

DRAFT-August 27, 2015

Talking Points for SRRTTF comments on Ecology draft Upland Fin-fish Hatching and Rearing General Permit
Comments due October 5, 2015

Background –

Review: Sources reviewed and consulted include:

Washington, federal and other states similar permits
Studies by USGS and USFWS and Ecology and Montana DEQ
Contacts with researchers and with EPA Region 10 permit writer

Please review the draft permit and particularly the draft fact sheet and EPA recommendation to state re: FH permits in court submittal. Also Ecology response to EPA on proposed recommendations.

EPA Region 10 plans on issuing their revised general permit for federal FHs and those on tribal lands in Region 10 in October. Ecology and Tribes with CWA Authority must certify compliance with their own WQS under 401.

Excerpts from FHGP draft Fact sheet

Human Health

Washington's water quality standards include 91 numeric human health-based criteria that Ecology must consider when writing NPDES permits.Ecology has determined that the discharge from this industry group is unlikely to contain chemicals regulated for human health. However, the proposed permit requires Permittees that discharge to PCP listed waterbodies evaluate possible sources of Polychlorinated Biphenyls (PCBs) in the hatchery. See PCB Evaluation section below.

Sediment Quality

The aquatic sediment standards (WAC 173-204) protect aquatic biota and human health. Under these standards, Ecology may require a facility to evaluate the potential for its discharge to cause a violation of sediment standards (WAC 173-204-400).

Ecology has determined through a review of fish hatching and rearing facility wastewater characteristics that this discharge has no reasonable potential to violate the sediment management standards

Note: the permit contains no monitoring requirements to characterize levels of PCBs in the effluent, sediments or in river.

Overview; The draft seems to ignore numerous studies including those by Ecology that identify fish hatchery effluents and solids discharges as potential sources of PCB to receiving water and sediments.

- 1. The draft should recognize that fish hatcheries are potential sources of PCBs to the receiving waters and sediments.** Previous studies have identified PCBs in sediments and effluent from fish hatcheries as containing PCBs at levels that exceed state water quality and sediment management standards. PCBs in sediments may also contribute to sediment contamination requiring cleanup under MTCA or CERCLA. (See Montana Big Springs FH CERCLA cleanup) Fish tissue levels in hatchery raised fish have also been shown to exceed fish tissue levels associated with HHWQC and fish advisory levels with FH paints, caulks and feed as possible sources.
- 2. The draft should require monitoring of effluents, receiving waters and sediments for PCBs to characterize effluent. Monitor using methods included in other point source discharge permits.**

The only way to determine whether the FH effluent (and settling pond sediments) exceed state (and downstream?) WQ and sediments is to require the FH's to, at a minimum, conduct screening level monitoring.

See other EAP effluent and sediment characterization studies to identify sources for plans.

- 3. PCB reduction activities inadequate per requirement to comply with WQS See S6.C. PCB Reduction Activities and BMPs**

Use of a product (paint, caulk or feed) with levels of PCBs that cause or contribute to an exceedence of HHWQC in effluent (or sediments, groundwater) are not exempt the discharge from compliance with permit condition to meet water quality and sediment standards. Cost considerations (feed) are generally not considered in assessing compliance.

Permit should not allow paint with PCBs at levels that cause or contribute to violation of this permit provision regardless of compliance with TSCA or FDA levels

Permit should not allow use of feed with PCBs at levels that cause or contribute to violation of wqs regardless of cost. (See also preferential purchasing policy as applicable to state purchases.)

Other Issues Comment only as related to Spokane River or statewide?

Little Spokane River FH-recommend individual permit or order?

How does this apply to SR PCB "control plan" S1.C. Facilities Excluded from Coverage Ecology will not provide coverage under this general permit when: 1.

Facilities discharging to a water body with a Total Maximum Daily Load (TMDL) water clean-up plan or other control plan **unless...see permit for full text**