. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them).

IN OPERATION means a facility which is treating, storing, or disposing of hazardous waste.

INCINERATOR (in the RCRA program) means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste. Examples of incinerators are rotary kiln, fluidized bed, and liquid injection incinerators.

INDIRECT DISCHARGER means a non-domestic discharger introducing pollutants to a publicly owned treatment works.

INJECTION WELL means a well into which fluids are being injected.

INTERIM AUTHORIZATION means approval by EPA of a State hazardous waste program which has met the requirements of Section 3006(c) of RCRA and applicable requirements of 40 CFR Part 124, Subparts A, B, and F.

LANDFILL means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, or an injection well.

LAND TREATMENT FACILITY (in the RCRA program) means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

LISTED STATE means a State listed by the Administrator under Section 1422 of SDWA as needing a State UIC program.

MGD means millions of gallons per day.

MUNICIPALITY means a city, village, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of CWA.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of CWA. The term includes an approved program.

NEW DISCHARGER means any building, structure, facility, or installation: (A) From which there is or may be a new or additional discharge of pollutants at a site at which on October 18, 1972, it had never discharged pollutants; (B) Which has never received a finally effective NPDES permit for discharges at the site; and (C) Which is not a "new source." This definition includes an indirect discharger which commences discharging into waters of the United States. It also includes any existing mobile point source, such as an offshore oil drilling rig, seafood processing vessel, or aggregate plant that begins discharging at a location for which it does not have an existing permit.

NEW HWM FACILITY means a Hazardous Waste Management facility which began operation or for which construction commenced after October 21, 1976.

NEW INJECTION WELL means a well which begins injection after a UIC program for the State in which the well is located is approved.

NEW SOURCE (in the NPDES program) means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

A. After promulgation of standards of performance under Section 306 of CWA which are applicable to such source; or

SECTION D - GLOSSARY (continued)

B. After proposal of standards of performance in accordance with Section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

EXISTING INJECTION WELL means an injection well other than a new injection well.

FACILITY means any HWM facility, UIC underground injection well, NPDES point source, PSD stationary source, or any other facility or activity (*including land or appurtenances thereto*) that is subject to regulation under the RCRA, UIC, NPDES, or PSD programs.

FLUID means material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

GENERATOR means any person by site, whose act or process produces hazardous waste identified or listed in 40 CFR Part 261.

GROUNDWATER means water below the land surface in a zone of saturation.

HAZARDOUS SUBSTANCE means any of the substances designated under 40 CFR Part 116 pursuant to Section 311 of CWA. (*NOTE: These substances are listed in Table 2c-4 of the instructions to Form 2C*).

HAZARDOUS WASTE means a hazardous waste as defined in 40 CFR Section 261.3 published May 19, 1980.

HAZARDOUS WASTE MANAGEMENT FACILITY (*HWM facility*) means all contiguous land, structures, appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous wastes. A facility may consist of several treatment, storage, or disposal operational units (*for example, one or more landfills, surface impoundments, or combinations of them*).

IN OPERATION means a facility which is treating, storing, or disposing of hazardous waste.

INCINERATOR (*in the RCRA program*) means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste. Examples of incinerators are rotary kiln, fluidized bed, and liquid injection incinerators.

INDIRECT DISCHARGER means a non-domestic discharger introducing pollutants to a publicly owned treatment works.

INJECTION WELL means a well into which fluids are being injected.

INTERIM AUTHORIZATION means approval by EPA of a State hazardous waste program which has met the requirements of Section 3006(c) of RCRA and applicable requirements of 40 CFR Part 124, Subparts A, B, and F.

LANDFILL means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, or an injection well.

LAND TREATMENT FACILITY (*in the RCRA program*) means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

LISTED STATE means a State listed by the Administrator under Section 1422 of SDWA as needing a State UIC program.

MGD means millions of gallons per day.

MUNICIPALITY means a city, village, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of CWA.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (*NPDES*) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of CWA. The term includes an approved program.

NEW DISCHARGER means any building, structure, facility, or installation: (A) From which there is or may be a new or additional discharge of pollutants at a site at which on October 18, 1972, it had never discharged pollutants; (B) Which has never received a finally effective NPDES permit for discharges at the site; and (C) Which is not a "new source." This definition includes an indirect discharger which commences discharging into waters of the United States. It also includes any existing mobile point source, such as an offshore oil drilling rig, seafood processing vessel, or aggregate plant that begins discharging at a location for which it does not have an existing permit.

NEW HWM FACILITY means a Hazardous Waste Management facility which began operation or for which construction commenced after October 21, 1976.

NEW INJECTION WELL means a well which begins injection after a UIC program for the State in which the well is located is approved.

NEW SOURCE (*in the NPDES program*) means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

A/ After promulgation of standards of performance under Section 306 of CWA which are applicable to such source; or

B/ After proposal of standards of performance in accordance with Section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

NON-CONTACT COOLING WATER means water used to reduce temperature which does not come into direct contact with any raw material, intermediate product, waste product (*other than heat*), or finished product.

OFF-SITE means any site which is not "on-site."

SECTION D - GLOSSARY (continued)

ON-SITE means on the same or geographically contiguous property which may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way which the person controls and to which the public does not have access, is also considered on-site property.

OPEN BURNING means the combustion of any material without the following characteristics:

- A. Control of combustion air to maintain adequate temperature for efficient combustion;
- B. Containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- C. Control of emission of the gaseous combustion products.

(See also "incinerator" and "thermal treatment")

OPERATOR means the person responsible for the overall operation of a facility.

OUTFALL means a point source.

OWNER means the person who owns a facility or part of a facility.

PERMIT means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR Parts 122, 123, and 124.

PHYSICAL CONSTRUCTION (*in the RCRA program*) means excavation, movement of earth, erection of forms or structures, or similar activity to prepare a HWM facility to accept hazardous waste.

PILE means any noncontainerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage.

POLLUTANT means dredge spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewer sludge, munitions, chemical waste, biological materials, radioactive materials (*except those regulated under the Atomic Energy Act of 1954, as amended [42 U.S.C. Section 2011 et seq.]*), heat, wrecked or discarded equipment, rocks, sand, cellar dirt and industrial, municipal, and agriculture waste discharge into water. It does not mean:

Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

(NOTE: Radioactive materials covered by the Atomic Energy Act are those encompassed in its definition of source, byproduct, or special nuclear materials. Examples of materials not covered include radium and accelerator produced isotopes. See *Train v. Colorado Public Interest Research Group, Inc.*, 426 U.S. 1 [1976].)

PREVENTION OF SIGNIFICANT DETERIORATION (PSD) means the national permitting program under 40 CFR 52.21 to prevent emissions of certain pollutants regulated under the Clean Air Act from significantly deteriorating air quality in attainment areas.

PRIMARY INDUSTRY CATEGORY means any industry category listed in the NRDC Settlement Agreement (*Natural Resources Defense Council v. Train*, 8 ERC 2120 [D.D.C. 1976], modified 12 ERC 1833 [D.D.C. 1979]).

PRIVATELY OWNED TREATMENT WORKS means any device or system which is: (A) Used to treat waste from any facility whose operator is not the operator of the treatment works; and (B) Not a POTW.

PROCESS WASTEWATER means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

PUBLICLY OWNED TREATMENT WORKS or POTW means any device or system used in the treatment (*including recycling and reclamation*) of municipal sewage or industrial wastes of a liquid nature which is owned by a state or municipality. This definition includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

RENT means use of another's property in return for regular payment.

RCRA means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (*Pub. L. 94-580, as amended by Pub. L. 95-609, 42 U.S.C. Section 6901 et seq.*).

ROCK CRUSHING AND GRAVEL WASHING FACILITIES are facilities which process crushed and broken stone, gravel, and riprap (*see 40 CFR Part 436, Subpart B, and the effluent limitations guidelines for these facilities*).

SDWA means the Safe Drinking Water Act (*Pub. L. 95-523, as amended by Pub. L. 95-1900, 42 U.S.C. Section 300[f] et seq.*).

SECONDARY INDUSTRY CATEGORY means any industry category which is not a primary industry category.

SECTION D - GLOSSARY (continued)

SEWAGE FROM VESSELS means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under Section 312 of CWA, except that with respect to commercial vessels on the Great Lakes this term includes graywater. For the purpose of this definition, "graywater" means galley, bath, and shower water.

SEWAGE SLUDGE means the solids, residues, and precipitate separated from or created in sewage by the unit processes of a POTW. "Sewage" as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.

SILVICULTURAL POINT SOURCE means any discernable, confined, and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States. This term does not include nonpoint source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. However, some of these activities (*such as stream crossing for roads*) may involve point source discharges of dredged or fill material which may require a CWA Section 404 permit. "Log sorting and log storage facilities" are facilities whose discharges result from the holding of unprocessed wood, e.g., logs or roundwood with bark or after removal of bark in self-contained bodies of water (*mill ponds or log ponds*) or stored on land where water is applied intentionally on the logs (*wet decking*). (See 40 CFR Part 429, Subpart J, and the effluent limitations guidelines for these facilities).

STATE means any of the 50 States, the district of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands (*except in the case of RCRA*), and the Commonwealth of the Northern Mariana Islands (*except in the case of CWA*).

STATIONARY SOURCE (*in the PSD program*) means any building, structure, facility, or installation which emits or may emit any air pollutant regulated under the Clean Air Act. "Building, structure, facility, or installation" means any grouping of pollutant-emitting activities which are located on one or more contiguous or adjacent properties and which are owned or operated by the same person (*or by person under common control*).

STORAGE (*in the RCRA program*) means the holding of hazardous waste for a temporary period at the end of which the hazardous waste is treated, disposed, or stored elsewhere.

STORM WATER RUNOFF means water discharged as a result of rain, snow, or other precipitation.

SURFACE IMPOUNDMENT or **IMPOUNDMENT** means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (*although it may be lined with manmade materials*), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

TOXIC POLLUTANT means any pollutant listed as toxic under Section 307(a)(1) of CWA.

TANK (*in the RCRA program*) means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (*e.g., wood, concrete, steel, plastic*) which provide structural support.

THERMAL TREATMENT (*in the RCRA program*) means the treatment of hazardous waste in a device which uses elevated temperature as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning").

TOTALLY ENCLOSED TREATMENT FACILITY (*in the RCRA program*) means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

TOXIC POLLUTANT means any pollutant listed as toxic under Section 307(a)(1) of CWA.

TRANSPORTER (*in the RCRA program*) means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

TREATMENT (*in the RCRA program*) means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

UNDERGROUND INJECTION means well injection.

UNDERGROUND SOURCE OF DRINKING WATER or **USDW** means an aquifer or its portion which is not an exempted aquifer and:

- A. Which supplies drinking water for human consumption; or
- B. In which the ground water contains fewer than 10,000 mg/l total dissolved solids.

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

WATERS OF THE UNITED STATES means:

- A. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- B. All interstate waters, including interstate wetlands;

C. All other waters such as intrastate lakes, rivers, streams (*including intermittent streams*), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, and natural ponds, the use degradation, or destruction of which would or could affect interstate or foreign commerce including any such waters:

1. Which are or could be used by interstate or foreign travelers for recreational or other purposes,
2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce,
3. Which are used or could be used for industrial purposes by industries in interstate commerce;

D. All impoundments of waters otherwise defined as waters of the United States under this definition;

E. Tributaries of waters identified in paragraphs (A) - (D) above; The territorial sea; and

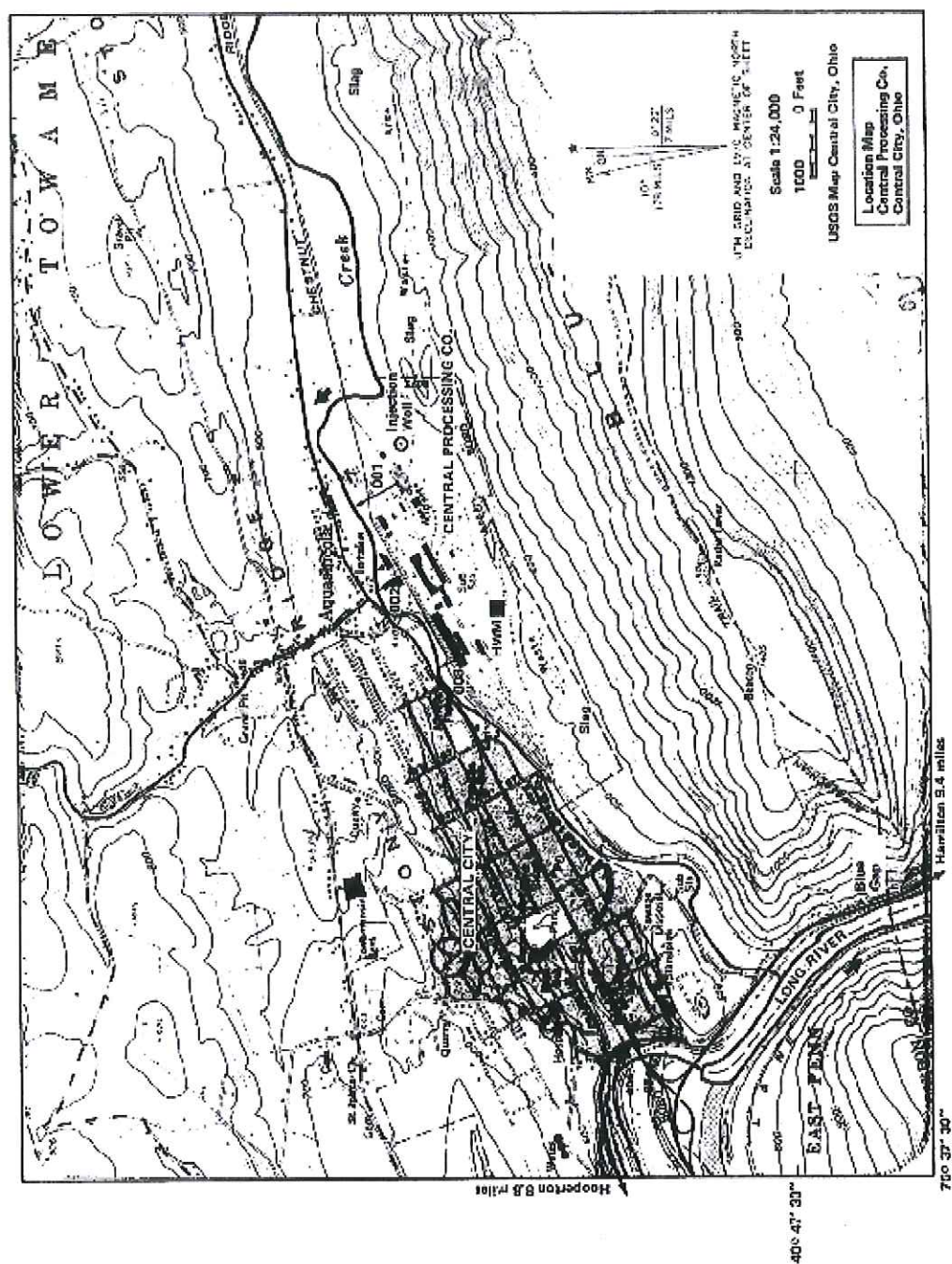
F. Wetlands adjacent to waters (*other than waters that are themselves wetlands*) identified in paragraphs (A) - (F) of this definition.

Waste treatment systems, including treatment ponds or lagoons designated to meet requirement of CWA (*other than cooling ponds as defined in 40 CFR Section 423.11(m) which also meet the criteria of this definition*) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (*such as a disposal area in wetlands*) nor resulted from the impoundments of waters of the United States.

WELL INJECTION or UNDERGROUND INJECTION means the subsurface emplacement of fluids through a bored, drilled, or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

WETLANDS means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

TRANSPORTER (*in the RCRA program*) means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.



FORM 1 GENERAL	 DEPARTMENT OF ECOLOGY State of Washington	U.S. ENVIRONMENTAL PROTECTION AGENCY/ECOLOGY GENERAL INFORMATION Consolidated Permits Program <i>(Read the "General Instructions" before starting.)</i>	1. Current permit I.D. <div style="border: 1px solid black; padding: 2px; display: inline-block;"> WA-003152-6 </div>	T/A <div style="border: 1px solid black; padding: 2px; display: inline-block;"> 14 </div>	C <div style="border: 1px solid black; padding: 2px; display: inline-block;"> D </div>
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II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit a NPDES permit application forms to Ecology. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of **bold-faced terms**.

	MARK "X"				MARK "X"		
	YES	NO	FORM ATTACHED		YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	B. Does or will this facility (<i>either existing or proposed</i>) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Is this facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C) Does this facility operate a cooling water intake structure? (FORM 2C Supplemental)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	D. Is this proposal facility (<i>other than those described in A or B above</i>) which will result in a discharge to waters of the U.S.? (FORM 2D)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G. Do you or will you inject at this facility any produced water other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

III. NAME OF FACILITY

C	Clam Bay- Saltwater I Net Pen Site
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IV. FACILITY CONTACT

C	A. NAME & TITLE (<i>last, first, & title</i>)	B. PHONE (<i>area code & no.</i>)
2	Bright, Kevin- Permit Coordinator	360 391 2409
C	B. EMAIL ADDRESS	
2	Kevin.Bright@CookeAqua.com	
C	C. Does the facility have or can it obtain broadband internet access?	
2	X Yes <input checked="" type="checkbox"/> No	

V. FACILITY MAILING ADDRESS

C	A. STREET OR P.O. BOX		
3	PO Box 669		
C	B. CITY OR TOWN	C. STATE	D. ZIP CODE
4	Anacortes	WA	98221

VI. FACILITY LOCATION

C	A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER			
5	Clam Bay adjacent to Rich Passage			
C	B. COUNTY NAME			
6	Kitsap			
C	C. CITY OR TOWN	D. STATE	E. ZIP CODE	F. COUNTY CODE
6	Manchester	WA	98353	
7	D. LATITUDE/LONGITUDE (NAD 83 DATUM)			
7	LATITUDE AS DECIMAL DEGREES- N47.57210			
7	LONGITUDE AS DECIMAL DEGREES - W122.54304			

CONTINUED FROM THE FRONT

VII. SIC, NAICS CODES (in order of priority)
AND UBI NUMBER Place additional on an attachment.

SIC FIRST				SIC. SECOND			
C 7	0273	(specify) Animal Aquaculture	7 7	(specify)			
EQUIVALENT NAICS FIRST				EQUIVALENT NAICS SECOND			
C 7		(specify)	7 7	(specify)			

UBI NUMBER 602-825-648

VIII. OPERATOR INFORMATION

A. NAME						B. Is the name listed in Item VIII-A also the owner? X YES <input type="checkbox"/> NO			
C 8	Cooke Aquaculture Pacific, LLC								
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other," specify.)						D. PHONE (area code & no.)			
F = FEDERAL S = STATE P = PRIVATE		M = PUBLIC (other than federal or state) O = OTHER (specify)		P	(specify)	C A	360	391	2409
E. STREET OR PO BOX									
PO Box 669									
F. CITY OR TOWN				G. STATE	H. ZIP CODE	IX. INDIAN LAND			
C B	Anacortes			WA	98221	Is the facility located on Indian lands? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)				D. PSD (Air Emissions from Proposed Sources)			
C 9	T N	I WA-003152-6		C 9	T P	8	
B. UIC (Underground Injection of Fluids)				E. OTHER (specify)			
C 9	T U			C 9	T	8	
C. RCRA (Hazardous Wastes)				E. OTHER (specify)			
C 9	T R			C 9	T	8	

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

Marine net pen aquaculture facility for cultivating marine finfish species for the purposes of producing seafood for the U.S. seafood marketplace.

NOTE: Facility is no longer operational and net pen structures and improvements have been removed from the site at this time.

XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)	B. SIGNATURE	C. DATE SIGNED
Glenn Cooke, President		1/30/2024

To ask about the availability of this document in a version for the visually impaired, call the Water Quality Program at 360-407-6600, Relay Service 711, or TTY 877-833-6341.

See the instructions on the reverse.
Please print or type in the unshaded areas.

EPA ID Number (copy from item I of Form 1)
WA-003152-6

Form Approved.
OMB No. 2040-0086
Approval expires 7-31-88

Form
2B
NPDES



United States Environmental Protection Agency
Application for Permit to Discharge Wastewater
Concentrated animal feeding operations and aquatic animal production facilities
Consolidated Permits Program

I. GENERAL INFORMATION

A. TYPE OF BUSINESS	B. LEGAL DESCRIPTION OF FACILITY LOCATION	C. FACILITY OPERATION STATUS
CONCENTRATED ANIMAL FEEDING <input type="checkbox"/> 1. OPERATION (complete items B, C, and Section II) CONCENTRATED QUATIC ANIMAL <input checked="" type="checkbox"/> 2. PRODUCTION FACILITY (complete items B, C, and Section III)	Section 15, Township 24 North, Range 2 East; Clam Bay South of Bainbridge Island near Manchester; approximate coordinates are Lat. 47 34' 15" N and Long. 122 32' 25" W CLAM BAY SITE	<input checked="" type="checkbox"/> 1. EXISTING FACILITY <input type="checkbox"/> 2. PROPOSED FACILITY

II. CONCENTRATED ANIMAL FEEDING OPERATION CHARACTERISTICS

A. TYPE & NUMBER OF ANIMALS IN OPEN CONFINEMENT & HOUSEHOLD UNDER ROOF			B. NO. OF ACRES FOR CONFINEMENT FEEDING
1. TYPE	2. NO. IN OPEN CONFINEMENT	3. NO. HOUSED UNDER ROOF	
			C. If there is open confinement, has a runoff diversion and control system been constructed? <input type="checkbox"/> YES (complete items 1, 2, & 3 below) <input type="checkbox"/> NO (go to Section IV)

1. What is the design basis for the control system?

<input type="checkbox"/> a. 10 YEAR 24-HOUR STORM (specify inches)	INCHES	<input type="checkbox"/> b. 25 YEAR 24-HOUR STORM (specify inches)	INCHES	<input type="checkbox"/> c. OTHER (specify inches & type)	INCHES	TYPE
2. Report the number of acres of contributing drainage.			ACRES	3. Report the design safety factor.		SAFETY FACTOR

III. CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY CHARACTERISTICS

A. For each outfall give the maximum daily flow, maximum 30 day flow, and the long term average flow.				B. Indicate the total number of ponds, raceways, and similar structures in your facility.		
1. OUTFALL NO.	2. FLOW (gallons per day)			1. PONDS	2. RACEWAYS	3. OTHER
	a. MAXIMUM DAILY	b. MAXIMUM 30 DAY	c. LONG TERM AVERAGE	None	None	Marine Net Pen
None	Not applicable	Not applicable	Not applicable	C. Provide the name of the receiving water and the source of water used by your facility.		
				1. RECEIVING WATER WA-PS-15-0030 Clam Bay, Puget Sound		2. WATER SOURCE Puget Sound

D. List the species of fish or aquatic animals held and fed at your facility. For each species, give the total weight produced by your facility per year in pounds of harvestable weight, and also give the maximum weight present at any one time.

1. COLD WATER SPECIES			2. WARM WATER SPECIES		
a. SPECIES	b. HARVESTABLE WEIGHT (pounds)		a. SPECIES	b. HARVESTABLE WEIGHT (pounds)	
	(1) TOTAL YEARLY	(2) MAXIMUM		(1) TOTAL YEARLY	(2) MAXIMUM
Rainbow Trout Oncorhynchus mykiss	TBD	TBD			

E. Report the total pounds of food fed during the calendar month of maximum feeding.

1. MONTH TBD	2. POUNDS OF FOOD TBD
------------------------	---------------------------------

IV. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (print or type) Glenn Cooke, President	B. PHONE NO. (area code & no.) (506) 694-4901
C. SIGNATURE 	C. DATE SIGNED 1/30/2024

INSTRUCTIONS

General

This form must be completed by all applicants who check "yes" to Item II-B in Form 1. Not all animal feeding operations or fish farms are required to obtain NPDES permits. Exclusions are based on size and occurrence of discharge. See the description of these statutory and regulatory exclusions in the General Instructions which accompany Form 1. In particular, for animal feeding operations, the size cutoffs depend on whether or not pollutants are discharged through a manmade device or by direct contact with the facility or animals. A facility for laying hens or broilers is not required to have a permit unless it has a liquid manure handling system or continuous overflow watering. Also, facilities which discharge only in the case of a 25 year, 24 hour storm event are not required to have a permit.

For aquatic animal production facilities, the size cutoffs are based on whether the species are warm water or cold water, on the production weight per year in harvestable pounds, and on the amount of feeding in pounds of food (*for cold water species*). Also, facilities which discharge less than 30 days per year, or only during periods of excess runoff (*for warm water fish*) are not required to have a permit.

Refer to the Form 1 instructions to determine where to file this form.

Item 1-A

See the note above and the General Instructions which accompany Form 1 to be sure that your facility is "concentrated."

Item I-B

If your answer to Item VI of Form 1 does not give a complete legal description of your facility's location, use this space to provide a complete description, such as quarter, section, township, and range.

Item I-C

Check "proposed" if your facility is not now in operation, or not now "concentrated" under the definition in the glossary found in the General Instructions which accompany Form 1.

Item II

Supply all information in Item II if you checked (1) in Item I-A.

Item II-A

Give the maximum number of each type of animal in open confinement or housed under roof (*either partially or totally*) which are held at your facility for a total of 45 days or more in any 12 month period.

Use the following categories for types of animal:

Slaughter Cattle; Feeder Cattle; Mature Dairy Cattle (*milked or dry*); Swine (*each weighing over 55 pounds*); Horses; Sheep; Lambs; Turkeys; Laying Hens¹; Broilers¹; Ducks

¹A permit is not required unless the facility has a liquid manure handling system or continuous overflow watering.

Item II-B

Give only the area used for the animal confinement or feeding facility. Do not include any area used for growing or operating feed.

Item II-C

Check "yes" if any system for collection of runoff has been constructed. Supply the information under (1), (2), and (3) to the best of your knowledge.

Item III

Supply all information in Item III if you checked (2) in Item I-A.

Item III-A

Outfalls should be numbered to correspond with the map submitted in Item XI of Form 1. Values given for flow should be representative of your normal operation. The maximum daily flow is the maximum measured flow occurring over a calendar day. The maximum 30 day flow is the average of measured daily flows over the calendar month of highest flow. The long term average flow is the average of measured daily flows over a calendar year.

Item III-B

Give the total number of discrete ponds or raceways in your facility. Under "other," give a descriptive name of any structure which is not a pond or a raceway but which results in discharge to waters of the United States.

Item III-C

Use names for the receiving water and source of water which correspond to the map submitted in Item XI of Form 1.

Item III-D

The names of fish species should be proper, common, or scientific names as given in special Publication No. 6 of the American Fisheries Society, "A List of Common and Scientific Names of Fishes from the United States and Canada." The values given for total weight produced by your facility per year and the maximum weight present at any one time should be representative of your normal operation.

Item III-E

The value given for maximum monthly pounds of food should be representative of your normal operation.

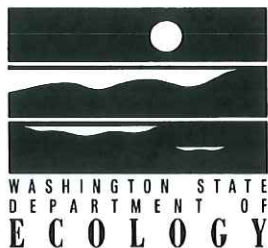
Item IV

The Clean Water Act provides severe penalties for submitting false information on this application form.

Section 309(c)(2) of the Clean Water Act provides that "Any person who knowingly makes any false statement, representation, or certification in any application . . . shall upon conviction, be punished by a fine of no more than \$10,000 or by imprisonment for not more than six months, or both."

Federal regulations require the certification to be signed as follows:

- A. For corporation, by a principal executive officer or at least the level of vice president;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
- C. For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.



RECEIVED

FEB 29 2024

WA State Department
of Ecology (SWRO)

For Office Use Only

Date Received _____

Application/Permit No. _____

Waterbody No. _____

SIC _____

**MARINE/FRESHWATER SALMONID NET-PEN
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT APPLICATION FORM**

The following information is required to be submitted on this form to the Department of Ecology, in order for the applicant to obtain a waste discharge permit in accordance with RCW 90.48.160, Chapter 173-220 and Title 33 USC, Section 1251 et seq. 33. Ecology may require that the applicant submit other information as determined necessary by Ecology. All questions must be answered completely and accurately. If a question does not apply, answer with NA.

SECTION A. GENERAL INFORMATION

1. Name of Facility: Clam Bay-Saltwater 1

2. Operator Name and Mailing Address:

Cooke Aquaculture Pacific, LLC

Name

PO Box 79003

Street

Seattle

City

WA

State

98119

Zip

3. Facility Location: Rich Passage, Clam Bay near Manchester, WA.

Approximate coordinates Lat. 47 degrees 34' 15" N by Long. 122 degrees 32' 25" W

Note: Provide a brief description of the location of the facility: name of the waterbody, nearest town or city, and Latitude/Longitude. Enclose a vicinity map showing the net-pen location in relation to local geographic land marks (Minimum Scale 1" = 1000' or USGS 7.5 minute map) and diagram of the site plan.

4. Owner Name and Mailing Address (If different from the operator):

Same as above

Name

Street

City

State

Zip

5. Primary Contact Person:

Kevin Bright

Name

Permit Coordinator

Title

(360) 391-2409

Phone Number

6. Alternate Contact Person:

Gregory Harding

Name

Cooke Legal Counsel

Title

(506) 694-4903

Phone Number

Ecology is an Equal Opportunity and Affirmative Action Employer. For special accommodation needs, contact the Water Quality Program at (360) 407-6600, TDD (360) 407-6006.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Glenn Cooke
Printed Name of Person Signing

President
Title


Signature of Applicant

1/30/2024
Date Applicant Signed

NOTE: Federal regulations require this application to be signed as follows: A.) for corporation, by a principal executive officer of at least the level of vice president; B.) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or C.) For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.

SECTION B. BACKGROUND INFORMATION

1. LOCATION

- 1.1 Waterbody: Clam Bay WA-15-0030
- 1.2 County: Kitsap
- 1.3 Latitude: 47° 34' 17" N
- 1.4 Longitude: 122° 32' 25" W
- 1.5 Section, Township, Range: Sect. 15, T 24N, R 2E

2. FACILITY

- 2.1 Is this facility (check one): ☒ Existing? ☐ Proposed?

NOTE: The facility is no longer in existence due to the denial by the Washington Dept. of Natural Resources of the facility's aquatic land lease renewal application that occurred in November of 2022. The last crop of fish were harvested out of this facility in May of 2023. As of September 2023, the net pen facility and all physical improvements were removed from the lease area by Cooke Aquaculture Pacific.

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2.2 Species of fish raised: Rainbow trout/steelhead (*Oncorhynchus mykiss*).

2.3 Date facility was (or will be) constructed: Existing facility originally constructed in the 1970's.

2.4 Note the Final SEPA action taken: EIS []
 DNS [x]
 Mitigated DNS []
 Date: 06/07/96 SEPA action for issuance of
 marine net pen NPDES permits.

Attach copy of the Final SEPA determination, checklist and EIS. This renewal application does not require SEPA review.

2.5 Has a shoreline permit been issued for this project? [x] yes [] no
If yes, what is the permit number? 503 Date of permit? 06/13/88
Shoreline permit issuing agency: Kitsap County Dept. of Community Development

2.6 Is this facility sited on state owned tidelands? yes [x] no [] N/A []
If yes, provide the following: DNR lease number 20-B10237
Lease expiration date Note: The facility's aquatic
lease renewal was denied by WDNR. The net pen structures have been removed and the facility
is no longer in existence.

If no, provide the legal owners name: _____

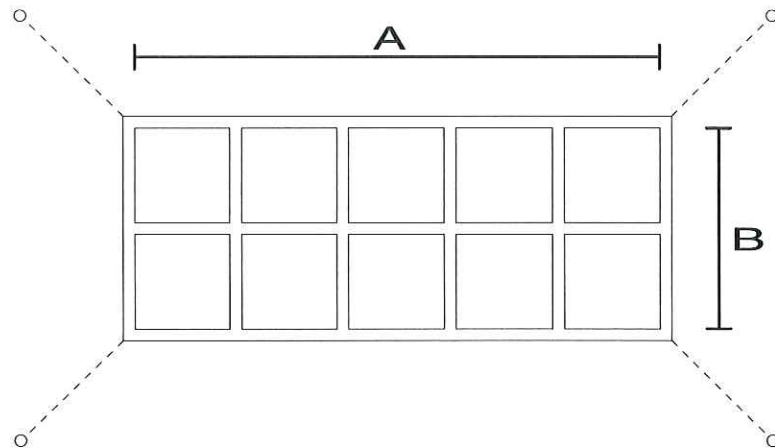
2.7 Has an Army Corps of Engineers Section 10 Permit been applied for or secured?
yes [x] no [] N/A []
If yes, provide the following: Permit number 071-OYB-1-004679 and OYB-1-11932

2.8 Has a Department of Fish and Wildlife Hydraulic Project Approval been applied for or secured?
yes [x] no [] N/A []

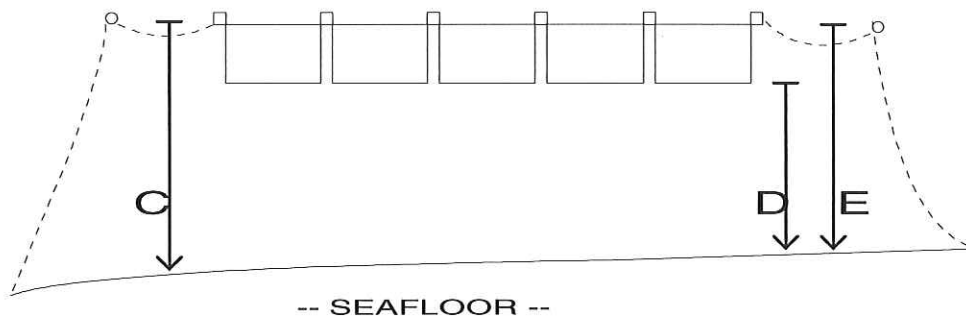
If yes, provide the following: HPA number B1-11932-04
Expiration date N/A

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- 2.9 Provide the measurements requested below (Refer to site characterization survey performed to obtain local, state, or federal permits for the facility):



PLAN VIEW



SECTION VIEW

A Length of aggregate net-pen rearing area in feet: 1025'
Note: The previous net pen structures were removed and there are no structures at this site.

B Width of aggregate net-pen rearing area in feet: 185'
Note: The previous net pen structures were removed and there are no structures at this site.

C Minimum distance between bottom of net-pens and sea floor at MLLW in feet: 65'

D Minimum distance between bottom of net-pens and sea/lake floor at MLLW in feet:.....15'

E Minimum depth at site (at MLLW for marine) in feet: 65'

F Distance to nearest shoreline (at MLLW for marine) in feet:..... 1,500'

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- G Direction of dominant current from the net-pen(s): West
- H Estimated mean current speed (midway between the bottom of the net-pen and the sea/lake floor in cm/sec): 15
- I Maximum current speed (midway between the bottom of the net-pen and the sea/lake floor in cm/sec):..... 90

3. OPERATION

- 3.1 Number of months per year when fish are reared at facility: 12
- 3.2 Estimates of the amount of fish on hand and amount of food fed per month for the calendar year of maximum production over the next five years.

lbs. fish		lbs. food	lbs. fish		lbs. food
January	<u>TBD</u>	<u>TBD</u>	July	<u>TBD</u>	<u>TBD</u>
February	<u>TBD</u>	<u>TBD</u>	August	<u>TBD</u>	<u>TBD</u>
March	<u>TBD</u>	<u>TBD</u>	September	<u>TBD</u>	<u>TBD</u>
April	<u>TBD</u>	<u>TBD</u>	October	<u>TBD</u>	<u>TBD</u>
May	<u>TBD</u>	<u>TBD</u>	November	<u>TBD</u>	<u>TBD</u>
June	<u>TBD</u>	<u>TBD</u>	December	<u>TBD</u>	<u>TBD</u>

- 3.3 Maximum net pounds of annual fish production: TBD
- 3.4 Month of maximum feeding: TBD
- 3.5 Maximum monthly feed (lbs): TBD
- 3.6 Method of feeding (check all that apply) and estimate percent of food fed using that method:

☐ Hand _____ ☒ Automatic 100% ☐ Automatic _____
 Percent (timed) Percent (demand) Percent

- 3.7 List feed additives, disease control chemicals and medications that may be used in the net-pen operation. Include active ingredient(s), intended use rates and treatment concentrations (attach additional sheets if more room is necessary).

- **Feed Additives-**

Canthaxanthin and/or Astaxanthin – Are naturally derived and/or synthetically produced compounds of two types of carotenoid pigments that may be added to the fish feed in levels ranging from 30 ppm to 70 ppm. Both Canthaxanthin and Astaxanthin are

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approved by the USFDA for use in fish and chicken feeds to enhance the coloration of flesh and poultry eggs. In the animal kingdom, carotenoids are heavily utilized as a source for pigmentation, a vitamin A precursor, for improving intercellular communication, enhancing immune responses, and as antioxidants. Canthaxanthin is a potent lipid-soluble antioxidant. The biological functions of canthaxanthin are related to its ability to function as an antioxidant in animal tissues and salmonid fish species derive some physiological benefits from storing the pigment in their tissue and ova.

Antioxidants - Antioxidants are added to the fish feed mixture to stabilize the vitamin supplements and increase the shelf life of the feed. Antioxidants that are used in the fish feeds are Ethoxyquin (in the fish meal), BHA (in the fish oil), and Vitamin E.

- **Medications**

Medicated feed may be periodically used to treat bacterial disease at the marine net pen sites. The use of medicated feeds is infrequent and used only to treat specific disease events.

Romet 30 (Sulfadimethazine-ormetoprim) - Romet 30 is the trade name for an aquatic animal premix containing a sulfadimethazine-ormetoprim antibiotic used to treat specific bacterial diseases. When medicated feed is prescribed, the premix is added by the feed manufacturer during the feed milling process. Romet 30 is used to treat Furunculosis, Vibrio, Myxobacterial and other bacterial pathogens if they occur in the cultivated fish stocks. Disease treatments are prescribed by a veterinarian and the Romet 30 medicated feed is manufactured at a concentration of 2.27 grams of active ingredient per one (1) pound of fish feed. The medicated feed is fed to the fish to achieve a dosage rate of approximately 50 mg of active ingredients per one (1) kilogram of fish per day, for a treatment period of five (5) consecutive days.

Terramycin TM 200 (Oxytetracycline HCL) – TM 200 is the trade name of for an aquatic animal antibiotic premix that is used to treat Furunculosis, Vibrio, Myxobacteria and other bacterial diseases. The TM 200 pre-mix is added to the feed by the manufacturer when prescribed by a veterinarian to treat a specific disease event. TM 200 is mixed to achieve a concentration of 5 grams of active ingredient per one (1) pound of fish feed. The medicated feed treatment is fed to achieve a dosage rate of approximately 75 mg active ingredient per one (1) kilogram of fish per day, for a period of ten (10) consecutive days.

Aquaflor- (Florfenicol) – Aquaflor is the trade name for the premix containing the antibiotic Florfenicol, and is approved by the USFDA for use in freshwater food fish to treat bacterial disease. In marine finfish aquaculture, Aquaflor can be used under the Investigational New Animal Drug (INAD) system administered by the USFWS and USFDA. When prescribed, Aquaflor medicated feed is used to treat bacterial disease and is mixed into the feed by the feed manufacturer at the active ingredient concentration rate of 0.302 grams per one (1) pound of fish feed. Aquaflor medicated feed is fed to the fish to achieve a dosage of 10 mg of active ingredients per one (1) kilogram of fish per day, for a period of ten (10) consecutive days.

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- **Disease Control Chemicals**

Other disease control chemicals that may be used at the farm sites are Finquel MS 222, Iodophor disinfectants and sodium hypochlorite (chlorine bleach) disinfectant solutions.

Finquel MS222 – Finquel (MS222) is a USFDA approved fish anesthetic that is periodically used when the fish are sampled for weight and condition factors. A small number of fish are periodically captured by dip net from a pen and then immersed in a tote of seawater with a small amount of MS222 mixed in. The MS 222 anesthetizes the fish so that they can be safely handled, inspected, weighed and then returned unharmed back to the fish pen. The fish quickly recover when returned to ambient seawater.

Chlorine Bleach Solution and/or Argentyne Iodophor Solution – These surface disinfectants are used as a bio-security measure in footbaths at the farm sites and occasionally to sterilize equipment used between the different sites. Argentine Iodophor solutions are used in foot baths at the farm sites during the entire year. Estimated average consumption rates for each farming area of Iodophor solutions at the Bainbridge Island and Hope Island farm sites is approximately 30 gallons per facility per year. The use of sodium hypochlorite or chlorine bleach solutions at the net pen sites is infrequent.

- 3.8 Describe how the nets will be cleaned, the land disposal or treatment of net foulants, the frequency of cleaning. (Note: The use of any antifoulants to prevent net fouling is prohibited).

Cleaned or new fish containment nets (stock nets) are installed into the net pen site just prior to transfer of fish into the pens. No antifoulant are used on the netting materials. Approximately every 14 days the stock net walls are rinsed in-situ with pressurized seawater to clean bio-fouling growth. A net hygiene maintenance program is used to track the cleanliness of stock nets. The program includes a weekly underwater net hygiene assessment carried out by experienced divers. A Weekly Net Scoring Report and a Weekly Net Washing log tracks the condition of the nets, the most recent date the net walls or the net floors were cleaned and the effectiveness of the cleaning process. The Weekly Net Score Reports for the farm sites are then compiled into one report which shows individual net scores as well as an average net hygiene score for each farm site. This report is sent out each week to all Site Managers, the Permit Coordinator and the General Manager and a copy is sent to the WDNR Aquatic Lands Lease Manager. The report includes individual net scores and the running average net score for each farm site which allows net hygiene trends to be watched closely. If the average net score for a facility begins to climb, the frequency of net cleaning can be increased to reduce the level of bio-fouling. During the spring/summer peak bio-fouling growth periods, the goal is to clean all the stock net walls frequently. This keeps fouling growth to a minimum in the location where the most rapid bio-fouling growth can occur. Net floors do not experience the same level of bio-fouling growth and the time between cleaning can be 2 months or longer. Cleaning frequency on the nets walls and floors can be reduced during the winter months as seasonal drops in water temperature and the reduced light level begins to limit bio-fouling growth. Clean or new stock nets can also be rotated into position to replace a stock net during the growing cycle. This is accomplished by installing the clean net underneath the existing stock net and subsequently pulling the existing stock net out of the water with a crane.

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After harvesting of the fish from the pen is completed, the empty nets are removed from the farm site and transported to a land-based net cleaning and net repair facility. The nets are sterilized in 160-degree water, washed, and repaired. The strength of the netting material is tested at the repair facility and nets are ID numbered to maintain a service history record for each net. Clean nets are bundled and shipped back to the farm site for reinstallation prior to the next stocking event. The predation barrier nets can be maintained in position between generations by in-situ washing or they may also be removed, shipped to the net repair facility and serviced. Predator barrier nets are generally replaced after 6 to 8 years depending on the site. Brand new stock nets and predation barrier nets are added to the net inventory as older nets are aged out of service. Netting materials are either disposed of at a land-based solid waste handling facility or are sent to recycling facilities.

All-female triploid Rainbow/steelhead trout production

Commercial net pen facilities in Washington have been permitted by WDOE and WDFW in the past to raise all-female sterile triploid native Rainbow/steelhead trout. Growth projections for the triploid steelhead stock and the smaller targeted average harvest size shortens the saltwater growth cycle by several months compared to previously reared Atlantic salmon stocks. This shortens the amount of time that a stock net is deployed at the net pen site before the pen is harvested and the net is pulled out of the water. The fallowing frequency between cohorts would also increase over a given period of time because of the anticipated shorter production cycle. This would tend to reduce the amount of time between removal, sterilization, cleaning, and repair for the stock nets. Increasing the frequency of fallowing periods would also increase the number of resting periods for marine sediments when there is no discharge occurring from the fish rearing process. Variable growing conditions can influence the actual achieved growth rate versus the projected growth rates. Seafood market conditions play a role in the harvesting cycle and therefore can increase or decrease the saltwater growing cycle.

- 3.9 Describe any chemicals or toxic materials used. Include all chemicals including gasoline/oil, disease control chemicals, medications, anesthetics, therapeutants, antifoulants, disinfectants, pesticides, etc.

None. The facilities and support equipment have been removed from the locations. There is no use or storage of chemicals at these sites. A list of the disease control chemicals that may be used if the facilities become operational again is described below.

Iodophor solution and chlorine bleach. Disinfectant used in footbaths and to disinfect farm equipment. Small quantities are used through-out the year.

Finquel MS222. A fish anesthetic used infrequently during the production cycle while performing size and condition sampling of the juvenile fish (See response 3.7 above).

Medications-

Romet 30- (See response 3.7 above)

Terramycin-TM 200- (See response 3.7 above)

Aquaflor- (See response 3.7 above)

- 3.10 Describe the solid waste disposal practices for the facility. Include specific descriptions on collection, storage and disposal of fish mortalities, how sanitary wastes are collected and disposed, and how feed bags and other solid wastes are collected, stored and disposed. Include the average amount generated on a monthly basis for each of the above items (use appropriate units).

None. The facilities are currently removed and there is no activity occurring at the site which would generate solid waste. Below is a description of the types of solid waste that could be generated by a fish farming operation.

Fish Mortalities- Fish mortalities are collected from each pen a minimum of three (3) times per week. The frequency of fish mortality collection can be increased depending on mortality levels at the farm sites. Fish mortalities (morts) are routinely collected by divers and brought to the surface in dive bags. Fish mortalities are removed from the water and put into large plastic fish totes which also have a single use, plastic tote liner placed inside of them. The tote liners are an additional barrier against leakage and make cleaning the totes easier after the contents are disposed of. The totes containing fish mortalities are removed frequently from the sites and transported to a land-based support facility where they are picked up and transported by truck to either a soil composting facility or a rendering facility. The fish totes are emptied at the receiving facility, the plastic liner is removed and disposed of at a solid waste handling facility, and the plastic totes are steam rinsed and cleaned. Clean totes are returned to their designated facilities for reuse.

The average monthly weight of fish mortalities removed from a site varies at different times of the year depending on what part of the growth cycle the fish population is in (new smolts (small biomass) or harvest sized fish (large biomass)). Other factors can cause variances in mortality rates such a harmful plankton bloom or a disease event. A typical large sized net pen facility would generate an average of 8,000 pounds per month per production cycle.

Sanitary Waste and Operational Debris- The farm sites use chemical toilets (Port-a-Potties) for the handling of sanitary wastes. The rented chemical toilets are routinely serviced on land by the company which provides them and rotated out to the farm site by a work vessel. Operational and household waste products generated by the net pen facilities are collected, stored in appropriate containment and then routinely transported to the shore support facilities by a work vessel for appropriate disposal and/or recycling. Fish feed is transported to the site in large one (1) ton nylon bulk container bags. After the feed is removed from the nylon bags the bags are compiled and taken back to the land-based support facility to be picked up for recycling. Wooden pallets are brought back to the land-based support facility, stored and shipped back to a pallet repurposing facility for reuse. Used oil and other hazardous materials are collected and transported to the associated land-based support facility for eventual pickup and proper disposal by hazardous waste handling service.

The volume of solid refuse collected from each of these three locations is estimated at approximately 10 to 15 cubic yards per month.

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4. ENVIRONMENTAL MONITORING

Ecology must receive enough information about the environmental conditions at the location of your facility to adequately characterize the impact of the discharge on the receiving water. If available, attach copies of the following:

Past discharge, performance and monitoring reports are available through the PARIS system.

- 4.1 Site characterization survey performed to obtain local, state, or federal permits for the facility. Note: Proposed facilities need to contact Ecology for survey requirements.

Site characterization and baseline studies were completed at the sites at the time of the original permitting process for the substantial development/shoreline conditional use permits/ Army Corps of Engineers Permits/ WDFW Hydraulic Permits/ and other related and necessary construction and operational permits. This application is for modification to the current NPDES permits for the eventual change of species from Atlantic salmon to the all-female triploid Rainbow/steelhead trout. The original NPDES/Waste Discharge Permits for the facilities was issued in 1996. Cooke Aquaculture Pacific and the previous owners utilize the services of a third-party consultant to conduct the required benthic monitoring and analysis. The required reports have all been previously submitted to Ecology and WDNR as required by the conditions of the NPDES permits.

- 4.2 Baseline surveys performed to obtain local, state, or federal permits for the facility. Existing and previously permitted facility. These studies were provided to the agencies during the original permitting process.

- 4.3 Summaries of annual benthic monitoring results performed to meet DNR lease or other local, state, or federal permit requirements for the facility. Previous monitoring reports were submitted to WDOE and WDNR as per NPDES permit requirements.

- 4.4 Summaries of any water quality or sediment monitoring results. Give dates of sediment monitoring. Sediment sampling performed in 2007, 2010, 2013, 2015, 2017, 2018, 2019, 2020, 2021, 2022, 2023.

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