



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 22, 2017

Center for Environmental Law & Policy (CELP) and Wild Fish Conservancy (WFC)
c/o: CELP
85 S. Washington Street #301
Seattle, WA 98104

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

Dear Interested Parties:

Comment letter dated September 15, 2017, from The Center of Environmental Law & Policy (CELP) and Wild Fish Conservancy (WFC):

- 1. The relevant water quality standards for Icicle Creek are not discussed.**
The Environmental Protection Agency (EPA) inserted the appropriate water quality standards in their Fact Sheet for NPDES Permit No. WA0001902.
- 2. The LNFH operations, and the role of those operations in causing or exacerbating water quality impairments are not discussed.**
EPA's NPDES Permit No. WA0001902 appears to satisfy Washington State's water quality standards for surface waters, in combination with, Ecology's conditions set forth in the draft water quality certification dated July 28, 2017. This comment also presented concerns regarding flow management. There is no requirement for Flow Management Operations in the current 401 water quality certification.
- 3. The draft certification does not discuss the relevant flows needed to attain standards in Icicle Creek.**
The NPDES permit and 401 water quality certification does not call for a mixing zone to attain standards. This comment further presented concerns meeting other state law requirements. The 401 water quality certification is not used for implementing other rules and does not supersede other rules (e.g. Wenatchee River Rule, 173-545).



4. Deficiencies in the draft NPDES permit issued by EPA.

EPA's NPDES Permit No. WA0001902 appears to satisfy Washington State's water quality standards for surface waters, in combination with, Ecology's conditions set forth in the draft water quality certification dated July 28, 2017.

5. EPA's antidegradation analysis.

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. EPA completed their antidegradation analysis on June 15, 2017, prior to Ecology issuing a draft 401 water quality certification.

6. Ecology must develop appropriate conditions for this 401 certification or deny it.

The conditions of the NPDES permit, the compliance schedule, and 401 water quality certification are set to meet Washington State Water Quality Standards.

Sincerely,



David B. Bowen
Section Manager
Water Quality Program