United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Authorization to Discharge under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

Leavenworth National Fish Hatchery
12790 Fish Hatchery Road
Leavenworth, Washington, 98826

is authorized to discharge from the Leavenworth National Fish Hatchery located in Leavenworth, Washington at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	Icicle Creek	N 47° 33.481'	W 120° 40.429'
002	Icicle Creek	N 47° 33.575'	W 120° 40.305'
004	Icicle Creek	N 47° 33.481'	W 120° 40.429'

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

A copy of this Permit must be kept at the facility where discharges occur.

This permit must become effective (insert date)

This permit and the authorization to discharge must expire at midnight (insert date)

The permittee must reapply for a permit reissuance on or before [*insert date],* 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this_____day of _____, _____,

Draft Permit
Michael A. Bussell, Director
Office of Water and Watersheds

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Schedule of Submissions

The following is a summary of some of the items the permittee must complete and/or submit to the U. S. Environmental Protection Agency Region 10 (EPA) and the Washington Department of Ecology (Ecology) during the term of this permit. Additional requirements in Ecology's certification (Appendix A) are not included in this summary.

Item	Due Date
1. Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be postmarked on or before the 15th day of the following month. (See §V.B)
2. Surface Water Monitoring	Results of surface water monitoring must be submitted with DMRs for the month when the monitoring was conducted. (See §II.C.3)
3. Sediment Monitoring	Results of the sediment monitoring in the pollution abatement ponds for total PCBs, hexacholorcyclohexanes, and endrin must be submitted once each year with the DMR for the month when the monitoring was conducted. At least once before January 7, 2015, results of sampling the sediment in the pollution abatement ponds, sediment above the hatchery intake, and sediment below the hatchery outfall for total PCBs, endrin, endosulfan II, and DDT must be submitted to EPA and Ecology with the DMR for the month when the monitoring was conducted. (See §II.B)
4. Quality Assurance Plan (QAP)	Written notification that the QAP has been developed and implemented must be submitted to EPA and Ecology within 120 days after the effective date of the final permit. (See §II.D)
5. Best Management Practices Plan	Written notification that the Best Management Practices Plan has been developed and implemented must be submitted to EPA and Ecology within 90 days after the effective date of the permit. (See §III.C)
6. Compliance Schedule for Total Phosphorus	Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in the compliance schedule of this permit must be submitted no later than anniversary of the permit effective date. The compliance schedule begins on the effective date of this permit. (See §I.E)
7. Twenty-Four Hour Notice of Noncompliance	Oral report by telephone of exceedance of the instantaneous maximum limit for total residual chlorine within 24 hours from the time the permittee becomes aware of the circumstance. (See §V.G and footnote 2 of Table 1)

Item	Due Date
8. Five Day Written Notice of Noncompliance	A written submission within five days of the time that the permittee becomes aware of any event required to be reported under §V.G.1. (See §V.G.2)
9. Other Noncompliance Reporting	Report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.B ("Reporting of Monitoring Results") are submitted. (See §V.H)
10. Anticipated INAD Study Participation or Extralabel Drug Use	Written notification to EPA within 7 days of signing up for an INAD study or receiving a prescription for extralabel drug use if the drug was not previously listed on the permit application or if the drug is being used at a higher dosage than previously approved by Food and Drug Administration (FDA) for this or a different species or disease. (See §IV.A.2.a (1))
11. INAD Use, Extralabel Drug Use, or First Use of Low Regulatory Priority drugs or Potassium Permanganate	Oral notification to EPA within 7 days of beginning use and written notification to EPA within 30 days of beginning use if the drug was not previously listed on the permit application or if the drug is being used at a higher dosage than previously approved by FDA for this or a different species or disease. (See §IV.A.2.a (2) and b)
12. Structural failure of damage notification	Oral notification to EPA within 24 hours of becoming aware of structural damage or failure that caused a release of pollutants to waters of the U.S. Written notification to EPA within five days of becoming aware of such a spill. (See §IV.B)
13. Spills of drugs, pesticides or other chemicals	Spills of drugs, pesticides, or other chemicals that result in a discharge to waters of the United States orally to EPA within 24 hours and in writing within five days. (see §IV.C.1)
14. Oil or hazardous materials	Spills of oil or hazardous materials to waters of the U.S. immediately to EPA at 1-800-424-8802 and to Ecology at 1-800-258-5990 or 1-800-OILS911 and to Ecology Central Regional Office. (see §IV.C.2)
15. Annual Report	By December 31 each year. (See § IV.F)
16. Application for NPDES Permit Renewal	Permit application to EPA at least 180 days before the expiration date of the permit. (See §VII.B)

I. Discharge Limitations

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls specified herein to Icicle Creek within the limits and subject to the conditions set forth herein, including the conditions in the Washington Department of Ecology Water Quality Certification Order No. 7192, incorporated as Appendix A of this permit. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit will constitute a violation of the terms and conditions of this permit.

B. Prohibited Discharges

The permittee must not discharge to waters of the United States from the hatchery:

1. Solids, including sludge and grit that accumulate in raceways or ponds, in off-line or full-flow settling basins, or in other components of the production facility in excess of the applicable limits in this permit;
2. Hazardous substances;
3. Untreated cleaning wastewater (*e.g.*, obtained from a vacuum or standpipe bottom drain system or rearing/holding unit disinfection);
4. Visible foam or floating, suspended or submerged matter, including fish mortalities, kill spawning, processing wastes, and leachate from these materials;
5. Disease control chemicals and drugs except those approved by the Food and Drug Administration and/or the EPA for hatchery use or those reported to EPA in accordance with §IV of this permit (Aquaculture Specific Reporting Requirements);
6. Toxic substances, including drugs, pesticides, or other chemicals, in toxic amounts that have the potential to impair designated uses or violate water quality standards; and,
7. Any discharges that include copper or copper compounds.

C. Prohibited Practices

The permittee is prohibited from engaging in any of the following practices or otherwise facilitating prohibited discharges described in §I.B, above:

1. Practices that allow accumulated solids in excess of the limits to be discharged to waters of the United States from the permitted facility (*e.g.*, the removal of dam boards in raceways or ponds, the cleaning of settling basins, etc.);
2. Sweeping, raking, or otherwise intentionally discharging accumulated solids from raceways, ponds, or settling basins to waters of the United States; and/or
3. Rearing fish within an off-line or in-line settling basin or quiescent zone.

D. Wastewater Discharge Limitations

1. All limits are maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits in the tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

2. **Discharges from the flow-through settling rearing ponds or raceways (Outfall 001) except discharges from the adult ponds or raceways during drawdown for fish release:** the permittee must comply with discharge limitations as specified in Table 1.

Notes continue on next page.

Table 1: Discharge Limitations for Outfall 001
Rearing Ponds and Raceways
except during Drawdown for Fish Release

Parameter	Monthly Average	Daily Maximum	Instantaneous Maximum
Settleable Solids (SS)	0.1 mL/L	--	--
Total Suspended Solids (TSS)	5.0 mg/L (net)[1]	--	15.0 mg/L (net)
	622 kg/day (net)	921(gross)[2]	--
Temperature	--	16° C[3]	--
Total Residual Chlorine	0.009 mg/L	--	0.018 mg/L[4]
	1.1 kg/day	--	2.2 kg/day
Total Phosphorus	0.02 mg/L (interim limit)[5]	0.04 mg/L (interim limit)[5]	--
	2.5 kg/day (interim limit)[5]	4.7 kg/day (interim limit)[5]	--
	--	0.52 kg/day[6] (final limit)	--
	--	5.7 µg/L[6] (final limit)	--

[1] The monthly average and the instantaneous maximum limits for TSS are net limits; influent concentrations may be subtracted from the gross measurement when determining compliance.

[2] The daily maximum TSS mass limit is a gross limit; influent concentrations may not be deducted from it.

[3] The limit is on the 7-day average of daily maximum temperatures.

[4] The permittee must report to EPA and Ecology within 24 hours of an instantaneous maximum limit violation for total residual chlorine. See Part V.G.

[5] The interim total phosphorus limits apply during the critical periods of March 1 through May 31 and July 1 through October 31 until the facility is able to comply with the final limits, but no later than the final compliance date of *[insert final compliance date]*.

[6] The final limits for total phosphorus are daily maximum limits that apply to the **total combined hatchery discharge from the raceways, adult ponds, and pollution abatement ponds** during the critical periods of March 1 through May 31 and July 1 through October 31 as soon as the facility is able to comply with the final limits, but no later than the final compliance date of *[insert final compliance date]*.

3. **Fish release discharges from the adult ponds (Outfall 004) and raceway drawdowns**: the permittee must comply with discharge limitations in Table 2.

Table 2: Discharge Limitations for Outfalls 001 and 004
Raceways and Adult Ponds during Drawdown for Fish Release

Parameter	Monthly Average	Daily Maximum	Instantaneous Maximum
Settleable Solids	--	--	1.0 mL/L
Total Suspended Solids	--	--	100 mg/L
	--	--	12,431.2 kg/day
Temperature	--	--	16° C[7]
Total Phosphorus	0.02 mg/L (interim limit)[8]	0.04 mg/L (interim limit)[8]	--
	2.5 kg/day (interim limit)[8]	4.7 kg/day (interim limit)[8]	--
	--	0.52 kg/day (final limit)[9]	--
	--	5.7 µg/L (final limit)[9]	--

[7] The limit is on the 7-day average of daily maximum temperatures.

[8] The interim total phosphorus limits apply during the critical periods of March 1 through May 31 and July 1 through October 31 until the facility is able to comply with the final limits, but no later than the final compliance date of *[insert final compliance date]*

[9] The final limits for total phosphorus are daily maximum limits that apply to **the total combined hatchery discharge from the raceways, adult ponds, and pollution abatement ponds** during the critical periods of March 1 through May 31 and July 1 through October 31 as soon as the facility is able to comply with the final limits, but no later than the final compliance date of *[insert final compliance date]*.

4. **Discharges from the offline settling basin (pollution abatement ponds, outfall 002):** the permittee must comply with discharge limitations as specified in Table 3.

Table 3: Discharge Limitations for Outfall 002 Pollution Abatement Ponds			
Parameter	**Monthly Average**	**Daily Maximum**	**Instantaneous Maximum**
Settleable Solids	--	--	1.0 mL/L
Total Suspended Solids	--	--	100 mg/L
	--	--	3274.6 kg/day
Temperature	--	--	16° C[10]
Total Phosphorus	0.10 mg/L (interim limit)[11]	0.16 mg/L (interim limit)[11]	--
	3.3 kg/day (interim limit)[11]	5.2 kg/day (interim limit)[11]	--
	--	0.52 kg/day (final limit)[12]	--
	--	5.7 µg/L (final limit)[12]	--

[10] The limit is on the 7-day average of daily maximum temperatures.

[11] The interim total phosphorus limits apply during the critical periods of March 1 through May 31 and July 1 through October 31 until the facility is able to comply with the final limits, but no later than the final compliance date of *[insert final compliance date]*.

[12] The final limits for total phosphorus are daily maximum limits that apply to the **total combined hatchery discharge from the raceways, adult ponds, and pollution abatement ponds** during the critical periods of March 1 through May 31 and July 1 through October 31 as soon as the facility is able to comply with the final limits, but no later than the final compliance date of *[insert final compliance date]*.

E. Total Phosphorus Schedule of Compliance

1. The permittee must achieve compliance with the final phosphorus limitations in §I.D of this permit as soon as possible, but not later than five years after the effective date of this permit.

2. Until compliance with the final effluent limits is achieved, at a minimum, the permittee must comply with the interim limits in Tables 1, 2, and 3, above, and complete the tasks and reports listed in Table 4, below.

3. The permittee must submit an Annual Report of Progress which outlines the progress made towards reaching the compliance date for the total phosphorus effluent limitations. At a minimum, the annual report must include:
   a) An assessment of the previous year of phosphorus data and comparison to the effluent limitations.
   b) A report on progress made towards meeting the effluent limitations, including the applicable deliverable required in Table 4, below.
   c) Further actions and milestones targeted for the upcoming year.

4. Submittals required in this schedule are due annually as listed in Table 4, below, and must be submitted to:

US EPA Region 10
Office of Compliance and Enforcement
1200 Sixth Avenue, Suite 900
OCE-133
Seattle, Washington 98101-3140

Table 4
Total Phosphorus Schedule of Compliance

Task No.	Due date	Task Activity	Deliverable
1	One year after the effective date of the permit	**Source investigation.** The permittee must investigate the sources, extent, and transport of phosphorus in the hatchery discharges. At a minimum, the investigation must include: 1) A determination of the amount of phosphorus introduced to the hatchery operation via the influent and feed (or other sources of phosphorus introduced into hatchery waters) and the amount of phosphorus contained in the discharges. Testing of the discharge must determine the portion of dissolved inorganic phosphorus (filtered sample with analyses for orthophosphate) that is contained in the total phosphorus discharge from the hatchery. 2) The permittee will begin to evaluate the option of increasing Icicle Creek stream flow during the period from March 1 to May 31 and July 1 to October 31 by diverting more water from Snow Lake.	A progress report of findings and recommendations for further actions to reduce total phosphorus concentrations
2	Two years after the effective date of the permit	**Feasibility study.** 1. The permittee must investigate the feasibility of measures to reduce total phosphorus in the discharge (outfalls 001 and 002) to meet the final effluent limits. At a minimum, the following measures must be evaluated: 1) water management such as stream flow enhancement during the critical summer period;	1) A report of the findings on the feasibility of measures; 2) Design documents and/or construction completion reports for those measures that

Table 4 Total Phosphorus Schedule of Compliance			
Task No.	**Due date**	**Task Activity**	**Deliverable**
		2) investigation of the use of low level phosphorus fish food; 3) evaluation of hatchery raceway cleaning procedures; 4) efficiency and operation of the pollution abatement ponds; and 5) other wastewater treatment options. "Feasibility" is defined to include effectiveness, implementability, and cost. Evaluations should consider short- and long-term aspects of: 1) effectiveness of the measures; 2) implementability of the measures (e.g., technical feasibility); and 3) costs. 2. Readily implementable measures must be designed and constructed as soon as feasible. Measures that are more technically difficult or have more unknowns may need further investigations.	are readily implemented.
3[13]	Three years after the effective date of the permit	**Design of significant construction projects** 1. If it is determined that construction or modification of existing facilities is necessary to achieve compliance with permit limitations, design of such projects must be completed. 2. The permittee must implement best management practices and operational measures to reduce total phosphorus in the discharge to the maximum extent practical while design and construction are occurring.	A report detailing progress toward implementing measures to reduce phosphorus and identifying the anticipated schedule for completing any significant construction project(s) necessary to achieve compliance.
4[13]	Four years after the effective date of the permit	**Progress Report** on completing construction and/or implementing operational changes.	Progress report
5[13]	Five years after the effective date of the permit	**Final Report.** Construction and/or operational changes are complete such that effluent limitations are achieved.	Final report

[13] Tasks scheduled past Year 2 are listed in anticipation of potential unknown conditions. The permittee does not need to complete these later tasks if compliance with the effluent limits is achieved sooner.

II. Monitoring Requirements

A. Influent and Effluent Monitoring

1. Representative Sampling

Effluent samples taken in compliance with the monitoring and testing requirements established in this permit must be collected from the effluent stream prior to discharge into the receiving water. Influent samples must be taken at the point where the water enters the facility. Samples and measurements must be representative of the volume and nature of the monitored discharges.

2. Monitoring Frequencies.

a) Raceway and Adult Pond Discharges (outfalls 001 and 004)

The permittee must monitor flow-through rearing pond, raceway discharges, and all other discharges as specified in Table 5, **except** pollution abatement pond discharges and discharges from the adult ponds or raceways during drawdown for fish release.

Notes continue on next page.

Table 5: Monitoring Requirements for Outfalls 001 and 004 Discharges from Raceways and Adult Ponds

Parameter	Sample Location	Sampling Frequency	Type of Samples
Flow (MGD)	I & E[14]	hourly	Meter or other approved method[15]
Settleable Solids (ml/L)	E	2/month	Grab[16]
Total Suspended Solids (mg/L)	I[17] & E	monthly	Grab[16] & Composite[18]
Total Phosphorus (mg/L)	E	2/month (3/1—5/31, 7/1—10/31)	Composite[18]
Temperature (° C)	I & E	hourly	Meter
Total Residual Chlorine or other disinfectants (mg/L)	E	Daily during periods of disinfectant use	Grab

[14] "I" = Hatchery or rearing facility influent; E = Hatchery effluent prior to mixing with the receiving waters or any other flow.

[15] Appropriate flow measurement devices and methods consistent with accepted aquaculture practice must be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows.

[16] Effluent sample must be taken during rearing pond or raceway cleaning. If the frequency of rearing pond or raceway cleaning is less than the sampling frequency, the sample may be collected immediately following fish feeding.

[17] For reporting net values, the permittee must take both influent and effluent samples on the same day and report both results on the DMR form. The collection of this measurement for solids analysis is optional if the Permittee chooses to represent the influent measurement as zero concentration. EPA may require further characterization of the influent and effluent solids to demonstrate comparability.

[18] The composite sample must be a combination of at least six representative grab samples collected throughout the normal working day. At least one sample must be collected while the fish are being fed and another during rearing pond or raceway cleaning. Equal volumes of each of six or more grab samples must be combined to constitute the total composite sample.

b) Discharges from Raceways (Outfall 001) and Adult Ponds (Outfall 004) during drawdowns for fish release

Samples must be collected during drawdowns for fish release regardless of pounds of fish on-hand as specified in Table 6.

Table 6: Monitoring Requirements for Outfalls 001 and 004 Discharges from Raceways and Adult Ponds during Drawdowns for Fish Release

Parameter	Sample Location	Sampling Frequency[19]	Type of Samples[20]
Flow (gpd)	E	Hourly	meter[21]
Settleable Solids (ml/L)	E[22]	1/drawdown	Grab
Total Suspended Solids (mg/L)	E	1/drawdown	Grab
Total Phosphorus (mg/L)	E	1/drawdown (3/1—5/31 and 7/1—10/31)	Grab
Temperature (° C)	E	Hourly	meter

[19] Samples of the discharge during drawdown of raceways or rearing pond for fish release sample(s) must be collected during the last quarter of the volume of the rearing pond or raceway drawdown for release event.

[20] If multiple raceways or rearing ponds are being drawn down for fish release at the same time, grab samples from individual discharges may be combined into a flow-proportional composite sample for analysis.

[21] Appropriate flow measurements devices and methods consistent with accepted aquaculture practice must be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows.

[22] "E" means "Effluent." Rearing pond or raceway effluent grab sample must be taken prior to mixing with receiving waters or any other flow.

c) Monitoring Discharges of Rearing Vessel Disinfection Water

Rearing vessel disinfection water that has been treated with chlorine or other disinfectants must be tested before it is allowed to be discharged to waters of the United States; see Table 7, below.

Table 7: Monitoring Requirement for Discharges of Rearing Vessel Disinfection Water

Parameter	Sample Point	Sampling Frequency	Type of Sample
Total residual chlorine or other disinfectants (mg/L)	effluent	1/discharge	grab

d) Pollution Abatement Pond Discharge (Outfall 002)

Discharges from the pollution abatement ponds must be monitored at the sampling frequency specified in Table 8 during every month in which the ponds discharge.

See notes on next page.

Table 8: Monitoring Requirements for Outfall 002 Discharge from the Pollution Abatement Ponds

Parameter	Sample Location	Sampling Frequency[23]	Type of Samples[24]
Flow (GPD)	EW[25]	hourly[26]	Meter or other approved method[27]
Settleable Solids (ml/L)	EW	1/month[26]	Grab
Total Suspended Solids (mg/L)	IW[28] & EW	1/month[26]	Grab
Total Phosphorus (mg/L)	EW	2/month[26] (3/1—5/31 and 7/1—10/31)	Grab
Temperature (° C)	EW	Hourly	Meter
Ammonia (mg/L)	EW	quarterly[29]	Grab
pH (s.u.)[30]	EW	quarterly[29]	Grab

[23] Pollution abatement pond discharges must be monitored for all parameters except total phosphorus 12 months out of the year if there is a discharge, regardless of pounds of fish present; total phosphorus must be monitored in the months specified.

[24] Pollution abatement pond effluent samples must be collected during the last quarter of a rearing pond or raceway cleaning event.

[25] "EW" means pollution abatement pond effluent sample taken prior to mixing with any other hatchery or rearing flows or receiving waters.

[26] If the pollution abatement pond discharges less frequently than the required sampling frequency, the testing frequency must be the pollution abatement pond discharge frequency. Testing of the pollution abatement pond discharge is unnecessary if the pond does not discharge during a reporting period. "No Discharge" must be noted in the comments section on the DMR form.

[27] Appropriate flow measurements devices and methods consistent with accepted aquaculture practice must be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows.

[28] "IW" means pollutions abatement pond influent. The collection of this measurement for TSS analysis is optional if the Permittee chooses to represent the influent measurement as zero concentration. Influent and effluent solids must be characteristically similar to use net calculations.

[29] Quarterly monitoring must begin in the first full calendar quarter of permit coverage.

[30] pH monitoring must be taken concurrently with the grab sample for the ammonia sample.

3. Method Detection Limits (MDLs)

a) For all effluent monitoring, the permittee must use approved EPA methods that can achieve a minimum level (ML) less than the effluent limitation.

b) Water treated for disinfection must be tested before it may be discharged. Analytical results for halogen-based disinfectants other than chlorine must be reported as the equivalent concentration of chlorine.

c) For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if a value is less than the minimum level (ML), the permittee must report "less than {numeric value of the ML}."

d) For purposes of calculating monthly averages, zero may be assigned for values less than the MDL, the {numeric value of the MDL} may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if the average value is less than the ML, the permittee must report "less than {numeric value of the ML}." If a value is equal to or greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.

B. Monitoring Sediment in the Pollution Abatement Ponds

1. At least once each calendar year, the permittee must sample the sediment in the pollution abatement ponds; the sample must be analyzed for total PCBs, hexacholorcyclohexanes, and endrin.
2. At least once before January 7, 2015, the permittee must sample and analyze the sediment in the pollution abatement ponds, sediment above the hatchery intake, and sediment below the hatchery outfall for total PCBs, endrin, endosulfan II, and DDT.
3. See Ecology's Water Quality Certification in Appendix A for further requirements dependent on the sediment test results.
4. Results must be submitted with the next DMR submitted to EPA and Ecology.

C. Surface Water Monitoring

1. The permittee must conduct the receiving water monitoring listed in Table 9.

Notes continue on next page.

Table 9:
Surface Water Monitoring Requirements

Parameter	Frequency	Timing	Location	Type of Sample
Temperature, ° C.	Weekly	March – May & July – October	Upstream[31] & downstream[32]	grab or continuous
	Quarterly	Throughout the year	Upstream [33]	Grab[34]
Total Phosphorus mg/L	Weekly	March – May & July – October	Upstream[31] & downstream[32]	Grab
pH, s.u.	Quarterly	Throughout the year	Upstream[33]	grab[34]
Ammonia Nitrogen as N, mg/L	Quarterly	Throughout the year	Upstream[33]	grab[34]
Turbidity, NTU	During cleaning events[35]	Throughout the year	At the outfall and upstream of the outfall	Turbidity meter[36]

[31] Above the intake for the hatchery.

[32] At a location where the hatchery effluent has achieved complete mixing with receiving water, if any.

[33] Above the outfall for the pollution abatement pond.

[34] Quarterly samples for temperature, pH, and ammonia must be collected concurrently and close in time to the sampling of the discharge from the pollution abatement pond for these parameters.

[35] Cleaning events include those of the sand settling basin, the conveyance channel, behind the fish screens and the pollution abatement pond.

[36] Turbidity analysis must be performed with a calibrated turbidity meter, either on-site or at an accredited lab; results must be recorded in a site log book in Nephelometric Turbidity Units (NTUs).

2. Method Detection Limits (MDLs)

All receiving water samples must be analyzed to achieve MDLs that are equivalent to or less than those listed in Table 10. The permittee may request different MDLs if its results have consistently been above the required MDLs. Such a request must be in writing and must be approved by EPA before the permittee may use the revised MDLs.

Table 10
Method Detection Limits

Parameter	Method Detection Limit (MDL)
Total Phosphorus	10 µg/L
Ammonia Nitrogen as N	10 µg/L
pH	0.1 S.U.
Temperature	0.1°C
Turbidity	0 NTU

3. Reports

Surface water monitoring results must be submitted to EPA and to Ecology with the DMR for the reporting period during which the sample is collected. At a minimum, the report must include the following:

a) Dates and time of sample collection and analyses.

b) Results of sample analysis.

c) Relevant quality assurance/quality control (QA/QC) information.

d) An evaluation of the results, including a comparison of upstream (Icicle Creek above the intake for the hatchery) and downstream monitoring results and a comparison of monitoring results for each station over time (to show any trends).

D. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The permittee must submit written notice to EPA and Washington Department of Ecology that the plan has been developed and implemented within 120 days of the effective date of this permit. (See Appendix B) Any existing QAPs may be modified for submittal under this section.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in Requirements for Quality Assurance Project Plans (EPA/QA/R-5)[1] and Guidance for Quality Assurance Project Plans (EPA/QA/G-5)[2]. The QAP must be prepared in the format that is specified in these documents.
3. At a minimum, the QAP must include the following:
   a) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
   b) Details on the installation, calibration, and maintenance of flow measurement devices to ensure that accuracy of the measurements is consistent with accepted industry standard for that type of device;
      (i) Frequency of calibration must be in conformance with the manufacturer's recommendation (where applicable) and at a minimum frequency of at least one calibration per year;
      (ii) Calibration records must be maintained for at least three years.
   c) Map(s) indicating the location of each sampling point.
   d) Qualification and training of personnel.
   e) Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the permittee.
4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
5. Copies of the QAP must be kept on site and made available to EPA and Washington Department of Ecology upon request.

III. Best Management Practices Plan

A. Purpose

Through implementation of the best management practices (BMP) plan, the permittee must prevent or minimize the generation and discharge of wastes and pollutants from the facility to waters of the United States to meet water quality standards and permit requirements; the permittee must also ensure that disposal or land application of wastes is carried out in such a

[1] http://www.epa.gov/quality/qs-docs/r5-final.pdf
[2] http://www.epa.gov/quality/qs-docs/g5-final.pdf

way as to minimize negative environmental impact and to comply with Washington State solid waste disposal regulations.

B. Development and Implementation Deadline

The permittee must develop and implement a BMP Plan that meets the specific requirements listed in Part III.E, below. An existing BMP Plan may be modified for use under this section. The permittee must implement the provisions of the BMP Plan as conditions of this permit within 90 days of the effective date of this permit.

C. Required Submittal

A permittee must certify that a BMP Plan has been developed and is being implemented. The certification must be submitted to EPA and must include the information specified in Appendix B within 90 days after the effective date of this permit.

D. Annual Review

1. The permittee must review the BMP Plan annually.
2. A certified statement that the annual review has been completed and that the BMP Plan fulfills the requirements set forth in this permit must be submitted to EPA in the Annual Report of Operations, due by January 20 each year. See Appendix E.

E. Requirements of the BMP Plan

The BMP Plan must include, at a minimum, the following BMPs. Where a particular practice below is infeasible, the permittee will substitute another practice to achieve the same end.

1. Materials Storage
   - *a)* Ensure proper storage of feed, drugs, and other chemicals to prevent spills that may result in the discharge to waters of the United States.
   - *b)* Implement procedures for properly containing, cleaning, and disposing of any spilled materials.
2. Structural Maintenance
   - *a)* Routinely inspect rearing and holding units and waste collection and containment systems to identify and promptly repair damage.
   - *b)* Regularly conduct maintenance of rearing and holding units and waste collection and containment systems to ensure their proper function.
3. Record keeping
   - *a)* Document feed amounts and numbers and weights of aquatic animals to calculate feed conversion ratios.
   - *b)* Document the frequency of cleanings, inspections, maintenance, and repairs.

4. Training Requirements

a) Train all relevant personnel in spill prevention and how to respond in the event of a spill to ensure proper clean-up and disposal of spilled materials.

b) Train personnel on proper structural inspection and maintenance of rearing and holding units and waste collection and containment systems.

5. Operational Requirements

a) Raceways and ponds must be cleaned at such a frequency and in such a manner that minimizes accumulated solids discharged to waters of the U.S., including within one week prior to drawdown for fish release, where practical.

b) Since the permittee obtains some its source water from ground water and discharges to surface water, it must, to the greatest extent feasible, conduct phased reductions in the amount of water discharged prior to a complete shutdown.

c) Fish feeding must be conducted in such a manner as to minimize the discharge of unconsumed food.

d) Fish grading, harvesting and other activities within ponds or raceways must be conducted in such a way as to minimize the discharge of accumulated solids and blood wastes.

e) Animal mortalities must be removed and disposed of on a regular basis to the greatest extent feasible.

f) Water used in the rearing and holding units or hauling trucks that is disinfected with chlorine or other chemicals must be treated before it is discharged to waters of the U.S.

g) Treatment equipment used to control the discharge of floating, suspended or submerged matter must be cleaned and maintained at a frequency sufficient to minimize overflow or bypass of the treatment unit by floating, suspended, or submerged matter; turbulent flow must be minimized to avoid entrainment of solids.

h) Procedures must be implemented to prevent fish from entering quiescent zones, full-flow and off-line settling basins. Fish that have entered quiescent zones or basins must be removed as soon as practicable.

i) Procedures must be implemented to minimize the release of diseased fish from the facility.

j) All drugs and pesticides must be used in accordance with applicable label directions (FIFRA or FDA), except under the following conditions, both of which must be reported to EPA in accordance with § V.A, below:

(1) Participation in Investigational New Animal Drug (INAD) studies, using established protocols; or

(2) Extralabel drug use, as prescribed by a veterinarian.

k) Procedures must be identified and implemented to collect, store, and dispose of solid wastes, such as biological wastes in such a manner as to prevent its or its leachate's entry into waters of the U.S. or state ground water. Such wastes include all processing solid wastes from aquaculture operations, including:

(1) Sands, silts, and other debris collected from facility source waters.

(2) Accumulated settled solids in rearing ponds and settling ponds.

(3) Any fish mortalities under normal hatchery operation.

(4) Fish mortalities due to a fish kill involving more than five percent of the fish in any raceway or pond, or due to kill spawning operations.

(5) Blood from kill spawning or harvesting operations.

(6) Floating debris removed from ponds and raceways.

l) Procedures to prevent or respond to spills and unplanned discharges of oil and hazardous substances. These procedures must address the following:

(1) A description of the reporting system which will be used to alert responsible facility management and appropriate legal authorities.

(2) A description of facilities (including an overall facility site plan) which prevent, control, or treat spills and unplanned discharges and compliance schedule to install any necessary facilities in accordance with the approved plan.

(3) A list of all hazardous substances used, processed, or stored at the facility that may be spilled directly or indirectly into state waters.

m) Procedures to identify and prevent existing and potential sources of stormwater pollution.

F. Documentation

The permittee must maintain a copy of the BMP Plan at the facility and make it available to EPA or an authorized representative upon request.

G. BMP Plan Modification

The permittee must amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants or their release or potential release to surface waters. With any change in operator, the BMP Plan must be reviewed and modified, if necessary. The new operator must submit a certification in accordance with Part III.C, above.

IV. Aquaculture Specific Reporting Requirements (See Part V for standard reporting requirements)

A. Drug and Other Chemical Use and Reporting Requirements

The following requirements apply to chemicals that are used in such a way that they will be or may be discharged to waters of the United States, regardless of whether or not they were listed in the permit application.

1. Use of Drugs, Pesticides, and Other Chemicals

a. Only disease control chemicals and drugs approved for hatchery use by the U.S. Food and Drug Administration or by the EPA may be used, except

(1) Investigational New Animal Drugs (INADs) and extralabel drug use, as provided in §IV.A.2, below.

(2) Low Regulatory Priority (LRP) compounds in accordance with conditions included on the list in the FDA policy 1240.4200: *Enforcement Priorities for Drug Use in Aquaculture* (08/09/2002; 4/26/07 minor revisions)[3] p.13--15. (See Appendix C of this permit.) These compounds must be reported in the permit application and in annual reports. If they have not previously been reported on a permit application, the permittee must report its first use in accordance with the requirements in § IV.A.2.b, below.

(3) Potassium permanganate, a deferred regulatory priority drug, also needs to be reported on the permit application, the annual report, and upon first use in accordance with the requirements in § IV.A.2.b, below.

b. All drugs, pesticides and other chemicals must be applied in accordance with label directions.

c. Records required

Records of all applications of drugs, pesticides, and other chemicals must be maintained and must, at a minimum, include information specified in Appendix D. This information must also be summarized in the annual report as required in Part IV.F, below.

2. Reporting Drug Usage

a. INADs and Extralabel Drug Use

The following written and oral reports must be provided to EPA when an INAD or extralabel drug is used for the first time at a facility (not previously listed on a permit application) and when an INAD or extralabel drug is used at a higher dosage than previously approved by FDA for this or a different animal species or disease:

[3] http://www.fda.gov/cvm/Policy_Procedures/4200.pdf

(1) Anticipated INAD Study Participation and Extralabel Drug Usage

Written Report: A permittee must provide a written report to EPA within seven days of agreeing or signing up to participate in an INAD drug study or receiving a prescription for extralabel drug use. The report must include the information specified in Appendix D.

(2) Actual Use of INADs or Extralabel Drug Use

(a) Oral report:

For INAD and extralabel drug uses, the permittee must provide an oral report to EPA (206-553-1846) as soon as possible during business hours, preferably in advance of use, but no later than 7 days after initiating use of the drug. The report must include the information specified in Appendix D.

(b) Written report:

For INADs and extralabel drug uses, the permittee must provide to EPA a written report within 30 days after initiating use of the drug. The report must include the information specified in Appendix D.

b. First Use of Low Regulatory Priority (LRP) Drugs or Potassium Permanganate

(1) Oral report:

For first use of an LRP drug or potassium permanganate if it was not listed in the permit application, the permittee must provide an oral report to EPA (206-553-1846) as soon as possible during business hours, preferably in advance of use, but no later than 7 days after initiating use of the drug. The report must include the information specified in Appendix D.

(2) Written report:

For first use of an LRP drug or potassium permanganate if it was not listed in the permit application, the permittee must provide to EPA a written report within 30 days after initiating use of the drug. The report must include the information specified in Appendix D.

B. Structural failure or damage to the facility

Structural failure or damage to the facility must be reported to EPA orally within 24 hours and in writing within five days when there is a resulting discharge of pollutants to waters of the U.S. Reports must include the identity and quantity of pollutants released. (See §§V.A and G)

C. Spills of drugs, pesticides or other chemicals

1. Drugs, Pesticides or other chemicals

The permittee must monitor and report to EPA any spills of drugs, pesticides, or other chemicals that result in a discharge to waters of the United States; these must be reported orally within 24 hours and in writing within five days. Reports must include the identity and quantity of pollutants released. (See Representative Sampling and Noncompliance Reporting in §§V.A and G)

2. Oil or hazardous substances

a. To EPA

The permittee must report immediately to EPA at 1-800-424-8802 any spills of oil or hazardous substances to waters of the U.S.

b. To Washington Department of Ecology

The permittee must report any spills of oil or hazardous substances to waters of the State of Washington to Ecology at 1-800-258-5990 or 1-800-OILS-911 and to the Ecology Central Region office at 509-575-2490.

D. Records of Fish Mortalities

1. Maintenance of Records

Records of routine and mass mortalities must be maintained on site for at least three years.

2. Annual Reporting

Summaries of mortality data must be included in annual reports.

E. Records of Production and Feed Levels

The Permittee must keep records on the average loading of fish in pounds and the total pounds of food fed for each calendar month. The Permittee must provide a copy of loading and feeding records to EPA upon request and must provide a summary in the annual report required in § IV.F.

F. Annual Report of Operations

During the term of this permit, the permittee must prepare and submit to EPA and Ecology at the addresses in §V.B, below, by December 31st of each year an annual report of the year's operations. The report must include the information specified in Appendix E as well as a summary of the temperature and flow monitoring results required in Appendix A §B.6.

A copy of the annual report and the data used to compile it must be available to EPA upon request and during inspections.

V. Standard Monitoring, Recordkeeping and Reporting Requirements

A. Representative Sampling (Routine and Non-Routine Discharges)

Samples and measurements must be representative of the volume and nature of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited in § I.D of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with §V.C ("Monitoring Procedures"). The permittee must report all additional monitoring in accordance with §V.D ("Additional Monitoring by Permittee").

B. Reporting of Monitoring Results

The permittee must summarize monitoring 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 15th day of the following month. The permittee must sign and certify all DMRs and all other reports, in accordance with the requirements of §VII.E of this permit ("Signatory Requirements"). The permittee must submit the legible originals of these documents to the Director, Office of Compliance and Enforcement, with copies to Washington Department of Ecology at the following addresses:

US EPA Region 10
Attn: ICIS Data Entry Team
1200 Sixth Avenue, Suite 900
OCE-133
Seattle, Washington 98101-3140

Section Manager, Water Quality Program
Washington Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, WA 98902-3452

C. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR §136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR §136.5.

D. Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR.

Upon request by EPA, the permittee must submit results of any other sampling, regardless of the test method used.

E. Records Contents

Records of monitoring information must include:

1. the date, exact place, and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

F. Retention of Records

The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or Washington Department of Ecology at any time.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:

a) any noncompliance that may endanger health or the environment;

b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part VI.F, "Bypass of Treatment Facilities");

c) any upset that exceeds any effluent limitation in the permit (See Part VI.G, "Upset Conditions"); or

d) any violation of the instantaneous maximum limitation identified in §I.D of this permit for chlorine (or other active halogens used for disinfection).

2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under §V.G.1, above. The written submission must contain:

   a) a description of the noncompliance and its cause;

   b) the period of noncompliance, including exact dates and times;

   c) the estimated time noncompliance is expected to continue if it has not been corrected; and

   d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.

4. Reports must be submitted to the addresses in Part V.B ("Reporting of Monitoring Results").

H. Other Noncompliance Reporting

The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part V.B ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part V.G.2 of this permit ("Twenty-four Hour Notice of Noncompliance Reporting").

VI. Compliance Responsibilities

A. Duty to Comply

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

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $37,500 per day for each violation).

2. Administrative Penalties. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this

Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $177,500).

3. Criminal Penalties:

a. Negligent Violations. The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

b. Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

c. Knowing Endangerment. Any person who knowingly violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

d. False Statements. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be

maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need To Halt or Reduce Activity not a Defense

It must not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

D. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

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

F. Bypass of Treatment Facilities

1. **Bypass not exceeding limitations.** The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of §§VI.F.2 and 3, below.

2. **Notice.**

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior notice, if possible at least 10 days before the date of the bypass.

   b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part V.G ("Twenty-four Hour Notice of Noncompliance Reporting").

3. Prohibition of bypass

a. Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the permittee for a bypass, unless:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(iii)The permittee submitted notices as required under §VI.F.2, above.

b) The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in §VI.F.3.a, above.

G. Upset Conditions

1. **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee meets the requirements of §VI.G.2, below. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. **Conditions necessary for a demonstration of upset.** To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a) An upset occurred and that the permittee can identify the cause(s) of the upset;

   b) The permitted facility was at the time being properly operated;

   c) The permittee submitted notice of the upset as required under §V.G, "Twenty-four Hour Notice of Noncompliance Reporting;" and

   d) The permittee complied with any remedial measures required under Part VI.D, "Duty to Mitigate."

3. **Burden of proof.** In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Toxic Pollutants

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

I. Planned Changes

The permittee must give notice to the Director of the Office of Water and Watersheds and Washington Department of Ecology as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR §122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.

J. Anticipated Noncompliance

The permittee must give advance notice to the Director of the Office of Compliance and Enforcement and Washington Department of Ecology of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

VII. General Provisions

A. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR §§122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B. Duty to Reapply

If the permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. In accordance with 40 CFR §122.21(d), and, unless permission for the application to be submitted at a later date has been granted by the Regional Administrator, the permittee must submit a new application at least 180 days before the expiration date of this permit.

C. Duty to Provide Information

The permittee must furnish to EPA and Washington Department of Ecology, within the time specified in the request, any information that EPA or Washington Department of Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to EPA or Washington Department of Ecology, upon request, copies of records required to be kept by this permit.

D. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to

EPA or Washington Department of Ecology, it must promptly submit the omitted facts or corrected information.

E. Signatory Requirements

All applications, reports or information submitted to EPA and Ecology must be signed and certified as follows.

1. All permit applications must be signed as follows:

a) For a corporation: by a responsible corporate officer.

b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

c) For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by EPA or Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a) The authorization is made in writing by a person described above;

b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and

c) The written authorization is submitted to the Director of the Office of Compliance and Enforcement and Ecology.

3. Changes to authorization. If an authorization under §VII.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of §VII E.2 must be submitted to the Director of the Office of Compliance and Enforcement and Washington Department of Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this Part must make the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

F. Availability of Reports

In accordance with 40 CFR§2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

G. Inspection and Entry

The permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; Washington Department of Ecology; or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

H. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

I. Transfers

This permit is not transferable to any person except after notice to the Director of the Office of Water and Watersheds. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory).

J. State Laws

Nothing in this permit must be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

VIII. Definitions and Acronyms

The Act ... the Clean Water Act, codified at 33 U.S.C. 1251 et seq.

Application ... the EPA standard form for applying for an NPDES permit. [40 CFR §122.21(a)(2)]

Aquaculture ... of or pertaining to a hatchery, fish farm, or other facility which contains, grows, or holds fish for later harvest (or process) and sale or for release.

Background ... the biological, physical, or chemical condition of waters measured at a point immediately upstream of the influence of the discharge.

Best Management Practices (BMPs) ... schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [40 CFR §122.2]

Bypass ... the intentional diversion of waste streams from any portion of a treatment facility. [40 CFR §122.41 (m)]

CAAP ... concentrated aquatic animal production facility

CFR ... Code of Federal Regulations, codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

Chemical ... any substance that is added to the aquatic animal production facility to maintain or restore water quality for aquatic animal production and that may be discharged to Waters of the United States.

Clean Water Act ... formerly referred to as the Federal Water Pollution Control Act of 1972, codified at 33 U.S.C. 1251 et seq.

Composite ... a combination of six or more discrete samples taken at one-half hour intervals or greater over a 24-hour period; at least one fourth of the samples must be taken while cleaning. Facilities with multiple effluent discharge points and/or influent points must composite samples from all points proportionally to their respective flows.

Concentrated Aquatic Animal Production Facility ... a hatchery, fish farm, or other facility that contains, grows, or holds either (a) cold water fish species or other cold water aquatic animals in ponds, raceways, or other similar structures, which discharge at least 30 days per year, but does not include facilities that produce less than 9,090 harvest weight kilograms of aquatic animals per year or facilities that feed less than 2,272 kilograms of food during the calendar month of maximum feeding, or (b) warm water fish species or other warm water aquatic animals in ponds, raceways, or other similar structures, which discharge at least 30 days per year, but does not include closed ponds that discharge only during periods of excess runoff or facilities that produce less than 45,454 harvest weight kilograms of aquatic animals per year. [40 CFR §122.24]

Critical Habitat ...the geographical area occupied by a threatened or endangered species. See 16 U.S.C. § 1532 (the Endangered Species Act of 1973) for a complete definition.

CWA ... the Clean Water Act.

Discharge . . . any addition of any pollutant or combination of pollutants from any point source to waters of the U.S. [40 CFR §122.2]

DMR ... discharge monitoring report, the EPA uniform national form . . . for the reporting of self-monitoring results by permittees. [40 CFR §122.2]

Ecology … the Washington Department of Ecology.

EPA ... the United States Environmental Protection Agency. The State of Washington is located in Region 10 of the EPA.

Extralabel Drug Use . . . a drug approved under the Federal Food, Drug, and Cosmetic Act that is not used in accordance with the approved label directions; see 21 CFR 530. [40 CFR §451.2(f)]

Fish Hatcheries ... hatcheries, fish farms, or other such facilities that contain, grow, or hold warm water and cold water fish species.

Flow-Through System ... a system designed to provide continuous water flow to Waters of the United States through chambers used to produce aquatic animals. [40 CFR §451.2(g)]

40 CFR … Title 40 of the Code of Federal Regulations. Parts 1 - 1499 contain regulations of the Environmental Protection Agency.

Grab Samples ... a discrete volume of water collected by hand or machine during one short sampling period (less than 15 minutes).

Hazardous Substance … any substance designated under 40 CFR part 116, pursuant to Section 311 of the CWA. [40 CFR §116.4]

INAD … Investigational New Animal Drug, a drug for which there is a valid exemption in effect under section 512(j) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.360b(j), to conduct experiments. [40 CFR §451.2(h)]

MDL … method detection limit, the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

ML … minimum level, the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.

New Source ... 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 the CWA, which are applicable to such source, or

(b) After proposal of standards of performance in accordance with Section 306 of the 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. [40 CFR §122.2]

NPDES ... the National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing [wastewater discharge] permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the CWA. [40 CFR §122.2]

Off-line Settling Basin ... a constructed retention basin that receives wastewater from cleaning of aquaculture facility rearing or holding units and/or quiescent zones for the retention and treatment of the wastewater through settling of solids.

Outfall ... a discrete point or outlet where the discharge is released to the receiving water.

Permittee ... An individual, association, partnership, corporation, municipality, government or tribal agency, or an agent or employee thereof, who is issued authorized by EPA to discharge in accordance with the requirements of an NPDES permit.

Point Source... any discernible, confined, and discreet conveyance from which pollutants are or may be discharged. [40 CFR §122.2]

Pollutant . . . chemical wastes, biological materials . . . industrial waste discharged into water. [40 CFR §122.2]

Production ... the act of harvesting, processing or releasing fish, or the harvest weight of fish contained, grown, or held in a CAAP facility. (40 CFR §122, Appx. C)

QA ... quality assurance, an integrated system of management activities involving planning, implementation, documentation, assessment, reporting, and quality improvement to ensure that a process, item, or service is of the type and quality needed to meet the performance criteria.

QAP . . . quality assurance plan

Regional Administrator ... the Administrator of Region 10 of the United States Environmental Protection Agency, or an authorized representative. [40 CFR §122.2]

Severe property damage ... substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. [40 CFR § 122.41(m)(ii)]

Toxic pollutants ... those pollutants, or combinations of pollutants, including disease-causing agents, which, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformation in such organisms or their offspring. [CWA §502(13)]

Toxic substances ... substances that when discharged above natural background levels in waters of the state have the potential either singularly or cumulatively to adversely affect characteristic

water uses, cause acute or chronic toxicity to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the Department of Ecology. [Washington Administrative Code (WAC) 173-201A-240]

TSS ... Total Suspended Solids

Upset ... 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 preventative maintenance, or careless or improper operation. [40 CFR §122.41 (n)(1)]

Waters of the United States ... include:

(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, or natural ponds, the use, degradation, or destruction of which would affect 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; or

(3) Which are 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) through (d) of this definition;

(f) The territorial sea; and

(g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. [40 CFR §122.2]

Appendix A

Washington State Department of Ecology

§ 401 Certification of the

Leavenworth National Fish Hatchery

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

January 7, 2010

Al Jensen
Facility Manager
U.S. Fish and Wildlife Service
12790 Fish Hatchery Road
Leavenworth, WA 98826

RE: Final 401 Certification for the Leavenworth National Fish Hatchery
Order No. 7192

Dear Mr. Jensen:

Enclosed is Order number 7192, in the matter of granting a Water Quality Certification to U.S. Fish and Wildlife Service. The certification includes limits and treatment requirements for wastewater discharges, and monitoring and reporting requirements pertaining to water temperature and fish habitat in Icicle Creek affected by hatchery operations.

All correspondence relating to this document should be directed to Pat Irle, Department of Ecology, 15 W. Yakima Avenue, Suite 200, Yakima, WA 98902. If you have any questions concerning the content of the document, please call Pat, at 509/454-7864.

Sincerely,

Charles McKinney

Charles McKinney, Section Manager
Water Quality Program
Central Regional Office

Enclosure: Order No. 7192
1-30-09 Flow Management Plan
Schedule of required studies and reports (Table 1)

By Registered Mail

cc: Steve Croci, Leavenworth National Fish Hatchery
Michael Lidgard, Environmental Protection Agency, Region 10
Tom Tebb, Ecology-Central

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO U.S. Fish and Wildlife Service 1790 Fish Hatchery Road Leavenworth, WA 98826 in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	)	**ORDER No. 7192** Certification of the Leavenworth National Fish Hatchery (NPDES Permit No. WA-000-190-2) on Icicle Creek, Chelan County, Washington.

TO: **Al Jensen, Facility Manager**
U.S. Fish and Wildlife Service
12790 Fish Hatchery Road
Leavenworth, WA 98826

The Leavenworth National Fish Hatchery (Leavenworth NFH) is required to have a Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) Permit issued by the U.S. Environmental Protection Agency (EPA) authorizing the discharge of wastewater. In 2005, the U.S. Fish and Wildlife Service (USFWS), which manages and operates the Leavenworth NFH, applied to EPA to renew its NPDES Permit. On June 26, 2006, EPA issued a draft NPDES Permit and associated fact sheet for the Leavenworth NFH. On January 15, 2008, Washington State Department of Ecology (Ecology) received an application from the USFWS requesting a CWA Section 401 water quality certification (401 Certification), 33 USC §1341, for the draft NPDES permit. Pursuant to Ecology's request, the USFWS prepared a Tier II Water Quality Analysis for the Leavenworth NFH and submitted it to Ecology on April 30, 2008. On January 9, 2009, Ecology received a request from the USFWS to withdraw and re-apply for a 401 Certification. Ecology has determined that the project has and is likely to continue to violate water quality standards. This Order is intended to ensure that its continued operation does not create future violations. If operated consistent with the terms of this Order, Ecology has reasonable assurance that the project will meet water quality standards. This document represents Ecology's Section 401 water quality certification and ch. 90.48 RCW order (Order) for the Leavenworth NFH. For purposes of this Order, USFWS and Leavenworth NFH will be referred to as Leavenworth NFH.

PROJECT DESCRIPTION

The Leavenworth NFH is located on Icicle Creek, a tributary to the Wenatchee River, at river mile (RM) 3.0 near Leavenworth, Washington. The Leavenworth NFH was authorized as mitigation for the construction of Grand Coulee Dam and is used to capture, spawn, and rear approximately 1.2 million spring Chinook salmon at 70,000 pounds and acclimate coho salmon for a total weight gain of less than 10,000 pounds annually. According to the draft NPDES permit, the Project has had a total daily average discharge of 26 million gallons per day and the main pollutants of concern are nitrogen, phosphorus, settleable solids (SS), total suspended solids (TSS), dissolved oxygen (DO), pH, temperature, and total residual chlorine (EPA, draft NPDES permit). Water is discharged from the hatchery operations at two locations: (1) from the rearing ponds and raceways via combined Outfalls 001 and 004; and (2) from the Pollution Abatement Pond, Outfall 002.

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§1311, 1312, 1313, 1316, and 1317 (FWPCA §§ 301, 303, 306 and 307);

2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and

3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

4. Conformance with RCW 90.54.020(3)(a) and (b).

WATER QUALITY CERTIFICATION CONDITIONS

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will comply with applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Leavenworth NFH subject to the conditions within this Order.

Certification of this project does not authorize the Leavenworth NFH to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve Leavenworth NFH from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project operations.

A. General Conditions

1. For purposes of this Order, the term "Applicant" shall mean the Leavenworth NFH and its agents, assignees and contractors.

2. For purposes of this Order, all submittals required as conditions shall be sent to the Section Manager, Water Quality Program, Washington State Department of Ecology, Central Regional Office, 15 West Yakima Ave., Suite 200, Yakima, WA 98902 or via e-mail (preferred), if possible, to the Section Manager, Water Quality Program for Ecology's Central Regional Office. Notifications shall be made via phone or e-mail (preferred). All submittals and notifications shall be identified with Order No. 7192 and include the Applicant's name, project name, project location, the project contact and the contact's phone number.

3. Conditions B.6, B.7, B.8, and B.9 shall be deemed denied if the EPA does not issue a NPDES Permit for the Leavenworth NFH within two years from the date of the Order.

4. Copies of this Order shall be kept on the site and readily available for reference by staff of the Leavenworth NFH, its contractors and consultants, Ecology personnel, and state and local government inspectors.

5. The Leavenworth NFH shall ensure that all project staff and other workers at the project site with authority to direct work have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order.

6. The Leavenworth NFH shall provide access to the project site and all monitoring sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.

7. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.

8. All applications, reports, or information submitted to Ecology shall be signed and certified.

   a. All permit applications shall be signed by the project staff or manager with authority to act for USFWS.

   b. All reports required by this permit and other information requested by Ecology shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

      i. The authorization is made in writing by a person described above and submitted to Ecology.

      ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

   c. Changes to authorization. If an authorization under paragraph A.8.b.ii. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph A.8.b.ii. shall be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

   d. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

9. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.

10. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

B. Specific Conditions

1. Icicle Creek Stream Flow

a. Flow Management. The Leavenworth NFH shall comply with all of the provisions of the Leavenworth National Fish Hatchery Proposed Flow Management Operations 2009-2014 (Proposed Flow Management Plan), dated January 30, 2009, until replaced with a final plan approved by Ecology in writing. A copy of the Flow Management Plan is attached as Appendix A. Compliance shall include completion of all studies to address the information needs identified in the Proposed Flow Management Plan. All studies required by the Proposed Flow Management Plan shall be submitted to Ecology for its review.

b. Ramping Rates. When adjusting Structure 2, flow ramping rates shall not exceed one inch per hour. If the condition or capability of Structure 2 does not reliably allow stage adjustments as fine as one inch per hour, adjustments should be made in the finest increment possible and field observation of the historical channel or the hatchery canal, as appropriate, should be performed to verify that fish stranding is minimized.

c. Flow Monitoring. The Leavenworth NFH shall prepare the following flow monitoring plans, in accordance with the approved Quality Assurance Project Plan (QAPP), described in paragraph D, and implement them upon Ecology's approval.

i. Historic channel and hatchery canal. Within four months of issuance of this Order, the Leavenworth NFH shall prepare a plan describing how stream flow will be monitored in the hatchery canal and the historic Icicle Creek channel. The plan shall include a description of the monitoring equipment to be used, the monitoring frequency, and the procedures for such monitoring. The plan shall be submitted to Ecology for its review and written approval. The plan shall be implemented within 90 days of its approval by Ecology.

ii. Snow/Nada Lake. Within four months of issuance of this Order, the Leavenworth NFH shall prepare a plan for monitoring releases from Snow and Nada Lakes to supplement Icicle Creek flow below USGS Gage 12458000. The plan shall be submitted to Ecology for its review and written approval. The plan shall be implemented within 90 days of its approval by Ecology.

d. Annual Flow Monitoring Report. By December 31 of each year following approval of the flow monitoring plans, the Leavenworth NFH shall submit an annual report to Ecology compiling the flow monitoring data for the prior water year (October 1 – September 30).

e. Implementation. Within four years of the issuance of this Order, the Leavenworth NFH shall submit a Final Flow Management Plan. Once approved by Ecology, Leavenworth NFH shall implement the Final Flow Management Plan on the schedule set forth in the approved plan.

2. IFIM Study.

a. Within 18 months of issuance of this Order, the Leavenworth NFH shall prepare an Instream Flow Incremental Methodology (IFIM) study plan (IFIM Study Plan) for the historic channel consistent with the requirements of "Instream Flow Guidelines: Technical and Habitat Suitability Issues," Publication No. 04-11-007 (WDFW and Ecology, updated 2/12/2008), or an equivalent method or methodology approved by Ecology. The IFIM Study Plan shall include an implementation schedule. Upon completion, the IFIM Study Plan shall be submitted to Ecology for its review and written approval.

b. Within three months of approval by Ecology, the Leavenworth NFH shall implement the IFIM Study Plan.

c. Within three years of the issuance of this Order, the Leavenworth NFH shall submit a report of the IFIM study results to Ecology. The study results shall include flow recommendations. Once approved by Ecology, USFWS shall incorporate the flow recommendations into the proposed Final Flow Management Plan.

3. Fish Passage.

a. Within one year of issuance of this Order, the Leavenworth NFH shall submit a plan to investigate stream flow management and structural options for improving fish passage at (a) the intake structure, (b) Structure 2, and (c) Structure 5.

The investigation shall address the following:

- Determine flows needed for upstream and downstream passage of all swimming stages of native species;
- Investigate a long-term solution for year-round passage that may include modifications to the structure; and

- Analyze the potential for fish stranding due to ramping rates employed for operating Structure 2.

b. Within three years of issuance of this Order, the Leavenworth NFH shall submit a report summarizing the results of the study and recommending flow management and structural options for improving fish passage.

c. Implementation. Once approved by Ecology, USFWS shall incorporate the flow recommendations from the plan into the Final Flow Management Plan and implement the fish passage plan in accordance with the schedule set forth in the approved plan.

4. Hatchery Canal Hydrologic Functions.

a. Aquifer Recharge. The Leavenworth NFH shall prepare a plan to quantify the timing, rate, and volume of water needed in the hatchery canal to provide sufficient recharge to maintain water levels in the shallow aquifer within the range of variation exhibited during the 1945-1980 period. The Aquifer Recharge Plan shall be submitted to Ecology for its review and written approval.

b. Flood Control. The aquifer recharge plan shall also include a description of the operation of Structure 2 for the purpose of flood control.

c. Within three years of the issuance of this Order, Leavenworth NFH shall submit the Aquifer Recharge Plan and the Flood Control operating rules to Ecology for its review and approval. Once approved by Ecology, USFWS shall incorporate the flow recommendations from these two plans into the Final Flow Management Plan.

5. Navigation and Boating.

Within 24 months of issuance of this order, the Leavenworth NFH shall submit a report evaluating approaches or methods to provide navigation and boating through the natural channel reach from structure 2 through structure 5.

6. Temperature and Flow Monitoring.

a. Water used in hatchery operations. In accordance with the Quality Assurance Project Plan prepared pursuant to the requirements of paragraph D, the Leavenworth NFH shall monitor the temperature and flow of (a) each groundwater well; (b) surface water entering the hatchery; and (c) hatchery discharges to Icicle Creek. To the extent that flow monitoring required by this section coincides with or duplicates flow monitoring required in section B.1, the monitoring frequencies and locations should be reconciled with the flow monitoring plans required in section B.1.c.

i. Monitoring frequency. Temperature shall be monitored hourly from October 1st through September 30th.

ii. Monitoring report. By December 31st of each year, the Leavenworth NFH shall prepare and submit to Ecology an annual report summarizing its monitoring results. In addition to the temperature and flow data collected, the

report shall include an analysis comparing the measured temperature of discharged water to the temperature calculated by flow-averaging the well water and surface water used by the hatchery.

b. Instream Temperature. Within two years of the issuance of this Order, the Leavenworth NFH shall submit a Temperature Study Plan to evaluate measures to reduce temperatures in Icicle Creek. The Temperature Study Plan shall include a QAPP consistent with the requirements of paragraph D for monitoring water temperatures at appropriate locations and frequencies and shall be submitted to Ecology for its review and written approval.

i. Plan Contents. The Temperature Study Plan shall include an evaluation of measures to:

- Lower temperatures in Icicle Creek to temperatures that would occur under natural conditions, focusing on the critical period between June and October.

- Meet the site-potential shade throughout the length of the historic river channel and hatchery canal.

ii. Plan Review and Approval. Within four years of the issuance of this Order, the Leavenworth NFH shall submit a report describing the results of the above study, including the environmental impacts, feasibility, costs, and potential schedules for implementation of each feasible alternative. Once approved by Ecology, the Leavenworth NFH shall within 180 days prepare and submit an Implementation Plan for review and written approval by Ecology.

iii. Implementation. Upon Ecology's approval of the Implementation Plan, Leavenworth NFH shall implement it in accordance with the schedule set forth in the approved Implementation plan.

7. Dissolved Oxygen and pH. Portions of the Wenatchee River, lower Icicle Creek, and other tributaries do not meet water quality standards for Dissolved Oxygen and pH during the critical period identified in the Wenatchee River pH and Dissolved Oxygen TMDL, Ecology Publication No. 08-10-062, August 2009. Phosphorus levels in the Wenatchee River watershed must be reduced to improve DO and pH levels to protect aquatic resources and designated uses. In the TMDL, the Leavenworth NFH was allocated a waste load of 0.52 kg/day total phosphorous.

a. Standards. The Leavenworth NFH shall meet a discharge limit of 0.52 kg/day total phosphorous within five years of permit issuance.

b. Monitoring. The Leavenworth NFH shall prepare and implement a QAPP consistent with the requirements of paragraph D to monitor phosphorus levels in its effluent and Icicle Creek flows upstream of the hatchery. Icicle Creek flow monitoring for calculating total phosphorous concentrations and mass should be reflected in the

development of the flow monitoring required in paragraph B.5. Results shall be provided in both concentrations and total mass.

8. Toxics. The Leavenworth NFH shall prepare and implement a QAPP consistent with the requirements of paragraph D to monitor sediment deposited through hatchery operations for the presence of toxic pollutants. The QAPP shall include the following elements:

   a. Every 12 months, sample and analyze sediment in the pollution abatement pond for total PCBs, hexacholorcyclohexanes and endrin.

   b. Once during the five years subsequent to issuance of this order, sample and analyze the sediment in the pollution abatement pond, above the hatchery intake, and below the hatchery outfall for total PCB, endrin, endosulfan II and DDT.

   c. Provisions for the removal and proper disposal of all sediment in the pollution abatement pond in the event that any sample exceeds its Apparent Effects Threshold (Ecology 2003) for the identified parameter.

9. Turbidity. The Leavenworth NFH shall conduct turbidity monitoring when cleaning sediments from (a) the sand settling basin, (b) conveyance channel, (c) behind the fish screens, and (d) the pollution abatement pond.

   a. Sampling analysis and method. Turbidity analysis shall be performed with a calibrated turbidity meter (turbidimeter), either on-site or at an accredited lab. The results shall be recorded in a site log book in Nephelometric Turbidity Units (NTU).

   b. Sampling locations. Sampling is required at all discharge points where water used to clean sediments is being discharged back into surface waters. Background samples shall also be gathered to ensure that the discharge meets the requirements of WAC 173-201A-200 (discharge not to exceed five NTU above background if turbidity is 50 NTU or less, or 10 percent above background if background turbidity is greater than 50 NTU).

   c. Reporting. A copy of sampling results shall be submitted to Ecology within one month of each cleaning event.

C. Aquatic Workgroup.

1. Aquatic Workgroup Participation. Ecology will periodically convene a workgroup of federal, state, and tribal fisheries co-managers for consultation prior to its approval of the several flow- and aquatic resource-related studies, plans, or reports required by this Order. Workgroup members are not obligated to participate. A proposed workgroup member may request Ecology to consult with them separately.

2. Workgroup Composition. Members of the workgroup are USFWS, Ecology, the Yakama Nation, the Colville Confederated Tribes, National Marine Fisheries Service, and Washington Department of Fish and Wildlife.

3. Facilitation. Ecology, or another member of the workgroup, may serve as facilitator for the workgroup.

4. Study Procedures. A summary of the study plans, study reports and implementation plans required under this subsection is provided in Table 1. These documents shall be prepared according to the schedule provided in Table 1 or as modified by Ecology in writing. Where possible, the studies may be done in conjunction with other EPA-required plans and reports associated with the NPDES permit.

5. Plan Preparation. The Leavenworth NFH shall be responsible for preparing proposed study plans and study reports, with any proposed implementation measures, required by this Order. Ecology reserves the right to make the final determination as to the adequacy of the final products required by this 401 Certification.

D. Quality Assurance Project Plan

1. Plan Preparation. The Leavenworth NFH shall prepare a Quality Assurance Project Plan (QAPP) for monitoring of each parameter required to be monitored under this Order, including flow, temperature, phosphorus, turbidity and toxics.

2. QAPP Contents. The QAPP shall be prepared in accordance with the Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies (Ecology Publication Number 04-03-030, July 2004) or its successor. The QAPP shall contain, at a minimum, the list of parameters to be monitored, a map of sampling locations, and descriptions of the purpose of the monitoring, sampling frequency, sampling procedures and equipment, analytical methods, quality control procedures, data handling and data assessment procedures, and reporting protocols.

3. Use of Best Available Science. In preparing the study plans and study reports, and in developing implementation measures to address Project impacts, the Leavenworth NFH shall use the most current and best available scientific information and analysis. When all implementation options are approximately equal in their biologic and hydrologic effectiveness, the Leavenworth NFH may also consider, in evaluating the options, (a) time required to achieve that success, and (b) cost effectiveness of solution.

4. Submittal to Ecology. The draft QAPPs shall be submitted to Ecology for its review and written approval. Once approved, Leavenworth NFH shall follow the approved QAPP for the collection and management of data and analyses for the reports and studies required in section B of this Order.

E. Appeal Process

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.

- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals & Application for Relief Coordinator
PO Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Section Manager
Department of Ecology
Central Regional Office
15 W. Yakima Avenue, Suite 200
Yakima, WA 98902

For additional information visit the Environmental Hearings Office Website: http://www.eho.wa.gov
To find laws and agency rules visit the Washington State Legislature Website: http://www.leg.wa.gov/CodeReviser

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

DATED this 7th day of January, 2010 at Yakima, WA 98902.

Charles McKinney

Charles McKinney, Section Manager
Water Quality Program
Central Regional Office

Appendix B

Quality Assurance Plan &

Best Management Practices Plan

Certification

Quality Assurance Plan (QA Plan)

Certification

Facility Name:_____

NPDES Permit Number:_____

The QA Plan is complete and is available upon request to EPA.

The QA Plan is being implemented by trained employees.

The QA Plan has been reviewed and endorsed by the facility manager.

The individuals responsible for implementation of the QA Plan have been properly trained.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature:	**Title/Agency:**
Print Name:	**Date:**

The Permittee must submit this certification within 120 days of the effective date of this permit. The certification must be submitted to EPA (§II.D of the permit).

Best Management Practices Plan
(BMP Plan)
Certification

Facility Name:_____

NPDES Permit Number:_____

The BMP Plan is complete and is available upon request to EPA.

The BMP Plan is being implemented by trained employees.

The BMP Plan has been reviewed and endorsed by the facility manager.

The individuals responsible for implementation of the BMP Plan have been properly trained.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature:	**Title/Agency:**
Print Name:	**Date:**

The Permittee must submit this certification within 90 days of the effective date of this permit. The certification must be submitted to EPA (§III.C of the permit).

Appendix C

Low Regulatory Priority Aquaculture Drugs

Low Regulatory Priority Aquaculture Drugs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SODIUM SULFITE - 15% solution for 5 to 8 minutes to treat eggs in order to improve their hatchability.

THIAMINE HYDROCHLORIDE - Used to prevent or treat thiamine deficiency in salmonids. Eggs are immersed in an aqueous solution of up to 100 ppm for up to four hours during water hardening. Sac fry are immersed in an aqueous solution of up to 1,000 ppm for up to one hour.

UREA and TANNIC ACID - Used to denature the adhesive component of fish eggs at concentrations of 15g urea and 20g NaCl/5 liters of water for approximately 6 minutes, followed by a separate solution of 0.75 g tannic acid/5 liters of water for an additional 6 minutes. These amounts will treat approximately 400,000 eggs.

Appendix D

Drug and Chemical Use

Report Contents

CHECKLIST FOR ORAL REPORT FOR INVESTIGATIONAL NEW ANIMAL DRUG (INAD) USE, EXTRALABEL DRUG USE, AND FIRST USE OF LOW REGULATORY PRIORITY DRUGS AND POTASSIUM PERMANGANATE

(Provide an oral report to EPA: 206-553-1846 and to Ecology within 7 days after initiating use of the drug)
(First row is an example.)

Name of Drug (INAD & Extralabel) Used & Reason for Use	Method of Application	First Date of Drug Use	Date Oral Report to EPA	Person reporting
Extralabel: Erythromycin Treat bacterial infections	*Injection*	*09/09/04*	*09/10/04*	*MJ*

WRITTEN REPORT FOR AGREEING TO PARTICIPATE IN AN INAD STUDY

(Submit a written report to EPA and Ecology within 7 days of agreeing or signing up to participate in an INAD study)

Facility Name:_____ NPDES Permit Number:_____

Name of person submitting this report:_____

Date of agreement to participate in INAD study: _____

Date this written report will be submitted:_____

The first row is an example.

Expected Dates of Use	Name of INAD Used	Disease or Condition Intended to Treat	Method of Application	Dosage
09/09/04	*Oxytetracycline*	*For controlling columnaris in trout*	☑ *Medicated feed* ☐ *Injection* ☐ *Bath treatment* ☐ *Other:* _____	
			☐ Medicated feed ☐ Injection ☐ Bath treatment ☐ Other: _____	
			☐ Medicated feed ☐ Injection ☐ Bath treatment ☐ Other: _____	
			☐ Medicated feed ☐ Injection ☐ Bath treatment ☐ Other: _____	
			☐ Medicated feed ☐ Injection ☐ Bath treatment ☐ Other: _____	
			☐ Medicated feed ☐ Injection ☐ Bath treatment ☐ Other: _____	

WRITTEN REPORT FOR INAD AND EXTRALABEL DRUG USE AND FIRST USE OF LOW REGULATORY PRIORITY DRUGS AND POTASSIUM PERMANGANATE

Submit a written report to EPA and Ecology within 30 days after first use of the drug.

Facility Name:_____NPDES Permit Number:_____

Name of person submitting this report:_____

Date this written report will be submitted to EPA:_____

Note: For Extralabel Drug Use, include the **name of the prescribing veterinarian** and **date of the prescription** in a footnote.

The first row is an example.

Name of Drug & Reason for Use	Date and Time of Application (start & end)	Duration	Method of Application	Total Amount of Active Ingredient Added	Total Amount of Medicated Feed Added*
Oxytetracycline *For control of columnaris in walleye*	*09/09/04 10:00 AM* *09/13/04 10:00 AM*	*5 consecutive days*	☑ *Medicated feed* ☐ *Injection* ☐ *Bath treatment* ☐ *Other:* _____	*1 g/lb as sole ration*	*50 lbs*
			☐ Medicated feed ☐ Injection ☐ Bath treatment ☐ Other: _____		
			☐ Medicated feed ☐ Injection ☐ Bath treatment ☐ Other: _____		
			☐ Medicated feed ☐ Injection ☐ Bath treatment ☐ Other: _____		

* Applies only to drugs applied through medicated feed.

DRUG AND CHEMICAL LOG SHEET

Facility Name:_____ NPDES Permit Number:_____

Date	Raceway Treated	Reason for Treatment	Chemical Name[37]	Active Ingredient	Amount Applied	Duration of Treatment	Treatment Type[38]	Flow Treated (cfs)	Total Effluent Flow (cfs)	Effluent Conc. (ppb)	Person applying	Waste Disposal Method

[37] Both a copy of the label with application requirements and the Material Safety Data Sheet (MSDS) must be kept in your records.
[38] Treatment type means, for example, static or flush bath, injection or feed.

Appendix E

Annual Report Contents

*ANNUAL REPORT OF OPERATIONS FOR YEAR*_____

I. Facility Name:	**NPDES #**
Operator Name (*Permittee*):	**Phone:**
Address:	**Fax:**
	E-Mail:
Owner Name (*if different from operator*):	**Phone:**

II. Annual Production: *Harvestable weight produced in the year* _____ **pounds**

III. Food used: *Number of pounds of food fed to the fish during the maximum month:*_____ **pounds**

IV. Noncompliance Summary:

Include description & dates of noncompliance (including spills), the reasons for such incident, and the steps taken to correct the problem. Attach additional pages, if necessary.

V. Best Management Practices (BMP) Plan

BMP Plan has been reviewed this year? ☐ *Yes* ☐ *No*
BMP Plan fulfills the requirements set forth in the permit: ☐ *Yes* ☐ *No*
Summarize changes in the BMP Plan since last annual report Attach additional pages, if necessary.

VI. Solid Waste Disposal

Type of Solid Waste	Method of Disposal	When	Where

VII. Fish Mortalities

Include description & dates of mass mortalities (more than 5%/week), the reasons for each incident, and the steps taken to correct the problem. Attach additional pages, if necessary. Include total mortalities from all causes.

Date	Cause of deaths	Pounds of fish

VIII. Chemical Usage (including drugs and pesticides)

Date	Chemicals used, number of days used, and maximum concentration in effluent.	Yearly Total

IX. Inspections and Repairs for production and wastewater treatment systems

Date Inspected	Date Repaired	Description of system inspected and/or repaired

X. Signature & Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure the qualified personnel properly gather and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature:	*Title/Company:*
Print Name:	*Date:*