



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

November 22, 2017

Michael Lidgard, NPDES Unit Manager
United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, OWW-191
Seattle, Washington 98101

RE: Clean Water Act Section 401 Water Quality Certification for EPA National Pollutant Discharge Elimination System (NPDES) Permit No. WA0001902 for the United States Fish and Wildlife Service Leavenworth National Fish Hatchery (LNFH)

Dear Mr. Lidgard:

This letter is in response to the United States Environmental Protection Agency's (EPA) letter, dated October 6, 2017, requesting Washington State Department of Ecology (Ecology) provide a final Clean Water Act Section 401 Certification for the NPDES Permit for **United States Fish and Wildlife Service Leavenworth National Fish Hatchery**.

AUTHORITIES:

In exercising authority under 33U.S.C § 1341, RCW 90.48.010, and RCW 90.48.260, Ecology has examined this request pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §1311, 1312, 1313, 1316, and 1317 (FWPC § 301, 302, 303, 306 and 307);
2. Conformance with state water quality standards contained in Chapters 173-200 and 173-201 A of the Washington Administrative Code and authorized by 33 U.S.C. § 1313; Groundwater Standards (Chapter 173-200 WAC); Sediment Management Standards (Chapter 173-204 WAC); human health-based criteria in the National Toxics Rule 40 CFR Part 131.45 (Federal Register, Vol. 81, No. 228, November 28, 2016, pages 85417 – 85437); and by chapter 90.48 RCW, and other applicable state laws; and
3. Conformance with the provision of using all known, available, and reasonable methods to prevent and control pollution of State waters as required by RCW 90.48.010.

EPA has requested Ecology provide a final Clean Water Act Section 401 water quality certification (WQC) for the aforementioned NPDES permit. Ecology is providing the attached conditions in response to EPA's request for a WQC. We understand EPA has incorporated these state-specific conditions into the NPDES permit via the state 401 water quality certification process. EPA is the regulatory agency which provides approval to Washington State Water Quality Surface Water Standards (Chapter 173-201A WAC). Contained in Washington's water quality standards are provisions for antidegradation. Prior to Ecology issuing this WQC, an antidegradation analysis was completed by EPA and provided to Ecology on June 15, 2017.



Michael Lidgard, NPDES Unit Manager
U.S. Environmental Protection Agency
November 22, 2017
Page 2

This certification is based on the conditions attached, in accordance with 40 CFR 124.53(e)(2). These conditions must be included in the final NPDES permit in order to meet the requirements in 40 CFR 124.53(e)(1) including the requirements of State law. These WQC conditions along with the appropriate CWA or State law reference upon which that condition is based are enclosed with this letter.

This WQC is based on the terms and conditions contained in the NPDES permit. If EPA issues a final NPDES permit that contains any significant changes from the NPDES, Ecology is suspending this WQC action on the final NPDES permit pending Ecology review of the final permit. In accordance with 40 CFR 124.53(e)(3), Ecology has determined that no WQC condition may be made less stringent in the NPDES permit without violating the requirements of Washington State law.

Ecology's final WQC conditions may be appealed by following the procedures described following the description of the conditions attached.

With this 401 WQC, the Washington State Department of Ecology (Ecology) conditionally certifies the modifications to NPDES Permit No. WA0001902 (Permit), subject to conditions listed in the attachment. The attached conditions are necessary to assure that discharges from the Leavenworth National Fish Hatchery (LNFH) will comply with Chapter 173-201A (Surface Water Quality Standards) of the Washington Administrative Code (WAC); and other appropriate requirements of State law.

If you have any questions or would like to discuss these matters further please contact David Bowen at (509) 457-7107 or david.bowen@ecy.wa.gov.

Sincerely,



David B. Bowen
Section Manager
Water Quality Program

Enclosure: Clean Water Act Section 401 Water Quality Certification

By Certified Mail: 91 7199 9991 7037 0226 2348

**Clean Water Act (CWA) Section 401 Water Quality Certification for
Permit No. WA0001902
United States Fish and Wildlife Service Leavenworth National Fish Hatchery**

The United States Environmental Protection Agency (EPA) is the regulatory agency in which provides approval to Washington State Water Quality Surface Water Standards (Chapter 173-201A WAC). Contained in Washington's water quality standards are provisions for antidegradation. Prior to the Washington State Department of Ecology (Ecology) issuing a CWA Section 401 Water Quality Certification (WQC), an antidegradation analysis must be completed. EPA provided their antidegradation analysis to Ecology on June 15, 2017, being the permitting authority for this National Pollutant Discharge Elimination System (NPDES) permit.

Final WQC of the modifications to the permit is conditional upon the final permit meeting the below conditions. Ecology understands EPA has incorporated these state-specific conditions into the NPDES permit. No condition may be made less stringent. This WQC addresses only the proposed modification to the permit and in no way limits Ecology's discretion to provide further requirements in a final WQC.

The below WQC conditions are based upon and in accordance with Chapter 90.48 of the Revised Code of Washington (RCW), State water quality standards (Surface Water Quality Standards Chapter 173-201A WAC); Groundwater Quality Standards (Chapter 173-200 WAC); and human health-based criteria in the National Toxics Rule 40 CFR Part 131.45 (Federal Register, Vol. 81, No. 228, November 28, 2016, pages 85417 – 85437); and other appropriate requirements of State law.

1. Temperature. In addition to EPA's permit requirements and compliance with the Wenatchee River Watershed Temperature Total Maximum Daily Load: Water Quality Improvement Report, Ecology further requires compliance with WAC 173-201A-200(1)(c)(ii)(A), which states "Incremental temperature increases resulting from individual point source activities must not, at any time, exceed $28/(T+7)$ as measured at the edge of a mixing zone boundary (where "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge)...".

Further, Ecology requires Leavenworth National Fish Hatchery (LNFH) monitor at the first intake (upstream of the project) and downstream of the discharge point into the receiving waters, the temperature of (a) each groundwater well in addition to any surface water entering the hatchery and all hatchery discharges to Icicle Creek. Ecology further requires temperature be monitored at a frequency of 15-minute intervals or less.

2. Phosphorus (P) Monitoring. The Wenatchee River Watershed Dissolved Oxygen and pH Total Maximum Daily Load: Water Quality Improvement Report (TMDL) sets the waste load allocation with a target maximum load of 0.52 kg/day for this facility and has a target concentration of 5.7 µg/L. Ecology recommends that compliance with the permit limit for Total P be based on mass i.e. daily load, not concentration. Using a daily mass load will address the TMDL waste load allocation. Further, if Total P will be based on daily load (mass not concentration), then the NPDES permit must detail how compliance will be determined. For example, compliance may be based on a rolling seasonal average or compliance may be based on a monthly compliance assessment that is described in each Discharge Monitoring Report (DMR).

Ecology requires monitoring by composite sample. Compliance reporting shall be based on the weekly average of monitoring with a frequency of two times per week, not exceeding 0.52 kg/day. Lastly, to be consistent with other loading limits in the permit, Ecology suggests compliance reporting units be translated to lbs/day.

3. Total Ammonia (N) Monitoring. Ecology requires monitoring to be done by composite sample.
4. Compliance Schedule. Ecology concurs with the Compliance Schedule in Section I.E.1 and further detailed in Table 4 of EPA's NPDES permit. The compliance schedule shall meet the water quality based effluent limit in the shortest practicable time and must not exceed ten (10) years from the date of the issuance of the NPDES permit, in accordance with Chapter 173-201A-510(4) WAC as amended May 9, 2011.

YOUR RIGHT TO APPEAL

You have a right to appeal this Clean Water Act Section 401 Water Quality Certification (WQC) to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of a Final WQC. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of 401 Conditional Certification:

- File your appeal and a copy of this WQC with the PCHB (see addresses on page 3). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this WQC on Ecology in paper form - by mail or in person. (See addresses on page 3.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

SIGNATURE

David B. Bowen

David B. Bowen
Section Manager
Water Quality Program
Central Regional Office

11/22/17

Date