PUBLIC NOTICE

Date posted: 11/7/2024

DEQ Requests Comments on Proposed Clatsop County Fisheries Water Quality Permit Renewal

HOW TO PROVIDE PUBLIC COMMENT

Facility name: Clatsop County Fisheries

Permit type: Minor Industrial

Comments due by: Thursday Dec. 12, 2024 at 5 p.m.

Send written comments to:

By mail: Trinh Hansen, Oregon DEQ
4026 Fairview Industrial Dr. SE, Salem, OR 97302

By email: trinh.hansen@deq.oregon.gov

The Oregon Department of Environmental Quality invites the public to provide written comments on the conditions of Clatsop County Fisheries' proposed water quality permit, known officially as a National Pollutant Discharge Elimination System permit.

Summary

Subject to public review and comment, DEQ intends to renew the proposed water quality permit, which allows Clatsop County Fisheries to discharge wastewater to the Youngs River.

About the facility

Clatsop County has applied for a water quality permit renewal for Clatsop County Fisheries located at Youngs Bay Estuary adjacent to the south city limits in Astoria. DEQ last renewed this permit on Dec. 7, 2018. The facility is a net-pen fish rearing operation where fish are held in submerged net pens from October to May. Although DEQ has not identified any specific pollutants of concern, the NPDES permit regulates organic and chemical pollutants from fish food, feces, and pharmaceuticals through requiring a suite of best management practices recommended by the EPA for operations of this nature.

The facility discharges to the Youngs River near Youngs Bay. Youngs River is listed as impaired (category 4 or 5) for several pollutants according to the most recent U.S. Environmental Protection Agency-approved integrated report for Oregon. The proposed permit reflects a suite of best management practices as effluent limits required by EPA's effluent limitation guidelines for Concentrated Aquatic Animal Production operations.

The most recent DEQ inspection of Clatsop County Fisheries was on Aug. 15, 2012. DEQ did not identify violations during this inspection. Clatsop County Fisheries has had one water quality violation in the past permit term for failure to monitor. The issues related to these past compliance issues have been resolved and the facility is currently operating in full compliance.

The facility holds no other permits from DEQ.

Translation or other formats

Español | 한국어 | 繁體中文 | Русский | Tiếng Việt | العربية
800-452-4011 | TTY: 711 | deqinfo@deq.oregon.gov

State of Oregon
DEQ Department of Environmental Quality

What types of pollutants does the permit regulate?

This permit sets conditions for how the facility deals with the following pollutants: organic and chemical pollutants from fish food, feces, and pharmaceuticals.

Would the draft permit change the amount of pollution the facility is allowed to release?

No.

How did DEQ determine permit requirements?

DEQ evaluates types and amounts of pollutants and the water quality of the surface water where the pollutants are proposed to be discharged and determines permit requirements to ensure the proposed discharges will meet applicable statutes, rules, regulations and effluent guidelines of Oregon and the Clean Water Act.

For this proposed permit action, DEQ evaluated the current permit and fact sheet, and discharge monitoring reports. These materials may be viewed at 700 Multnomah St., Suite 600, Portland, OR 97232. In addition to the review and assessment of materials noted above, DEQ has exercised discretion in establishing monitoring/reporting requirements and identifying applicable data for analyses.

Discretion exists when DEQ has the power to make a choice about whether to act or not act, to approve or not approve, or to approve with conditions. The role of the decision-maker is to make a judgment that takes into account all relevant information.

How does DEQ monitor compliance with the permit requirements?

This permit will require the facility to monitor pollutants discharged using approved monitoring practices and standards. DEQ reviews the facility's discharge monitoring reports to check for compliance with permit limits.

What happens next?

Submit comments by sending an email or using mail service addressed to the permit coordinator listed in the "how to provide public comment" box above.

DEQ will hold a public hearing if it receives written requests for a hearing during the public comment period from at least 10 people or from an organization representing at least 10 people.

DEQ will consider and respond to all comments received and may modify the proposed permit based on comments.

For more information

Find more information by reviewing draft permit documents attached to this notice, please contact Trinh Hansen at 503-378-5055 or trinh.hansen@deq.oregon.gov with questions or to view documents in person at a DEQ office.

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ's Civil Rights and Environmental Justice page.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTE DISCHARGE PERMIT

Oregon Department of Environmental Quality
Northwest Region – Portland Office
700 NE Multnomah St., Suite 600
Portland, OR 97232
Telephone: 503-229-5263

Issued pursuant to ORS 468B.050 and the federal Clean Water Act.

ISSUED TO:
Clatsop County Fisheries
2001 Marine Dr., Rm 253
Astoria, OR 97103

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Process Wastewater	001	46.169837, -123.836779
	002	46.171163, -123.825140
	003	46.170706, -123.82291

FACILITY LOCATION:

Clatsop County Fisheries
Youngs Bay Estuary
Astoria, OR 97103
County: Clatsop
EPA Permit Type: Minor

RECEIVING STREAM INFORMATION:

Receiving stream/NHD name: Youngs River
USGS 12-Digit HUC: 170800060205
OWRD Administrative Basin: North Coast
NHD Reach Code & % along reach: 17080006000036 & 1.94%
ODEQ LLID & RM: 1238373461686 RM 0.25
Integrated Report AU ID: OR_SR_1708000602_05_100322

Issued in response to Application No. 948378 received January 17, 2023. This permit is issued based on the land use findings in the permit record.

DRAFT	DRAFT	DRAFT
Tiffany Yelton-Bram, Regional Manager, Northwest region	Issuance Date	Effective Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to: 1) operate a wastewater collection, treatment, control and disposal system; and 2) discharge treated wastewater to waters of the state only from the authorized discharge point or points in Schedule A in conformance with the requirements, limits, and conditions set forth in this permit.

Unless specifically authorized by this permit, by another NPDES or Water Pollution Control Facility permit, or by Oregon statute or administrative rule, any other direct or indirect discharge of pollutants to waters of the state is prohibited.

TABLE OF CONTENTS

Note: Schedule C (Compliance) and E (Pretreatment Activities) are not part of this permit.

LIST OF TABLES

SCHEDULE A: WASTE DISCHARGE LIMITS

1. Outfalls 001, 002, and 003 Permit Limits Year-round

Operating Requirements - The permittee must:

a. ***Feed management.*** 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. These strategies must minimize the accumulation of uneaten food beneath the pens through the use of active feed monitoring and management practices. These practices may include one or more of the following: Use of real-time feed monitoring, including devices such as video cameras, digital scanning sonar, and upweller systems; monitoring of sediment quality beneath the pens; monitoring of benthic community quality beneath the pens; capture of waste feed and feces; or other good husbandry practices approved by the permitting authority.

b. ***Waste collection and disposal.*** Collect, return to shore, and properly dispose of all feed bags, packaging materials, waste rope and netting.

c. ***Transport or harvest discharge.*** Minimize any discharge associated with the transport or harvesting of aquatic animals including blood, viscera, aquatic animal carcasses, or transport water containing blood.

d. ***Carcass removal.*** Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters of the U.S.

e. ***Materials storage***

(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.

f. ***Maintenance***

(1) Inspect the production system on a routine basis in order to identify and promptly repair any damage.

(2) Conduct regular maintenance of the production system in order to ensure that it is properly functioning.

g. ***Recordkeeping***

(1) In order to calculate representative feed conversion ratios, maintain records for aquatic animal net pens documenting the feed amounts and estimates of the numbers and weight of aquatic animals.

(2) Keep records of the net changes, inspections and repairs.

h. ***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 systems including training in feeding procedures and proper use of equipment.

2. Regulatory Mixing Zone

Pursuant to OAR 340-041-0053, the permittee is granted a regulatory mixing zone as described below:

The allowable Regulatory Mixing Zone (RMZ) shall not extend beyond a 50-foot radius from the outside boundary of the floating net pens. There is no Zone of Initial Dilution (ZID) assigned.

3. Chlorine Usage

The permittee is prohibited from using chlorine or chlorine compounds where they may be discharged to the bay.

SCHEDULE B: MINIMUM MONITORING AND REPORTING REQUIREMENTS

1. Reporting Requirements

The permittee must submit to DEQ monitoring results and reports as listed below.

Table B1: Reporting Requirements and Due Dates

Reporting Requirement	Frequency	Due Date	Report Form (See note a.)	Submit To:
Macroinvertebrate Inventory and Sediment Composition Report (see Schedule D)	Once every 2 years	Submit the first report in 2025. Submit each report by December 15th of the year sampling occurs	Electronic copy in a DEQ-approved format	Attached via electronic reporting as directed by DEQ
Best Management Practices Plan (see Schedule D)	One Time	Submit by 02/15/2026	Electronic copy in a DEQ-approved format	Attached via electronic reporting as directed by DEQ

Note:
a. All reporting requirements are to be submitted in a DEQ-approved format, unless otherwise specified in writing.

2. Monitoring and Reporting Protocols

a. Electronic Submissions

The permittee must submit to DEQ the results of monitoring indicated in Schedule B in an electronic format as specified below.

i. The permittee must submit monitoring results required by this permit via DEQ-approved web-based Discharge Monitoring Report (DMR) forms to DEQ via electronic reporting. Any data used to calculate summary statistics must be submitted as a separate attachment approved by DEQ via electronic reporting.

ii. The reporting period is the calendar month.

iii. The permittee must submit monitoring data and other information required by this permit for all compliance points by the 15th day of the month following the reporting period unless specified otherwise in this permit or as specified in writing by DEQ.

b. Test Methods

The permittee must conduct monitoring according to test procedures in 40 CFR 136 and 40 CFR 503 for biosolids or other approved procedures as per Schedule F.

c. Detection and Quantitation Limits

i. Detection Level (DL) – The DL is defined as the minimum measured concentration of a substance that can be distinguished from method blank results with 99% confidence. The DL is derived using the procedure in 40 CFR 136 Appendix B and evaluated for reasonableness relative to method blank concentrations to ensure results reported above the DL are not a result of routine background contamination. The DL is also known as the Method Detection Limit (MDL) or Limit of Detection (LOD).

ii. Quantitation Limits (QLs) – The QL is the minimum level, concentration or quantity of a target analyte that can be reported with a specified degree of confidence. It is the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration for the analyte. It is normally equivalent to the concentration of the lowest calibration standard adjusted for sample weights, volumes, preparation and cleanup procedures employed. The QL as reported by a laboratory is also sometimes referred to as the Method Reporting Limit (MRL) or Limit of Quantitation (LOQ).

d. Sufficient Sensitivity of Quantitation Limits

i. The Laboratory QLs (adjusted for any dilutions) for analyses performed to demonstrate compliance with permit limits or as part of effluent characterization, must meet at least one of the requirements below:

(A) The QL is at or below the level of the water quality criterion for the measured parameter.

(B) The QL is above the water quality criterion but the amount of the pollutant in a facility's discharge is high enough that the method detects and quantifies the level of the parameter in the discharge.

(C) The QL has the lowest sensitivity of the analytical methods procedure specified in 40 CFR 136.

(D) The QL is at or below those defined in Oregon DEQ list of quantitation limits posted online at DEQ permitting website.

e. Quality Assurance and Quality Control

i. Quality Assurance Plan – The permittee must develop and implement a written Quality Assurance Plan that details the facility sampling procedures, equipment calibration and maintenance, analytical methods, quality control activities and laboratory data handling and reporting. The QA/QC program must conform to the requirements of 40 CFR 136.7.

ii. If QA/QC requirements are not met for any analysis, the permittee must re-analyze the sample. If the sample cannot be re-analyzed, the permittee must re-sample and analyze at the earliest opportunity. If the permittee is unable to collect a sample that meets QA/QC requirements, then the permittee must include the result in the discharge monitoring report (DMR) along with a notation (data qualifier). In addition, the permittee must explain how the sample does not meet QA/QC requirements. The permittee may not use the result that failed the QA/QC requirements in any calculation required by the permit unless authorized in writing by DEQ. If these method criteria are not met for BOD_5, the permittee must: 1) report the daily BOD_5 values with data qualifiers; 2) include these BOD_5 values in the summary statistic calculations (e.g., weekly averages, monthly averages, % removal); and 3) report the BOD_5 summary statistics with data qualifiers.

iii. Flow measurement, field measurement, and continuous monitoring devices - The permittee must:

(A) Establish verification and calibration frequency for each device or instrument in the quality assurance plan that conforms to the frequencies recommended by the manufacturer.

(B) Verify at least once per year that flow-monitoring devices are functioning properly according to manufacturer’s recommendation. Calibrate as needed according to manufacturer’s recommendations.

(C) Verify at least weekly that the continuous monitoring instruments are functioning properly according to manufacturer's recommendation unless the permittee demonstrates a longer period is sufficient and such longer period is approved by DEQ in writing.

f. Reporting Sample Results

i. The permittee must report the laboratory DL and QL as defined above for each analyte, with the following exceptions: pH, temperature, BOD, CBOD, TSS, Oil & Grease, hardness, alkalinity, bacteria, and nitrate-nitrite. For temperature and pH, neither the QL nor the DL need to be reported. For the other parameters listed above, the permittee is only required to report the QL and only when the result is ND.

ii. The permittee must report the same number of significant digits as the permit limit for a given parameter.

iii. (For Discharge Monitoring Reports) If a sample result is above the DL but below the QL, the permittee must report the result as the DL preceded by DEQ's data code "E". For example, if the DL is 1.0 µg/l, the QL is 3.0 µg/L and the result is estimated to be between the DL and QL, the permittee must report "e 1.0 µg/L" on the DMR. This requirement does not apply in the case of parameters for which the DL does not have to be reported.

iv. (For Discharge Monitoring Reports) If the sample result is below the DL, the permittee must report the result as less than the specified DL. For example, if the DL is 1.0 µg/L and the result is ND, report "<1.0" on the discharge monitoring report (DMR). This requirement does not apply in the case of parameters for which the DL does not have to be reported.

3. Monitoring and Reporting Requirements

The permittee must monitor effluent from all locations and report results in accordance with the table below:

Table B2: Base Monitoring Requirements

Item or Parameter	Location	Units	Time Period	Minimum Frequency (See note a.)	Sample Type/ Required Action (See note b.)	Report Statistic (See note c.)
Macroinvertebrate community diversity and abundance	SUBC001 – SUBC010; Outfalls 001 - 003	Taxonomic Units	May 1 - Sept 30	Once every 2 years (See note a.)	Grab	1. Taxonomic Tables 2. Maximum Diversity 3. Maximum Abundance
Presence of H_2S in sediment	SUBC001 – SUBC010; Outfalls 001 - 003	NA	May 1 - Sept 30	Once every 2 years (See note a.)	Observation	Presence/Absence
Presence of Living Organisms in Sediment	SUBC001 – SUBC010; Outfalls 001 - 003	N/A	May 1 - Sept 30	Once every 2 years (See note a.)	Observation	Presence/Absence
Presence of *Beggiatoa* sp. Within the mixing zone at each location	SUBC001 – SUBC010; Outfalls 001 - 003	N/A	May 1 - Sept 30	Once every 2 years (See note a.)	Observation	Presence/Absence
Depth of Oxidized Layer of sediment	SUBC001 – SUBC010; Outfalls 001 - 003	N/A	May 1 - Sept 30	Once every 2 years (See note a.)	Measurement	Daily Maximum
Total Organic Carbon (00680)	SUBC001 – SUBC010; Outfalls 001 - 003	mg/L	May 1 - Sept 30	Once every 2 years (See note a.)	Grab	Value

Item or Parameter	Location	Units	Time Period	Minimum Frequency (See note a.)	Sample Type/ Required Action (See note b.)	Report Statistic (See note c.)
Notes: a. Samples must be collected during the summer (May 1 – September 31) b. In the event of equipment failure or loss, the permittee must notify DEQ and deploy new equipment to minimize interruption of data collection. If new equipment cannot be immediately deployed, the permittee must perform grab measurements. c. When submitting DMRs electronically, all data used to determine summary statistics must be submitted in a DEQ-approved format as a spreadsheet via electronic reporting unless otherwise directed by DEQ.						

4. Additional Reporting Requirements

a. Except as noted below, a permittee subject to this part must notify the permitting authority of the use in a concentrated aquatic animal production facility subject to this part of any investigational new animal drug (INAD) or any extralabel drug use where such a use may lead to a discharge of the drug to waters of the U.S. Reporting is not required for an INAD or extralabel drug use that has been previously approved by FDA for a different species or disease if the INAD or extralabel use is at or below the approved dosage and involves similar conditions of use.

(1) The permittee must provide a written report to the permitting authority of an INAD's impending use within 7 days of agreeing or signing up to participate in an INAD study. The written report must identify the INAD to be used, method of use, the dosage, and the disease or condition the INAD is intended to treat.

(2) For INADs and extralabel drug uses, the permittee must provide an oral report to the permitting authority as soon as possible, preferably in advance of use, but no later than 7 days after initiating use of that drug. The oral report must identify the drugs used, method of application, and the reason for using that drug.

(3) For INADs and extralabel drug uses, the permittee must provide a written report to the permitting authority within 30 days after initiating use of that drug. The written report must identify the drug used and include: the reason for treatment, date(s) and time(s) of the addition (including duration), method of application; and the amount added.

b. Failure in, or damage to, the structure of an aquatic animal containment system resulting in an unanticipated material discharge of pollutants to waters of the U.S. In accordance with the following procedures, any permittee subject to this part must notify the permitting authority when there is a reportable failure.

(1) The permitting authority may specify in the permit what constitutes reportable damage and/or a material discharge of pollutants, based on a consideration of production system type, sensitivity of the receiving waters and other relevant factors.

(2) The permittee must provide an oral report within 24 hours of discovery of any reportable failure or damage that results in a material discharge of pollutants, describing the cause of the failure or damage in the containment system and identifying materials that have been released to the environment as a result of this failure.

(3) The permittee must provide a written report within 7 days of discovery of the failure or damage documenting the cause, the estimated time elapsed until the failure or damage was repaired, an estimate of the material released as a result of the failure or damage, and steps being taken to prevent a recurrence.

c. In the event a spill of drugs, pesticides or feed occurs that results in a discharge to waters of the U.S., the permittee must provide an oral report of the spill to the permitting authority within 24 hours of its occurrence and a written report within 7 days. The report shall include the identity and quantity of the material spilled.

SCHEDULE C: COMPLIANCE SCHEDULE

A compliance schedule is not part of this permit.

SCHEDULE D: SPECIAL CONDITIONS

1. Best Management Practices (BMP) Plan

a. Develop and maintain a plan on site describing how the permittee will achieve the requirements of Schedule A item 1.

b. Make the plan available to the permitting authority upon request.

c. The permittee must certify in writing to the permitting authority that a BMP plan has been developed.

2. Emergency Response and Public Notification Plan

The permittee must develop an Emergency Response and Public Notification Plan ("plan"), or ensure the facility's existing plan is current and accurate, per Schedule F, Section B, and Condition 7 within 6 months of permit effective date. The permittee must update the plan annually to ensure all information contained in the plan, including telephone and email contact information for applicable public agencies, is current and accurate. An updated copy of the plan must be kept on file at the facility for DEQ review. The latest plan revision date must be listed on the plan cover along with the reviewer's initials or signature.

3. Macroinvertebrate Inventory and Sediment Composition Report

The permittee must submit a report every two years that includes the baseline monitoring requirements in Table B2 and the following sections: introduction, methods, results, and a discussion of how the results demonstrate the facility has minimized the accumulation of uneaten food beneath the net-pens. This report must follow the format of the Macroinvertebrate Inventory and Sediment Composition Report submitted previously on January 1, 2024.

SCHEDULE E: PRETREATMENT ACTIVITIES

A pretreatment program is not part of this permit.

SCHEDULE F: NPDES GENERAL CONDITIONS

NPDES GENERAL CONDITIONS – INDUSTRIAL FACILITIES

July 31, 2016, Version

SECTION A. STANDARD CONDITIONS

A1. Duty to Comply with Permit

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

A2. Penalties for Water Pollution and Permit Condition Violations

The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions of 33 USC § 1365. DEQ enforcement is generally based on provisions of state statutes and Environmental Quality Commission (EQC) rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows DEQ to impose civil penalties up to $25,000 per day for violation of a term, condition, or requirement of a permit.

Under ORS 468.943, unlawful water pollution in the second degree, is a Class A misdemeanor and is punishable by a fine of up to $25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, unlawful water pollution in the first degree is a Class B felony and is punishable by a fine of up to $250,000, imprisonment for not more than 10 years, or both.

The Clean Water Act provides that any person who violates permit condition, 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 $25,000 per day for each violation.

The Clean Water Act provides that any person who negligently violates any condition, 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.

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.

Any person who knowingly violates section any permit condition, 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 CWA, 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.

Any person may be assessed an administrative penalty by the Administrator for violating any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act.

Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000.

Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.

A3. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit. In addition, upon request of DEQ, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

A4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

DEQ may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

A5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a total maximum daily load (TMDL).
e. New information or regulations.
f. Modification of compliance schedules.
g. Requirements of permit reopener conditions.
h. Correction of technical mistakes made in determining permit conditions.
i. Determination that the permitted activity endangers human health or the environment.
j. Other causes as specified in 40 CFR §§ 122.62, 122.64, and 124.5.

The filing of a request by the permittee for a permit modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

A6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 and 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water

Act 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.

A7. Property Rights and Other Legal Requirements
The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

A8. Permit References
Except for effluent standards or prohibitions established under section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants, and standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

A9. Permit Fees
The permittee must pay the fees required by OAR.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

B1. 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) that 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 that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

B2. Need to Halt or Reduce Activity Not a Defense
For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permittee must, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

B3. Bypass of Treatment Facilities
a. Definitions
(1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs b and c of this section.
(2) "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 that 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.
b. Prohibition of bypass.
(1) Bypass is prohibited and DEQ may take enforcement action against a permittee for bypass unless:
i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
ii. 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 backup 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 preventative maintenance; and

iii. The permittee submitted notices and requests as required under General Condition B3.c.

(2) DEQ may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when DEQ determines that it will meet the three conditions listed above in General Condition B3.b(1).

c. Notice and request for bypass.

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, a written notice must be submitted to DEQ at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D5.

B4. Upset

a. Definition. "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 operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b. 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 requirements of General Condition B4.c are met. 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.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the causes(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in General Condition D5, hereof (24-hour notice); and

(4) The permittee complied with any remedial measures required under General Condition A3 hereof.

d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

B5. Treatment of Single Operational Upset

For purposes of this permit, a single operational upset that leads to simultaneous violations of more than one pollutant parameter will be treated as a single violation. A single operational upset is an exceptional incident that causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one federal Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include federal Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational upset is a violation.

B6. Public Notification of Effluent Violation

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B7. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

B7. Emergency Response and Public Notification Plan

The permittee must develop and implement an emergency response and public notification plan that identifies measures to protect public health from bypasses or upsets that may endanger public health. At a minimum the plan must include mechanisms to:

a. Ensure that the permittee is aware (to the greatest extent possible) of such events;
b. Ensure notification of appropriate personnel and ensure that they are immediately dispatched for investigation and response;
c. Ensure immediate notification to the public, health agencies, and other affected entities (including public water systems). The response plan must identify the public health and other officials who will receive immediate notification;
d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained;
e. Provide emergency operations; and
f. Ensure that DEQ is notified of the public notification steps taken.

B8. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in such a manner as to prevent any pollutant from such materials from entering waters of the state, causing nuisance conditions, or creating a public health hazard.

SECTION C. MONITORING AND RECORDS

C1. Representative Sampling

Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of DEQ. Samples must be collected in accordance with requirements in 40 CFR part 122.21 and 40 CFR part 403 Appendix E.

C2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.

C3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503 unless other test procedures have been specified in this permit.

For monitoring of recycled water with no discharge to waters of the state, monitoring must be conducted according to test procedures approved under 40 CFR part 136 or as specified in the most recent edition of Standard Methods for the Examination of Water and Wastewater unless other test procedures have been specified in this permit or approved in writing by DEQ.

C4. Penalties for Tampering

The federal Clean Water 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 may, upon conviction, be punished by a fine of not more than $10,000 per violation, imprisonment for not more than two years, or

both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both.

C5. Reporting of Monitoring Results

Monitoring results must be summarized each month on a discharge monitoring report form approved by DEQ. The reports must be submitted monthly and are to be mailed, delivered or otherwise transmitted by the 15th day of the following month unless specifically approved otherwise in Schedule B of this permit.

C6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (for example, total residual chlorine), only the average daily value must be recorded unless otherwise specified in this permit.

C7. Averaging of Measurements

Calculations for all limitations that require averaging of measurements must utilize an arithmetic mean, except for bacteria which must be averaged as specified in this permit.

C8. Retention of Records

Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities must be retained for a period of at least 5 years (or longer as required by 40 CFR part 503). Records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for this permit must be retained for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of DEQ at any time.

C9. Records Contents

Records of monitoring information must include:

a. The date, exact place, time, and methods of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and
f. The results of such analyses.

C10. Inspection and Entry

The permittee must allow DEQ or EPA upon the presentation of credentials to:

a. 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;
b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

C11. Confidentiality of Information

Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The permittee may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permittee, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR § 122.21 are not classified as confidential [40 CFR § 122.7(b)].

SECTION D. REPORTING REQUIREMENTS

D1. Planned Changes

The permittee must comply with OAR 340-052, "Review of Plans and Specifications" and 40 CFR § 122.41(l)(1). Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by DEQ. The permittee must give notice to DEQ as soon as possible of any planned physical alternations or additions to the permitted facility.

D2. Anticipated Noncompliance

The permittee must give advance notice to DEQ of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

D3. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ 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 40 CFR § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

D4. Compliance Schedule

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date. Any reports of noncompliance must include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

D5. Twenty-Four Hour Reporting

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours from the time the permittee becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

a. The following must be included as information that must be reported within 24 hours under this paragraph:
   (1) Any unanticipated bypass that exceeds any effluent limitation in this permit;
   (2) Any upset that exceeds any effluent limitation in this permit;
   (3) Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
   (4) Any noncompliance that may endanger human health or the environment.

b. A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:
   (1) A description of noncompliance and its cause;

(2) The period of noncompliance, including exact dates and times;
(3) The estimated time noncompliance is expected to continue if it has not been corrected;
(4) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and
(5) Public notification steps taken, pursuant to General Condition B7.

DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D4 or D5, at the time monitoring reports are submitted. The reports 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 reoccurrence of the noncompliance.

D7. Duty to Provide Information

The permittee must furnish to DEQ within a reasonable time any information that DEQ may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to DEQ, upon request, copies of records required to be kept by this permit.

Other Information: When the permittee becomes aware that it has failed to submit any relevant facts or has submitted incorrect information in a permit application or any report to DEQ, it must promptly submit such facts or information.

D8. Signatory Requirements

All applications, reports or information submitted to DEQ must be signed and certified in accordance with 40 CFR § 122.22.

D9. Falsification of Information

Under ORS 468.953, 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 noncompliance, is subject to a Class C felony punishable by a fine not to exceed $125,000 per violation and up to 5 years in prison per ORS chapter 161. Additionally, according to 40 CFR § 122.41(k)(2), 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 will, upon conviction, be punished by a federal civil penalty not to exceed $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

D10. Changes to Discharges of Toxic Pollutant

The permittee must notify DEQ as soon as it knows or has reason to believe the following:

a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:
   (1) One hundred micrograms per liter (100 µg/l);
   (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
   (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
   (4) The level established by DEQ in accordance with 40 CFR § 122.44(f).

b. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
   (1) Five hundred micrograms per liter (500 µg/l);
   (2) One milligram per liter (1 mg/l) for antimony;
   (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
   (4) The level established by DEQ in accordance with 40 CFR § 122.44(f).

SECTION E. DEFINITIONS

E1. *BOD or BOD_5* means five-day biochemical oxygen demand.
E2. *CBOD or $CBOD_5$* means five-day carbonaceous biochemical oxygen demand.
E3. *TSS* means total suspended solids.
E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
E5. *FC* means fecal coliform bacteria.
E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
E7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR § 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
E8. *mg/l* means milligrams per liter.
E9. *µg/l* means microgram per liter.
E10. *kg* means kilograms.
E11. *m^3/d* means cubic meters per day.
E12. *MGD* means million gallons per day.
E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 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.
E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
E15. *Daily discharge* as defined at 40 CFR § 122.2 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 must be 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 must be calculated as the average measurement of the pollutant over the day.
E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
E18. *Quarter* means January through March, April through June, July through September, or October through December.
E19. *Month* means calendar month.
E20. *Week* means a calendar week of Sunday through Saturday.

State of Oregon
Department of
Environmental
Quality

National Pollutant Discharge Elimination System
Permit Fact Sheet
Clatsop County Fisheries

Permittee	Clatsop County Fisheries Clatsop County Fisheries Youngs Bay Estuary Adjacent to S City Limits Astoria, OR 97103
Existing Permit Information	File Number: 104386 Permit Number: 101767 EPA Reference Number: OR0040631 Category: Industrial Class: Minor Expiration Date: 11/30/2023
Permittee Contact	Steve Meshke Natural Resources Manager (503) 325-6452 2001 Marine Drive #253 Astoria, OR 97103
Receiving Water Information	Receiving stream/NHD name: Youngs River NHD Reach Code & % along reach: 17080006000036 & 1.94% USGS 12-digit HUC: 170800060205 OWRD Administrative Basin: North Coast ODEQ LLID & River Mile: 1238373461686 RM 0.25 Assessment Unit ID: OR_SR_1708000602_05_100322
Proposed Action	Permit Renewal Application Number: 948378 Date Application Received: 01/17/2023
Permit Writer	Megan Poskaitis 503-847-6597 Date Prepared: 11-1-2024

NPDES Permit Fact Sheet
Clatsop County Fisheries

Table of Contents

List of Tables

List of Figures

NPDES Permit Renewal Fact Sheet
Clatsop County Fisheries

1. Introduction

As required by Oregon Administrative Rule 340-045-0035, this fact sheet describes the basis and methodology used in developing the permit. The permit is divided into several sections:

Schedule A – Waste discharge limitations
Schedule B – Minimum monitoring and report requirements
Schedule C – Compliance conditions and schedules
Schedule D – Special conditions
Schedule E – Pretreatment conditions
Schedule F – General conditions

A summary of the major changes to the permit are listed below:

- Schedule B – removed monitoring requirements for temperature, pH, and total dissolved solids
- Schedule D – moved conditions 1-3 to Schedule B

2. Facility Description

2.1 Wastewater Facility

Since 1989 Clatsop County Fisheries has operated a net-pen salmon rearing program in Youngs Bay. There are currently 70 net-pens being used in Youngs Bay at three sites. There are 38 pens located at the Yacht Club site, 16 pens at the Bornstein's site, and 16 pens at the Tide Point site (see figure 1). The net-pen arrays consist of two and four-pen units secured together and chained to steel piles. The net-pen frames are constructed of 12-inch diameter high-density polyethylene plastic pipes filled with polystyrene foam. Each frame was constructed with 2" x 12" wooden decking for access. The dimension for each pen is 20' x 20' x 8'. The volume of each rearing pen is 3,200 cubic feet.

Coho salmon and spring Chinook salmon are reared and released in Youngs Bay annually. The release goals for each species are 825,000 Coho, held from October to April, 1,050,000 spring Chinook, held from November to March and 300,000 spring Chinook acclimated in March/April. Clatsop County Fisheries have no plans to rear and release fall Chinook over the next permit cycle.

The permittee provided a summary of the harvestable weight of the salmon produced at the facility. Table 1 summarizes that information.

Table 2-1: Species and Harvestable Weights of Salmon reared at Clatsop County Fisheries

Cold Water Species	Maximum Weight/Year (lbs)
Coho Salmon	27,500
Spring Chinook Salmon	54.241
Total	81,741

The Clatsop County Fisheries net pens are in use between October and May of each year. These nets are inspected by Clatsop County Fisheries staff when they are in use. After the fish are released into Youngs Bay, the nets are removed from the bay and pressure washed. If the nets are washed on the drying dock, they are washed only with water from Youngs Bay. The nets are pressure washed with city water if they are stored on the parking lot next to the facility on shore.

Figure 2-1: Facility Location

Three outfalls and 10 monitoring locations were assigned in the last permit to this facility. The outfalls and monitoring locations are summarized below and will be retained in this permit. Each of the net pen outfall locations are monitoring upstream and downstream for compliance with this permit.

Table 2-2: List of Outfalls

Outfall Number	Site Name	Lat/Long
001	Yacht Club Site	46.169837, -123.836779
002	Bornstein Site	46.170706, -123.82291
003	Tidepoint Site	46.171163, -123.825140

Table 2-3: Monitoring Locations

Monitoring Location Name	Description	Approximate Latitude	Approximate Longitude
SUBC 001	Reference Station 9	46.169557	-123.838654
SUBC 002	Reference Station 10	46.169072	-123.837503
SUBC 003	Reference Station 11	46.170127	-123.834964
Outfall 001	Impact Station 1	46.169837	-123.836779
SUBC 004	Perimeter Station 12	46.169992	-123.835958
SUBC 005	Perimeter Station 13	46.169439	-123.837013
SUBC 006	Reference Station 6	46.170388	-123.821825
SUBC 007	Reference Station 7	46.170469	-123.824150
SUBC 008	Reference Station 8	46.171084	-123.826146
Outfall 002	Impact Station 3	46.170706	-123.82291
Outfall 003	Impact Station 5	46.171163	-123.825140
SUBC 009	Perimeter Station 15	46.171269	-123.825813
SUBC 010	Perimeter Station 18	46.170893	-123.824007

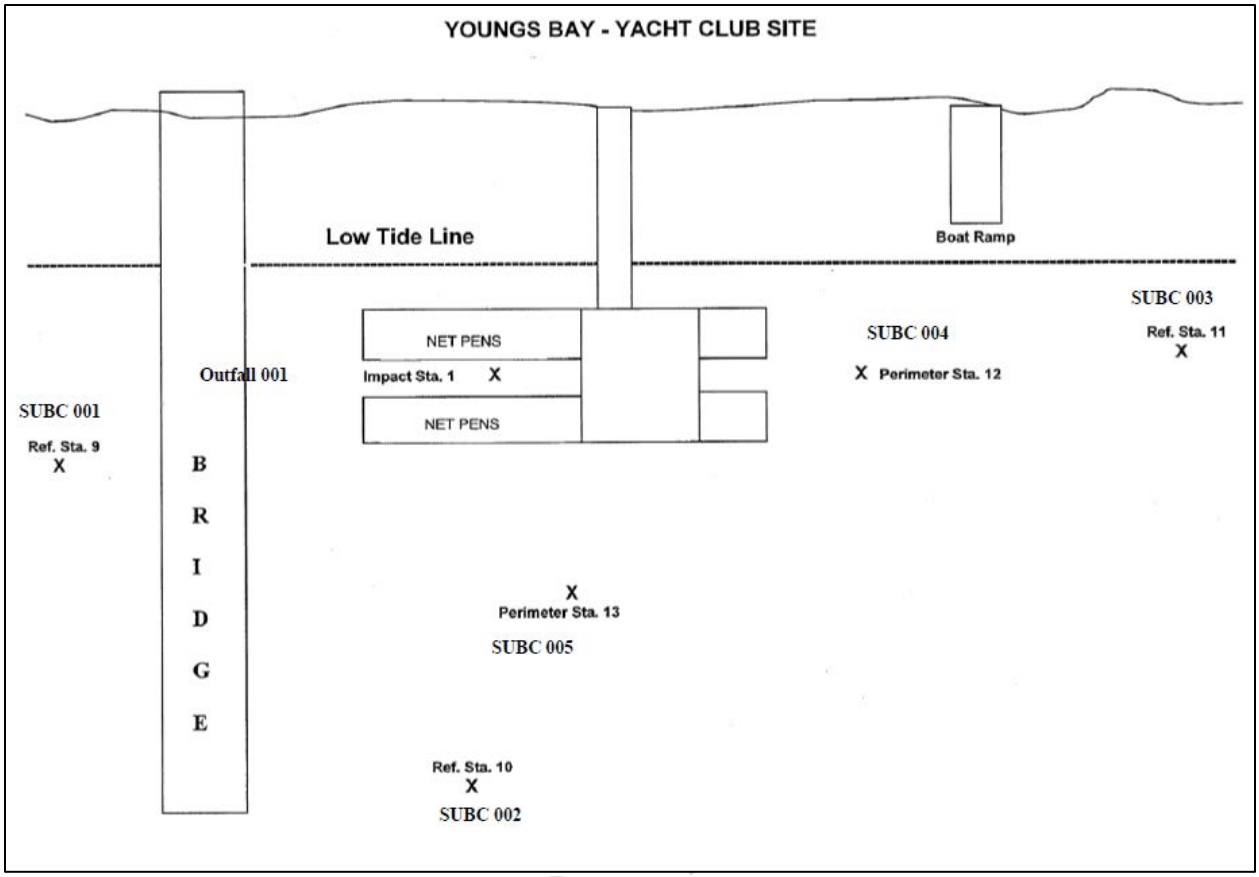

Figure 2-2: Yacht Club Site Monitoring Locations

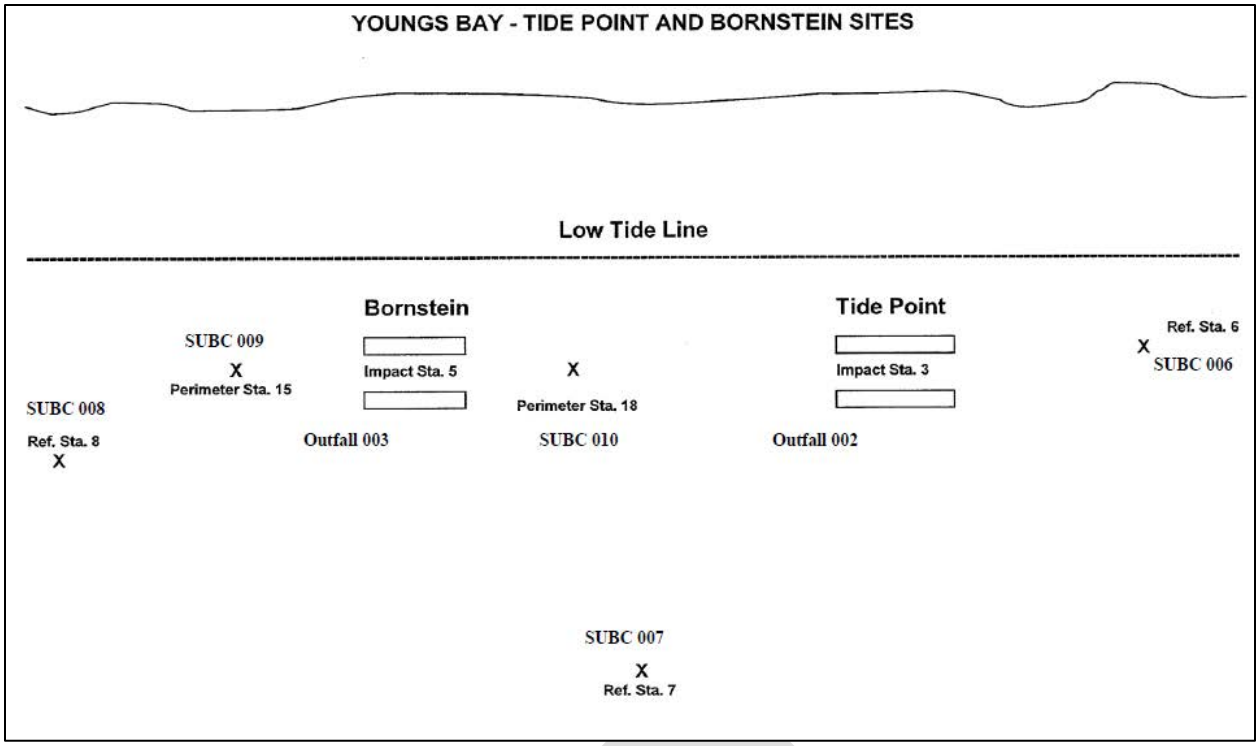

Figure 2-3: Tide Point and Bornstein Sites – Monitoring Locations

2.2 Stormwater

The instream facility will not be exposed to any stormwater.

2.3 Wastewater Classification

Not applicable. Dilution is the only treatment employed by this facility.

2.4 Industrial Rating

DEQ uses EPA's non-municipal rating system to classify a permittee as a major or a minor facility. EPA developed a rating worksheet that considers factors such as type of facility, relative flow rate, potential to impact human health and other water quality factors. DEQ completed the rating worksheet and determined the permittee is a minor facility. The rating sheet is part of the administrative record.

3. Schedule A: Effluent Limit Development

Effluent limits serve as the primary mechanism in NPDES permits for controlling discharges of pollutants to receiving waters. Effluent limitations can be based on either the technology available to control the pollutants or limits that are protecting the water quality standards for the receiving water. DEQ refers to these two types of permit limits as technology-based effluent limitations (TBELs) and water quality-based effluent limits (WQBELs) respectively. When a TBEL is not restrictive enough to protect the receiving stream, DEQ must include a WQBEL in the permit.

3.1 Existing Effluent Limits

The existing permit limits for the Clatsop County Fisheries are as follows:

Outfalls 001-003 – Permit Limits Year-round

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. These strategies must minimize the accumulation of uneaten food beneath the pens through the use of active feed monitoring and management practices. These practices may include one or more of the following: Use of monitoring of benthic community quality beneath the pens; capture of waste feed and feces; or other good husbandry practices approved by the permitting authority.
2) Collect, return to shore, and properly dispose of all feed bags, packaging materials, waste rope and netting.
3) Minimize any discharge associated with the transport or harvesting of aquatic animals including blood, viscera, aquatic animal carcasses, or transport water containing blood.
4) Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters of the U.S.
5) 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.
6) Implement procedures for properly containing, cleaning, and disposing of any spilled material.
7) Inspect the net pens on a routine basis in orde1; to identify and promptly repair any damage.
8) Conduct regular maintenance of the net pens in order to ensure that it is properly functioning.
9) In order to calculate representative feed conversion ratios, maintain records for the aquatic animal net pens documenting the feed amounts and estimates of the numbers and weight of aquatic animals.
10) Keep records of the net changes, inspections and repairs.
11) 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.
12) Train staff on the proper operation and cleaning of net pens including training in feeding procedures and proper use of equipment.

3.2 Technology-Based Effluent Limit Development

EPA is required to develop technology-based effluent limits for categories of industrial facilities. These limits are called effluent limitation guidelines (ELGs). EPA established these based on available treatment technologies for facilities within an industrial category or subcategory. ELGs are applied in NPDES permits as TBELs. If there are no applicable ELGs developed by EPA, best professional judgment technology based effluent limits (BPJ TBELs) may be applied (40 CFR § 125.3(c)(2)).

As described in Section 2.1, Clatsop County Fisheries is classified as a Concentrated Aquatic Animal Production (CAAP) facility, which is addressed in EPA's ELGs listed under 40 CFR § 451. Under the Applicability section at 40 CFR § 451.20, this rule applies to permitted facilities that produce at least 100,000 pounds of aquatic animals annually in net pen or submerged cage systems. Clatsop County Fisheries is a net pen facility with a production capacity of more than 100,000 pounds annually. Therefore, conditions under 40 CFR § 451.21 directly apply to this facility.

The ELGs for this this subcategory are best practicable control technology. The permittee must meet the requirements of Best Practical Control Technology (BPT), found in 40 CFR, Part 451.21, and reproduced below:

a) ***Feed management.*** 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. These strategies must minimize the accumulation of uneaten food beneath the pens through the use of active feed monitoring and management practices. These practices may include one or more of the following: Use of real-time feed monitoring, including devices such as video cameras, digital scanning sonar, and upweller systems; monitoring of sediment quality beneath the pens; monitoring of benthic community quality beneath the pens; capture of waste feed and feces; or other good husbandry practices approved by the permitting authority.

b) ***Waste collection and disposal.*** Collect, return to shore, and properly dispose of all feed bags, packaging materials, waste rope and netting.

c) ***Transport or harvest discharge.*** Minimize any discharge associated with the transport or harvesting of aquatic animals including blood, viscera, aquatic animal carcasses, or transport water containing blood.

d) ***Carcass removal.*** Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters of the U.S.

e) ***Materials storage***

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.

f) ***Maintenance***

1) Inspect the production system on a routine basis in order to identify and promptly repair any damage.

2) Conduct regular maintenance of the production system in order to ensure that it is properly functioning.

g) ***Recordkeeping***

1) In order to calculate representative feed conversion ratios, maintain records for aquatic animal net pens documenting the feed amounts and estimates of the numbers and weight of aquatic animals.

2) Keep records of the net changes, inspections and repairs.

h) ***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 systems including training in feeding procedures and proper use of equipment.

The BPT effluent limitation guidelines (ELGs) in 40 CFR, Part 451.21 are narrative technology based effluent limits (TBELs) and are included in Schedule A of the proposed permit.

Additionally, the general reporting requirements under 40 CFR § 451.3 apply to facilities in both Subparts A and B. The reporting requirements under 40 CFR § 451.3 are reproduced below:

a) ***Drugs.*** Except as noted below, a permittee subject to this part must notify the permitting authority of the use in a concentrated aquatic animal production facility subject to this part of any investigational new animal drug (INAD) or any extralabel drug use where such a use may lead to a discharge of the drug to waters of the U.S. Reporting is not required for an INAD or extralabel drug use that has been previously approved by FDA for a different species or disease if the INAD or extralabel use is at or below the approved dosage and involves similar conditions of use.

1) The permittee must provide a written report to the permitting authority of an INAD's impending use within 7 days of agreeing or signing up to participate in an INAD study. The written report must identify the INAD to be used, method of use, the dosage, and the disease or condition the INAD is intended to treat.

2) For INADs and extralabel drug uses, the permittee must provide an oral report to the permitting authority as soon as possible, preferably in advance of use, but no later than 7 days after initiating use of that drug. The oral report must identify the drugs used, method of application, and the reason for using that drug.

3) For INADs and extralabel drug uses, the permittee must provide a written report to the permitting authority within 30 days after initiating use of that drug. The written report must identify the drug used and include: the reason for treatment, date(s) and time(s) of the addition (including duration), method of application; and the amount added.

b) Failure in, or damage to, the structure of an aquatic animal containment system resulting in an unanticipated material discharge of pollutants to waters of the U.S. In accordance with the following procedures, any permittee subject to this part must notify the permitting authority when there is a reportable failure.

1) The permitting authority may specify in the permit what constitutes reportable damage and/or a material discharge of pollutants, based on a consideration of production system type, sensitivity of the receiving waters and other relevant factors.

2) The permittee must provide an oral report within 24 hours of discovery of any reportable failure or damage that results in a material discharge of pollutants, describing the cause of the failure or damage in the containment system and identifying materials that have been released to the environment as a result of this failure.

3) The permittee must provide a written report within 7 days of discovery of the failure or damage documenting the cause, the estimated time elapsed until the failure or damage was repaired, an estimate of the material released as a result of the failure or damage, and steps being taken to prevent a recurrence.

c) In the event a spill of drugs, pesticides or feed occurs that results in a discharge to waters of the U.S., the permittee must provide an oral report of the spill to the permitting authority within 24 hours of its occurrence and a written report within 7 days. The report shall include the identity and quantity of the material spilled.

d) ***Best management practices (BMP) plan.*** The permittee subject to this part must:

1) Develop and maintain a plan on site describing how the permittee will achieve the requirements of § 451.11(a) through (e) or § 451.21(a) through (h), as applicable.

2) Make the plan available to the permitting authority upon request.

3) The permittee subject to this part must certify in writing to the permitting authority that a BMP plan has been developed.

The general reporting requirements under 40 CFR § 451.3 are included in Schedule B of the proposed permit. However, item (d) best management practices (BMP) plan is included in Schedule D of the proposed permit.

The proposed limits are the same or more stringent that the current limits and will be included in the proposed permit.

3.3 Water Quality-Based Effluent Limit Development

40 CFR 122.44(d) requires that permits include limitations more stringent than technology-based requirements where necessary to meet water quality standards. Water quality-based effluent limits may be in the form of a wasteload allocation required as part of a Total Maximum Daily Load (TMDL). They may also be required if a site-specific analysis indicates the discharge has the reasonable potential to cause or contribute to an exceedance of a water quality criterion. DEQ establishes effluent limits for pollutants that have a reasonable potential to exceed a criterion.

The current version of the permit requires the collection and analysis of sediment, macroinvertebrates, and Total Organic Carbon to assess compliance with the TBELs. None of these parameters have an associated numeric water quality criterion. Therefore, no reasonable potential analysis can be completed. Given that the net pens are located in the mouth of the Youngs River in an area of active tidal influence with a large amount of dilution, the technology-based permit limits in the proposed permit ensure that the effluent from the net pens will not cause or contribute to violations of state water quality standards.

3.3.1 Designated Beneficial Uses

NPDES permits issued by DEQ must protect the following designated beneficial uses of Youngs River. These uses are listed in OAR-340-041-0230 for the North Coast Basin.

- Industrial water supply
- Fish and aquatic life
- Wildlife and hunting
- Fishing
- Boating
- Water contact recreation
- Aesthetic quality
- Commercial navigation and transportation

3.3.2 303(d) Listed Parameters and Total Maximum Daily Loads (TMDLs)

The following table lists the parameters that are on the 2022 303(d) list (Category 5) within the discharge's stream reach. If a parameter is listed under Category 5, the data in the assessment unit (or nearby assessment unit) indicates a designated use is not supported or a water quality standard is not attained and a TMDL is needed. The table also lists any parameters with an approved TMDL for the discharge's stream reach. If a parameter is listed under Category 4A, TMDLs that will result in attainment of water quality standards and beneficial use support have been approved.

Table 3-1: 303(d) and TMDL Parameters

Water Quality Limited Parameters (Category 5)	
AU ID:	OR_SR_1708000602_05_100322
AU Name:	Youngs River
AU Status:	Impaired
Year Listed	2004

Year Last Assessed	2022
Category 5 Parameters	Fecal Coliform, Dissolved Oxygen, Alkalinity
Category 4A Parameters	
NA	

The category 5 pollutants, fecal coliform, dissolved oxygen, and alkalinity are not pollutants of concern because they are not expected to be present in the effluent from this facility.

DEQ issued a North Coast Subbasins Total Maximum Daily Load in June 2003 that provided waste load allocations (WLAs) for bacteria and temperature for point sources in the basin. Temperature and bacteria are not listed as Category 4 parameters for the Youngs River assessment unit where the net pen sites are located. Additionally, for this source, temperature and bacteria are not pollutants of concern. See Sections 3.3.6 and 3.3.7. for further discussion.

3.3.3 Pollutants of Concern

To ensure that a permit is protecting water quality, DEQ must identify pollutants of concern. These are pollutants that are expected to be present in the effluent at concentrations that could adversely impact water quality. DEQ uses the following information to identify pollutants of concern:

- Effluent monitoring data.
- Knowledge about the permittee's processes.
- Knowledge about the receiving stream water quality.
- Pollutants identified by applicable federal effluent limitation guidelines.

DEQ did not identify any pollutants of concern.

3.3.4 Regulatory Mixing Zone

The proposed permit contains a mixing zone as allowed per OAR 340-041-0053. The regulatory mixing zone from the existing permit will be maintained and is described as:

> *The allowable Regulatory Mixing Zone (RMZ) shall not extend beyond a 50-foot radius from the outside boundary of the floating net pens. There is no Zone of Initial Dilution (ZID) assigned.*

The facility is a net-pen salmon rearing program located within Youngs River. At last permit renewal the facility operated 72 individual net-pens at 3 different sites (Yacht Club - Outfall 001, Bornstein – Outfall 002, and Tide Point - Outfall 003) which are considered 3 different "outfalls". The approximate center of each net pen is located at the following coordinates: Outfall 001 ('Yacht Club') – West most net pen group - 46.169762, -123.837244; Outfall 002 ('Bornstein') – Middle net pen group - 46.171105, -123.824862; Outfall 003 ('Tide Point') – East most net pen group - 46.170616, -123.822677 (Coordinates are in WGS84). Given the location of the net pens in the mouth of the Youngs River in an area of active tidal influence the dilution is expected to be large.

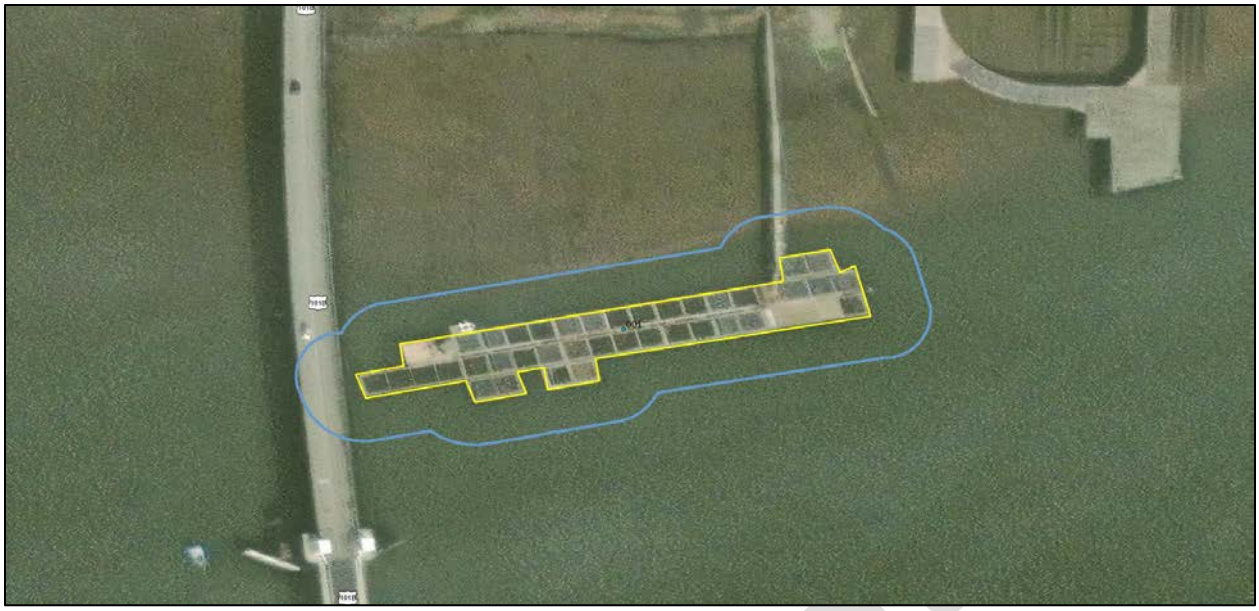

Figure 3-1: Yacht Club – Outfall 001

Outline of net pens shown in yellow, RMZ shown in blue.

Figure 3-2: Bornstein – Outfall 002 and Tide Point – Outfall 003

Outline of net pens shown in yellow, RMZ shown in blue.

3.3.5 pH

The pH criterion for estuarine and fresh waters in this basin is 6.5 - 8.5 per OAR 340-041-0235. Rearing fish in net pens at this quantity is not likely to affect the pH of the receiving water given the active tidal influence and large amount of dilution in Youngs Bay, and previous monitoring performed by the permittee indicated that pH was within the basin criteria. DEQ has not identified pH as a pollutant of concern for this facility, and therefore no additional controls or monitoring beyond the technology-based effluent limits will be required in the proposed permit.

3.3.6 Temperature

DEQ determined that temperature is not a pollutant of concern for this facility. Rearing fish in net pens at this quantity is not likely to affect the temperature of the receiving water given the active tidal influence and large amount of dilution in Youngs Bay. Therefore, no additional controls or monitoring will be required in this proposed permit.

3.3.7 Bacteria

Though OAR 340-041-0009(6)(b) specifies criteria for discharges of bacteria (*E. coli*) into freshwaters, these criteria only apply to organisms commonly associated with fecal sources. *E. coli* is commonly found in the intestines and fecal matter of warm-blooded animals and is generally not found in the intestines and fecal matter of living fish. Therefore, no bacteria limits are included in the permit.

3.3.8 Total Dissolved Solids

DEQ determined that total dissolved solids (TDS) is not a pollutant of concern for this facility because the facility is not expected to be a significant source of TDS when meeting the requirements of the BPT. See section 3.2.

3.3.9 Toxic Pollutants

DEQ typically performs the reasonable potential analysis for toxics according to EPA guidance provided in the Technical Support Document for Water Quality-Based Toxics Control (TSD) (Office of Water Enforcement and Permits, U.S. EPA, March 1991). The factors incorporated into this analysis include:

1. Effluent concentrations and variability
2. Water quality criteria for aquatic life and human health
3. Receiving water concentrations
4. Receiving water dilution (if applicable)

DEQ performs these analyses using spreadsheets that incorporate EPA's statistical methodology. The following sections describe the analyses for various toxic pollutants below.

3.3.9.1 Mercury – Human Health Criterion

DEQ determined that this facility is not a likely source of mercury. Therefore, no additional controls or monitoring will be required.

3.4 Antibacksliding

The proposed permit complies with the antibacksliding provisions of CWA sections 402(o) and 303(d)(4) and 40 CFR 122.44(l). The proposed limits are the same or more stringent than the existing permit so the antibacksliding provision is satisfied.

3.5 Antidegradation

DEQ must ensure the permit complies with Oregon's antidegradation policy found in OAR 340-041-0004. This policy is designed to protect water quality by limiting unnecessary degradation from new or increased sources of pollution.

DEQ has performed an antidegradation review for this discharge. The proposed permit contains the same or more stringent discharge loadings as the existing permit. Permit renewals with the same or more stringent discharge loadings as the previous permit are not considered to lower water quality from the existing condition. DEQ is not aware of any information that existing limits are not protecting the receiving stream's designated beneficial uses. DEQ is also not aware of any existing uses present within the water body that are not currently protected by standards developed to protect the designated uses. Therefore, DEQ has determined that the proposed discharge complies with DEQ's antidegradation policy. DEQ's antidegradation worksheet for this permit renewal is available upon request.

3.6 Whole Effluent Toxicity

DEQ determined that whole effluent toxicity (WET) testing is not warranted due to the low levels of toxics present in the final effluent.

3.7 Groundwater

The facility is floating in an active tidal zone and should not cause or contribute any pollution to groundwater.

4. Schedule A: Other Limitations

4.1 Mixing Zone

Schedule A describes the regulatory mixing zone as discussed above in section 3.

5. Schedule B: Monitoring and Reporting Requirements

Schedule B of the permit describes the minimum monitoring and reporting necessary to demonstrate compliance with the proposed effluent limits. Detailed monitoring frequency and reporting requirements are in Schedule B of the proposed permit. The required monitoring, reporting and frequency for many of the parameters are based on permit writer best professional judgment. The proposed permit retains the monitoring requirements for collection of sediment,

macroinvertebrate community diversity and abundance, and total organic carbon to assess compliance with the TBELs.

6. Schedule C: Compliance Schedule

The permittee is expected to meet all effluent limits once the permit becomes effective and therefore a compliance schedule is not needed.

7. Schedule D: Special Conditions

7.1 Best Management Practices (BMP) plan

A requirement to develop a best management practices plan describing how the permittee will achieve the requirements of item 1 in Schedule A.

7.2 Emergency Response and Public Notification Plan

A requirement to develop and submit an emergency and spill response plan or ensure the existing one is current per General Condition B.7 in Schedule F.

7.3 Macroinvertebrate Inventory and Sediment Composition Report

A requirement to develop and submit a macroinvertebrate inventory and sediment composition report every two years.

8. Schedule F: NPDES General Conditions

Schedule F contains the following general conditions that apply to all NPDES permittees. These conditions are reviewed by EPA on a regular basis.

- Section A. Standard Conditions
- Section B. Operation and Maintenance of Pollution Controls
- Section C. Monitoring and Records
- Section D. Reporting Requirements
- Section E. Definitions