

United States Environmental Protection Agency
 Region 10
 1200 Sixth Avenue Suite 155
 Seattle, Washington 98101-3140

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

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

Warm Springs National Fish Hatchery

***1 Fish Hatchery Road
 Warm Springs, OR 97761***

is authorized to discharge from the ***Warm Springs National Fish Hatchery*** facility located in ***the Confederated Tribes of the Warm Springs Indian Reservation of Oregon***, at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	Warm Springs River	44.51.662	121.14.716
002	Warm Springs River	44.51.38	121.14.46
003	Warm Springs River	44.51.662	121.14.716

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

This permit shall become effective ***March 1, 2019***.

This permit and the authorization to discharge shall expire at midnight, ***February 29, 2024***.

The Permittee shall reapply for a permit reissuance on or before ***September 2, 2023***, 180 days before the expiration of this permit if the Permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this ***7th*** day of ***FEBRUARY 2019***


 Daniel D. Opalski, Director
 Office of Water and Watersheds

Schedule of Submissions

The following is a summary of some of the items the Permittee must complete and/or submit to EPA and the Confederated Tribes of the Warm Springs Reservation (the Warm Springs Tribe) during the term of this permit. Copies of all reports and plans required in this permit must also be submitted concurrently to the Warm Springs Tribal Environmental Office.

Item	Due Date
1. Discharge Monitoring Reports (DMRs)	Facilities must submit DMRs monthly by the 20th day of the month.
2. Surface Water Monitoring Report	Due with the DMRs for the month in which the monitoring is conducted.
3. Monitoring Records	Monitoring records must be retained for a period of at least five years.
4. Quality Assurance Plan (QA Plan)	<p>Provide written notification to the EPA and to the Warm Springs Tribe that the QA Plan has been developed and implemented within 90 days after receiving authorization to discharge under this Permit.</p> <p>The QA Plan must be kept on-site and made available to the EPA and to the Warm Springs Tribe upon request.</p>
5. Best Management Practices (BMP) Plan	<p>Provide written notification to the EPA and to the Warm Springs Tribe that the BMP Plan has been developed and implemented within 90 days after authorization to discharge under this Permit.</p> <p>The Plan must be kept on-site and made available to the EPA and to the Warm Springs Tribe upon request.</p>
6. Anticipated INAD Study Participation or Extralabel Drug Use	Written notification to the EPA within 7 days of signing up for an INAD study or receiving a prescription for extralabel drug use 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. (Appendix D)
7. INAD Use, Extralabel Drug Use, or First Use of Low Regulatory Priority Drugs or Potassium Permanganate	Oral notification to the EPA and the Warm Springs Tribe within 7 days of beginning use and written notification to the EPA within 30 days of beginning use of the drug. (Appendix D)
8. Structural failure or damage notification	<p>Oral notification to the EPA and to the Warm Springs Tribe within 24 hours of becoming aware of structural damage or failure that caused a release of pollutants to waters of the U.S.</p> <p>Written notification to the EPA and to the Warm Springs Tribe within 5 days of becoming aware of such damage or failure.</p>
9. Notification of spills of feed, drugs, pesticides, or other chemicals notification	<p>Oral notification to the EPA and to the Warm Springs Tribe within 24 hours of becoming aware of a spill that caused a release of pollutants to waters of the U.S.</p> <p>Written notification to the EPA and to the Warm Springs Tribe within 5 days of becoming aware of such a spill.</p>
10. Oil or hazardous materials	<p>The Permittee must report immediately to the EPA at 1-800-424-8802 any spills of oil or hazardous materials to waters of the U.S.</p> <p>The Permittee must also report any spills of oil or hazardous materials to the Warm Springs Tribe.</p>
11. Annual Report	By January 20 each year.

Item	Due Date
12. Non-Compliance Report	Oral notification to the EPA and to the Warm Springs Tribe within 24 hours of becoming aware of an unanticipated bypass of treatment facilities or an upset that result in exceedance of effluent limits, or any exceedance of an applicable maximum daily limit for total residual chlorine. Written notification to the EPA and to the Warm Springs Tribe within 5 days.
13. Notice of Termination of Discharge	Facilities must request permit termination from the EPA in writing. The EPA will respond with a written determination on the request, in accordance with 40 CFR 122.64.

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I. Effluent Limitations and Monitoring Requirements

A. Discharge Authorization

During the effective period of this permit, the Permittee is authorized to discharge pollutants from the outfalls specified herein to the Warm Springs 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.

A. Effluent Limitations

1. Prohibited Discharges

- a. The Permittee is prohibited from discharging:
 - (1) Copper or copper compounds.
 - (2) Atlantic salmon (*Salmo salar*).
 - (3) Solids, including sludge and grit that accumulate in raceways or ponds, in off-line or full-flow settling basins, or in other components of the production facility in excess of the applicable limits in this permit.
 - (4) Hazardous substances, unless authorized by this permit.
 - (5) Untreated cleaning wastewater (e.g., obtained from a vacuum or standpipe bottom drain system or rearing/holding unit disinfection).
 - (6) Visible foam or floating, suspended or submerged matter, including fish mortalities, kill spawning, processing wastes, and leachate from these materials, in amounts causing, or contributing to, a nuisance or objectionable condition in the receiving water or that may impair designated beneficial uses in the receiving water. This does not apply to approved nutrient enhancement efforts.
 - (7) 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 Section II (Aquaculture specific reporting requirements).
 - (8) Toxic substances, including drugs, pesticides, or other chemicals, in toxic amounts that may impair designated uses or violate water quality standards of the receiving water.

2. Prohibited Practices

The Permittee is prohibited from engaging in any of the following practices or otherwise facilitating prohibited discharges described above:

- a. Practices that allow accumulated solids in excess of the limits to be discharged to waters of the United States from the permitted facility (*e.g.*, the removal of dam boards in raceways or ponds, the cleaning of settling basins, etc.);
 - b. Sweeping, raking, or otherwise intentionally discharging accumulated solids from raceways, ponds, or settling basins to waters of the United States; and/or
 - c. Containing, growing or holding fish within an off-line or in-line settling basin.
- 3. Discharge Limits**
- a. Discharge Limits. The Permittee must limit discharges from all outfalls authorized under this permit, as specified below. All limits represent maximum effluent limits, unless otherwise indicated. The Permittee must comply with the applicable effluent limits in the tables at all times, unless otherwise indicated, regardless of the frequency of monitoring or reporting.

Table 1			
Effluent Limitations for Discharges from the Fish Ladder (Outfall 001)¹			
Pollutant	Average Monthly Limit	Maximum Daily Limit	Instantaneous Maximum
Net Total Suspended Solids²	5 mg/L	---	15 mg/L
Net Settleable Solids²	0.1 ml/L	---	---
Total Residual Chlorine³ – into fresh water	9.0 µg/L	18.0 µg/L	---

¹ Excluding discharges from separate off-line settling basins (OLSBs) and from raceways or pond systems during drawdown; see Tables 2 and 3 for limits on those discharges.

² Net concentration = effluent concentration – influent concentration. Net TSS and settleable solids determinations will require influent analysis in addition to effluent analysis unless the Permittee chooses to assume that the pollutant concentration in the influent is zero. Influent samples must be collected prior to collection of effluent samples; and net TSS and settleable solids will be determined by subtracting the influent concentrations from the effluent concentrations: see Appendix B. The EPA may require additional sampling to prove substantial similarity between influent and effluent solids, where indicated. All influent and effluent samples and flow measurements must be taken on the same day.

³ Chlorine limits only apply when chlorine or Chloramine-T is being used. The Permittee will be in compliance with the effluent limits for total residual chlorine, provided the total residual chlorine residual levels are at or below the compliance evaluation level of 50 µg/L. Chlorine monitoring is not required if chlorine is allowed to dry at the location of use.

- b. Discharge Limits for the Off-Line Settling Basin (OLSB). These limits apply to any discharge from the OLSB.

Table 2	
Effluent Limits for Discharges from the Offline Settling Basin¹ (Outfall 002)	
Pollutant	Maximum Daily Limit
Total Suspended Solids	100 mg/L
Settleable Solids	1.0 ml/L

¹ These limits apply to only those OLSB effluents that discharge directly to waters of the U.S.

c. Discharge Limits During Drawdowns for Fish Release. These limits apply to raceways or pond systems during drawdown for fish release. See Table 3, below. The total residual chlorine limits set forth in Table 1, above, still apply to raceways or pond systems during drawdown for fish release.

Table 3	
Effluent Limits for Discharges during Drawdown for Fish Release (Outfall 003)	
Pollutant	Maximum Daily Limit
Total Suspended Solids	100 mg/L
Settleable Solids	1.0 ml/L

4. Rearing Vessel Disinfection Water

When rearing vessels are disinfected with chlorine, the total residual chlorine effluent limits in Table 1, above, apply.

B. Effluent Monitoring Requirements

1. Hatchery Monitoring

The Permittee must monitor discharges at each outfall. Monitoring in Table 4, below, must be performed before the effluent is discharged to the receiving water.

Table 4				
Effluent Monitoring Requirements from the Rearing Ponds/Raceways (Outfall 001)				
Parameter	Units	Sample Type	Sample Frequency	Sample Location
Effluent Flow ¹	Gallons per day	Flow meter, calibrated weir, or other approved method	Monthly ²	Effluent ^{3,4}
<u>Net Total Suspended Solids</u> ⁵	mg/L	Composite ⁶	Monthly ²	Influent ⁵ & Effluent ³
<u>Net Settleable Solids</u> ⁵	ml/L	Grab	Monthly ²	Influent ⁵ & Effluent ³
Total Residual Chlorine (including when Chloramine-T is in use) ⁷	µg/L	Grab	Monthly ²	Effluent ³

¹ All influent and effluent samples and flow measurements must be taken on the same day.

² Monthly monitoring must begin in the first full calendar month of permit coverage; quarterly monitoring must begin in the first full calendar quarter of permit coverage.

³ Effluent samples must be collected from the effluent stream after the last unit prior to discharge into the receiving waters or to subsequent mixing with other water flows. If off-line settling basin effluent combines with raceway flows, at least one quarter of the grab samples that go into a composite sample must be collected when the OLSB is discharging.

⁴ If the facility is operating in a steady state (no drawdown nor filling up), the flow may be monitored at the influent or the effluent.

⁵ Net concentration = effluent concentration – influent concentration. Net TSS and settleable solids determinations will require influent analysis in addition to effluent analysis unless the Permittee chooses to assume that the pollutant concentration in the influent is zero. Influent samples must be collected prior to collection of effluent samples; and net TSS and settleable solids will be determined by subtracting the influent concentrations from the effluent concentrations: see Appendix B of the Permit. The EPA may require additional sampling to prove substantial similarity between influent and effluent solids, where indicated.

⁶ Composite samples must consist of four or more discrete samples taken at one-half hour intervals or greater over a 24-hour period; if the Hatchery cleans raceways periodically, at least one fourth of the samples must be taken during quiescent zone or raceway cleaning.

⁷ Total residual chlorine must be monitored only when being used, giving consideration to retention times in the facility. Monitoring must be conducted during each calendar quarter if the chemical used at any time during the quarter, but sampling does not need to occur more than once a quarter.

2. Off-line Settling Basin (OLSB) Effluent Monitoring

Discharges from the OLSB must be monitored as required in Table 5, below. OLSB discharges must be monitored 12 months out of the year if there is a discharge, regardless of pounds of fish at the facility.

Table 5 Off-Line Settling Basin Effluent Monitoring Requirements (Outfall 002)¹				
Parameter	Units	Sample Type	Sample Frequency	Sample Location
Effluent Flow ²	Gallons per day	Flow meter, calibrated weir, or other approved method	Monthly ³	Effluent ⁴
Total Suspended Solids	mg/L	Grab	Monthly ³	Effluent ⁴
Settleable Solids	ml/L	Grab	Monthly ³	Effluent ⁴
Ammonia	mg/L	Grab	Quarterly ³	Effluent ⁴
Temperature ⁵	° C	Meter	Weekly when OLSB is discharging	Effluent ⁴
pH ⁶	Standard Units	Meter	Quarterly ³	Effluent ⁴

¹ Only direct discharges the Warm Springs River need to be monitored; if the discharge combines with other process wastewaters, these additional OLSB monitoring requirements do not apply.

² All effluent samples and flow measurements must be taken on the same day.

³ Monthly monitoring must begin in the first full calendar month of permit coverage; quarterly monitoring must begin in the first full calendar quarter of permit coverage.

⁴ Effluent samples must be collected from the effluent stream after the last unit prior to discharge into the Warm Springs River or to subsequent mixing with other water flows.

⁵ Temperature monitoring must be taken concurrently with each grab sample for the composite ammonia sample and the results averaged and reported on the discharge monitoring report (DMR).

⁶ pH monitoring must be taken concurrently with each grab sample for the composite ammonia sample and the range of results reported on the discharge monitoring report (DMR).

3. Monitoring Discharges of Rearing Pond and Raceway Drawdowns for Fish Release

Samples for rearing pond and raceway drawdowns for fish release must be collected regardless of amount of fish in the facility. See Table 6, below.

Parameter	Sample Point	Sampling Frequency	Type of Sample
Settleable Solids (mL/L)	Effluent	1/Drawdown ¹	Grab
Total Suspended Solids (mg/L)	Effluent	1/Drawdown ¹	Grab

¹ Drawdown samples must be collected during the last quarter of each drawdown event. If the drawdown is a continuous event that involves more than one rearing pond or raceway discharging directly to the Warm Springs River, the Permittee may composite grab samples from each rearing pond or raceway proportionally to their respective flows, each taken in the last quarter of its drawdown; the combined sample may be analyzed instead of separately analyzing grab samples from each of the rearing ponds or raceways. If the discharge is to a settling pond, the facility must estimate when the final ¼ of the discharge is being released to the settling pond, delay the monitoring by the residence time calculated for the pond, and then monitor as the effluent discharges from the pond to the receiving water. If multiple drawdown events are sequential or on different days, a separate grab sample must be analyzed for each event.

4. Monitoring Discharges of Rearing Vessel Disinfection Water

Rearing vessel disinfection water that has been treated with chlorine must be tested before it is allowed to be discharged; see Table 7, below. Chlorine monitoring is not required if rearing vessels are allowed to dry completely and there is no discharge of chlorine.

Table 7			
Monitoring Requirement for Discharges of Rearing Vessel Disinfection Water (Outfall 001)			
Parameter	Sample Point	Sampling Frequency	Type of Sample
Total Residual Chlorine (mg/L) ¹	Effluent ²	1/Discharge	Grab

¹Total residual chlorine must be monitored only when being used, giving consideration to retention times in the facility. Monitoring must be conducted during each calendar quarter if the chemical used at any time during the quarter, but sampling does not need to occur more than once a quarter.

² Effluent samples must be collected from the effluent stream after the last unit prior to discharge into the Warm Springs River or to subsequent mixing with other water flows.

C. Surface Water Monitoring

- a. Ammonia, Temperature, and pH Monitoring. The Permittee must conduct surface water monitoring quarterly for ammonia, pH, and temperature immediately upstream, outside the influence of the discharge.
- b. Sample Collection. All surface water samples must be grab samples and must be collected at approximately the same time as the effluent samples.
- c. Minimum Levels. All samples must be analyzed for the parameters listed in Table 8 to achieve minimum levels (MLs) that are equivalent to or less than those listed in Table 9. The Permittee may request different MLs if its results have consistently been above the required MLs. Such a request must be in writing and must be approved by the EPA and by the Warm Springs Tribe's Water Control Board before the Permittee may use the revised MLs.
- d. Reporting Surface Water Monitoring Results. All surface water monitoring results must be submitted to the EPA and to the Warm Springs Tribal Environmental Office immediately following the month when the monitoring is conducted. The report must include all information required below, and a summary and evaluation of the analytical results.

Table 8	
Surface Water Monitoring Requirements	
Parameter	Units
Ammonia Nitrogen as N	mg/L
pH	standard units
Temperature	°C

D. Minimum Levels (MLs)

For all effluent monitoring, the Permittee must use a sufficiently sensitive analytical method which meets the following:

- a) Parameters with an effluent limit: The method must achieve a minimum level (ML) less than the effluent limitation unless otherwise specified in Table 1 Effluent Limitations and Monitoring Requirements.
- b) Parameters that do not have effluent limitations: The Permittee must use a method that detects and quantifies the level of the pollutant, or the Permittee must use a method that can achieve a maximum ML less than or equal to those specified in Table 9.
- c) Minimum Levels: For parameters that do not have an effluent limit, the Permittee may request different MLs. The request must be in writing and must be approved by the EPA and the Warm Springs Tribe's Water Control Board before the Permittee may use the revised MLs.

For purposes of reporting on the DMR for a single sample, if a value is less than the Method Detection Limit (MDL), the Permittee must report "less than {numeric value of the MDL}" and if a value is less than the ML, the Permittee must report "less than {numeric value of the ML}."

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

Table 9 Minimum Levels	
Parameter	Minimum Level (ML)
Total Suspended Solids	5 mg/L
Ammonia Nitrogen as N	50 µg/L
pH	NA
Temperature	0.2° C
Total Residual Chlorine	50 µg/L

E. Quality Assurance (QA) Plana. Plan Development.

Within 90 days of the effective date of this permit, the Permittee must submit written notice to EPA and the Warm Springs Tribal Environmental Office 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_OR0054917_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 the Confederated Tribes of the Warm Springs Reservation upon request.

Any existing QA Plans may be modified to meet this requirement.

The hard copy submittal address for the EPA is:

US EPA Region 10
Attn: NPDES Permits Unit Manager
1200 Sixth Avenue
Suite 155 OWW-191
Seattle, Washington 98101-3140

The mailing addresses for the Confederated Tribes of the Warm Springs Reservation are:

The Confederated Tribes of Warm Springs Reservation of Oregon
Water Control Board
P.O. Box C
Warm Springs, OR 97761

The Confederated Tribes of Warm Springs Reservation of Oregon
Tribal Environmental Office
P.O. Box C
Warm Springs, OR 97761

Conformity with EPA procedures

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)¹ and Guidance for Quality Assurance Project Plans (EPA/QA/G-5)². The QA Plan must be prepared in the format that is specified in these documents.

b. Plan contents

At a minimum, the QA Plan must include the following:

- (1) Details on the number of samples, type of sample containers, preservation of samples, 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, and sample shipping methods.

¹ <http://www.epa.gov/quality/qs-docs/r5-final.pdf>

² <http://www.epa.gov/quality/qs-docs/g5-final.pdf>

(2) Description of flow measuring devices used to measure influent and/or effluent flow at each point, calibration procedures, and calculations used to convert to flow units. Facilities with multiple effluent discharge points and/or influent points must describe their method of compositing samples from all points proportionally to their respective flows;

(3) Maps indicating the location of each sampling point;

(4) Qualification and training of personnel; and

(5) Name, address and telephone number of the laboratory used by or proposed to be used by the Permittee.

c. Modifications required

The Permittee must amend the QA Plan whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QA Plan and must update it whenever there is a change in ownership or operator.

d. Copies required on-site

Copies of the QA Plan must be kept on site and made available to the EPA and/or to the Warm Springs Water Control Board 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.

F. Best Management Practices Plan

1. Purpose

Through implementation of the best management practices (BMP) plan, the Permittee must prevent or minimize the generation and discharge of wastes and pollutants from the facility to waters of the United States to meet water quality standards and permit requirements; the Permittee must also ensure that disposal or land application of wastes is carried out in such a way as to minimize negative environmental impact and, if applicable, to comply with the Tribes' solid waste disposal regulations.

2. Development and Implementation Deadline

The Permittee must develop and implement a BMP Plan that meets the specific requirements listed below. An existing BMP Plan may be modified for use under this permit. The Permittee must implement the provisions of the BMP Plan as conditions of this permit within 90 days of receiving authorization to discharge under this permit.

3. Required Submittal

The Permittee must certify that a BMP Plan has been developed and is being implemented by submitting the information contained in Appendix C to the EPA and to the Warm Springs Water Control Board within 90 days of the effective date of this permit. The notification may be submitted as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_OR0054917_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 the Warm Springs Water Control Board upon request.

4. Annual Review

- a. The Permittee must review the BMP Plan annually.
- b. A certified statement that the annual review has been completed and that the BMP Plan fulfills the requirements set forth in this permit must be submitted to the EPA and to the Warm Springs Water Control Board in the Annual Report of Operations, due by January 20 each year. See Appendix A.

5. Requirements of the BMP Plan

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

- a. Materials Storage
 - (1) Ensure proper storage of drugs and other chemicals to prevent spills that may result in the discharge to waters of the United States or the Confederated Tribes of Warm Springs.
 - (2) Implement procedures for properly containing, cleaning, and disposing of any spilled materials.
- b. Structural Maintenance
 - (1) Routinely inspect rearing and holding units and waste collection and containment systems to identify and promptly repair damage.
 - (2) Regularly conduct maintenance of rearing and holding units and waste collection and containment systems to ensure their proper function.
- c. Record keeping
 - (1) Document feed amounts and numbers and weights of aquatic animals to calculate feed conversion ratios.
 - (2) Document the frequency of cleanings, inspections, maintenance, and repairs.
 - (3) Maintain records of all medicinal and therapeutic chemical usage for each treatment at the facility. Include the information required in the Chemical Log Sheet in Appendix D and in the Annual Report in Appendix A.
 - (4) A copy of the label (with treatment application requirements) and the Material Safety Data Sheet (MSDS) must be maintained in the facility's records for each drug or chemical used at the facility.
 - (5) In order to show how the maximum concentrations of chlorine and/or Chloramine-T were derived (see Table 4 for monitoring requirements), facilities must maintain records by chemical and by outfall of the approach/analyses used to determine the elapsed time from its application to its maximum (peak) effluent concentration, giving consideration to retention times within the facility.

(6) The Permittee must keep the records necessary to provide the water-borne treatment/calculations information required on page 7 of the revised Annual Report (see Appendix A).

d. Training Requirements

- (1) Train all relevant personnel in spill prevention and how to respond in the event of a spill to ensure proper clean-up and disposal of spilled materials.
- (2) Train personnel on proper structural inspection and maintenance of rearing and holding units and waste collection and containment systems.

e. Operational Requirements

- (1) Raceways and ponds must be cleaned at such a frequency and in such a manner that minimizes accumulated solids discharged to the Warm Springs River. If solids are removed from the OLSB, they must be disposed of at an upland disposal site.
- (2) Fish feeding must be conducted in such a manner as to minimize the discharge of unconsumed food.
- (3) Fish grading, harvesting, egg taking, and other activities within ponds or raceways must be conducted in such a way as to minimize the discharge of accumulated solids and blood wastes.
- (4) Animal mortalities must be removed and disposed of on a regular basis to the greatest extent feasible.
- (5) Water used in the rearing and holding units or hauling trucks that is disinfected with chlorine or other chemicals must be treated before it is discharged to waters of the U.S.
- (6) Treatment equipment used to control the discharge of floating, suspended or submerged matter must be cleaned and maintained at a frequency sufficient to minimize overflow or bypass of the treatment unit by floating, suspended, or submerged matter; turbulent flow must be minimized to avoid entrainment of solids.
- (7) Procedures must be implemented to prevent fish from entering quiescent zones, full-flow, and off-line settling basins. Fish that have entered quiescent zones or basins must be removed as soon as practicable.
- (8) Procedures must be implemented to minimize the release of diseased fish from the facility.
- (9) All drugs and pesticides must be used in accordance with applicable label directions (FIFRA or FDA), except under the following conditions, both of which must be reported to the EPA in accordance with §II, below:
 - (a) Participation in Investigational New Animal Drug (INAD) studies, using established protocols; or
 - (b) Extralabel drug use, as prescribed by a veterinarian.

(10) Procedures must be identified and implemented to collect, store, and dispose of wastes, such as biological wastes. Such wastes include fish mortalities and other processing solid wastes from aquaculture operations.

(11) The facility must dispose of excess/unused disinfectants in a way that does not allow them to enter waters of the U.S. or the Confederated Tribes of Warm Springs.

(12) Facilities must implement procedures to eliminate the release of Polychlorinated Biphenyls (PCBs) from any known sources in the facility- including paint, caulk, or feed. If removing paint or caulk that was applied prior to 1980, refer to the EPA guidance (abatement steps 1-4) at <http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/caulk/guide/guide-sect4a.htm>. Any future application of paint or caulk must be below the allowable TSCA level of 50 ppm. Facilities must implement purchasing procedures that give preference for fish food that contains the lowest amount of PCBs that is economically and practically feasible.

6. Documentation

The Permittee must maintain a copy of the BMP Plan at the facility and make it available to the EPA, the Warm Springs Water Control Board, 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.

7. BMP Plan Modification

The Permittee must amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants or their release or potential release to surface waters. With any change in operator, the BMP Plan must be reviewed and modified, if necessary. The new operator must submit a certification of the BMP Plan (see Appendix C).

II. Aquaculture Specific Reporting Requirements

A. Drug and Other Chemical Use and Reporting Requirements

The following requirements apply to disease control chemicals that are used in such a way that they will be or may be discharged to waters of the United States or the Confederated Tribes of Warm Springs.

B. Use of Drugs, Pesticides, and Other Chemicals

- a. Only disease control chemicals and drugs approved for aquaculture use by the U.S. Food and Drug Administration (FDA) or by the EPA may be used.
- b. The following drugs may also be used:
 - (1) Investigational New Animal Drugs (INADs) for which the FDA has authorized use on a case-by-case basis.

(2) Extralabel drug use of approved animal and human drugs by, or on the order of, a licensed veterinarian.

(3) Low Regulatory Priority (LRP) compounds in accordance with conditions included on the list in the FDA policy 1240.4200: *Enforcement Priorities for Drug Use in Aquaculture* (08/09/2002; 4/26/07 minor revisions)³ p.13--15.

(4) Potassium permanganate, a deferred regulatory priority drug.

c. All drugs, pesticides and other chemicals must be applied in accordance with label directions (with the exception of INAD, extralabel drug use, LRP compounds, or potassium permanganate, as described above).

d. Records of all applications of drugs, pesticides, and other chemicals must be maintained and must, at a minimum, include the information specified in the Chemical Log sheet in Appendix D. This information must also be summarized in the Annual Report.

C. Reporting Drug Usage

a. INADs and Extralabel Drug Use

The following written and oral reports must be provided to the EPA when an INAD or extralabel drug is used for the first time at a facility and when an INAD or extralabel drug is used at a higher dosage than previously approved by the FDA for this or a different animal species or disease. The Permittee must include descriptions of all disease control chemicals used during the past year on the Annual Report.

The following INAD and extralabel drug use reporting requirements apply:

(1) Anticipated INAD Study Participation and Extralabel Drug Usage

Written Report: The Permittee must provide a written report to the EPA and to the Warm Springs Water Control Board within seven days of agreeing or signing up to participate in an INAD drug study or receiving a prescription for extralabel drug use if the drug is being used at a higher dosage than previously approved by the FDA for this or a different species or disease. The report must include the information specified in Appendix D.

(2) Actual Use of INADs or Extralabel Drug Use

(a) *Oral Report:*

For INAD and extralabel drug uses, the Permittee must provide an oral report to the EPA (206-553-1846) as soon as possible during business hours, preferably in advance of use, but no later than 7 days after initiating use of the drug. The report must include the drug(s) used, the method of application, and the reason for the drug(s).

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

(b) *Written Report:*

For INADs and extralabel drug uses, the Permittee must provide to the EPA and the Warm Springs Water Control Board a written report within 30 days after initiating use of the drug. The report must include the information specified in Appendix D. This information must also be included in the Annual Report.

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

(1) Oral Report:

For first use of an LRP drug or potassium permanganate, the Permittee must provide an oral report to the EPA (206-553-1846) as soon as possible during business hours, preferably in advance of use, but no later than 7 days after initiating use of the drug. The report must include the information specified in Appendix D.

(2) Written Report:

For first use of an LRP drug or potassium permanganate, the Permittee must provide to the EPA and the Warm Springs Water Control Board a written report within 30 days after initiating use of the drug. The report must include the information specified in Appendix D. This information must also be included in the Annual Report.

D. Structural Failure or Damage to the Facility

Structural failure or damage to the facility must be reported to the EPA and Warm Springs Water Control Board orally within 24 hours and in writing within five days when there is a resulting discharge of pollutants to waters of the U.S. or waters of the Confederated Tribes of Warm Springs. Reports must include the identity and quantity of pollutants released. (See Representative Sampling and Noncompliance Reporting in §III.)

E. Spills of Drugs, Pesticides or Other Chemicals

1. Drugs, Pesticides or Other Chemicals

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

2. Oil or Hazardous Materials

a. To the EPA

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

To the Confederated Tribes of the Warm Springs Reservation

The hatchery must report immediately any spills of drugs, pesticides, oil, or hazardous materials to the Tribes' Natural Resources Department at 541-553-1161.

F. Records of Fish Mortalities

1. **Maintenance of Records.** Records of routine and mass mortalities must be maintained on site for at least three years.
2. **Annual Reporting.** Summaries of mortality data must be included in annual reports.

G. Annual Report of Operations

During the term of this permit, the Permittee must prepare and submit an annual report of operations by January 20th of each year. The report may be mailed to EPA and to the Warm Springs Water Control Board or submitted electronically with the DMR. A copy of the annual report and the data used to compile it must be available to EPA and to Warm Springs Water Control Board upon request and during inspections. The report must include the information specified in Appendix A.

III. General Monitoring, Recording and Reporting Requirements

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

Samples and measurements taken for the purpose of monitoring must be representative 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 Section I of this permit that are likely to be affected by the discharge.

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

B. Reporting of Monitoring Results

The Permittee must submit monitoring data and other reports electronically using NetDMR.

1. Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period.

2. The Permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. of this permit, Signatory Requirements.
3. The Permittee must submit copies of the DMRs and other reports to the Confederated Tribes of the Warm Springs Reservation.
4. Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the Permittee may submit all reports to EPA and the Confederated Tribes of the Warm Springs Reservation as NetDMR attachments rather than as hard copies. The file name of the electronic attachment must be as follows: YYYY_MM_DD_OR0054917_Report Type Name_Identifying Code, where YYYY_MM_DD is the date that the Permittee submits the attachment.
5. The Permittee may use NetDMR after requesting and receiving permission from US EPA Region 10. NetDMR is accessed from:
<https://netdmr.epa.gov/netdmr/public/home.htm>
6. The Permittee must submit copies of monitoring data and other reports to the Warm Springs Water Control Board and Tribal Environmental Office no later than the 20th of the month following the completed reporting period at the addresses listed in Section I.E. of this permit.

C. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless another method is required under 40 CFR subchapters N or O, or other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

D. Additional Monitoring by Permittee

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

Upon request by EPA or the Warm Springs Water Control Board, the Permittee must submit results of any other sampling, regardless of the test method used.

E. Records Contents

Records of monitoring information must include:

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

6. the results of such analyses.

F. Retention of Records

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

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The Permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the Permittee becomes aware of the circumstances:
 - a) any noncompliance that may endanger health or the environment;
 - b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.F., “Bypass of Treatment Facilities”);
 - c) any upset that exceeds any effluent limitation in the permit (See Part IV.G., “Upset Conditions”); or
 - d) any violation of a maximum daily discharge limitation for applicable pollutants identified by Table 1 and Table 2 of this permit.
2. The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
 - a) a description of the noncompliance and its cause;
 - b) the period of noncompliance, including exact dates and times;
 - c) the estimated time noncompliance is expected to continue if it has not been corrected; and
 - d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted to the addresses in Part III.B (“Reporting of Monitoring Results”).

H. Other Noncompliance Reporting

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

I. Changes in Discharge of Toxic Pollutants

The Permittee must notify the Director of the Office of Water and Watersheds and the Confederated Tribes of the Warm Springs Reservation 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 ug/l);
 - b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/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 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 ug/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 EPA in accordance with 40 CFR 122.44(f).
3. The Permittee must submit the notification to Office of Water and Watersheds at the following address, and to the Warm Springs Tribal Environmental Office at the address listed in Section I.E. of this permit:

US EPA Region 10
Attn: NPDES Permits Unit Manager
1200 Sixth Avenue
Suite 155 OWW-191
Seattle, Washington 98101-3140

J. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

K. Project Changes, Repairs and Maintenance

As a condition of the Confederated Tribes' Clean Water Act Section 401 Certification:

1. The Permittee must obtain the Warm Springs Water Control Board's review and approval before undertaking any change to the facility that might significantly affect water quality, including changes to operations and effluent flows.
2. The Permittee must obtain the Warm Springs Water Control Board's review and approval before undertaking repair or maintenance activities that might significantly affect water quality. The Water Control Board may, at the Permittee's request, provide prior approval of such repair and maintenance activities on a periodic or ongoing basis.
3. The Permittee must notify the Warm Springs Water Control Board and Tribal Environmental Office of all future changes in the facility or operation of the hatchery.

IV. Compliance Responsibilities**A. Duty to Comply**

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

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$53,484 per day for each violation).
2. Administrative Penalties. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of

this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$21,393 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$53,484). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$21,393 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$267,415).

3. Criminal Penalties:

- a) Negligent Violations. The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.
- b) Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c) Knowing Endangerment. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

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

C. Need To Halt or Reduce Activity not a Defense

It 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 includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the Permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The Permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 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 Part III.G (“Twenty-four Hour Notice of Noncompliance Reporting”).
3. Prohibition of bypass.
- a) Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the Permittee for a bypass, unless:
 - (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The Permittee submitted notices as required under paragraph 2 of this Part.
 - b) The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

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 Part III.G, “Twenty-four Hour Notice of Noncompliance Reporting;” and
 - d) The Permittee complied with any remedial measures required under Part IV.D, “Duty to Mitigate.”

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

H. Toxic Pollutants

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Act 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 to the Director of the Office of Water and Watersheds as specified in part III. and the Confederated Tribes of the Warm Springs Reservation as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under Part III.I (“Changes in Discharge of Toxic Substances”).

J. Anticipated Noncompliance

The Permittee must give written advance notice to the Director of the Office of Compliance and Enforcement and the Confederated Tribes of the Warm Springs Reservation of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

V. General Provisions

A. Permit Actions

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

B. Duty to Reapply

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

Permittee must submit a new application at least 180 days before the expiration date of this permit.

C. Duty to Provide Information

The Permittee must furnish to EPA and the Warm Springs Water Control Board or Tribal Environmental Office, within the time specified in the request, any information that EPA or the Confederated Tribes of the Warm Springs Reservation may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee must also furnish to EPA or the Confederated Tribes of the Warm Springs Reservation, upon request, copies of records required to be kept by this permit.

D. Other Information

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to EPA or the Confederated Tribes of the Warm Springs Reservation, it must promptly submit the omitted facts or corrected information in writing.

E. Signatory Requirements

All applications, reports or information submitted to EPA and the Confederated Tribes of the Warm Springs Reservation must be signed and certified as follows.

1. All permit applications must be signed as follows:
 - a) For a corporation: by a responsible corporate officer.
 - b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c) For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by EPA or the Confederated Tribes of the Warm Springs Reservation must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a) The authorization is made in writing by a person described above;
 - b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - c) The written authorization is submitted to the Director of the Office of Compliance and Enforcement and the Confederated Tribes of the Warm Springs Reservation.

3. Changes to authorization. If an authorization under Part V.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 Part V.E.2. must be submitted to the Director of the Office of Compliance and Enforcement and the Confederated Tribes of the Warm Springs Reservation prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part must make the following certification:

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

F. Availability of Reports

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

G. Inspection and Entry

The Permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; the Warm Springs Water Control Board and Tribal Environmental Office; or an authorized representative (including an authorized contractor acting as a representative of the Administrator or Warm Springs Tribe), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

H. Property Rights

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

I. Transfers

This permit is not transferable to any person except after written notice to the Director of the Office of Water and Watersheds as specified in part III.I.3. The Director may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

J. State Laws

Nothing in this permit 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 state law or regulation under authority preserved by Section 510 of the Act.

VI. Definitions

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

Administrator - The Administrator of the United States Environmental Protection Agency, or an authorized representative (40 CFR §122.2).

Aquaculture facility - A hatchery, fish farm, or other facility which contains, grows, or holds fish for later harvest (or process) and sale or for release.

Average monthly limit - The maximum allowable average of "daily discharges" over a monitoring month, calculated as the sum of all "daily discharges" measured during a monitoring month divided by the number of "daily discharges" measured during that month. It may also be referred to as the "monthly average discharge"(40 CFR §122.2).

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

BAT - Best available technology economically achievable.

BCT - Best conventional pollutant control technology.

Beneficial use - A desirable use of a water resource, such as recreation (fishing, boating, swimming) and water supply.

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

BOD (Biochemical oxygen demand) - The measure of the oxygen required to break down organic materials in water. Higher organic loads require larger amounts of oxygen and may reduce the amount of oxygen available for fish and aquatic life below acceptable levels. Unless otherwise specified, this term means the 5-day BOD incubated at 20° C. (BOD₅)

BPJ - Best professional judgment.

BPT - Best practicable control technology currently available.

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

CAAP - Concentrated aquatic animal production; At 40 CFR §122.24, the EPA defines concentrated aquatic animal production (CAAP) facilities as point sources subject to the National Pollutant Discharge Elimination System (NPDES) permit program including those upland facilities that discharge for at least 30 days per year and contain, grow, or hold cold water fish species or other cold water aquatic animals except in facilities which produce less than 9,000 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year and facilities which feed less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.

CFR - Code of Federal Regulations, the body of federal regulations. Title 40 of the Code of Federal Regulations, Parts 1 - 1499 contains regulations of the Environmental Protection Agency.

cfs - Cubic feet per second.

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

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

Cold water species - Cold water aquatic animals include, but are not limited to, the Salmonidae family of fish, e.g. trout and salmon.

Composite sample - A combination of four or more discrete samples taken at on-half hour intervals or greater over a 24-hour period; at least one fourth of the samples must be taken while

cleaning. Facilities with multiple effluent discharge points and/or influent points must composite samples from all points proportionally to their respective flows.

Core rearing - A designated use of a water body where there is moderate to high density use by salmonid species, usually in the middle to upper reaches of a river system.

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

CWA - The Clean Water Act, 33 U.S.C. §1251 *et seq.*

DMR - Discharge monitoring report.

Director - The Director of the EPA Region 10 Office of Water and Watersheds.

Discharge of a pollutant-

(a) Any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or (b) Any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by humans; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any “indirect discharger” (40 CFR §122.2).

Disinfectant - Any chemical used to reduce pathogenic or objectionable organisms, including but not limited to algicides, fungicides, and pesticides.

Effluent - Wastewater discharged from a point source, such as a pipe.

Effluent limitation - Any restriction imposed by the Director on quantities, discharge rates, and concentrations of “pollutants” which are “discharged” from “point sources” into “waters of the United States,” the waters of the “contiguous zone,” or the ocean (40 CFR §122.2).

ELGs (effluent limitations guidelines) - Regulations published by the Administrator under Section 304(b) of CWA to adopt or revise “effluent limitations.” (40 CFR §122.2).

EPA - The United States Environmental Protection Agency.

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

FR (or Fed.Reg.) - The Federal Register, the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

Flow-through System - A system designed for continuous water flow to waters of the United States through chambers used to produce aquatic animals. Flow-through systems typically use either raceways or tank systems. Water is transported from nearby rivers or springs to raceways which are typically long, rectangular chambers at or below grade, constructed of earth, concrete, plastic, or metal. Tanks systems are similarly supplied with water and concentrate aquatic animals in circular or rectangular tanks above grade. The term “flow through system” does not include net pens.

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

Hatchery - Culture or rearing unit such as a raceway, pond, tank, net or other structure used to contain, hold or produce aquatic animals. The containment system includes structures designed to hold sediments and other materials that are part of a wastewater treatment system.(40 CFR §451.2 (c))

Hazardous Substance - Any substance designated under 40 CFR part 116, pursuant to Section 311 of the CWA.

Impaired Waters - Waters identified by Ecology pursuant to Section 303(d) of the Clean Water Act for which effluent limitations guidelines are not stringent enough to implement all applicable water quality standards.

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

Indian Country - “all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.” (18 USC §1151)

Influent - The water entering a facility or part of a facility.

Listed Endangered or Threatened Species - Species that are in danger of extinction throughout all or a significant portion of their range or that are likely to become endangered species within the foreseeable future. See 16 U.S.C. §1532 (the Endangered Species Act of 1973) for a complete definition.

mg/L - Milligrams of solute per liter of solution, equivalent to parts per million, assuming unit density.

Minimum level (ML) - The concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed (40 CFR §136).

Monthly average - The average of “daily discharges” over a monitoring month, calculated as the sum of all “daily discharges” measured during a monitoring month divided by the number of “daily discharges” measured during that month (40 CFR §122.2).

NPDES (National Pollutant Discharge Elimination System) - The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA (40 CFR §122.2).

Net - The difference between effluent concentration and influent concentration (or loads).

Net Pen - A stationary, suspended, or floating system of nets or screens in open marine, lake, or estuarine waters of the United States. Net pen systems are typically located along a shore or pier or may be anchored and floating offshore. Net pens and cages rely on tides or currents to provide a continual supply of high quality water.

(a) After promulgation of standards of performance under Section 306 of the CWA, which are applicable to such source, or

(b) After proposal of standards of performance in accordance with Section 306 of the CWA, which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal. (40 CFR §122.2)

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

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

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

Outstanding National Resource - A state park, game sanctuary or refuge; a national park, preserve, or monument; a national wildlife refuge; a national wilderness area; or a river designated as *wild* or *scenic* under the Wild and Scenic Rivers Act.

Permittee - An individual, association, partnership, corporation, municipality, Indian Tribe or authorized Indian tribal organization, State or Federal agency, or an agent or employee thereof, who is authorized by the EPA to discharge in accordance with the requirements of the General Permit.

Point Source - Any discernible, confined, and discrete conveyance from which pollutants are or may be discharged.

Pollutant - Chemical wastes, biological materials, ... industrial waste discharge into water. (40 CFR §122.2)

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

Publicly Owned Treatment Works (POTW) - Devices and systems, owned by a state or municipality, used in storage, treatment, recycling, and reclamation of municipal sewage or

liquid industrial wastes, including sewers that convey wastewater to a POTW treatment plant. (40 CFR §403.3)

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

Recirculating System - A system that filters and reuses water in which the aquatic animals are produced prior to discharge; recirculating systems typically use tanks, biological or mechanical filtration, and mechanical support equipment to maintain high quality water to produce aquatic animals.

Regional Administrator - The Administrator of Region 10 of the United States Environmental Protection Agency, or an authorized representative.

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

Special Resource Tribal Waters - Waters that comprise a special and/or a unique resource to the Tribe, as determined by the appropriate tribal authority at the time a discharger seeks coverage under this General Permit

TSS - Total Suspended Solids.

Tier II water - Waters of a higher quality than the criteria assigned that may not be degraded unless such lowering of water quality is necessary and in the overriding public interest.

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

Toxic substances ... Substances that when discharged above natural background levels in waters of the state have the potential either singularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic toxicity to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the Department of Ecology.

TSD - *Technical Support Document for water quality-based toxics control* (EPA 1991).

TSS - Total suspended solids, of which the concentration in water is measured in mg/L.

Upland hatchery - A hatchery not located within the waters of the State (or, by extension, the U.S.) where fish are hatched, fed, nurtured, held, maintained, or reared to reach the size of release or for market sale. (WAC 173-221A-030)

Upset - An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by

operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. (40 CFR §122.41(n)(1)).

WAC - Washington Administrative Code.

WQBEL (Water quality-based effluent limitation) - An effluent limitation that is applied to a discharger when technology-based limitations would cause violations of water quality standards.

WLA - Wasteload allocation, the amount of pollutant assigned to a specific discharger in a TMDL or, in the absence of a TMDL, calculated by the permitting authority to comply with water quality standards in the receiving water.

Warm water species - Fish that include, but are not limited to, the *Ameiuride*, *Centrarchidae* and *Cyprinidae* families of fish, e.g., respectively, catfish, sunfish and minnows.

Appendix A

Annual Report Contents

**NPDES Permit Number: OR0054917
Annual Report**

Operations and Production

Total harvestable weight produced in the past calendar year in pounds (lbs):
Pounds of food fed to fish during the maximum month:

List the species grown or held at your facility and the annual production of each in gross harvestable weight. If fish were released rather than harvested, list the weight at time of release.

Species	Fish Produced (lbs)	Receiving Water(s) to which Fish were Released	Month Released/Spawned

Fill in the table below with production numbers from the past year. List the **maximum** amount of fish on-site and the maximum amount of food fed **per month**.

Month	Total Fish (lbs)	Fish Feed (lbs)	Month	Total Fish (lbs)	Fish Feed (lbs)
January			July		
February			August		
March			September		
April			October		
May			November		
June			December		

Additional Comments:

**NPDES Permit Number: OR0054917
Annual Report**

Solid Waste Disposal

Describe the solid waste disposed of during the calendar year (including fish mortalities).

Type of Solid Disposed	Date Disposed	Location Disposed
Additional Comments:		

Fish Mortalities

Include a description and the dates of mass mortalities in the past year (more than 5% per week). Attach additional pages, if necessary. Include total mortalities from all causes.

Date	Cause of Deaths	Steps Taken to Correct Problem	Pounds of Fish
Additional Comments:			

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Annual Report**

Noncompliance Summary

Include a description and the dates of noncompliance events (including spills), the reasons for the incidents, and the steps taken to correct the problems. Attach additional pages, if necessary.

Inspections & Repairs for Production & Wastewater Treatment Systems

Date Inspected	Date Repaired	Description of System Inspected and/or Repaired

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Annual Report**

Aquaculture Drugs and Chemicals

Please indicate whether you used each drug/chemical **during the past calendar year**. Describe the use of each drug/chemical in more detail on the following pages.

Used in the past year?	Drug or Chemical
<input type="checkbox"/> Yes <input type="checkbox"/> No	Azithromycin
<input type="checkbox"/> Yes <input type="checkbox"/> No	Chloramine-T: <i>See additional reporting requirements on page 7</i>
<input type="checkbox"/> Yes <input type="checkbox"/> No	Chlorine
<input type="checkbox"/> Yes <input type="checkbox"/> No	Draxxin
<input type="checkbox"/> Yes <input type="checkbox"/> No	Erythromycin - injectable
<input type="checkbox"/> Yes <input type="checkbox"/> No	Erythromycin - medicated feed
<input type="checkbox"/> Yes <input type="checkbox"/> No	Florfenicol (Aquaflor)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Formalin - 37% formaldehyde: <i>See additional reporting requirements on page 7</i>
<input type="checkbox"/> Yes <input type="checkbox"/> No	Herbicide - describe:
<input type="checkbox"/> Yes <input type="checkbox"/> No	Hormone - describe:
<input type="checkbox"/> Yes <input type="checkbox"/> No	Hydrogen Peroxide: <i>See additional reporting requirements on page 7</i>
<input type="checkbox"/> Yes <input type="checkbox"/> No	Iodine: <i>See additional reporting requirements on page 7</i>
<input type="checkbox"/> Yes <input type="checkbox"/> No	Oxytetracycline
<input type="checkbox"/> Yes <input type="checkbox"/> No	Potassium Permanganate: <i>See additional reporting requirements on page 7</i>
<input type="checkbox"/> Yes <input type="checkbox"/> No	Romet
<input type="checkbox"/> Yes <input type="checkbox"/> No	SLICE (emamectin benzoate)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Sodium Chloride - salt
<input type="checkbox"/> Yes <input type="checkbox"/> No	Vibrio vaccine
<input type="checkbox"/> Yes <input type="checkbox"/> No	Other:
<input type="checkbox"/> Yes <input type="checkbox"/> No	Other:

**NPDES Permit Number: OR0054917
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Aquaculture Drugs and Chemicals (cont'd)

Describe all drug and/or chemical treatments that occurred during the year. Fill out the information below for each drug or chemical, plus page 7 for water-borne treatments. Attach additional pages as necessary.

Brand Name:		Generic Name:	
Reason for use:			
<input type="checkbox"/> Preventative/Prophylactic <input type="checkbox"/> As-needed	Total quantity of formulated product per treatment (specify units):	Total quantity of formulated product used in past year (specify units):	
Date(s) of treatment:			Total number of treatments in past year:
Maximum quantity of formulated product used in a 24 hour period:		Duration and frequency of treatment(s):	
Methods of application:		<input type="checkbox"/> Static Bath	<input type="checkbox"/> Medicated Feed
		<input type="checkbox"/> Flow-through	<input type="checkbox"/> Other (describe):
Location in facility chemical was used (check all that apply):		<input type="checkbox"/> Raceways	<input type="checkbox"/> Ponds
		<input type="checkbox"/> Incubation building	<input type="checkbox"/> Off-line settling basin
Where did water treated with this chemical go? (check all that apply):		<input type="checkbox"/> Discharged w/o treatment	<input type="checkbox"/> Septic System
		<input type="checkbox"/> Settling basin	<input type="checkbox"/> Publicly owned treatment works
Provide any additional information about how this chemical was used and/or special pollution prevention practices during use:			

Brand Name:		Generic Name:	
Reason for use:			
<input type="checkbox"/> Preventative/Prophylactic <input type="checkbox"/> As-needed	Total quantity of formulated product per treatment:	Total quantity of formulated product used in past year (specify units):	
Date(s) of treatment:			Total number of treatments in past year:
Maximum quantity of formulated product used in a 24 hour period:		Duration and frequency of treatment(s):	
Methods of application:		<input type="checkbox"/> Static Bath	<input type="checkbox"/> Medicated Feed
		<input type="checkbox"/> Flow-through	<input type="checkbox"/> Other (describe):
Location in facility chemical was used (check all that apply):		<input type="checkbox"/> Raceways	<input type="checkbox"/> Ponds
		<input type="checkbox"/> Incubation building	<input type="checkbox"/> Off-line settling basin
Where did water treated with this chemical go? (check all that apply):		<input type="checkbox"/> Discharged w/o treatment	<input type="checkbox"/> Septic System
		<input type="checkbox"/> Settling basin	<input type="checkbox"/> Publicly owned treatment works
Provide any additional information about how this chemical was used and/or special pollution prevention practices during use:			

**NPDES Permit Number: OR0054917
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Aquaculture Drugs and Chemicals (cont'd)

Additional Reporting Requirements for Water-Borne Treatments

- Permittee must complete the following table for each water-borne chemical used during the past calendar year.
- Permittee must report only one treatment scenario for each chemical. The reporting must be for the reasonable worst case (i.e., maximum effluent concentration) scenario for that chemical.
- The Permittee must attach detailed records/calculations to this Annual Report that demonstrate how the maximum effluent concentrations of solution and active ingredient were calculated for each chemical.
- See also Appendix D of the Permit for the Chemical Log Sheet.

Disease Treatment Chemical Used: _____

Static Bath Treatment with the Highest Effluent Concentration	
Tank Volume	Liters
Desired Static Bath Treatment Concentration	µg/L
Volume of Product Needed per Treatment	Liters Product
Maximum % of Facility Discharge Treated	% of Total Facility Discharge
Minimum Volume of Total (treated + untreated) Water Discharged from the Facility per day	Specify Units
Maximum Effluent Concentration Discharged from Facility of: 1) Solution and 2) Active Ingredient	Solution: Active Ingredient: Specify Units
Flow-Through Treatment with the Highest Effluent Concentration	
Tank Volume	Liters
Calculated Flow Rate	Liters/Minute
Duration of Treatment	Minutes
Desired Flow-Through Treatment Concentration of Product	µg/L
Amount of Product to Add Initially	Liters Product
Amount of Product to Add During Treatment	mL/Minute
Total Volume of Product Needed per Treatment	Liters Product
Maximum % of Facility Discharge Treated	% of Total Facility Discharge
Minimum Volume of Total (treated + untreated) Water Discharged from the Facility per day	Specify Units
Maximum Effluent Concentration Discharged from Facility of: 1) Solution and 2) Active Ingredient	Solution: Active Ingredient: Specify Units

**NPDES Permit Number: OR0054917
Annual Report**

Changes to the Facility or Operations

Describe any changes to the facility or operations since the last annual report.

Signature and 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 evaluate and gather 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.

Printed name of person signing	Title
Applicant Signature	Date Signed

Submittal Information

During the term of this permit, the Permittee must prepare and submit an annual report of operations by January 20th of each year. The report may be mailed to EPA and to the Confederated Tribes of the Warm Springs Reservation or submitted electronically with the DMR. A copy of the annual report and the data used to compile it must be available to EPA and to the Confederated Tribes of the Warm Springs Reservation upon request and during inspections.

Send the complete, signed information, along with any attachments, to the following address:

US EPA Region 10, Attn: NPDES Permits Unit Manager, 1200 Sixth Avenue, Suite 155
OWW-191, Seattle, Washington 98101-3140

Appendix B

Effluent Calculations

Guidance on Calculating Effluent Values

Calculating “Net” Effluent Values

Pollutant Concentrations for Total Suspended Solids and Settleable Solids are measured at both influent and effluent monitoring locations. The net concentration is the difference between the two measurements and can either be positive or negative since the pollutant concentration may either increase or decrease as the water passes through the facility. It is calculated as follows:

$$\text{Effluent concentration (mg/L)} - \text{influent concentration (mg/L)} = \text{Net concentration (mg/L)}$$

Appendix C

Quality Assurance Plan & Best Management Practices Plan Certification

Quality Assurance Plan (QA Plan) Certification

Facility Name: Warm Springs National Fish Hatchery

NPDES Permit Number: OR0054917

The QA Plan is complete and is available upon request to the EPA and to the Confederated Tribes of the Warm Springs Reservation.

The QA Plan is being implemented by trained employees.

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

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

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

Signature:	Title/Company:
Print Name:	Date:

Permittee must submit this certification within 90 days of receiving authorization to discharge.

**Best Management Practices Plan
(BMP Plan)
Certification**

Facility Name: Warm Springs National Fish Hatchery

NPDES Permit Number: OR0054917

The BMP Plan is complete and is available upon request to the EPA and to the Confederated Tribes of the Warm Springs Reservation.

The BMP Plan is being implemented by trained employees.

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

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

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

Signature:	Title/Company:
Print Name:	Date:

Permittee must submit this certification within 90 days of receiving authorization to discharge.

Appendix D

Drug and Chemical Use Report Contents

WRITTEN REPORT FOR AGREEING TO PARTICIPATE IN AN INAD STUDY

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

Facility Name: _____ NPDES Permit Number: _____

Name of person submitting this report: _____

Date of agreement to participate in INAD study: _____

Date this written report will be submitted: _____

The first row is an example.

Expected Dates of Use	Name of INAD Used	Disease or Condition Intended to Treat	Method of Application	Dosage
09/09/04	Oxytetracycline	For controlling columnaris in trout	<input checked="" 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: _____	

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

(Submit a written report to the EPA within 30 days after initiating use of the drug)

Facility Name: _____ NPDES Permit Number: _____

Name of person submitting this report: _____

Date this written report will be submitted to the EPA: _____

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

The first row is an example.

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

* Applies only to drugs applied through medicated feed.

