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

MAR 16 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Leo Ray
Owner
Fish Breeders of Idaho – Catfish Pond
P.O. Box 479
Hagerman, Idaho 83332

Re: Fish Breeders of Idaho – Catfish Pond
NPDES Permit Number IDG130041

Dear Mr. Ray:

On behalf of the U.S. Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the August 3, 2015 Clean Water Act (CWA) inspection of Fish Breeders of Idaho – Catfish Pond ("Facility") conducted by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection, and subsequent EPA administrative file review, was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the National Pollutant Discharge Elimination System (NPDES) general permit for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of the IDEQ inspection and EPA administrative file review.

REVIEW OF ADMINISTRATIVE FILES

1. Part V.B of the Permit states that the permittee must summarize monitoring results, including influent, effluent, and net results, each month on the DMR and sign and certify all DMRs.

   During EPA review of DMR data from March 2011 to March 2016, it was found that the Facility did not submit a DMR for August 2011. This is a violation of Part V.B of the Permit.

2. Part V.B.1 of the Permit states that the permittee must submit reports monthly, postmarked by the 20th day of the following month.

   During EPA review of DMR data from March 2011 to March 2016, it was found that the Facility submitted two DMRs late. The May 2013 DMR was submitted on July 22, 2013 and

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the October 2015 DMR was submitted on December 21, 2015. These are violations of Part V.B.1 of the Permit.

On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure A).

AUGUST 2015 INSPECTION

1. Part II.F of the Permit states that the permittee must develop a quality assurance (QA) plan for all monitoring required by this permit. The plan must be developed and implemented within 60 days of coverage under this permit.

   Part II.F.3.a of the Permit specifies that at a minimum the QA Plan must include the following:
   - details on the number of samples,
   - type of sample containers,
   - preservation of samples including temperature requirements,
   - holding times,
   - analytical methods,
   - analytical detection and quantification limits for each parameter,
   - type and number of quality assurance field samples,
   - precision and accuracy requirements,
   - sample preparation requirements,
   - sample shipping methods, and
   - laboratory data delivery requirements.

   At the time of the inspection, the inspector noted that the QA Plan was missing the following:
   - type of sample containers,
   - preservation of samples including temperature requirements,
   - type and number of quality assurance field samples,
   - sample shipping methods, and
   - laboratory data delivery requirements.

   These are violations of Part II.F.3.a of the Permit.

2. Part II.F.3.b of the Permit specifies that at a minimum the QA Plan must include the following:
   - description of flow measuring devices or methods used to measure influent and/or effluent flow at each point,
   - calibration procedures, and
   - calculations used to convert to flow units.

   At the time of the inspection, the inspector noted that the QA Plan did not include the three minimum requirements stated in Part II.F.3.b of the Permit. These are violations of Part II.F.3.b of the Permit.

3. Part II.F.3.d of the Permit states that at a minimum the QA Plan must include the qualification and training of personnel.

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At the time of the inspection, the inspector noted that the QA Plan did not include the qualifications or training of personnel. These are violations of Part II.F.3.d of the Permit.

4. Part II.F.5 of the Permit states that copies of the QA Plan must be kept on site and made available to EPA and IDEQ upon request. If lack of suitable storage area makes on-site storage impossible, the QA Plan must be in the possession of staff whenever they are working on-site.

   At the time of the inspection, the Facility was unable to provide a copy of the QA Plan when requested by the inspector. This is a violation of Part II.F.5 of the Permit.

5. Part III.F of the Permit states that the permittee must maintain a copy of the Best Management Practices (BMP) Plan at the facility and make it available to EPA, IDEQ, or an authorized representative upon request. If lack of a suitable storage area makes on-site storage impossible, the BMP Plan must be in the possession of staff whenever they are working on-site.

   At the time of the inspection, the Facility was unable to provide a copy of the BMP Plan when requested by the inspector. This is a violation of Part III.F of the Permit.

6. Part IV. D of the Permit states that during the term of this permit, the permittee must prepare and submit an annual report of operations by January 20th of each year to EPA and IDEQ. A copy of the annual report and the data used to compile it must be available to EPA and IDEQ upon request and during inspections. The report must include the information specified in Appendix H.

   At the time of the inspection, the inspector noted that Section IV of the Annual Report Form did not include attached maps for land application of solids and/or irrigation with wastewater. This is a violation of Part IV. D of the Permit.

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

I have enclosed a copy of the inspection report (Enclosure B). If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,

Edward J. Kowalski
Director

Enclosures

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cc: Mr. Stephen Berry
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