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

MAR 30 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Leo Ray
Owner
Big Bend Trout Farm – Smith Pond
P.O. Box 479
Hagerman, Idaho 83332

Re: Big Bend Trout Farm – Smith Pond
NPDES Permit Number IDG130090

Dear Mr. Ray:

On behalf of the United States 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 Big Bend Trout Farm – Smith Pond (Facility) 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 your Facility's compliance with the requirements of the Clean Water Act (CWA) and the 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 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.

   During EPA review of DMR data from February 2011 through March 2016, it was discovered that the Facility submitted its 2011 Annual Review late. This is a violation of Part IV.D of the Permit.

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

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

   During EPA review of DMR data from February 2011 through March 2016, it was discovered that the Facility failed to report one parameter for the February 2015 monitoring month. The unreported parameter is "Hardness, total [as $CaCO_3$]." This is a violation of Part V.B of the Permit.

4. Part V.B 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 February 2011 through March 2016, it was discovered that the Facility submitted three DMRs late. These are violations of Part V.B of the Permit. A list of the violations is enclosed (Enclosure A).

AUGUST 2015 INSPECTION

1. Part II.F.2 of the Permit specifies that, throughout all sample collection and analysis activities, the permittee must use the EPA-approved quality assurance and quality control (QA/QC) and chain-of-custody procedures described in Requirements for Quality Assurance Project Plans (EPA/QA/R-5) and Guidance for Quality Assurance Project Plans (EPA/QA/G-5). The Quality Assurance Plan (QAP) must be prepared in the format that is specified in these documents.

   At the time of the inspection, the inspector noted that the QAP did not contain all 24 fields as required by the EPA/QA/R-5. These are violations of Part II.F.2 of the Permit.

2. Part II.F.3.a of the Permit specifies that the QAP must include 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. See Parts V.A-F for additional requirements.

At the time of the inspection, the inspector noted that the QAP lacked sufficient details for the 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.2.a of the Permit.

3. Part II.F.3.b of the Permit specifies that the QAP must include a 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 there was insufficient details on flow measuring devices for influent and effluents at each point, calibration procedures, and calculations used to convert to flow units. These are violations of Part II.F.3.b of the Permit.

4. Part II.F.3.d of the Permit states that the QAP must include qualification and training of personnel.

   At the time of the inspection, the inspector noted that a general description was listed in the QAP if a new person takes samples but there was no list of specific personnel, qualifications, or trainings included. These are violations of Part II.F.3.d of the Permit.

5. Part II.F.5 of the Permit states that copies of the QAP must be kept on-site and made available to EPA and IDEQ upon request.

   At the time of the inspection, the Facility representative told the inspector that the QAP was stored at the head office and was not on-site. This is a violation of Part II.F.5 of the Permit.

6. 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.

   At the time of the inspection, the Facility representative told the inspector that the BMP Plan was not on-site. This is a violation of Part III.F. of the Permit.

7. 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 reviewed the 2014 Annual Report and found Section VI of the form incomplete. No maps were attached for land application of solids

and/or irrigation with wastewater and the top of the first page did not clearly identify the year of the report under review. The space provided for the year was left blank. These are violations of Part IV.D 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 B).

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 C). 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

cc: Mr. Stephen Berry
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