

United States Environmental Protection Agency
 Region 10
 1200 Sixth Avenue, Suite 900
 Seattle, Washington 98101

**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",

Epicenter Aquaculture

is authorized to discharge from its facility located near Challis, Idaho, at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	Warm Springs Hydro-Canal	44 23' 30" N	114 06' 40" W

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

A copy of this Permit shall be kept at the facility where discharges occur.

This permit shall become effective December 1, 2007.

This permit and the authorization to discharge shall expire at midnight, November 30, 2012.

Each permittee shall reapply for a permit reissuance on or before June 3, 2012, 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 25th day of October, 2007

/s/ Christine Psyk for
 Michael F. Gearheard, Director
 Office of Water and Watersheds

Table of Contents

Schedule of Submissions	4
I. Limitations and Monitoring Requirements	5
A. Discharge Authorization.....	5
B. Effluent Limitations	5
C. Prohibited Discharges.....	5
D. Prohibited Practices.....	6
E. Facility Monitoring Requirements	6
F. Quality Assurance (QA) Plan.....	9
II. Best Management Practices Plan	10
A. Purpose	10
B. Development and Implementation Deadline	10
C. Certification.....	10
D. Annual Review	10
E. Requirements of the BMP Plan	10
F. Documentation	12
G. BMP Plan Modification.....	12
III. Aquaculture Specific Reporting Requirements	12
A. Drug and Other Chemical Use and Reporting Requirements	12
B. Structural failure or damage to the facility.....	13
C. Spills of feed, drugs, pesticides or other chemicals	13
D. Annual Report of Operations	13
IV. Standard Monitoring, Recording and Reporting Requirements	13
A. Representative Sampling (Routine and Non-Routine Discharges)	13
B. Reporting of Monitoring Results.....	14
C. Monitoring Procedures	15
D. Additional Monitoring by Permittee	15
E. Records Contents.....	15
F. Retention of Records.....	15
G. Twenty-four Hour Notice of Noncompliance Reporting	15
H. Other Noncompliance Reporting.....	16
V. Compliance Responsibilities	17
A. Duty to Comply	17
B. Penalties for Violations of Permit Conditions.....	17
C. Need To Halt or Reduce Activity not a Defense.....	18
D. Duty to Mitigate	18
E. Proper Operation and Maintenance.....	18
F. Bypass of Treatment Facilities	19
G. Upset Conditions	19
H. Toxic Pollutants.....	20

I. Planned Changes 20

J. Anticipated Noncompliance 21

VI. General Provisions 21

A. Permit Actions 21

B. Duty to Reapply..... 21

C. Duty to Provide Information 21

D. Other Information..... 21

E. Signatory Requirements 22

F. Availability of Reports 23

G. Inspection and Entry..... 23

H. Property Rights..... 23

I. Transfers 23

J. Permit reopener and modification. 23

K. State Laws 24

VII. Definitions..... 24

Tables

Table 1: Effluent Limitations5

Table 2: Raceway and Associated Full-flow Settling Basin Discharge
Monitoring Requirements7

Table 3: Method Detection Levels8

Appendices

- Appendix A: Flow Measurement Methods Approved by Idaho Department of Water Resources
- Appendix B: Effluent calculations
- Appendix C: Quality Assurance Plan and Best Management Practices Plan Certification
- Appendix D: Drug and Chemical Use Report Contents
- Appendix E: Annual Report Contents

Schedule of Submissions

The following is a summary of some of the items which the permittee must complete and/or submit to the U.S. Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) during the term of this permit:

Item	Due Date
1. Discharge Monitoring Reports (DMRs)	DMRs are due monthly and must be postmarked by the 20 th day of the following month.
2. Quality Assurance Plan (QA Plan)	The permittee must develop and implement a QA Plan within 60 days of the effective date of this permit (see Part I.G.). The Plan must be kept on site and made available to EPA and IDEQ upon request. The permittee must submit a certification that the QA Plan has been developed and implemented to EPA and IDEQ within 90 days of the effective date of this permit.
3. Best Management Practices (BMP) Plan	The permittee must submit a certification that the BMP Plan has been developed and implemented to EPA and IDEQ within 90 days of the effective date of this permit (see Part II.C.).
4. Submittal of a permit application	The application to continue coverage under the next permit must be submitted by <i>June 3, 2012</i> (see Part VI.B.).
5. Annual Report	The Annual Report must be submitted by January 20 th each year (see Part III.D).

I. 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 in this permit to the Warm Springs Hydro-Canal, 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, including non-production facilities, such as incubators, laboratories, etc. It does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permittee's application nor does it authorize the discharge of any pollutants that are not ordinarily present in such waste streams.

B. Effluent Limitations

The permittee must limit discharges from all outfalls authorized under this permit as specified in Table 1, below. All limits represent maximum effluent limits, unless otherwise indicated. The permittee must comply with the applicable effluent limits at all times, unless otherwise indicated, regardless of the frequency of monitoring required in Table 2, below, or reporting required by Part IV.B, below.

Table 1		
Effluent Limitations		
Parameter	Limitations (mg/l)	
	Average Monthly	Maximum Daily
<i>Net</i> ¹ TSS	12.7	31.5
<i>Net</i> Total Phosphorus	0.2	0.4

¹ Net addition = effluent concentration – influent concentration. See Appendix B.

C. Prohibited Discharges

1. Discharges from aquaculture facilities must not cause or contribute to a violation of Idaho State Water Quality Standards.
2. The permittee must not discharge:
 - a. Any floating solids or visible foam in other than trace amounts on the surface of the receiving water;

- b. Any hazardous materials in concentrations found to be of public health significance or to impair designated beneficial uses;
- c. Any sludge, grit and accumulated solid residues;
- d. Any untreated cleaning wastewater (e.g., obtained from a vacuum or standpipe bottom drain system or rearing/holding unit disinfection); or
- e. Any floating, suspended or submerged matter, including dead fish, in amounts causing nuisance or objectionable condition or that may impair designated beneficial uses in the receiving water.
- f. Any toxic substances, including drugs, pesticides, or other chemicals, in concentrations that impair designated uses.
- g. Any deleterious materials in concentrations that impair designated beneficial uses.
- h. Any oxygen-demanding materials in concentrations that would result in an anaerobic water condition.

D. Prohibited Practices

The permittee is prohibited from engaging in any of the following practices:

1. Practices (e.g., the removal of dam boards in raceways or ponds) which allow accumulated solids to be discharged to waters of the United States.
2. Sweeping, raking, or otherwise intentionally discharging accumulated solids from raceways or ponds to waters of the United States.
3. Containing, growing or holding fish within an offline or full-flow settling basin; this prohibition does not apply to “basins” or ponds where fish are used as part of the waste treatment system.
4. Containing, growing or holding transgenic or non-native fish or eggs without a current permit issued by the Idaho Department of Fish and Game for importation, transportation or release or sale or export for such species, unless a permit is not required under IDAPA §13.01.10.100.

E. Facility Monitoring Requirements

1. The permittee must monitor discharges from all outfalls authorized under this permit as specified in Table 2, below.
 - a. Timing. All influent and effluent samples and flow measurements must be taken on the same day. Facilities with multiple effluent discharge points and/or influent points must composite samples from all points proportionally to their respective flows. Only the composite sample must be analyzed.

- b. Location. The permittee must collect effluent samples from the effluent stream just prior to discharge into the receiving waters or, if it mixes with other flows prior to discharge, just before the subsequent mixing with other flows. For facilities with raceway(s) discharging to a full-flow settling basin(s), the permittee must collect effluent samples from the full-flow settling basin(s) just prior to discharge into the receiving waters.
- c. Small discharges. Facilities with small discharges that comprise less than 1% of the total raceway flows are not required to monitor these discharges for pollutant quality as long as the effluent quality of these discharges is substantially identical to monitored discharges from the facility, and the permittee provides in its Quality Assurance Plan the justification for excluding such discharges from its routine effluent pollutant monitoring. Such justification must address the reason the effluent quality is expected to be identical to the monitored outfall and the quantification that shows the sum of such flows is less than one percent of the monitored outfall's flow; see Part II.G. Quality Assurance Plan. The flow of these small discharges must be monitored at a minimum of once per year, and the flow data used in calculating facility pollutant loads.

Table 2				
Raceway and Associated Full-flow Settling Basin Discharges				
Monitoring Requirements				
Parameter	Units	Sample Frequency	Sample Type	Sample Location
Flow	cfs	1/month ²	Approved method ³	Effluent ⁴
Total Suspended Solids	mg/l	1/quarter ⁵	Composite ⁶	Influent ⁷ & Effluent
	lbs/day ⁸			
Total Phosphorus	mg/l	1/quarter ⁵	Composite ⁶	Influent ⁷ & Effluent
	lbs/day ⁸			
Temperature	°Celsius	1/month ²	Thermometer	Effluent
Total Recoverable Copper	mg/l	1/quarter ^{5,9}	Composite ⁶	effluent
Hardness	mg/l	1/quarter ^{5,9}	Composite ⁶	effluent

Notes continue on next page.

² Monitoring must begin in the first full calendar month of permit coverage.

³ Flow measurement method must be one of those specified in Appendix A, Part I.A, unless IDWR authorizes a non-standard device as allowed in Part I.B. This requirement applies to measuring flow at each point where pollutants are measured. Alternatively to an IDWR approved method, the total volume discharged can be calculated by multiplying the pump time and the pump rate during cleaning.

⁴ Flow measurement must be taken concurrently with each pollutant sampling, when applicable, once for every composite sample; it may be taken on either the influent or effluent as long as the measurement at that location accurately reflects the discharge flow to the receiving water.

⁵ This monitoring is only required once per calendar quarter, beginning in the first full calendar quarter after permit issuance.

⁶ Composite samples must consist of four (4) or more discrete samples taken at one-half hour intervals or greater in a 24-hour period; at least one fourth of the samples must be taken during quiescent zone or raceway cleaning. If the facility has multiple effluent discharge points and/or influent points, it must composite samples from all points proportionally to their respective flows. Only the composite sample must be analyzed. Facilities using spring water as influent sources for determining net TP and TSS discharge may elect to take grab samples instead of composite, when influent water quality is shown to not vary during the course of the day.

⁷ All influent and effluent samples and flow measurements must be taken on the same day.

⁸ See Appendix B (Effluent Calculations) for guidance on calculating loads.

⁹ Only when using chelated copper compounds or copper sulfate.

2. Method Detection Limits (MDL).

a. The permittee must use methods that can achieve method detection limits less than or equal to those specified in Table 3.

b. For purposes of reporting on the DMR, if a value is greater than the method detection limit, the permittee must report the actual value. If an influent or effluent value is less than the method detection limit, the permittee must report “less than {numeric MDL}” on the DMR, but use one-half the method detection limit when calculating the net value. If both influent and effluent values are less than the method detection limit, the permittee must report “less than {numeric MDL}” on the DMR, and use one-half the method detection limit for calculating monthly averages. See Appendix B (Effluent Calculations).

Parameter	Method Detection Limit (MDL)
Phosphorus	0.005 mg/l
Total Suspended Solids	2 mg/l
Ammonia Nitrogen as N	0.01 mg/l
pH	0.1 S.U.
Temperature	0.1° C
Total Recoverable Copper	3 µg/l
Hardness	10 mg/l

3. Quality assurance/quality control plans for all the monitoring must be documented in

the Quality Assurance Plan required under Part I.F (Quality Assurance Plan).

F. Quality Assurance (QA) Plan

The permittee must develop a quality assurance (QA) plan for all monitoring required by this permit. The plan must be developed and implemented within 60 days of coverage under this permit. Any existing QA Plans may be modified to meet this requirement. The permittee must certify that a QA Plan has been developed and is being implemented and must submit the certification, which includes the information specified in Appendix C, to EPA and to IDEQ (see Part IV.B, below) within 90 days of the effective date of this permit.

1. The QA Plan must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved 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.
3. At a minimum, the QA Plan must include the following:
 - a) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantification limits for each parameter, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements (see Part IV.A.-F. for additional requirements regarding monitoring);
 - b) Description of flow measuring devices or methods used to measure influent and/or effluent flow at each point, calibration procedures, and calculations used to convert to flow units. If a permittee's facility has multiple effluent discharge points and/or influent points, it must describe its method of compositing samples from all points proportionally to their respective flows.
 - (1) A permittee using water from multiple springs as its influent must provide evidence of insignificant variability among its influent sources over the course of a day, if it elects to take grab samples instead of composites from each source when conducting influent sampling.
 - (2) A permittee who elects to not monitor small discharges that comprise less than 1% of the total raceway flows must provide justification that the effluent quality of these discharges is substantially identical to monitored discharges from the facility and that the flows are less than 1% of the monitored outfall's flow. The rationale must include a comparison of pollutant sampling results from both these small discharges and the main discharge point(s).
 - c) Maps indicating the location of each sampling point. The location of the small discharges that comprise less than 1% of the total raceway flows must also be included

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

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

- d) Qualification and training of personnel; and
 - e) Name, address and telephone number of the laboratory used by or proposed to be used by the permittee.
4. 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.
 5. Copies of the QA Plan must be kept on site and made available to EPA and IDEQ upon request.

II. Best Management Practices Plan

A. 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 the waters of the United States and ensure disposal or land application of wastes in such a way as to minimize negative environmental impact and comply with relevant Idaho solid waste disposal regulations.

B. Development and Implementation Deadline

The permittee must develop and implement a BMP Plan which meets the specific requirements listed in Part II.E, below. An existing BMP Plan may be modified for use under this section. The permittee must implement the provisions of the BMP Plan as conditions of this permit within 90 days of the effective date of this permit.

C. Certification

The permittee must certify that a BMP Plan has been developed and is being implemented, The certification must be submitted to EPA and to IDEQ (see Part IV.B., below) and must include the information specified in Appendix C. The permittee must submit the certification within 90 days of the effective date of this permit.

D. Annual Review

1. The permittee must review the BMP Plan annually.
2. 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 EPA in the Annual Report of Operations, due by January 20 each year. See Appendix E.

E. Requirements of the BMP Plan

The BMP Plan must include, at a minimum, the following BMPs:

1. Chemical Storage:
 - a. Ensure proper storage of drugs and other chemicals to prevent spills that may result in the discharge to waters of the United States.

- b. Implement procedures for properly containing, cleaning, and disposing of any spilled materials.
2. Structural Maintenance:
 - a. Routinely inspect rearing and holding units and waste collection and containment systems to identify and promptly repair damage.
 - b. Regularly conduct maintenance of rearing and holding units and waste collection and containment systems to ensure their proper function.
 3. Training Requirements:
 - a. 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.
 - b. Train personnel on proper structural inspection and maintenance of rearing and holding units and waste collection and containment systems.
 4. Operational Requirements:
 - a. Water used in the rearing and holding units or hauling trucks which is disinfected with chlorine or other chemicals must be treated before it is discharged to waters of the U.S.
 - b. Treatment equipment used to control the discharge of floating, suspended or submerged matter must be cleaned and maintained at a frequency sufficient to prevent overflow or bypass of the treatment unit by floating, suspended, or submerged matter.
 - c. Procedures must be implemented to prevent fish from entering quiescent zones, full-flow and off-line settling basins. Fish which have entered quiescent zones or basins must be removed as soon as practicable.
 - d. 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 EPA and IDEQ in accordance with Part III.A, below:
 - (1) Participation in Investigational New Animal Drug (INAD) studies, using established protocols; or
 - (2) Extralabel drug use, as prescribed by a veterinarian.
 - e. Chelated copper compounds and copper sulfate, when used, must be applied to only one raceway at a time. For required concurrent monitoring, see section I.E.
 - f. Identify and implement procedures to collect, store, and dispose of wastes, such as biological wastes, in accordance with IDAPA §02.04.17 and IDAPA §58.01.02. Such wastes include fish mortalities and other processing solid wastes from aquaculture.
 - g. Implement procedures to control the release of transgenic or non-native fish or their diseases as specified in any permit(s) issued by the Idaho Department of Fish

and Game for the importation, transportation, release or sale of such species, in accordance with IDAPA §13.01.10.100.

h. Implement procedures to eliminate the release of PCBs from any known sources in the facility, including paint, caulk, or feed.

F. Documentation

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

G. 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 in accordance with Part II.C., above.

III. Aquaculture Specific Reporting Requirements

(See Part IV for standard reporting requirements)

A. Drug and Other Chemical Use and Reporting Requirements

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

1. Use of Drugs, Pesticides, and Other Chemicals

a. All drugs, pesticides and other chemicals must be applied in accordance with label directions.

b. Records required

Records of all applications of drugs, pesticides, and other chemicals must be maintained and must include, at a minimum, information specified in Appendix D (Drug Use Report Contents). This information must also be summarized in the annual report as required in Part III.D below.

2. Investigational New Animal Drugs (INAD) and Extralabel Drug Use.

The following written and oral reports must be provided to EPA and IDEQ 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 FDA or for a different aquatic animal species or disease:

a. Anticipated INAD Study participation and Extralabel drug use:

Written Report: A permittee must provide a written report to EPA and IDEQ within seven days of agreeing or signing up to participate in an INAD drug study, or

receiving a prescription for extralabel drug use. The report must include the information specified in Appendix D.

b. Actual Use of INADs or Extralabel Drug Use:

(1) Oral report:

For INAD and extralabel drug uses, the permittee must provide an oral report to EPA (206-553-1846) and to IDEQ (see Part IV.B. below) 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 INADs and extralabel drug uses, the permittee must provide to EPA and IDEQ a written report within 30 days after initiating use of the drug. The report must include the information specified in Appendix D.

B. Structural failure or damage to the facility

Failure or damage to the facility must be reported to EPA and IDEQ orally within 24 hours and in writing within five days when there is a resulting discharge of pollutants to waters of the U.S. Reports must include the identity and quantity of pollutants released. (See Representative Sampling and Noncompliance Reporting in Parts IV.A and G)

C. Spills of feed, drugs, pesticides or other chemicals

The permittee must monitor and report to EPA and IDEQ any spills 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 Parts IV.A. and G.)

D. 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 to EPA and IDEQ. A copy of the annual report and the data used to compile it must be available to EPA and IDEQ upon request and during inspections. The report must include the information specified in Appendix E (Annual Report Contents).

IV. Standard Monitoring, Recording and Reporting Requirements

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

Samples and measurements must be representative of the volume and nature of the monitored discharge or source water.

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 Part I.B (Effluent Limitations) that are likely to be affected by the discharge.

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

B. Reporting of Monitoring Results

The permittee must summarize monitoring results, including influent, effluent, and net results, each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent.

1. Paper copy submissions.

The permittee must submit reports monthly, postmarked by the 20th day of the following month. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part VI.E (“Signatory Requirements”). The permittee must submit the legible originals of these documents to the EPA Region 10 Director, Office of Compliance and Enforcement, with copies to IDEQ at the addresses below:

US EPA Region 10, OCE-133
Attn: ICIS Data Entry Team
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

Idaho Department of Environmental Quality
Regional Manager – Water Quality
Idaho Falls Regional Office
900 N. Skyline
Idaho Falls, Idaho 83402

2. Electronic submissions

If, during the period when this permit is effective, EPA makes electronic reporting available, the permittee may, as an alternative to the requirements in §V.B.1, above, submit reports monthly, electronically by the 20th day of the following month, following guidance provided by EPA. The permittee may also submit electronically the annual report as required in §IV.D, above. The permittee must certify all DMRs, and all other reports, in accordance with the requirements of Part VII.E. (“Signatory Requirements”). The permittee must retain the legible originals of these documents and make them

available, upon request, to the EPA Region 10 Director, Office of Compliance and Enforcement and to IDEQ.

C. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless 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 Part 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 IDEQ, 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 submittal. This period may be extended by request of EPA or IDEQ at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of the permit must be maintained on site during the duration of activity at the permitted location.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must report the following occurrences of noncompliance by telephone to EPA (206-553-1846), and to IDEQ at the phone numbers listed in §I.C.1, above, as

soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances (for noncompliance that endangers listed Snake River snail species, a permittee also must report within 24 hours to the U.S. Fish and Wildlife Service at 208-378-5243):

- a. any discharge to the receiving water not authorized under this permit;
 - b. any noncompliance that may endanger health, the environment or listed Snake River snail species;
 - c. any unanticipated bypass that exceeds any effluent limitation in the permit (See Part V.F., “Bypass of Treatment Facilities”); or
 - d. any upset that exceeds any effluent limitation in the permit (See § V.G., “Upset Conditions).
2. For incidents involving releases of hazardous or deleterious chemicals to the environment, the permittee must contact the Idaho State Communications Center (StateComm) at 1-800-632-8000 as soon as possible.
3. 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.
4. 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.
5. Reports must be submitted to the addresses in § IV.B (“Reporting of Monitoring Results”). Reports on noncompliance that endangers listed Snake River snail species must be sent also to the U.S. Fish and Wildlife Service, Snake River Office, 1387 South Vinnell Way, Room 368, Boise, Idaho 83709.

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.IV.B (“Reporting of Monitoring Results”) are submitted. The report must contain the information listed in §IV.G.3 of this permit (“Twenty-four Hour Notice of Noncompliance Reporting”).

V. 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, or for denial of a permit renewal application.

B. Penalties for Violations of Permit Conditions

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR §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 \$32,500 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 Part 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 \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500). Pursuant to 40 CFR Part 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 \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).
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 §§ 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 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 IV.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 or IDEQ may take enforcement action against the permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) 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
 - (3) The permittee submitted notices as required under §2 of this Part.
 - b. The Director of the Office of Compliance and Enforcement and IDEQ may approve an anticipated bypass, after considering its adverse effects, if the Director and IDEQ determine that it will meet the three conditions listed above in §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 §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 IV.G, (Twenty-four Hour Notice of Noncompliance Reporting); and
 - d. The permittee complied with any remedial measures required under Part V.D, (Duty to Mitigate).
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Toxic Pollutants

The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

I. Planned Changes

1. The permittee must give notice as soon as possible to the Director of the Office of Water and Watersheds and to IDEQ of any planned physical alterations or additions to the permitted facility whenever:
 - a. 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
 - b. The alteration or addition, including production changes, could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.
2. The permittee must submit the notification to the following addresses:

US EPA Region 10, OWW-130
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

Idaho Department of Environmental Quality
Idaho Falls Regional Office
900 N. Skyline
Idaho Falls, Idaho 83402

3. A permittee must submit to IDEQ all plans and specifications for the construction, modification, expansion, or alteration of waste treatment or disposal facilities for review

and approval before construction may begin (Idaho Code § 39-118).

J. Anticipated Noncompliance

The permittee must give advance notice to the Director of the Office of Compliance and Enforcement and IDEQ of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

VI. General Provisions

A. Permit Actions

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

B. Duty to Reapply

If the permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. In accordance with 40 CFR §122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Regional Administrator, the permittee must submit a new application at least 180 days before the expiration date of this permit.

If the application is received by that deadline, even if the permit is not reissued before the expiration date, the conditions of the permit will continue in force until the effective date of the subsequently reissued permit. If the facility is no longer operating but still has a potential to discharge when the permit is due to expire, the permittee must reapply for coverage.

C. Duty to Provide Information

The permittee must furnish to EPA and IDEQ, within the time specified in the request, any information that EPA or IDEQ 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 IDEQ, 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 an application or that it submitted incorrect information on an application or any report to EPA or IDEQ, it must promptly submit the omitted facts or corrected information.

E. Signatory Requirements

All applications, reports or information submitted to EPA and IDEQ must be signed and certified as follows.

1. All applications must be signed by the permittee 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 IDEQ 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, 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 IDEQ.
3. Changes to authorization. If an authorization under § VI.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 § VI.E.2 must be submitted to the Director of the Office of Compliance and Enforcement and IDEQ 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, 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; IDEQ; or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

H. Property Rights

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

I. Transfers

This permit is not transferable to any person except after notice to the Director of the Office of Water and Watersheds as specified in § V.I. 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 of the permit is mandatory).

J. Permit reopener and modification.

EPA is authorized to modify or revoke and reissue a permit pursuant to 40 CFR §122.62. Effluent limits, monitoring requirements or other permit conditions may be modified if new

information is received which was not available at the time of issuance and would have justified the application of different permit conditions at the time of issuance (e.g. information showing violations of state water quality standards). This includes information indicating cumulative effects which are unacceptable. New information may originate from future waste load allocations and biological opinions issued pursuant to the Endangered Species Act.

K. 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.

VII. Definitions

1. "Act" means the Clean Water Act.
2. "Administrator" means the Administrator of the EPA, or an authorized representative.
3. "Aquaculture facility" means a hatchery, fish farm, or other facility which contains, grows, or holds fish for later harvest (or process) and sale or for release for conservation enhancement purposes.
4. "Average monthly limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
5. "Beneficial use" means any of the various uses which may be made of the water of Idaho, including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, navigation, recreation in and on the water, wildlife habitat, and aesthetics. (IDAPA §58.01.003.04).
6. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
7. "Biosolids" means waste material from an aquaculture facility, primarily fish manure and uneaten feed.
8. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
9. "CFR" means Code of Federal Regulations.
10. "cfs" means cubic feet per second.
11. "CWA" means Clean Water Act, 33 U.S.C. §1251 *et seq.*
12. "cold water aquatic animals" include, but are not limited to, the *Salmonidae* family of fish: e.g., trout and salmon.

13. “compliance schedule” means a schedule of remedial measures included in a permit (or authorization to discharge), including an enforceable sequence of interim requirements (for example, actions, operation, or milestone events) leading to compliance with the CWA and regulations. (40 CFR§122.2)
14. “composite” sample means a combination of four (4) or more discrete samples taken at one-half hour intervals or greater over a 24-hour period; at least one fourth of the samples must be taken during quiescent zone or raceway cleaning. Facilities with multiple effluent discharge points and/or influent points must composite samples from all points proportionally to their respective flows.
15. “DMR” means discharge monitoring report, the EPA uniform national form, including any subsequent modifications, for the reporting of self-monitoring results by permittees.
16. “Daily discharge” means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
17. “Deleterious material” means any nontoxic substance which may cause the tainting of edible species of fish, taste and odors in drinking water supplies, or the reduction of the usability of water without causing physical injury to water users or aquatic and terrestrial organisms. (IDAPA §58.01.02.003.23)
18. “Director of the Office of Compliance and Enforcement” means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
19. “Director of the Office of Water and Watersheds” means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.
20. “Discharge” means discharge of a pollutant to waters of the U.S. (40 CFR §122.2)
21. “EPA” means the United States Environmental Protection Agency.
22. “Environmental assessment (EA)” consists of a brief discussion of the following: the need for the proposal; alternatives (when there is an unresolved conflict concerning alternative uses of available resources); the environmental impacts of the proposed action and alternatives; and a listing of agencies and persons consulted.
23. “Environmental impact statement (EIS)” consists of discussions of the purpose of and need for the action, alternatives, the affected environment, the environmental consequences of the proposed action, lists of preparers, agencies, organizations and persons to whom the statement is sent, an index, and an appendix (if any).
24. “Extralabel drug use” means a drug approved under the Federal Food, Drug, and Cosmetic Act that is not used in accordance with the approved label directions, see 21 CFR Part 530.
25. “FDA” means Food and Drug Administration.
26. “FIFRA” means Federal Insecticide, Fungicide, and Rodenticide Act.

27. “Finding of No Significant Impact (FNSI or FONSI)” is a document issued by a federal agency, such as EPA, if an environmental assessment finds that a proposed action will have no significant impact (FONSI). The FONSI may address measures which an agency will take to reduce (mitigate) potentially significant impacts.
28. “General permit” means an NPDES permit issued under 40 CFR §122.28 authorizing a category of discharges under the CWA within a geographical area.
29. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.
30. “Hazardous material” means a material or combination of materials which, when discharged in any quantity into state waters, presents a substantial present or potential hazard to human health, public health, or the environment. [IDAPA §58.01.02.010.43]
31. “Harvestable weight” means amount in pounds of live fish removed from the facility.
32. “IDAPA” means Idaho Administrative Procedure Act; the acronym refers to the compilation of promulgated administrative rules in Idaho.
33. “IDEQ” means the Idaho Department of Environmental Quality.
34. “INAD” means *Investigational New Animal Drug*, which is 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.
35. “Maximum daily limitation” means the highest allowable “daily discharge.”
36. “Method Detection Limit (MDL)” means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
37. “Minimum Level (ML)” means 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.
38. “Monthly average”—see “average monthly limitation”.
39. “NPDES” means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under Sections 307, 402, 318, and 405 of the CWA.
40. “Net” means the difference between influent and effluent load, concentration or volume.
41. “New source” means a facility from which there is or may be a pollutant discharge, the construction of which commenced after September 22, 2004. [40 CFR §122.2].
42. “Nuisance” means anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the state. (IDAPA 58.01.02.003.73)

43. "Off-line settling basin" means a constructed retention basin that receives wastewater from cleaning of other aquaculture facility rearing/holding units or quiescent zones, or both, for the retention and treatment of the wastewater through settling of solids.
44. "Permittee" means the operator who has substantial control over the day-to-day operations of the facility; when a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit [40 CFR §122.21(b)].
45. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
46. "Pond" means an earthen-bottomed rearing/holding unit for fish production.
47. "Production" means the amount of fish grown and fed in a given period of time for harvest, processing, or release.
48. "QA Plan" means quality assurance plan.
49. "QA/QC" means quality assurance/quality control.
50. "Regional Administrator" means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
51. "s.u." means Standard Units (a measure of pH).
52. "solids" means sand, silt, or other debris collected from facility intake or source waters, and accumulated waste material from aquaculture raceways and their quiescent zones, offline settling basins, full-flow settling basins, ponds, or other areas of the accumulation.
53. "Severe property damage" means 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.
54. "TMDL" means Total Maximum Daily Load, which is the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background.
55. "TP" means Total Phosphorus.
56. "TSS" means Total Suspended Solids.
57. "Technology-based effluent limitation" means wastewater treatment requirements under Section 301(b) of the CWA that represent the minimum level of control that shall be imposed in a permit issued under Section 402 of the CWA. (IDAPA §58.01.02.003.117)
58. "U.S.C." means United States Code.
59. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include

noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

60. “WLA” means Wasteload Allocation, which is the portion of a receiving water’s load capacity that is allocated to one of its existing or future point sources of pollution. (IDAPA §58.01.02.003.129)
61. “Waters of the United States (or waters of the U.S.)” means
- a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 - b) All interstate waters, including interstate wetlands;
 - c) All other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands”, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (iii) Which are used or could be used for industrial purposes by industries in interstate commerce;
 - d) All impoundments of waters otherwise defined as waters of the United States under this definition;
 - e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
 - f) The territorial sea; and
 - g) “Wetlands” adjacent to water (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. (40 CFR §122.2)

Appendix A

Flow Measurement Methods

Approved by

Idaho Department of Water Resources

Flow Measurement Methods

Approved by Idaho Department of Water Resources¹⁰

The source and means of diversion of water, whether surface or ground water, generally determines the measurement and reporting process. Surface water sources such as streams, springs and waste channels are normally diverted into open channels (ditches or canals), but closed conduits (pipes or culverts) are also used. Ground water is usually diverted into pipes (which may also discharge into open channels).

Measuring devices are required at or near the point of diversion from the public water source.

SURFACE WATER DIVERSIONS

I. Flow Measurement

The following discussion is applicable only to diversions from surface water sources. Measurement of a ground water diversion with an open channel measuring device must be pre-approved by the Department.

A. Standard Open Channel Measuring Devices

All open channel flow diversions should be measured using one of the following standard open channel flow measuring devices commonly used in Idaho:

- contracted rectangular weir
- suppressed rectangular weir
- cipolletti weir
- 90 degree V-notch weir
- ramped broad crested weir (or ramped flume)
- parshall flume
- trapezoidal flume
- submerged rectangular orifice
- constant head orifice

Construction and installation of these devices should follow published guidelines. References are available upon request.

B. Non-standard open channel devices: Rated Structures or Rated Sections

IDWR may authorize the use of non-standard devices and rated sections provided the device or section is rated or calibrated against a set of flow measurements using an acceptable open channel current meter or a standard portable measuring device. Further restrictions and requirements are available from the Department upon request.

C. Closed conduit measuring devices

Refer to the Ground Water measuring section for installation, accuracy, and calibration standards of closed conduit measuring devices.

II. Reporting

All surface water measuring devices, rated structures and rated sections should be read and readings recorded at least once per week, and more frequently if necessary. IDWR will accept the assumption of constant flow rates between readings if flow rates are continuous and reasonable constant. Forms will be provided for recording dates, stage (or water levels) and flow rates.

Users with diversions located within water districts may report their diversions individually to IDWR or provide for the water district water master to report their diversions in acceptable annual water distribution reports. Ground water diversions are not normally included in a water district, and must be reported individually.

¹⁰ ***Excerpt From:*** State of Idaho Department of Water Resources (IDWR). Minimum Acceptable Standards for Measurement and Reporting of Surface and Ground Water Diversions.

Appendix B

Effluent Calculations

Guidance on Calculating Effluent Values

1. Calculating “Net” Effluent Values

- a. **Pollutant Concentrations** for TSS and Total Phosphorus 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 load may either increase or decrease as the water passes through the facility. It is calculated as follows:

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

$$\text{Net concentration (mg/l)}$$

2. Conversion from concentration to mass values:

The following calculations are conducted separately for **raceway discharges** and for **off-line settling basins** (if applicable). The two results are added together to yield the total loading discharged from the facility; see *step d*, below.

- a. **Pollutant levels** are measured in terms of concentration, usually in milligrams/liter (mg/l). If they are reported in micrograms /liter ($\mu\text{g/l}$), divide by 1000 to get the result in mg/l.

$$\frac{1 \mu\text{g}}{\text{liter}} \times \frac{1 \text{mg}}{1000\mu\text{g}} = 0.001 \text{mg/l}$$

Therefore: $\underline{\underline{\mu\text{g/l} / 1000 = \text{mg/l}}}$

- b. **Flow** is usually measured in cubic feet per second (cfs) or gallons per minute (gpm). If it is measured in gpm, divide by 448.8 to convert to cfs.

$$\frac{1 \text{gallon}}{\text{minute}} \times \frac{1 \text{minute}}{60 \text{seconds}} \times \frac{1 \text{cu. ft.}}{7.48 \text{gals}} = 1/448.8 \text{ cfs}$$

Therefore: $\underline{\underline{\text{gpm} / 448.8 = \text{cfs}}}$

- c. **Load** (in pounds/day) is calculated using the concentration and flow measurements for the day of pollutant sampling:

$$\frac{1 \text{ mg}}{\text{l}} \times \frac{28.3 \text{ liters}}{\text{cu. ft}} \times \frac{\text{cu. ft.}}{\text{sec.}} \times \frac{86400 \text{ secs}}{\text{day}} \times \frac{2.2 \text{ lbs}}{1,000,000 \text{ mg}} = \text{lbs/day}$$

Therefore: **mg/l × cfs × 5.4 = lbs/day**

- d. **Total facility loading** (in pounds/day) is calculated by adding the loading from the raceways and the loading from the off-line settling basins.

$$\text{Raceway loading (lbs/day)} + \text{OLSB loading (lbs/day)} = \text{Total facility loading (lbs/day)}$$

3. DMR Reporting

- Values greater than the MDL: the permittee must report the actual value.
- Influent or effluent value less than the MDL: the permittee must report “less than {numeric MDL}” on the DMR, but use one-half the MDL when calculating the net value.
- Both influent and effluent values less than the MDL: the permittee must report “less than {numeric MDL}” on the DMR, but use one-half the MDL calculating for calculating monthly averages.

Appendix C

Quality Assurance Plan

and

Best Management Practices Plan

Certification

Idaho Aquaculture
Best Management Practices Plan
(BMP Plan)
Certification

Facility Name: _____

NPDES Permit Number: _____

The BMP Plan is complete and is available upon request to EPA and IDEQ.

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:

An existing discharger must submit this certification within 90 days of the effective date of this permit. For a new permittee, this certification must be submitted no later than the written Notice of Intent to be covered under this permit. The certification must be submitted to EPA and to the responsible IDEQ office (§I.C.1 of the permit).

Idaho Aquaculture
Quality Assurance Plan
 (QA Plan)
 Certification

Facility Name: _____

NPDES Permit Number: _____

The QA Plan is complete and is available upon request to EPA and IDEQ.

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:

An existing discharger must submit this certification within 90 days of the effective date of this permit. For a new permittee, this certification must be submitted no later than the written Notice of Intent to be covered under this permit. The certification must be submitted to EPA and to the responsible IDEQ office (§I.C.1 of the permit).

Appendix D

Drug and Chemical Use Report Contents

Checklist for Oral Report for INAD and Extralabel Drug Use

(Provide an oral report to EPA: 206-553-1846; and IDEQ within 7 days after initiating use of the drug)

First row is an example.

Reported to Permitting Authority?	Name of Drug (INAD & Extralabel) Used & Reason for Use	Method of Application	First Date of Drug Use	Date Oral Report Submitted to Permitting Authority	Initials
<input checked="" type="checkbox"/>	Extralabel: Erythromycin Treat bacterial infections	Injection	09/09/04	09/10/04	MJ
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					

Written Report for Agreeing to Participate in an INAD Study

(Submit a written report to EPA and IDEQ 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

(Submit a written report to EPA and IDEQ 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 permitting authority: _____

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 date/time, end date/time)	Duration	Method of Application	Total Amount of Active Ingredient Added	Total Amount of Medicated Feed Added*
Oxytetracycline For control of columnaris in walleye	09/09/04 10:00 AM 09/13/04 10:00 AM	5 consecutive days	<input checked="" type="checkbox"/> Medicated feed <input type="checkbox"/> Injection <input type="checkbox"/> Bath treatment <input type="checkbox"/> Other: _____ _____	1 g/lb as sole ration	50 lbs
			<input type="checkbox"/> Medicated feed <input type="checkbox"/> Injection <input type="checkbox"/> Bath treatment <input type="checkbox"/> Other: _____ _____		
			<input type="checkbox"/> Medicated feed <input type="checkbox"/> Injection <input type="checkbox"/> Bath treatment <input type="checkbox"/> Other: _____ _____		
			<input type="checkbox"/> Medicated feed <input type="checkbox"/> Injection <input type="checkbox"/> Bath treatment <input type="checkbox"/> Other: _____ _____		

* Applies only to drugs applied through medicated feed.

Appendix E

Annual Report Contents

ANNUAL REPORT OF OPERATIONS FOR YEAR _____
Idaho Aquaculture Permit

I. Facility Name:	NPDES #
Operator Name (Permittee):	Phone:
Address:	Fax:
	E-Mail:
Owner Name (if different from operator):	Phone:

II. Annual Production: Harvestable weight produced in the year _____ pounds

III. Food Used: Number of pounds of food fed to the fish during the maximum month: _____ pounds

IV. Noncompliance Summary:
Include description & dates of noncompliance, the reasons for such incident, and the steps taken to correct the problem. Attach additional pages, if necessary.

V. Best Management Practices (BMP) Plan

BMP Plan has been reviewed this year. Yes No

BMP Plan fulfills the requirements set forth in the permit: Yes No

Summarize changes in the BMP Plan since last annual report:

VI. Land application of solids and/or irrigation with wastewater
Attach Maps of Application Sites. (Note: IDAPA 58.01.02.650 requires IDEQ approval for solids disposal on land.)

Date	Location and Acreage of Application	Solids Applied in Cubic Yards or Pounds	Wastewater Applied in Gallons
Yearly Total			

VII. Offline Settling Basin Discharge Frequency (generally)
#hours/day #days/wk #months/year or Other _____

VIII. Chemical Usage (including pesticides and drugs)

Chemical	Date or # days used	Maximum concentration in effluent (actual or estimated)

IX. Fish Importation, Transport, and Release Permits

Number of permits issued by Idaho Department of Fish and Game during the year: _____
 For which species?

X. Inspections and Repairs for production and wastewater treatment systems

Date Inspected	Date Repaired	Description of system inspected and/or repaired

XI. Signature & Certification

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

*Signature:**Title/Company:**Print Name:**Date:*