C-1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

AUG 1 - 2017

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Jerry Chapman
Hatchery Manager II
Niagara Springs Hatchery
Idaho Department of Fish and Game
2131 Niagara Springs Road
Wendell, Idaho 83355

Re: Niagara Springs Hatchery
NPDES Permit Number IDG130013

Dear Mr. Chapman:

On behalf of the U.S. Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the April 4, 2017 Clean Water Act (CWA) inspection of Niagara Springs (Facility) by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection, and subsequent EPA administrative file review including DMRs submitted by the Facility, was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the National Pollutant Discharge Elimination System (NPDES) general permit IDG130000 (Permit) for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of the IDEQ inspection and EPA administrative file review.

ADMINISTRATIVE FILE REVIEW

1. EPA reviewed DMRs from July 2012 through June 2017 and identified effluent limitation exceedances that constitute 29 violations of the CWA, 33 U.S.C. § 1251 *et seq.* These violations are shown below.

Monitoring Period	Parameter	DMR Value	Permit Limit	Unit	Statistical Base
Feb 2014	Phosphorus, total [as P] (2)	35.78	22	lb/d	Mo Avg
Feb 2014	Phosphorus, total [as P] (2)	44.82	32.6	lb/d	Daily Max

ICIS 8/15/17 JM

2. Part V.B of the Permit states, in part, "The permittee must summarize monitoring results, including influent, effluent, and net results, each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent. The permittee must submit reports monthly, postmarked by the 20th day of the following month."

Upon review of DMR data from July 2012 through June 2017, EPA found that the Facility was late in submitting twelve parameters during that time. Failure to submit complete DMRs by the due date is a violation of Part V.B of the Permit. These violations are shown below.

Monitoring Period	Parameter	Due	Received
January 2015	Flow, in conduit	February 20, 2015	August 4, 2015
January 2015	Copper, total recoverable	February 20, 2015	August 4, 2015
January 2015	Hardness, total [as CaCO3]	February 20, 2015	August 4, 2015
January 2015	Phosphorus, total [as P] (G)	February 20, 2015	August 4, 2015
January 2015	Phosphorus, total [as P] (2)	February 20, 2015	August 4, 2015
January 2015	Phosphorus, total [as P] (1)	February 20, 2015	August 4, 2015
January 2015	Solids, total suspended (G)	February 20, 2015	August 4, 2015
January 2015	Solids, total suspended (2)	February 20, 2015	August 4, 2015
January 2015	Solids, total suspended (1)	February 20, 2015	August 4, 2015
February 2015	Phosphorus, total [as P] (2)	March 20, 2015	April 17, 2017
March 2016	Phosphorus, total [as P] (1)	April 20, 2016	April 17, 2017
September 2016	Phosphorus, total [as P] (2)	October 20, 2016	April 14, 2017

APRIL 2017 INSPECTION

1. Part II.F.3 of the Permit states, in part, "The permittee must develop a quality assurance (QA) plan for all monitoring required by this permit…"
   3. At a minimum, the QA Plan must include the following:

      a) Details on the number of samples, type of sample containers, preservation of samples including temperature requirements, holding times, analytical methods, analytical detection and quantification limits for each parameter, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods and laboratory data delivery requirements.

      e) Name, address and telephone number of the laboratory used by or proposed to be used by the permittee.

At the time of the inspection, the inspector found that the Facility's QA Plan was missing the following components;

- Type and number of quality assurance field samples;
- Precision and accuracy requirements;
- Clarity in quantification limits; and
- Correct laboratory name.

Failure to include the minimum required elements in the Facility's QA plan is a violation of Parts II.F.3.a and II.F.3.e of the Permit.

2. Part V.B of the Permit states, in part, "The permittee must summarize monitoring results, including influent, effluent, and net results, each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent."

   Appendix D of the Permit shows the correct formulas to use for calculating values.

   At the time of the inspection, the inspector reviewed DMRs from January 2015 through February 2017. The inspector discovered that the Facility had incorrectly calculated the total phosphorus loading, total phosphorus, monthly average, and total phosphorus daily maximum. These calculation errors led to the submission of inaccurate DMR reports on February 2, 2015, March 3, 2016, and September 9, 2016. Failure to submit accurate DMRs is a violation of Part V.B of the Permit.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

If you have any questions concerning this matter, please do not hesitate to contact Jason Rodriguez of my staff at (206) 553-8508.

Sincerely,

Edward J. Kowalski
Director

cc: Mr. Tyler Fortunati
Idaho Department of Environmental Quality

Mr. David Anderson
Idaho Department of Environmental Quality

Ms. Maria Lopez
Environmental Protection Agency

Mr. Cassie Sundquist
Niagara Springs Hatchery – Idaho Department of Fish & Game