



STATEMENT OF BASIS

**NATIONAL FISH AND OYSTER COMPANY, INC
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT NO. WA0038407**

This Statement of Basis explains the need to modify NPDES, PERMIT No. WA0038407. This Statement of Basis serves as an amendment to the Fact Sheet and describes changes made to the permit.

I. GENERAL INFORMATION

Permittee: National Fish and Oyster Company, Inc
5028 Meridian Road Northeast
Olympia, WA 98506-2339

Facility: National Fish and Oyster
5028 Meridian Road Northeast
Olympia, WA 98506-2339

Discharge Location: Hogum Bay/Nisqually Reach/Puget Sound
Latitude: 47.10833
Longitude: -122.7375

II. MODIFICATION

On June 27, 2021, Ecology issued National Fish and Oyster (NFO) an NPDES Permit (No. WA0038407). On February 21, 2024, Ecology held a phone call with NFO to discuss modifying their permit. The modifications proposed were to 1) Change the submittal deadline of the Discharge Monitoring Reports (DMRs) from the 15th to the 30th of the following month and 2) to edit the total residual chlorine (TRC) DMRs and reporting language to reflect compliance at <50 µg/L. Upon further investigation, Ecology found that the TRC limit could be removed due to no reasonable potential (RP) to impair water quality standards.

1. Submittal Deadline Discharge Monitoring Reports (DMRs) Section S3.A.3.a:
The issued permit requires the DMRs to be submitted by the 15th day of the following sampling month. Laboratory delays have caused NFO to submit late DMRs. Because the delays are out of NFO’s control, Ecology proposed to change the DMR submittal date to later in the month. This will allow NFO a time cushion should the laboratory have delayed sample reporting. Ecology will change the submittal deadline to the 30th of the following month. Ecology edited the permit to reflect this change in Table 1 and Condition S3.A.3.a.

2. Total Residual Chlorine Effluent Limit Section S1.A:

NFO's TRC permit limit is set at 7.5 µg/L which triggers violations every month. Since July 1, 2021, NFO has consistently reported <10 µg/L TRC in their effluent. This is the minimum detection limit (MDL) of their current sampling method. Because their TRC concentrations have been below the method detection limit for almost 2 years, Ecology decided to re-evaluate the need for a TRC limit. The Permit Writers Manual (PWM) states that "...single analytical results below the MDL may be treated as zero (Figure 1). Additionally, Ecology found that if there is no RP to exceed water quality standards, a limit is not required (Figure 2). Ecology conducted an RP analysis (RPA) for NFO's chlorine use.

NFO uses 1.5 oz daily of 5-10 Weight % sodium hypochlorite purchased from The Chlorine Company. NFO discharges an average of 533 gallons per day (GPD) (average of flow data from 8/1/2021 to 3/1/2024). The disinfectant is diluted 45,500 times. Based on this dilution factor, Ecology determined there is no RP for sodium hypochlorite to impair water quality.

This permit modification will remove the effluent limit for TRC under the justification that the concentration discharged does not have reasonable potential to pollute the receiving water body and the past two years of data show reporting below the MDL (<10 µg/L) for TRC. Ecology edited the permit to reflect this change in the discharge limits Condition S1.A, and DMR reporting. NFO will continue to monitor and report TRC concentrations.

4.3 Implementation - NPDES and State Permits

An analytical result below the MDL means there can be no judgment regarding the presence of analyte in the sample. The actual concentration may fall from 0 to just below the detection level. Given this uncertainty, single analytical results below the MDL may be treated as 0. A few measurements below the MDL may be set equal to half of the detection level to calculate an average if the data set also contains measurements above the QL.

FIGURE 1.

5.2 No, a Reasonable Potential Does Not Exist to Exceed Water Quality Standards

If the results of the reasonable potential indicate that an exceedance of water quality standards is unlikely to occur, the permit should not contain effluent limits. The permit should, however, contain requirements for priority pollutant scan monitoring once during the wet and once during the dry seasons of year three of the permit. This information should be submitted with the next permit application. In addition, other information may be needed to more clearly make a reasonable potential determination at the next permit reissuance. These will be factors that are acceptable for decision making at this time, but about which valid biological or engineering issues still need to be addressed. For instance, using a river model program to estimate dilution is frequently acceptable, but in some cases the physical characteristics of the river (e.g., river bottom topography, curvature of river) make a field dilution study desirable to validate the model. In this case, although a reasonable potential determination can be made with the available data, the permit should contain requirements for a field dilution study to calibrate or verify modeling work.

FIGURE 2.