NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PROPOSED PERMIT FACT SHEET
June 2019

Permittee's Name: U.S. Fish and Wildlife Service - Alchesay National Fish Hatchery

Mailing Address: P. O. Box 2430
Pinetop, AZ 85935

Plant Location: 8602 North Alchesay NFH Rd. (in Navajo County)
Whiteriver, AZ 85941

Contact Person(s): Bruce Thompson
Fish Hatchery Complex Manager
(928) 338–4901

NPDES Permit No.: AZ0000116

I. STATUS OF PERMIT

The Alchesay National Fish Hatchery (the "permittee") has applied for the renewal of their National Pollutant Discharge Elimination System (NPDES) permit issued on December 10, 2013 to allow a discharge from the hatchery to the North Fork White River located in Whiteriver, Arizona. A complete application was submitted on July 25, 2018. EPA Region IX has developed this permit and fact sheet pursuant to Section 402 of the Clean Water Act, which requires point source dischargers to control the amount of pollutants that are discharged to waters of the United States through obtaining a NPDES permit.

The permittee is currently discharging under NPDES permit AZ0000116 effective February 1, 2014 and expired January 31, 2019. Pursuant to 40 CFR 122.21, the terms of the existing permit are administratively extended until the issuance of a new permit.

This permittee has been classified as a minor discharger.

II. SIGNIFICANT CHANGES TO PREVIOUS PERMIT

Permit Condition	Previous Permit (2013– 2018)	Re-issued permit (2019 – 2024)	Reason for change
Ammonia Impact Ratio	In previous permit, the permittee had to calculate the WQBEL for total ammonia (in mg N/L) based on the Tribal Water Quality Protection Ordinance Appendix A using the temperature and pH at the time of the sampling (i.e. a "floating limit").	Compliance with the ammonia effluent limit will be determined using a ratio, called the ammonia impact ratio ("AIR"). The permit limit is set to a value of 1.0. The permittee also must continue to monitor and report ammonia effluent values in addition to the	Ammonia Impact Ratio provides more flexibility than a specific, fixed effluent concentration and is easier than a floating limit to determine and report compliance.

		AIR value.	
Reporting	The permittee was allowed to submit hardcopy DMR forms to EPA.	Permittee must use NetDMR (e-reporting) to submit DMR (influent and effluent) results.	EPA e-reporting rule (2015)
Effluent limitation guidelines (ELGs)	ELGs applied only if Whole Effluent Toxicity test failed.	Applies ELGs consistent with 40 CFR Part 451.11 for flow-through facilities.	40 CFR Part 451.11 requires ELGs to be included and additional reporting by aquaculture facilities that produce more than 100,000 pounds of fish per year.

III. GENERAL DESCRIPTION OF FACILITY

The Alchesay Creek Hatchery is a coldwater trout hatchery located on the lands of the White Mountain Apache Tribe in Eastern Arizona. It is owned and operated by the US Fish and Wildlife Service (FWS). The Alchesay cold water trout hatchery raises over 100,000 pounds of trout per year (approximately 102,000 pounds of rainbow trout and 7,000 pounds of brown trout) for stocking streams on 18 Indian Reservations in Arizona and New Mexico under Department of Interior trust responsibilities. The hatchery is located approximately eight (8) miles north of Whiteriver, Arizona in Navajo County. The facility obtains intake water from the North Fork White River, runs it through the hatchery operations, and discharges back to the same river. For reference, the Alchesay fish hatchery is located approximately 13 miles downstream of the Williams Creek hatchery, also operated by US Fish and Wildlife Service.

IV. DESCRIPTION OF RECEIVING WATER

In order to protect the designated uses of surface waters, the White Mountain Apache Tribe of the Fort Apache Indian Reservation has adopted water quality standards for different stream segments depending on the level of protection required. The White Mountain Apache Tribe Water Quality Protection Ordinance lists the North Fork White River below Alchesay hatchery as a marginal coldwater habitat. Additional designated uses include irrigation, domestic and industrial water supply, groundwater recharge, livestock and wildlife, primary contact, ceremonial primary contact, gathering of plants, and cultural significance.

The North Fork Whiteriver is not included on Arizona's 303(d) list of water quality limited segments. No Total Maximum Daily Loads have been developed nor approved for the Whiteriver.

V. DESCRIPTION OF DISCHARGE

The facility obtains intake water from the North Fork White River via a wedge-wire Coanda collection screen located at the hatchery diversion dam and an underground river flow captured at "Alchesay Spring". (It is not a true spring.) The two sources of river water are collected in a concrete basin and delivered by a 3,800 foot pipeline to the concrete distribution box adjacent to the currently unused hatchery tank-house. See permit Attachment C for flow schematic. From the distribution box, the water is directed to banks of old hatchery tank-house, hatchery raceways and hatchery ponds. Prior to 2011 there was a sediment removal system (sand-trap) located upstream of the distribution box. This system was poorly designed to handle the large quantity of sediment-load from rain on snow events and monsoonal rains. Currently, the sand-trap is

disconnected from the pipeline and has been replaced by four 13' radial flow settlers (RFS) located at the head of A-Bank raceways. As depicted in the hatchery schematic, the water is then reused to add to B-Bank raceway water supply. There is a valve to control how much fresh water is delivered to B-Bank raceways. All settleable solids are directed to 4 settling ponds (3 of which are used primarily for fish production). Pond 1 is the main settling pond and receives solids from raceways effluent standpipe clean-out lines, and the RFS clean-out line.

Fingerling trout are brought from the nearby Williams Creek hatchery and raised at the Alchesay site. Fish are harvested from the rearing ponds by slowly draining down the water levels in the pond thru the outfall weir prior to fish removal via hand seines and mechanical fish pumps. Overflow from the ponds passes over a weir and is discharged directly to the North Fork White River. There is no further treatment of the effluent after it leaves the ponds.

Each fish rearing pond is dried up and dredged out each year prior to reloading with more fish. Raceways are currently emptied of fish via net hand-loading onto fish distribution trucks/units (FDU's). Pond 1 (the main settling basin) is periodically dredged out as settleable solids accumulate over time reducing solids removal effectiveness. Excavated solids from all ponds are stored on-site above the flood plain and used for fill material and/or available to the public as nutrient rich garden soil.

According to permittee's NPDES application, average flow is 10.8 million gallons per day (MGD) for Outfall 003. (Outfall 001 and 002 were eliminated in the previous permit, since no discharge was occurring due to re-directing water thru facility.)

Table 1 shows data related to discharge from Outfall 001 based on permittee's NPDES renewal application and supplemental data. Table 1 shows effluent data along with effluent limits in current permit. (More facility information is available on Enforcement and Compliance History Online (ECHO) at https://echo.epa.gov/.) Pollutants believed to be absent or never detected in the effluent are not included.

Table 1. Effluent Data for Outfall 001 from 2014 to 2019.

Parameter	Units	Current Permit Effluent Limitations	Effluent Data	
		Maximum Daily	Highest Maximum Daily	Number of Samples
Flow Rate	MGD	Monitoring Only	4.8	24
TSS	mg/L	15	50*	24
Total Phosphorus (net)	mg/L	0.8	0.11	24
Ammonia total (as N)	mg/L	5.8**	1.0	24
Total Nitrogen	mg/L	n/a	1.7	24

* applicant indicated sample results may have been contaminated.

**total ammonia refers to the sum of dissolved un-ionized ammonia, represented as NH_3, and the ionized form, represented as NH_4^+. Total ammonia limits based on pH 8.00 and 11.0° C temperature according to Appendix A of WMAT Total Ammonia, Coldwater Habitat: Acute and Chronic Standards

VI. DETERMINATION OF NUMERICAL EFFLUENT LIMITATIONS

EPA has developed effluent limitations and monitoring requirements in the permit based on an evaluation of the technology used to treat the pollutant (e.g., "technology-based effluent limits") and the water quality standards applicable to the receiving water (e.g., "water quality-based effluent limits"). EPA has established the most stringent of applicable technology-based or water quality-based standards in the proposed permit, as described below.

A. Applicable Technology-Based Effluent Limitations

EPA promulgated effluent limitation guidelines and standards for aquaculture facilities in June 2004. (See 40 CFR Part 451.) The national technology-based regulation applies to the discharge of pollutants from a concentrated aquatic animal production facility that produces 100,000 pounds or more per year of aquatic animals in a flow-through or recirculating system. The Alchesay National Fish Hatchery produces at least 100,000 pounds per year; therefore, the facility is subject to the effluent limitation guidelines. EPA has established these technology-based effluent limitation guidelines consistent with 40 CFR Part 451.11 for flow-through or recirculation systems. See permit Part I, section C.

Technology-based treatment requirements may be imposed on a case-by-case basis under Section 402(a)(1) of the Act, to the extent that EPA promulgated effluent limitations are inapplicable (i.e., the regulation allows the permit writer to consider the appropriate technology for the category or class of point sources and any unique factors relating to the applicant) (40 CFR 125.3(c)(2)).

B. Water Quality-Based Effluent Limitations

Water quality-based effluent limitations are required in NPDES permits when the permitting authority determines that a discharge causes, has the reasonable potential to cause, or contributes to an excursion above any water quality standard (40 CFR 122.44(d)(1)).

When determining whether an effluent discharge causes, has the reasonable potential to cause, or contributes to an excursion above narrative or numeric criteria, the permitting authority shall use procedures which account for existing controls on point and non-point sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity) and where appropriate, the dilution of the effluent in the receiving water (40 CFR 122.44(d)(1)(ii)).

EPA evaluated the reasonable potential to discharge toxic pollutants according to guidance provided in the *Technical Support Document for Water Quality-Based Toxics Control* (TSD) (Office of Water, U.S. EPA, March 1991) and the *U.S. EPA NPDES Permit Writers' Manual* (Office of Water, U.S. EPA, September 2010). These factors include:

1. Applicable standards, designated uses and impairments of receiving water

2. Dilution in the receiving water
3. Type of industry
4. History of compliance problems and toxic impacts
5. Existing data on toxic pollutants - Reasonable Potential Analysis

1. Applicable Standards, Designated Uses and Impairments of Receiving Water

White Mountain Apache Tribe water quality standards (1999) establish water quality criteria for the following beneficial uses in North Fork White River: irrigation, domestic and industrial water supply, groundwater recharge, livestock and wildlife, primary contact, ceremonial primary contact, gathering of plants, and cultural significance.

The North Fork White River is not listed as impaired according to the CWA Section 303(d) List of Water Quality Limited Segments and there are no applicable total maximum daily load allocations for the discharge.

2. Dilution in the Receiving Water

No dilution of the effluent has been considered in the development of water quality-based effluent limits applicable to the discharge.

3. Type of Industry

Because this facility produces at least 100,000 pounds of fish per year, EPA has established technology-based effluent limitation guidelines consistent with 40 CFR Part 451.11 for flow-through or recirculation systems.

4. History of Compliance Problems and Toxic Impacts

There are no known problems of toxic impacts from or within this facility.

5. Existing Data on Toxic Pollutants

For pollutants with effluent data available, EPA has conducted a reasonable potential analysis based on statistical procedures outlined in EPA's *Technical Support Document for Water Quality-based Toxics Control* herein after referred to as EPA's TSD (EPA 1991). These statistical procedures result in the calculation of the projected maximum effluent concentration based on monitoring data to account for effluent variability and a limited data set. The projected maximum effluent concentrations were estimated assuming a coefficient of variation of 0.6 and the 99 percent confidence interval of the 99^{th} percentile based on an assumed lognormal distribution of daily effluent values (sections 3.3.2 and 5.5.2 of EPA's TSD). EPA calculated the projected maximum effluent concentration for each pollutant using the following equation:

Projected maximum concentration = $C_e \times$ *reasonable potential multiplier factor*.

Where, "C_e" is the reported maximum effluent value and the multiplier factor is obtained from Table 3-1 of the TSD.

Summary of Reasonable Potential (RP) Statistical Analysis:

Parameter[1]	Maximum Observed Concentration	*n*	RP Multiplier	Projected Maximum Effluent Concentration	Most Stringent Water Quality Criterion	Statistical Reasonable Potential?
Total Nitrogen	1.7 mg/L	23	2.3	3.91	n/a [2]	n/a
Ammonia as N	1.0 mg/L	23	2.3	2.3	2.3	Y
Nitrate+nitrite	0.05 mg/L	23	2.3	2.3	10	N
Total phosphorus	0.11 mg/L	23	2.3	0.23	0.1	Y
TSS	200 mg/L	128	2.3	460	10 [3]	Y

(1) For purposes of RP analysis, parameters measured as non-detect are considered to be zeroes. Only pollutants detected are included in this analysis.
(2) WMAT water quality standards do not contain numeric criterion for total nitrogen; thus, no RP analysis can be applied for this parameter.
(3) For purposes of RP analysis, WMAT water quality criterion is 10 NTU which is estimated to be approximately 1.0 mg/L TSS

C. Rationale for Numeric Effluent Limits and Monitoring

EPA evaluated the typical pollutants expected to be present in the effluent and selected the most stringent of applicable technology-based standards or water quality-based effluent limitations. Where effluent concentrations of toxic parameters are unknown or are not reasonably expected to be discharged in concentration that have the reasonable potential to cause or contribute to water quality violations, EPA may establish monitoring requirements in the permit. Where monitoring is required, data will be re-evaluated and the permit may be re-opened to incorporate effluent limitations as necessary.

Unless otherwise noted, the following permit limitations must be met when discharging from Outfall 003.

Flow

No limits established for flow, but flow rates must be monitored and reported. Monitoring is required weekly.

pH: Limits are retained from the previous permit. These limits reflect White Mountain Apache Tribe water quality standards for marginal coldwater habitat.

Total Suspended Solids: Limits are retained from the previous permit, which in turn were based upon a determination made by the now-defunct Arizona Water Quality Control Council in 1976. This determination established specific suspended solids limitations for sensitive waters, including the White River and its tributaries.

Total Phosphorus. White Mountain Apache Tribe Standards include water quality standards for Total Phosphorus and do not include a standard for ortho-phosphate. Therefore, the permit has

incorporated limits for total Phosphorus as specified in the White Mountain Apache Tribe Standards. The permittee had previously requested that EPA consider establishing a limit based on ortho-phosphate instead of total Phosphorus, however the permittee has not supplied enough information for EPA to evaluate in consideration of establishing limits for orthophosphate in place of total phosphorus. Although EPA would consider establishing ortho-phosphate limits, the relationship to total phosphorus is not understood well enough at this time to replace the limits for total phosphorus.

Ammonia and Ammonia Impact Ratio

Treated wastewater may contain levels of ammonia that are toxic to aquatic organisms. Ammonia is converted to nitrate during biological nitrification process, and then nitrate is converted to nitrogen gas through biological denitrification process. Due to the potential for ammonia to be present in wastewater at toxic levels and due to the conversion of ammonia to nitrate, effluent limitations are established using the Ammonia Impact Ratio ("AIR") for all facilities.

The AIR is calculated as the ratio of the ammonia value in the effluent to the applicable ammonia water quality standard. The White Mountain Apache WQS contain ammonia criteria which are pH- and temperature dependent. Therefore, pH, temperature and ammonia sampling must be concurrent. The AIR limitation value is set to one. The ammonia impact ratio limit is defined as a monthly average of 1.0, equivalent to the standard. See Attachment D of the permit for a sample log to help calculate and record the AIR values and for the applicable water quality standards.

The permittee also must monitor and report total ammonia effluent values in addition to the AIR value. AIR provides more flexibility than a specific, fixed effluent concentration and is protective of water quality standards since the value is set relative to the water quality standard, with consideration of dilution. If the reported value exceeds the AIR limitation, then the effluent ammonia-N concentration exceeded the ammonia water quality criterion. See Permit, Attachment D for AIR calculation sheet.

Total Nitrogen: White Mountain Apache Tribe Standards include water quality standards for Total Ammonia but do not include water quality standards for Total Nitrogen. Therefore, the permit has incorporated limits for ammonia impact ratio in place of limits for Total Nitrogen. Effluent limits for Total Nitrogen were not in the previous permit, although the permit continues to require monitoring in order to assess potential downstream impacts.

Nitrate + Nitrite: The receiving water is designated as a source of domestic water supply. The Tribe indicated its plans to construct a dam downstream of the hatchery to provide drinking water to nearby residences. Therefore, EPA evaluated existing concentrations of nitrate from the hatchery effluent to compare to drinking water quality standards. The drinking water quality standard for nitrate is 10 mg/l. Since October 2013, effluent levels of nitrite+nitrate have ranged from ranged from 0.05 mg/l to 0.5 mg/l. All sample results were below the drinking water standard. EPA has concluded that the hatchery effluent does not have the reasonable potential to cause an exceedance of drinking water quality standards for nitrate or nitrate+nitrite.

Whole Effluent Toxicity (WET) – EPA does not believe that there is the reasonable potential for the effluent to cause or contribute to effluent toxicity. However, EPA is retaining a reporting

condition in the permit that the permittee must submit annually by January 31st each year a list of all chemicals added to water in the fish hatchery during the preceding year. The chemical list shall include antibiotics, fungicides, detergents, and other cleaning agents, disinfectants and any other chemicals added to the water. The submittal shall include information on frequency and duration of use, purpose, and amounts. The information may be used to assess the need and specifications for possible WET testing or specific substance monitoring in the future.

As required in 40 CFR Part 122.45(b) and (f), mass-based effluent limitations are established for all parameters described above based on a long-term average flow of 10.8 MGD.

D. Anti-Backsliding

Section 402(o) and 303(d)(4) of the CWA and 40CFR 122.44(l)(1) prohibits the renewal or reissuance of an NPDES permit that contains effluent limits and permit conditions less stringent than those established in the previous permit, except as provided in the statute and regulation.

The proposed permit replaces total ammonia limit with ammonia impact ratio limit. The ammonia impact ratio is based on the same White Mountain Apache Tribe water quality standards; thus, it is not considered backsliding. The permit does not establish any effluent limits less stringent than those in the previous permit and does not allow backsliding.

E. Antidegradation Policy

EPA's antidegradation policy under CWA Section 303(d)(4) and 40 CFR 131.12 and White Mountain Apache Tribal water quality standards (1999) require that existing water uses and the level of water quality necessary to protect the existing uses be maintained.

As described in this document, the permit establishes effluent limits and monitoring requirements to ensure that all applicable water quality standards are met. The permit does not include a mixing zone, therefore these limits will apply at the end of pipe without consideration of dilution in the receiving water. A priority pollutant scan has previously been conducted of the effluent, demonstrating that most pollutants will be discharged below detection levels. Furthermore, the waterbody is not listed as an impaired waterbody under section 303(d) of the CWA.

Therefore, due to the low levels of toxic pollutants present in the effluent, level of treatment being obtained, and water quality-based effluent limitations, the discharge is not expected to adversely affect receiving water bodies or result in any degradation of water quality.

VII. NARRATIVE WATER QUALITY-BASED EFFLUENT LIMITS

The White Mountain Apache Tribe water quality standards (1999) also contain narrative water quality standards applicable to the receiving water. This permit retains the applicable narrative water quality standards of White Mountain Apache Tribe included in the previous permit. See Permit Section, Part I.

VIII. MONITORING AND REPORTING REQUIREMENTS

The permit requires the permittee to conduct monitoring for all pollutants or parameters where effluent limits have been established, at the minimum frequency specified. Additionally, where effluent concentrations of toxic parameters are unknown or where data are insufficient to determine reasonable potential, monitoring may be required for pollutants or parameters where effluent limits have not been established.

A. Effluent Monitoring and Reporting

The permittee shall conduct effluent monitoring to evaluate compliance with the proposed permit conditions. The permittee shall perform all monitoring, sampling and analyses in accordance with the methods described in the most recent edition of 40 CFR 136, unless otherwise specified in the proposed permit. All monitoring data shall be reported on monthly DMRs and submitted quarterly as specified in the proposed permit. All DMRs are to be submitted electronically to EPA using NetDMR.

IX. SPECIAL CONDITIONS

A. Chemical usage report

As described in Section V, the proposed permit contains requirements generally consistent with the intention of 40 CFR Part 451 regarding control of solids, materials storage, structural maintenance, recordkeeping, training, and chemical usage.

B. Development and Implementation of Best Management Practices

Pursuant to 40 CFR 122.44(k)(4), EPA may impose Best Management Practices (BMPs) which are "reasonably necessary…to carry out the purposes of the Act." The pollution prevention requirements or BMPs proposed in the permit operate as technology-based limitations on effluent discharges that reflect the application of Best Available Technology and Best Control Technology. Therefore, the draft permit requires that the permittee develop (or update) and implement a Pollution Prevention Plan with appropriate pollution prevention measures or BMPs designed to prevent pollutants from entering the North fork White River and other surface waters while performing normal processing operations at the facility.

X. OTHER CONSIDERATIONS UNDER FEDERAL LAW

A. Consideration of Environmental Justice

EPA conducted a screening level evaluation of vulnerabilities in the community posed to local residents near the vicinity of the permitted fish hatchery using EPA's EJSCREEN tool. The purpose of the screening is to identify areas disproportionately burdened by pollutant loadings and to consider demographic characteristics of the population living in the vicinity of the discharge when drafting permit conditions.

In February 2019, EPA conducted an EJSCREEN analysis of the community near the vicinity of the outfall. Of the 11 environmental indicators screened through EJSCREEN, the evaluation determined no elevated indicator scores.

As a result of the analysis, EPA believes there is minimal cumulative burden of the permitted discharge on the impacted community and will issue this permit in consideration of White Mountain Apache Tribe and consistent with the Clean Water Act, which is protective of all beneficial uses of the receiving water, including human health.

B. Impact to Threatened and Endangered Species

Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1536) requires federal agencies to ensure that any action authorized, funded, or carried out by the federal agency does not jeopardize the continued existence of a listed or candidate species, or result in the destruction or adverse modification of its habitat.

To identify the endangered and threatened species that are present in the action area, EPA used the USFWS website (https://ecos.fws.gov/ipac/) to define the project geographical area and generate a list of species within the Whiteriver and hatchery location. (E = endangered, T = threatened, P = proposed).

Status	Species/Listing Name
T	Mexican Spotted owl (S*trix occidentalis lucida*)
T	Yellow-billed Cuckoo (*Coccyzus americanus*)
T	Northern Mexican Gartersnake (*Thamnophis eques megalops*)
T	Chiricahua Leopard Frog (*Rana chiricahuensis*)
T	Apache Trout (*Oncorhynchus apache*)
P	Gray Wolf (*Canis lupus*)
P	Mexican Wolf (*Canis lupus baileyi*)

The review indicated that there are 7 animal species of concern for the hatchery site within Navajo County, as listed above. However, the report provided that the hatchery site is outside of critical habitat for all species. The major reason for decline in these species is habitat destruction.

This NPDES permit continues to authorize the discharge of hatchery raceway and pond effluents into areas that are not habitat to the threatened and endangered species mentioned above. The permit contains provisions for monitoring conventional and nonconventional pollutants, and to ensure an appropriate level of water quality discharged by the facility. None of the listed species are impacted by water quality and therefore by this NPDES permit action. Re-opener clauses have been included should new information become available to indicate that the requirements of the permit need to be changed.

The Alchesay National Fish Hatchery was constructed in 1990's, modified in 2009 and no new construction or modifications will be made due to the proposed NPDES permit.

Therefore, EPA has determined reissuance of the NPDES permit for the Alchesay National Fish Hatchery will not affect all listed species in table above or critical habitat. EPA will provide the USFWS (Pinetop Office) with copies of the draft fact sheet and the draft permit during the public notice period.

C. Impact to Coastal Zones

The Coastal Zone Management Act (CZMA) requires that Federal activities and licenses, including Federally permitted activities, must be consistent with an approved state Coastal Management Plan (CZMA Sections 307(c)(1) through (3)). Section 307(c) of the CZMA and implementing regulations at 40 CFR 930 prohibit EPA from issuing a permit for an activity affecting land or water use in the coastal zone until the applicant certifies that the proposed activity complies with the State (or Territory) Coastal Zone Management program, and the State (or Territory) or its designated agency concurs with the certification.

The proposed permit does not affect land or water use in the coastal zone.

D. Impact to Essential Fish Habitat

The 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act (MSA) set forth a number of new mandates for the National Marine Fisheries Service, regional fishery management councils and other federal agencies to identify and protect important marine and anadromous fish species and habitat. The MSA requires Federal agencies to make a determination on Federal actions that may adversely impact Essential Fish Habitat (EFH).

The proposed permit contains technology-based effluent limits and numerical and narrative water quality-based effluent limits as necessary for the protection of applicable aquatic life uses. The proposed permit does not directly discharge to areas of essential fish habitat. Therefore, EPA has determined that the proposed permit will not adversely affect essential fish habitat.

E. Impact to National Historic Properties

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effect of their undertakings on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. Pursuant to the NHPA and 36 CFR §800.3(a)(1), EPA is making a determination that issuing this proposed NPDES permit does not have the potential to affect any historic properties or cultural properties. As a result, Section 106 does not require EPA to undertake additional consulting on this permit issuance.

The reissuance of the permit should have no impact on historical and/or archeological sites since no construction activities nor changes to the operation are planned in the reissuance.

F. Water Quality Certification Requirements (40 CFR 124.53 and 124.54)

For States, Territories, or Tribes with EPA approved water quality standards, in June 2019, EPA requested certification from the affected White Mountain Apache Tribe that the proposed permit will meet all applicable water quality standards. Certification under section 401 of the CWA shall be in writing and shall include the conditions necessary to assure compliance with referenced applicable provisions of sections 208(e), 301, 302, 303, 306, and 307 of the CWA and appropriate requirements of Territory law. EPA cannot issue the permit until the certifying State, Territory, or Tribe has granted certification under 40 CFR 124.55 or waived its right to certify. If the State, Territory, or Tribe does not respond within 60 days of public notice date, it will be deemed to have waived certification.

XI. STANDARD CONDITIONS

A. Reopener Provision

In accordance with 40 CFR 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.

B. Standard Provisions

The permit requires the permittee to comply with EPA Region IX Standard Federal NPDES Permit Conditions.

XII. ADMINISTRATIVE INFORMATION

A. Public Notice (40 CFR 124.10)

The public notice is the vehicle for informing all interested parties and members of the general public of the contents of a draft NPDES permit or other significant action with respect to an NPDES permit or application.

B. Public Comment Period (40 CFR 124.10)

Notice of the draft permit will be placed in a daily or weekly newspaper within the area affected by the facility or activity, with a minimum of 30 days provided for interested parties to respond in writing to EPA. After the closing of the public comment period, EPA is required to respond to all significant comments at the time a final permit decision is reached or at the same time a final permit is actually issued.

C. Public Hearing (40 CFR 124.12(c))

A public hearing may be requested in writing by any interested party. The request should state the nature of the issues proposed to be raised during the hearing. A public hearing will be held if EPA determines there is a significant amount of interest expressed during the 30-day public comment period or when it is necessary to clarify the issues involved in the permit decision.

XIII. CONTACT INFORMATION

Comments, submittals, and additional information relating to this proposal may be directed to:

Peter Kozelka, (415) 972-3448
kozelka.peter@epa.gov

EPA Region IX
75 Hawthorne Street (WTR 2-3)
San Francisco, California 94105

XIV. REFERENCES

Alchesay Fish Hatchery NPDES Permit Application Form 1 and Form 2B, dated July 25, 2018.

EPA 1991. *Technical Support Document for Water Quality-based Toxics Control*. Office of Water, EPA. EPA/505/2-90-001.

EPA 2013. *National Recommended Water Quality Criteria*. Office of Water, EPA. Aquatic Life Criteria Table. https://www.epa.gov/wqc/national-recommended-water-quality-criteria-aquatic-life-criteria-table#table

EPA. 2015. *National Recommended Water Quality Criteria*. Office of Water, EPA. Human Health Criteria Table. https://www.epa.gov/wqc/national-recommended-water-quality-criteria-human-health-criteria-table

EPA 2010. *U.S. EPA NPDES Permit Writers' Manual*. Office of Water, EPA. EPA-833-K-10-001.

EPA 2019. Environmental Justice SCREEN report.

Water Quality Protection Ordinance of the White Mountain Apache Tribe of the Fort Apache Indian Reservation. Adopted September 1, 1999.

US Fish and Wildlife Service (ipac) website report on endangered and threatened Species within the area. Report dated February 20, 2019.