NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT FACT SHEET
August 2019

Permittee Name: U.S. Fish and Wildlife Service -Williams Creek National Fish Hatchery

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

Facility Location: Williams Creek NFH Rd., (Apache County)
McNary, AZ 85930

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

NPDES Permit No.: AZ0000124

I. STATUS OF PERMIT

The Williams Creek 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 authorize the discharge of treated effluent from this hatchery to Williams Creek, a tributary to the North Fork White River. 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 AZ0000124 effective February 1, 2014 and expired on 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	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 AIR value.	Ammonia Impact Ratio provides more flexibility than a specific, fixed effluent concentration and is easier than a floating limit to determine and report compliance.

	and pH at the time of the sampling (i.e. a "floating limit").		
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)
	The hatchery produced approximately 94,000 pounds	The hatchery produced approximately 50,160 pounds	Based on permittee's application

III. GENERAL DESCRIPTION OF FACILITY

The Williams 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 facility is located in Apache County, four miles south and nine miles east of Hondah, Arizona in township 8 N, range 24 E, section 28, at latitude 34E 03' 12" N, longitude 109E 48' 38" W. For reference, the Williams Creek hatchery is located approximately 13 miles upstream of the Alchesay fish hatchery, also operated by US Fish and Wildlife Service.

The hatchery produces approximately 50,160 pounds of apache, brook, brown, and rainbow trout per year. Most of these fish are subsequently transferred to Alchesay NFH for grow-out or are direct stocked locally on the Fort Apache Indian Reservation in Arizona under Department of Interior trust responsibilities. There is also a connex container plumbed to accommodate genetic pairings/families of Apache Trout until the individual fish can be pit-tagged. The facility includes 4 ponds, 22 raceways, and 40 tanks used in the production of fish. Water for the hatchery is supplied by natural springs at the headwaters of Williams Creek. Normal operating procedures produce approximately 4.2 million gallons per day (MGD) of effluent.

As a facility producing greater than 20,000 pounds harvestable weight of coldwater fish per year and requiring greater than 5,000 pounds of fish food during the calendar month of maximum feeding, this facility requires an NPDES permit pursuant to 40 CFR Part 122.24, and Appendix C.

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 Williams Creek as a coldwater habitat. Additional designated uses include irrigation, livestock and wildlife, secondary contact, gathering of plants and cultural significance. Williams Creek meets the North Fork White River approximately 1.2 miles downstream of the hatchery.

Williams Creek and the North Fork Whiteriver are 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

As described previously, the facility obtains intake water from several natural springs at the headwaters of Williams Creek. (Please refer to the attached schematic that portrays directional flows of water.) Dissolved oxygen in ppm at 7,400 feet and 52°F temperature in equilibrium with air (saturation) is and has been recorded at 8.3 ppm at this hatchery. Therefore, hatchery operations have incorporated a 900-gallon liquid oxygen tank to supply four low head oxygen (LHO) systems strategically located throughout the hatchery rearing areas to supply supplemental oxygen for production level fish rearing purposes. The main hatchery spring ("main spring") goes through one of these LHO's. The main spring supply line is split into two separate systems One supply line goes through an ultra-violet (UV) vault to reduce bacterial loads and continues to supply water to two incubation/early rearing tank-houses via gravity flow. In addition (when needed) this water is also utilized for an off-line wild Apache Trout quarantine building, and a connex container modified to house small circular tanks for the recently initiated Apache Trout Genetics Management Plan. The second main spring water supply line along with the spring pond cascade overflow supplies water to a series of 6 outside raceways in a continuous water re-use system. Wastewater, generated by fish waste and cleaning operations, is discharged through a common discharge line to two settling ponds operated in series, then re-mixed with fish production water before final discharge to Williams Creek.

Additional springs (Middle and Horse-pasture Springs) supply water separately to Pond 4a which is used for rearing Brook Trout in a relatively isolated manner from the rest of the hatchery. The Brook Trout species are notorious for carrying disease pathogens without ever showing clinical signs of disease. Maximum loading for this rearing program is less than 2,000 pounds of 6 inch Brook Trout. Waste water from this rearing area flows into Pond 4b and settles out in Pond 5 before final discharge to Williams Creek. Due to extreme temperatures, Pond 4a can only be safely utilized for fish rearing purposes from February to June every year.

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	14*	24

Parameter	Units	Current Permit Effluent Limitations	Effluent Data	
		Maximum Daily	Highest Maximum Daily	Number of Samples
Total Phosphorus (net)	mg/L	0.8	0.14	24
Ammonia total (as N)	mg/L	5.8**	1.0	24
Total Nitrogen	mg/L	n/a	1.66	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

Effluent Limitations Guidelines (ELGs)
EPA promulgated new effluent limitation guidelines and standards for aquaculture facilities in June 2004. (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 facility's application shows that they are producing approximately 50,000 lbs per year; therefore, the facility is not subject to the effluent limitation guidelines. However, EPA has decided to establish Best Professional Judgement (BPJ) limits that are generally consistent with the intention of 40 CFR Part 451 where applicable to the permit. The requirements are as follows and have been incorporated into the permit:

A. Solids control. The permittee must:
(1) Employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth in order to minimize potential discharges of uneaten feed and waste products to waters of the U.S.
(2) In order to minimize the discharge of accumulated solids from settling ponds and basins and production systems, identify and implement procedures for routine cleaning of rearing units and off-line settling basins, and procedures to minimize any discharge of accumulated solids during the inventorying, grading and harvesting aquatic animals in the production system.

(3) Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters of the U.S., except in cases where the permitting authority authorizes such discharge in order to benefit the aquatic environment.

B. Materials storage. The permittee must:
(1) Ensure proper storage of drugs, pesticides, and feed in a manner designed to prevent spills that may result in the discharge of drugs, pesticides or feed to waters of the U.S.
(2) Implement procedures for properly containing, cleaning, and disposing of any spilled material.

C. Structural maintenance. The permittee must:
(1) Inspect the production system and the wastewater treatment system on a routine basis in order to identify and promptly repair any damage.
(2) Conduct regular maintenance of the production system and the wastewater treatment system in order to ensure that they are properly functioning.

D. Recordkeeping. The permittee must:
(1) In order to calculate representative feed conversion ratios, maintain records for aquatic animal rearing units documenting the feed amounts and estimates of the numbers and weight of aquatic animals.
(2) Keep records documenting the frequency of cleaning, inspections, maintenance and repairs.

E. Training. The permittee must:
(1) In order to ensure the proper clean-up and disposal of spilled material adequately train all relevant facility personnel in spill prevention and how to respond in the event of a spill.
(2) Train staff on the proper operation and cleaning of production and wastewater treatment systems including training in feeding procedures and proper use of equipment.

F. Chemical Usage. The permittee must:
(1) Submit annually by January 31st each year a list of all chemicals added to water in the fish hatchery during the preceding year.
(2) 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.

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 water quality standards 1999 establish water quality criteria for the following beneficial uses in the North Fork White River: coldwater habitat, irrigation, livestock and wildlife, secondary 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

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

The permitted facility produces less than 100,00 pounds of fish per year

4. History of Compliance Problems and Toxic Impacts

In 2005, the Fish and Wildlife service redesigned the hatchery effluent treatment system. It is currently in operation, being used as designed to reduce the amount of phosphorus, nitrogen and suspended solids in the effluent water leaving the 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 × *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 Suspended Solids (TSS)	14 ug/l	116	2.3	32.2	10 ug/l	Y
Total phosphorus	0.25	24	2.3	0.575	0.1	Y
Total nitrogen [(1)]	1.66	24	2.3	3.818	N/a	N

[(1)] White Mountain Apache Tribe water quality standards (1999), does not contain a numeric total nitrogen criterion

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.

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.

Whole effluent toxicity (WET) testing is not required by this permit based on the lack of a reasonable potential for the facility to cause whole effluent toxicity. This determination is based upon the results of chronic WET testing conducted by the hatchery in 1994, which found no evidence of chronic toxicity in the effluent. 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 122.45(f), mass-based effluent limitations are established for suspended solids, phosphorus, and ammonia based on a design flow of 4.2 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 other any other 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 the White Mountain Apache tribe's water quality standards 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. Furthermore, the waterbody is not listed as an impaired waterbody for total suspended solids or turbidity 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

Section 3.5 of the White Mountain Apache Tribe Water Quality Protection Ordinance contains narrative water quality standards applicable to the receiving water. EPA is retaining the narrative effluent limits in order to implement these water quality standards.

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 March 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 available information for indicators below:

- PM 2.5
- Ozone
- NATA Diesel PM
- NATA Cancer Risk
- NATA Respiratory HI
- Traffic Proximity
- Lead Paint Indicator
- Superfund Proximity
- RMP Proximity
- Hazardous Waste Proximity
- Wastewater Discharge Indicator

In addition to the above, EPA is not aware of other environmental burdens facing White Mountain Apache Tribe in the vicinity of the effluent discharge.

As a result of the analysis, EPA is not aware of the potential for 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*)
E	Zuni Bluehead Sucker *(Catostomus discobolus yarrowi)*
P	Gray Wolf (*Canis lupus*)
P	Mexican Wolf (*Canis lupus baileyi*)

The review indicated that there are seven animal species of concern for the hatchery site within the Williams Creek Hatchery area, 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 effluent from the hatchery into areas that are not habitat to most of the aforementioned threatened and endangered species. Hatchery effluent is not known to contain toxics or bioaccumulative substances that would adversely affect any species listed. Therefore, none of the listed species are impacted by the discharge. The permit contains provisions for monitoring conventional and nonconventional pollutants in the receiving water to ensure an appropriate level of water quality discharged by the facility. Re-opener clauses have been included should new information become available to indicate that the requirements of the permit need to be changed.

Therefore, EPA has determined reissuance of the NPDES permit for the Williams Creek National Fish Hatchery will have no effect on all listed species in table above or critical habitat. EPA provided the USFWS (Pinetop Office) with copies of the draft fact sheet and the draft permit during the public notice period; no comments were received.

C. Impact to Coastal Zones

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 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.

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)

EPA will place public notice 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.

Notice of the draft permit was published on EPA's website on June 7, 2019 for 30 days to allow public comment. No public comments were received.

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 permit 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

Williams Creek 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.