

United States Environmental Protection Agency  
 Region 10  
 1200 Sixth Avenue, Suite 155  
 Seattle, Washington 98101-3188

## **Authorization to Discharge under the National Pollutant Discharge Elimination System**

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

### **Pacific Aquaculture, Inc. – Site 2 3560 Columbia River Road Nespelem, Washington 99155**

is authorized to discharge from the net pen facility located near Nespelem, Washington on the Reservation of the Confederated Tribes of the Colville, at the following location:

<b>Outfall</b>	<b>Receiving Water</b>	<b>Latitude</b>	<b>Longitude</b>
001	Rufus Woods Lake (Columbia River)	48.1390°N	119.0533°W

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

This permit shall become effective May 1, 2020.

This permit and the authorization to discharge shall expire at midnight April 30, 2025.

The permittee shall reapply for a permit reissuance on or before November 1, 2024 if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

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 s/s April 20, 2020  
 Daniel D. Opalski, Director  
 Water Division

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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 EPA during the term of this permit:

Item	Due Date
1. Discharge Monitoring Reports (DMR)	Monitoring data must be submitted electronically to the EPA and Colville Confederated Tribes (CCT) Environmental Trust Department no later than the 20 <sup>th</sup> of the month following the reporting period. (See Permit Part IV.B.)
2. Lake Floor Survey	Submit monthly with DMRs August 15—November 15 each year to the EPA and CCT Environmental Trust Department (See Permit Part II.A.2.).
3. Quality Assurance Plan (QAP)	Submit written notification that the QAP has been developed and implemented to the EPA and CCT Environmental Trust Department within 60 days after the effective date of this permit. (See Permit Part II.B.)
4. Best Management Practices (BMP) Plan	Written notification that the BMP Plan has been developed and implemented must be submitted to the EPA and CCT Environmental Trust Department within 60 days after the effective date of the permit (See Permit Part III.B.).
5. BMP Plan annual certification	Submit to the EPA and CCT Environmental Trust Department by January 15 of each year in conjunction with the annual report (See Permit Part III.E.2.).
6. Anticipated INAD Study Participation or Extralabel Drug Use	Notify the EPA and CCT Environmental Trust Department in writing 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 Permit Part IV.A.2.a.i.).
7. INAD Use, Extralabel Drug Use, or First Use of Low Regulatory Priority drugs or Potassium Permanganate	Notify the EPA and CCT Environmental Trust Department orally within 7 days of beginning use and in writing 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 Permit Part IV.A.2.a.ii.a) and b)).
8. Structural failure of damage notification	Notify the EPA and CCT Environmental Trust Department orally within 24 hours and in writing within five days of becoming aware of structural damage or failure that result in a release of pollutants to waters of the U.S. If the failure threatens waters of the State of Washington, also notify Ecology at 1-800-258-5990 and Ecology Central Regional Office at 509-575-2490 (See Permit Part IV.B.).

Item	Due Date
9. Spills of drugs, pesticides or other chemicals	Notify the EPA and CCT Environmental Trust Department orally within 24 hours and in writing within five days of spills of drugs, pesticides, or other chemicals that result in a discharge to waters of the United States. If the failure threatens waters of the State of Washington, also notify Ecology at 1-800-258-5990 and Ecology Central Regional Office at 509-575-2490 (see Permit Part IV.C.1.)
10. Oil or hazardous materials	Notify the EPA immediately at 1-800-424-8802 and CCT Environmental Trust Department at 509-634-2421 and 509-634-2428 of spills of oil or hazardous materials to waters of the U.S. If they threaten waters of the State of Washington, also notify Ecology at 1-800-258-5990 or 1-800-OILS911 and Ecology Central Regional Office at 509-575-2490. (Permit Part IV.C.2.)
11. Annual Report	Submit by January 15 <sup>th</sup> of the year following each year of operation. (See Permit Part IV.F.)
12. CCT Studies	The Stable Isotope Study and the Assessment of Nutrient Effects from Net Pen Operations must be submitted to EPA with the reapplication for this permit (See Permit Part IV.G.).
13. Notice of Noncompliance	Notify the EPA and CCT Environmental Trust Department orally within 24 hours and in writing within five days of any noncompliance that may endanger health or the environment. (See Permit Part V.G.)
14. Other Noncompliance Reporting	Report all instances of noncompliance not required to be reported within 24 hours at the time that monitoring reports for Permit Part IV.B. ("Reporting of Monitoring Results") are submitted. (See Permit Part V.H.)
15. Application for NPDES Permit Renewal	Submit permit application to the EPA at least 180 days before the expiration date of the permit. (See Permit Part VII.B.)

## **I. LIMITATIONS AND MONITORING REQUIREMENTS**

### **A. DISCHARGE AUTHORIZATION**

During the effective period of this permit, the permittee is authorized to discharge pollutants at the location specified herein to Rufus Woods Lake (Columbia River), within the limits and subject to the conditions set forth herein. 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.

### **B. PROHIBITED DISCHARGES**

The permittee must not discharge to waters of the United States from the net pen facility or associated land-based facilities:

1. Accumulated solids contained within or on the net pen to the maximum extent practical;
2. Hazardous substances;
3. Visible foam or floating, suspended or submerged matter, including fish mortalities, processing wastes, and leachate from these materials;
4. 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 the EPA in accordance with Permit Part III. (Aquaculture Specific Reporting Requirements);
5. Toxic substances, including drugs, pesticides, or other chemicals, in toxic amounts that have the potential to impair designated uses or violate water quality standards;
6. Any discharges that include copper or copper compounds; and
7. Any discharge that contains substances, attributable to wastewater discharges or other pollutant sources, that:
  - a. Settle to form objectionable deposits;
  - b. Float as debris, scum, oil, or other matter forming nuisances;
  - c. Produce objectionable color, odor, taste, or turbidity;
  - d. Cause injury to, are toxic to, or produce adverse physiological responses in humans, animals, or plants; or
  - e. Produce undesirable or nuisance aquatic life.

## **II. EFFLUENT LIMITATIONS**

The permittee must limit discharges from the net pens as specified in Tables 1 and 2, below. All limits represent 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.

<b>Table 1 Effluent Limitations</b>		
<b>Pollutant</b>	<b>Instantaneous Minimum Limit</b>	<b>Instantaneous Maximum Limit</b>
Turbidity— --when background turbidity is 50 NTU <sup>1</sup> or less	--	5 NTU above background level
		10% over background level
--when background turbidity is greater than 50 NTU <sup>1</sup>		
Dissolved Oxygen	8.0 mg/L <sup>2</sup>	--
<p>1. Nephelometric Turbidity Units</p> <p>2. If the upstream DO measure is less than 8.0 mg/L, the sample taken at the edge of the net pen (as described below in Permit Part I.D.1.a.ii.) shall be considered in compliance with the permit requirement if that DO measure is no more than 0.2 mg/L less than the upstream DO measure.</p>		

**A. MONITORING REQUIREMENTS**

**1. Water Quality Monitoring**

- a. Location. The permittee must conduct monitoring at the following locations and depths:
  - i. Between 50 and 100 feet up-current of the pens (for background data):
    - a) at the surface;
    - b) at half the depth of the pens; and
    - c) within 3 feet of the lake bottom.
  - ii. At the edge of the net pens at the mid-point of the down-current side (compliance point):
    - a) at the surface;
    - b) at half the depth of the pens; and
    - c) within 3 feet of the lake bottom.
- b. Timing. To the extent possible, the up-current samples and the samples collected at the downstream edge of the net pens must be collected at the same time.

- c. Samples must be collected at the frequency and sample as specified in Table 2.

<b>Table 2 Water Quality Monitoring Requirements</b>		
<b>WQ Parameter</b>	<b>Sampling Frequency</b>	<b>Sample Type</b>
Dissolved Oxygen, mg/L	Weekly <sup>1</sup> May through October	Grab
Turbidity, NTU	Weekly <sup>1</sup> May through October	Grab
1 - At least once per month this sampling must be during a cleaning event.		

2. Lake Floor Survey

- a. In order to evaluate bottom conditions, the lake bottom must be documented by video recording to the perimeter of the sediment impact zone, as prescribed in Table 3 (below) and Appendix A.

<b>Table 3 Photographic Surveys</b>		
<b>Parameter</b>	<b>Frequency</b>	<b>Location</b>
Diving and underwater photographic survey for sediment accumulation on lake bottom	Semi-monthly <sup>1</sup> , June through October	Sediment observation stations at down-current edge of each net pen facility and downstream of the facility to the edge of the sediment impact zone
Remote monitoring of lake bottom	Continuous, June 1 through December 31 each year	Down-current of pens: at the edge of the facility and downstream to the extent of the sediment impact zone
1. Approximately two weeks apart		

- b. Submittal of Monitoring and Photographic Survey Results
- c. Monitoring and photographic survey results must be submitted to the EPA and to CCT Environmental Trust Department monthly; see Permit Part IV.B. ("Reporting of Monitoring Results"). At a minimum, the analytical report must include the following:
- i. Dates of sample collection and analyses.
  - ii. Results of sample analysis.
  - iii. Relevant quality assurance/quality control (QA/QC) information.

## B. QUALITY ASSURANCE PLAN (QAP)

The permittee must develop a QAP for all monitoring required by this permit. Any existing QAP should be utilized until the new QAP is implemented and may be modified for compliance with this section.

Within 60 days of the effective date of this permit, the permittee must submit written notice to EPA and CCT Environmental Trust Department that the QAP has been developed and implemented. The permittee may submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows:

YYYY\_MM\_DD\_WA0026328\_QAP\_55099

where YYYY\_MM\_DD is the date that the permittee submits the written notification. The plan must be retained on site and made available to EPA and/or CCT Environmental Trust Department upon request.

1. The QAP must be designed to assist in planning for the collection and analysis of 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 *EPA Requirements for Quality Assurance Project Plans (EPA/QA/R-5)* and *Guidance for Quality Assurance Project Plans (EPA/QA/G-5)*. The QAP must be prepared in the format that is specified in these documents. The documents can be found at <http://www.epa.gov/quality/qs-docs/r5-final.pdf> and <http://www.epa.gov/quality/qs-docs/g5-final.pdf> respectively.
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. Map(s) indicating the location of each sampling point.
  - c. Qualification and training of personnel.
  - d. 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 the EPA and/or Colville Confederated Tribes 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 the potential for the release of pollutants from the facility to the waters of the United States through normal and ancillary activities.

#### B. DEVELOPMENT AND IMPLEMENTATION DEADLINE

The permittee must develop and implement a BMP Plan which achieves the objectives and the specific requirements listed below. Any existing BMP Plan should be utilized until the new BMP Plan is implemented and may be modified for compliance with this section.

The permittee must submit written notice to EPA and CCT Environmental Trust Department that the Plan has been developed and implemented within 60 days of the effective date of the permit. The permittee may submit written notification as an electronic attachment to the DMR.

The file name of the electronic attachment must be as follows:

YYYY\_MM\_DD\_WA0026328\_BMP\_05899

where YYYY\_MM\_DD is the date that the permittee submits the written notification. Any existing BMP plans may be modified for compliance with this section. The plan must be retained on site and made available to EPA and/or CCT Environmental Trust Department upon request. The permittee must implement the provisions of the plan as conditions of this permit within 90 days of the effective date of this permit.

#### C. OBJECTIVES

The permittee must develop and amend the BMP Plan consistent with the following objectives for the control of pollutants.

1. The number and quantity of pollutants and the toxicity of effluent generated, discharged or potentially discharged at the facility must be minimized by the permittee to the extent feasible by managing each waste stream in the most appropriate manner.
2. Under the BMP Plan and any Standard Operating Procedures included in the BMP Plan, the permittee must ensure proper operation and maintenance of the facility. BMP Plan elements must be developed in accordance with good engineering practices.
3. Each facility component or system must be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to waters of the United States due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc. The examination must include all normal operations and ancillary activities including material storage areas, storm water, in-plant transfer, materials handling and process handling areas, loading or

unloading operations, spillage or leaks, sludge and waste disposal, and drainage from raw material storage.

#### D. ELEMENTS OF THE BMP PLAN

The BMP Plan must be consistent with the objectives above and the general guidance contained in *Guidance Manual for Developing Best Management Practices* (EPA 833-B-93-004, October 1993) and *Storm Water Management for Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices* (EPA 832-R-92-006) or any subsequent revision to these guidance documents. The BMP Plan must include, at a minimum, the following items:

1. Statement of BMP policy. The BMP Plan must include a statement of management commitment to provide the necessary financial, staff, equipment, and training resources to develop and implement the BMP Plan on a continuing basis.
2. Structure, functions, and procedures of the BMP Committee. The BMP Plan must establish a BMP Committee responsible for developing, implementing, and maintaining the BMP Plan.
3. Standard operating procedures to achieve the objectives of the BMP Plan.
4. Reporting of BMP incidents. The reports must include a description of the circumstances leading to the incident, corrective actions taken and recommended changes to operating and maintenance practices to prevent recurrence.
5. Security.
6. Prior evaluation of any planned modifications to the facility to ensure that the requirements of the BMP plan are considered as part of the modifications.
7. Final constructed site plans, drawings and maps (including detailed storm water outfall/culvert configurations).
8. Feed management: must employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth. These strategies must minimize the accumulation of uneaten food beneath the pens through the use of active feed monitoring and management practices. These practices may include one or more of the following: use of real-time feed-monitoring, including devices such as video cameras, digital scanning sonar, and upweller systems; monitoring of sediment quality beneath the pens; monitoring of benthic community quality beneath the pens; capture of waste feed and feces; and/or other good husbandry practices approved by the permitting authority.
9. Waste collection and disposal: must collect, return to shore, and properly dispose of all feed bags, packaging materials, waste rope and netting.

10. Transport or harvest discharge: minimize any discharge associated with the transport or harvesting of aquatic animals including blood, viscera, aquatic animal carcasses, or transport water containing blood.
11. Carcass removal: remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters of the U.S.
12. Materials storage:
  - a. Ensure proper storage of drugs, pesticides, and feed in a manner designed to prevent spills that may result in the discharge of drugs, pesticides or feed to waters of the U.S.
  - b. Implement procedures for properly containing, cleaning, and disposing of any spilled material.
  - c. Ensure proper management of solid and hazardous waste in accordance with regulations promulgated under the Resource Conservation and Recovery Act (RCRA). Management practices required under RCRA regulations must be referenced in the BMP Plan.
13. Maintenance:
  - a. Inspect the production system on a routine basis in order to identify and promptly repair any damage.
  - b. Conduct regular maintenance of the production system in order to ensure that it is properly functioning.
14. Recordkeeping:
  - a. Maintain records for aquatic animal net pens documenting feed amounts and estimates of the numbers and weights of aquatic animals in order to calculate representative feed conversion ratios.
  - b. Keep records of the net changes, inspections, and repairs.
15. Training:
  - a. Adequately train personnel in spill prevention and how to respond in the event of a spill in order to ensure the proper clean-up and disposal of spilled material.
  - b. Train staff on the proper operation and cleaning of production systems including training in feeding procedures and proper use of equipment.

E. REVIEW AND CERTIFICATION.

The BMP Plan must be reviewed and certified as follows:

1. Annual review by the plant manager and BMP Committee.
2. Certified statement that the above reviews have been completed and that the BMP Plan fulfills the requirements set forth in this permit. The statement must be certified by the dated signatures of each BMP Committee member. The statement must be submitted to the EPA in

conjunction with the annual report on or before January 15 of each year of operation under this permit after the initial BMP submittal.

The permittee may submit written notification as an electronic attachment to the DMR.

The file name of the electronic attachment must be as follows:

YYYY\_MM\_DD\_WA0026328\_BMPANN\_06001

where YYYY\_MM\_DD is the date that the permittee submits the written notification.

#### F. DOCUMENTATION

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

#### G. BMP PLAN MODIFICATION

1. 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.
2. The permittee must amend the BMP Plan whenever it is found to be ineffective in achieving the general objective of preventing and minimizing the generation and the potential for the release of pollutants from the facility to the waters of the United States and/or the specific requirements above.
3. Any changes to the BMP Plan must be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan must be reported to the EPA with the annual certification required under Permit Part II.E. ("Review and Certification"), above.

### IV. AQUACULTURE SPECIFIC 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
    - i. Investigational New Animal Drugs (INADs) and extralabel drug use, as provided in paragraph 2 ("Reporting Drug Usage"), below.
    - ii. 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) p.13--15 (See Appendix C of this

permit). The policy can be found at [http://www.fda.gov/cvm/Policy\\_Procedures/4200.pdf](http://www.fda.gov/cvm/Policy_Procedures/4200.pdf). 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 their first use in accordance with the requirements in paragraph .2.b. (“First Use of Low Regulatory Priority (LRP) Drugs or Potassium Permanganate”), below.

- iii. 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 paragraph 2.b. (“First Use of Low Regulatory Priority (LRP) Drugs or Potassium Permanganate”), below.
- b. All drugs, pesticides and other chemicals must be applied in accordance with label directions. 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 Permit Part III.F. (“Annual Report of Operations”), below.

## 2. Reporting Drug Usage

### a. INADs and Extralabel Drug Use

The following written and oral reports must be provided to the EPA and to CCT Environmental Trust Department 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:

#### i. Anticipated INAD Study Participation and Extralabel Drug Usage

**Written Report:** A permittee must provide a written report to the EPA and to CCT Environmental Trust Department 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.

#### ii. 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 the EPA (206-553-1846) and to CCT Environmental Trust Department (509-634-2428) 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 the EPA and to CCT Environmental Trust Department 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

i. 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 the EPA (206-553-1846) and to CCT Environmental Trust Department (509-634-2428) 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.

ii. 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 the EPA and to CCT Environmental Trust Department 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 orally to the EPA at 206-553-1846 and to CCT Environmental Trust Department at 509-634-2428 within 24 hours and in writing within five days when there is a resulting discharge of pollutants to waters of the U.S. If the failure threatens waters of the State of Washington, also notify Ecology at 1-800-258-5990 and Ecology Central Regional Office at 509-575-2490. Reports must include the identity and quantity of pollutants released (See Permit Parts IV.A. and G. ("Representative Sampling" and "Noncompliance Reporting")).

C. SPILLS OF DRUGS, PESTICIDES OR OTHER CHEMICALS

1. Drugs, Pesticides or other chemicals

The permittee must monitor and report to the EPA and to CCT Environmental Trust Department 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. If the failure threatens waters of the State of Washington, also notify Ecology at 1-800-258-5990 and Ecology Central Regional Office at 509-575-2490. Reports must include the identity and quantity of pollutants released (See Permit Parts IV.A and G. ("Representative Sampling" and "Noncompliance Reporting")),

2. Oil or hazardous substances

a. To the EPA and Colville Confederated Tribes

The permittee must report immediately to the EPA at 1-800-424-8802 and to CCT Environmental Trust Department at 509-634-2421 and 509-634-2428 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 that may impact 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 the Annual Report of Operations required in Permit Part III.F.

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 the EPA and to CCT Environmental Trust Department upon request and must provide a summary of this data in the Annual Report of Operations required in Permit Part III.F.

F. ANNUAL REPORT OF OPERATIONS

During the term of this permit, the permittee must prepare and submit an annual report of the year's operations to the EPA and to CCT Environmental Trust Department at the addresses in Permit Part IV.B. ("Reporting of Monitoring Results"), by January 15<sup>th</sup> of the year following each year of operation under this permit. The report must include the information specified in Appendix E.

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

The permittee may submit written notification as an electronic attachment to the DMR.

The file name of the electronic attachment must be as follows:

YYYY\_MM\_DD\_WA0026328\_ANNRPT\_ANNRP

where YYYY\_MM\_DD is the date that the permittee submits the written notification.

G. CCT STUDIES

The Stable Isotope Study (due to CCT on April 30, 2021) and the Assessment of Nutrient Effects from Net Pen Operations (due to CCT by June 30, 2021) must be submitted to EPA with the reapplication for this permit. See Permit Part VI.B. Duty to Reapply.

**V. STANDARD MONITORING, RECORDING 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 activity.

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 Permit Part I.C. ("Effluent Limitations") 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 is expected to reach the outfall. The samples must be analyzed in accordance with paragraph C., below ("Monitoring Procedures"). The permittee must report all additional monitoring in accordance with paragraph D., below ("Additional Monitoring by Permittee").

B. REPORTING OF MONITORING RESULTS

1. The permittee must submit monitoring data and other reports electronically using NetDMR. Monitoring data must be submitted electronically to the EPA no later than the 20th of the month following the reporting period.
2. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Permit Part X.E.

Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the permittee must submit all reports to the EPA as NetDMR attachments rather than as hard copies.

The file name of the electronic attachment must be as follows:  
YYYY\_MM\_DD\_WA0026328\_Report Type Name\_Identifying Code,  
where YYYY\_MM\_DD is the date that the permittee submits the attachment.

3. The permittee must make provisions to provide these reports to CCT Environmental Trust Department either by granting access to NetDMR or sending hard copies to:

Colville Confederated Tribes  
Environmental Trust Department  
PO Box 150  
Nespelem, WA 99155

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 the 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 § 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 the EPA or CCT Environmental Trust Department, 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 and measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) and time(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 the EPA or CCT Environmental Trust Department at any time.

G. TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING

1. The Permittee must report the following occurrences of noncompliance by telephone at 206-553-1846 and to CCT Environmental Trust Department at 509-634-2428 within 24 hours from the time the permittee becomes aware of any noncompliance
  - a. any discharge to the receiving water not authorized under this permit;
  - b. any unanticipated bypass that exceeds any effluent limitation in the permit, see Permit Part V.F.; or
  - c. any upset that exceeds any effluent limitation in the permit, see Permit Part V.G. or
  - d. any violation of the maximum daily discharge limitation for total residual chlorine, or
  - e. that may endanger health or the environment.
2. The permittee must also submit a written report to the EPA and CCT Environmental Trust Department within five days of the time that the permittee becomes aware of any event required to be reported under paragraph G.1., above. The written report must contain:
  - a. a description of the noncompliance and its cause;
  - b. the period of noncompliance, including exact dates and times;
  - c. the estimated length of time that 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 Enforcement and Compliance Division may waive the written report to the EPA on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, at 206-553-1846.
4. Written reports must be submitted to the addresses in Permit Part IV.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 Permit Part IV.B. ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Permit Part IV.G.2. ("Twenty-four Hour Notice of Noncompliance Reporting").

I. CHANGES IN DISCHARGE OF TOXIC POLLUTANTS

The permittee must notify the Director of the Water Division and CCT Environmental Trust Department as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a **routine or frequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
  - a. One hundred micrograms per liter (100 µg/l);
  - b. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
  - d. The level established by the EPA in accordance with 40 CFR § 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a **non-routine or infrequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
  - a. Five hundred micrograms per liter (500 µg/l);
  - b. One milligram per liter (1 mg/l) for antimony;
  - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
  - d. The level established by the EPA in accordance with 40 CFR §122.44(f).
3. The permittee must submit the notification to the Water Division at the following address:

US EPA Region 10  
Attn: NPDES Permitting Section Manager  
1200 Sixth Avenue, Suite 155, 19-H16  
Seattle, Washington 98101-3188

## 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 CWA §§ 301, 302, 306, 307, 308, 318 or

405, 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 CWA §§ 402(a)(3) or 402(b)(8), is subject to a civil penalty not to exceed the maximum amounts authorized by CWA § 309(d) and the Federal Civil Penalties Inflation Adjustment Act (28 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$54,833 per day for each violation).

2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued under CWA § 402. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(A) and the Federal Civil Penalties Inflation Adjustment Act (28 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$21,933 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$54,833). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(B) and the Federal Civil Penalties Inflation Adjustment Act (28 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$21,933 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$274,159).
3. **Criminal Penalties:**
  - a. **Negligent Violations.** The Act provides that any person who negligently violates CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any of such sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), 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 CWA §§ 301, 302, 303, 306, 307, 308, 318 or 405, or any permit

condition or limitation implementing any of such sections in a permit issued under CWA § 402, 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 CWA § 309(c)(3)(B)(iii), 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 shall 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 include 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 paragraphs 2 and 3 of this Part.
2. Notice.
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written 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 Permit Part III.G (“Twenty-four Hour Notice of Noncompliance Reporting”).
3. Prohibition of bypass.
  - a. Bypass is prohibited, and the Director of the Enforcement and Compliance Division 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 paragraph 2 of this Part to the EPA and CCT Environmental Trust Department.
  - b. The Director of the Enforcement and Compliance Division may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 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 paragraph 2 of this Part. 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 Permit Part IV.G, "Twenty-four Hour Notice of Noncompliance Reporting;" and
  - d. The permittee complied with any remedial measures required under Permit Part V.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 CWA § 307(a) 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 written notice as soon as possible to the EPA and to the CCT Environmental Trust Department, as specified in paragraph 3, below, 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 subject neither to effluent limitations in the permit.
3. The permittee must submit the notification to the EPA Region 10 Water Division and to CCT Environmental Trust Department at the following addresses:

US EPA Region 10  
Attn: NPDES Permitting Section Manager  
1200 Sixth Avenue, Suite 155, 19-H16  
Seattle, Washington 98101-3188

and

Watershed Program Manager,  
Colville Confederated Tribes  
Environmental Trust Department  
PO Box 150  
Nespelem, WA 99155

J. ANTICIPATED NONCOMPLIANCE

The permittee must give written advance notice to the Director of the Enforcement and Compliance Division and CCT Environmental Trust Department at the addresses in Permit Part IV.B ("Reporting of Monitoring Results"), above, 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. If the application is received by that deadline, even if the permit is not reissued before the expiration date, the conditions of the permit will continue in force until the effective date of the subsequently reissued permit.

C. DUTY TO PROVIDE INFORMATION

The permittee must furnish to the EPA and CCT Environmental Trust Department, within the time specified in the request, any information that the EPA or CCT Environmental Trust Department 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 the EPA or CCT Environmental Trust Department, 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 the EPA or CCT Environmental Trust Department, it must promptly submit the omitted facts or corrected information in writing.

E. SIGNATORY REQUIREMENTS

All applications, reports or information submitted to the EPA and CCT Environmental Trust Department 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 the EPA or CCT Environmental Trust Department 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 Enforcement and Compliance Division and CCT Environmental Trust Department.
3. Changes to authorization. If an authorization under paragraph 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 paragraph E.2. must be submitted to the Director of the Enforcement and Compliance Division and CCT Environmental Trust Department 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 the 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, the 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 Enforcement and Compliance Division, EPA Region 10; CCT Environmental Trust Department; 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

Authorization to discharge under this permit may be automatically transferred to a new Permittee on the date specified in the agreement if:

1. The current Permittee notifies the Director of the Water Division at least 30 days in advance of the proposed transfer date; and

2. The notice includes a written agreement between the existing and new Permittees containing a specific date for transfer of permit responsibility and liability between them.

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).

Mail transfer requests to:

U.S. Environmental Protection Agency, R10  
Water Division Director  
1200 Sixth Avenue, Suite 155, 19-H16  
Seattle, WA 98101

#### J. PERMIT REOPENER AND MODIFICATION

The EPA is authorized to modify or revoke and reissue a permit pursuant to 40 CFR §122.62. Effluent limits, monitoring requirements or other permit conditions may be modified if new information is received which was not available at the time of issuance and would have justified the application of different permit conditions at the time of issuance (e.g. information showing violations of state water quality standards). This includes information indicating cumulative effects which are unacceptable. New information may originate from future wasteload allocations or biological opinions issued pursuant to the Endangered Species Act.

#### K. TRIBAL LAWS

Nothing in this permit shall 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 tribal law or regulation under authority preserved by CWA § 510.

### VIII. DEFINITIONS AND ACRONYMS

“Act” means the Clean Water Act.

“Administrator” means the Administrator of the EPA, or an authorized representative. (40 CFR §122.2)

“Best Management Practices (BMPs)” means 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 areas. (40 CFR §122.2)

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

“CCT” means Colville Confederated Tribes or, more formally, the Confederated Tribes of the Colville Reservation.

“CWA” means the Clean Water Act 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4

“Director of the Enforcement and Compliance Division” means the Director of the Enforcement and Compliance Division, EPA Region 10, or an authorized representative.

“Director of the Water Division” means the Director of the Water Division, EPA Region 10, or an authorized representative.

“DMR” means discharge monitoring report, the EPA uniform national form for the reporting of self-monitoring results by permittees. (40 CFR §122.2)

“EPA” means the United States Environmental Protection Agency.

“Extralabel Drug Use” means 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))

“Grab sample” means an individual sample collected over a period of time not exceeding 15 minutes.

“Hazardous Substance” means any substance designated under 40 CFR part 116, pursuant to CWA § 311 (40 CFR §116.4).

“INAD” means 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))

“NPDES” means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits under CWA §§ 307, 402, 318, and 405 (40 CFR §122.2).

“QA” means 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.

“QA/QC” means quality assurance/quality control.

“QAP” means quality assurance plan.

“Regional Administrator” means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.

“Upset” means 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 preventive maintenance, or careless or improper operation. (40 CFR §122.41(n))

“Waters of the United States” means:

- 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 - Lake Bottom Monitoring Requirements**

### **Dive Survey Requirements**

The permittee must conduct a dive at the net pen facility twice a month, approximately two weeks apart between June and October, inclusive, each year. Divers must make and document observations from just upstream of the pens to about 150 feet downstream. Observations must be at indexed established reference points (at least 15), so that the same locations can be revisited on later dives. Divers will record a description of the lake bottom and biota for a radius of five feet from each reference point with respect to the presence of feed, feces, demersal fish (such as cottids), or other biota. Any feed, feces or out of the ordinary observations (e.g. *Sphaerolitus* growth) seen at the reference points or elsewhere must be recorded.

Divers must use an underwater camera or video camera to photograph the lake bottom at the 15 reference sites (at least) from a distance of 3-7 feet above the bottom, preferably on each dive. At a minimum, photographs must be taken at each station in late summer during low flow (worst case conditions). Artificial light (50 watt or greater) must be used at all times in taking 4-5 color photographs or 15-30 seconds of motion photography at each site; reference information on linear dimensions, time, date, station location, and net pen facility must be included with each picture or section of film footage. Photographs must clearly portray the appearance of the lake floor at each station.

After every dive, observations must be recorded. Records must be retained for at least five years, or longer upon request by the EPA or CCT Environmental Trust Department. Photographs of each station must be compared to earlier photographs at the same station, and any feed or feces accumulations must be noted in reports. Temporal or spatial trends in sediment accumulations must be described.

At least once per year, photographs must be timed to capture conditions before, during and after feeding. In reports, each photo must have a caption indicating date, location including indexed referenced site, and an observation comment.

#### **Remote observation**

In order to monitor the effect of the net pen operations on the river/lake bottom, the permittee must install and operate continuous river bottom monitoring camera stations at the down-current edge of the net pen facility. These cameras must be positioned near an indexed sediment observation stations used by the divers.

The permittee will record observations of bottom conditions as viewed by the cameras at least daily between June and December, inclusive, using a qualitative index of conditions, e.g., ranking on a scale of 0 to 3 for feed and feces occurrence and other conditions. Since fish fecal matter often appears

similar to feed, this remote survey system must be evaluated and calibrated with diving observations and photography.

The location of diving/underwater and remote survey observation stations may be modified, if warranted by field conditions and bottom sediment accumulation patterns. The intent of the requirement is for the permittee to monitor areas of highest potential sedimentation.

Records of bottom surveys must be retained in accordance with Permit Part IV.F. (at least 5 years, longer if requested by the agencies).

**Appendix B - Quality Assurance Plan & Best Management Practices Plan Certifications**

<p><b>Quality Assurance Plan (QAP) Certification</b> Pacific Aquaculture, Inc. Site 2 WA0026328</p>	
	The QAP is complete and is available upon request to the EPA and/or CCT Environmental Trust Department.
	The QAP is being implemented by trained employees.
	The QAP has been reviewed and endorsed by the facility manager.
	The individuals responsible for QAP implementation have been properly trained.
<p><i>"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."</i></p>	
<b>Signature:</b>	<b>Title:</b>
<b>Printed Name:</b>	<b>Date:</b>

The Permittee must submit this certification within 90 days of the effective date of this permit. The certification must be submitted to the EPA and CCT Environmental Trust Department (Permit Part I.E.).

<b>Best Management Practices Plan (BMP Plan) Certification</b>	
Pacific Aquaculture, Inc. Site 2 WA0026328	
	The BMP Plan is complete and is available upon request to the EPA and CCT Environmental Trust Department.
	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 BMP Plan implementation have been properly trained.
<i>"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."</i>	
<b>Signature:</b>	<b>Title:</b>
<b>Printed Name:</b>	<b>Date:</b>

The Permittee must submit this certification within 90 days of the effective date of this permit. The certification must be submitted to the EPA (Permit Part II.).

## Appendix C - 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  $\text{CaCO}_3$  - 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  $\text{MgSO}_4$ /L and 7000 mg  $\text{NaCl}$ /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.

SQDIUM 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  $\text{NaCl}$ /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**

*(Provide an oral report to the EPA: 206-553-1846 and to CCT Environmental Trust Department within 7 days after initiating use of the drug)*

*(First row is an example.)*

Pacific Aquaculture, Inc. – Site 2: WA0026328 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				
<b>Name of Drug (INAD &amp; Extralabel) Used &amp; Reason for Use</b>	<b>Method of Application</b>	<b>First Date of Drug Use</b>	<b>Date Oral Report to the EPA</b>	<b>Person reporting</b>
<i>Extralabel: Erythromycin Treat bacterial infections</i>	<i>Injection</i>	<i>09/09/2011</i>	<i>09/10/2011</i>	<i>MJP</i>

Pacific Aquaculture, Inc. – Site 2: WA0026328				
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				
Name of Drug (INAD & Extralabel) Used & Reason for Use	Method of Application	First Date of Drug Use	Date Oral Report to the EPA	Person reporting

Written Report for Agreeing to Participate in an INAD Study				
<b>Facility Name:</b>		Pacific Aquaculture, Inc. – Site 2		
<b>NPDES Permit Number:</b>		WA0026328		
<b>Name of person submitting this report:</b>				
<b>Date of agreement to participate in INAD Study:</b>				
<b>Date this written report will be submitted:</b>				
Expected Dates of Use	Name of INAD Used	Disease or Condition Intended to Treat	Method of Application	Dosage
09/09/2011	Oxytetracycline	<i>For controlling columnaris in trout</i>	<input checked="" type="checkbox"/> <i>Medicated feed</i> <input type="checkbox"/> <i>Injection</i> <input type="checkbox"/> <i>Bath treatment</i> <input type="checkbox"/> <i>Other:</i> _____	
			<input type="checkbox"/> <i>Medicated feed</i> <input type="checkbox"/> <i>Injection</i> <input type="checkbox"/> <i>Bath treatment</i> <input type="checkbox"/> <i>Other:</i> _____	

Expected Dates of Use	Name of INAD Used	Disease or Condition Intended to Treat	<input type="checkbox"/> Method of Application	Dosage
			<input type="checkbox"/> Medicated feed <input type="checkbox"/> Injection <input type="checkbox"/> Bath treatment <input type="checkbox"/> Other: _____	
			<input type="checkbox"/> Medicated feed <input type="checkbox"/> Injection <input type="checkbox"/> Bath treatment <input type="checkbox"/> Other: _____	
			<input type="checkbox"/> Medicated feed <input type="checkbox"/> Injection <input type="checkbox"/> Bath treatment <input type="checkbox"/> Other: _____	

*Submit a written report to the EPA and CCT Environmental Trust Department within 7 days of agreeing or signing up to participate in an INAD study*

*The first row is an example*

**Submit a written report to the EPA and CCT Environmental Trust Department within 30 days after first use of the drug.**

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.

WRITTEN REPORT FOR INAD AND EXTRALABEL DRUG USE AND FIRST USE OF LOW REGULATORY PRIORITY DRUGS AND POTASSIUM PERMANGANATE					
<b>Facility Name:</b>			Pacific Aquaculture, Inc. – Site 2		
<b>NPDES Permit Number:</b>			WA0026328		
<b>Name of person submitting this report:</b>					
<b>Date this written report will be submitted to the EPA:</b>					
<b>Name of Drug &amp; Reason for Use</b>	<b>Date and Time of Application (start &amp; end)</b>	<b>Duration</b>	<b>Method of Application</b>	<b>Total Amount of Active Ingredient Added</b>	<b>Total Amount of Medicated Feed Added*</b>
Oxytetracycline For control of columnaris in walleye	09/09/2011 10:00 AM	5 consecutive days	<input checked="" type="checkbox"/> Medicated feed <input type="checkbox"/> Injection <input type="checkbox"/> Bath treatment <input type="checkbox"/> Other: _____	1 g/lb as sole ration	50 lbs
	09/13/2011 10:00 AM				

Name of Drug & Reason for Use	Date and Time of Application (start & end)	Duration	<input type="checkbox"/> Method of Application	Total Amount of Active Ingredient Added	Total Amount of Medicated Feed Added*
			<input type="checkbox"/> Medicated feed <input type="checkbox"/> Injection <input type="checkbox"/> Bath treatment <input type="checkbox"/> Other: _____		
			<input type="checkbox"/> Medicated feed <input type="checkbox"/> Injection <input type="checkbox"/> Bath treatment <input type="checkbox"/> Other:		
			<input type="checkbox"/> Medicated feed <input type="checkbox"/> Injection <input type="checkbox"/> Bath treatment <input type="checkbox"/> Other: _____		
			<input type="checkbox"/> Medicated feed <input type="checkbox"/> Injection <input type="checkbox"/> Bath treatment <input type="checkbox"/> Other: _____		

\* Applies only to drugs applied through medicated feed.



## **Appendix E – Annual Report Requirements**

**ANNUAL REPORT OF OPERATIONS FOR YEAR \_\_\_\_\_**

<b>I. Facility Name:</b> Pacific Aquaculture, Inc. – Site 2		<b>NPDES #:</b> WA0026328
Operator Name ( <i>Permittee</i> ):		<b>Phone:</b>
Address:		<b>Fax:</b>
		<b>E-Mail:</b>
Owner Name ( <i>if different from operator</i> ):		<b>Phone:</b>

<b>II. Annual Production:</b>	Harvestable weight produced for the year _____ pounds
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<b>III. Food used:</b>	Pounds of food fed used during the maximum month: _____ pounds
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**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

**Appendix E – Annual Report Requirements (cont.)**

**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."*

<b>Signature:</b>	<b>Title:</b>
<b>Print Name:</b>	<b>Date:</b>