

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES)

This document gives pertinent information concerning the reissuance of the AZPDES permit listed below. This facility is a fish hatchery classified as a concentrated aquatic animal production (CAAP) facility and has a maximum flow rate of 2.74 million gallons per day (mgd). Due to the nature of the discharge, this is considered to be a minor facility under the NPDES program. The effluent limitations contained in this permit will maintain the Water Quality Standards listed in Arizona Administrative Code (A.A.C.) R18-11-101 *et seq.* This permit is proposed to be issued for a period of 5 years.

I. PERMITTEE INFORMATION	
Permittee's Name:	Arizona Game and Fish Department (AZGFD)
Permittee's Mailing Address:	5000 W. Carefree Highway Phoenix, AZ 85086
Facility Name:	Tonto Creek Fish Hatchery (TCFH)
Facility Address or Location:	3898 N. Tonto Creek Rd, Bldg 1 Payson, AZ 85541
County:	Gila
Contact Person(s): Phone/e-mail address	Jade Dickens, Water Quality Program Manager (623) 236-7260 jdickens@azgfd.gov
AZPDES Permit Number:	AZ0021211
Inventory Number:	101556
LTF Number:	96190

II. STATUS OF PERMIT(S)	
AZPDES permit applied for:	Renewal
Date application received:	September 12, 2022
Date application was determined administratively complete:	September 19, 2022
Previous permit number (if different):	N/A
Previous permit expiration date:	April 09, 2023
208 Consistency:	
In accordance with A.A.C. R18-9-A903(6), a permit cannot be issued for any discharge inconsistent with a plan or plan amendment approved under section 208(b) of the Clean Water Act.	
208 Plan consistency is not required for industrial facilities.	

III. GENERAL FACILITY INFORMATION	
Type of Facility:	State operated concentrated aquatic animal production (CAAP) Trout Farm/Fish Hatchery
Facility Location Description:	TCFH is located near the headwaters of Tonto Creek beneath the Mogollon Rim in the Tonto National Forest approximately 21 miles northeast of Payson, AZ off of Highway 260. Turn north off State Route SR 260 at the signed road near Kohl's Ranch Resort and travel four miles to the end of the road (Forest Service Road Nf-289).
Discharge Flow:	2.65 mgd monthly maximum
Applicable Treatment Processes:	TCH is a flow-through raceway system with partial reuse. Spring water at a collection box is delivered ca. 1200 ft via an 8-inch pipe to the hatchery for fish production. Prior to use in the hatchery the spring water is filtered through a "Tea Cup Separator" to remove material $\geq 50 \mu\text{m}$. Solid debris and sediment are constantly removed with a passive bypass outlet from the separator to an offline drying bed. Treated water is sent to a cluster of 4 aeration towers and then to the hatchery. Treated supply water can be diverted to either the hatchery building with 18 indoor raceways and/or to the 16 outdoor production raceways. All raceways are equipped with 3 lines that can supply freshwater, reuse water or remove waste. A bypass line can divert spring water around the hatchery. Quiescent zones at the terminal ends of all raceways allow particles of uneaten food and fecal material to settle. The Tea Cup Separator and aeration towers are cleaned annually in the early summer. During cleaning operations, the accumulated material from the raceways are directed to the settling basin. Flow from the settling basins passes through the show pond and separators to 4 artificial wetlands for polishing to decrease nutrient loading prior to discharge to Tonto Creek. Twice a year the solids collected in the settling basin and separators are removed and stored onsite, isolated from the discharge stream, before being hauled off-site. During this cleaning process sediment separators are taken off line to minimize migration of small particles and dissolved nutrients back into the flow to Tonto Creek.
Maximum food fed during any calendar month:	March — 8,984 lbs
Harvestable weight per year:	ca. 60,000 lbs.
Chemical usage:	Sodium chloride to treat Bacterial Cold Water Disease and reduce stress (50-600 lbs per treatment). Hydrogen peroxide 35% (PEROX-AID) to treat fungal infections (50-100 mg/L treatments). Aqua-Flor (Florfenicol) to treat bacterial cold water disease, delivered to via medicated feed at 0.62 grams florfenicol/pound of feed (3-217 g per treatment). Terramycin (Oxytetracycline) to treat bacterial cold water infections (31-85 g per treatment).

	<p>Potassium Penicillin G to treat bacterial cold water infections (110-294 g per treatment).</p> <p>Chloramine-T (Halamid Aqua) to treat bacterial infections (2,287 g per treatment).</p>
Nature of facility discharge:	<p>Tonto Springs is the perennial source of Tonto Creek. TCRH diverts the first 700 gallons per minute from Tonto Springs into its operation (nearly all of the spring discharge). Used process water is discharged through a single outfall to Tonto Creek in the Salt River Basin.</p> <p>Cold water species raised/produced at TCFH include <i>Oncorhynchus mykiss</i> (rainbow trout), <i>Salvelinus fontinalis</i> (brook trout), and <i>Salmo trutta x S. fontinalis</i> (tiger trout)</p>
Average flow per discharge:	1.45 mgd
Continuous or intermittent discharge:	Continuous
<p>TCFH is responsible for producing both fingerling and catchable trout for the Mogollon Rim and the White Mountain areas. The trout produced and distributed from TCFH partially accommodate 6 million angler days of fishing effort and provide economic value to the state of Arizona. The area immediately downstream from the hatchery is used for recreation purposes. Total yearly harvestable weight of cold water species is approximately 60,000 lbs.</p> <p>Best Management Practices (BMP) to decrease nutrient loading in effluent include low phosphorus feed when fish are six inches in size or greater, feeding twice a day to spread nitrogen and phosphorus loading throughout the day. A vacuum system is used to clean the raceways so that solids are removed without flushing large amounts of water and solids to the settling ponds thus decreasing the turbidity and waste material sent to the ponds while maintaining dissolved oxygen levels in the raceways.</p>	

IV. RECEIVING WATER	
<p>The State of Arizona has adopted water quality standards to protect the designated uses of its surface waters. Streams have been divided into segments and designated uses assigned to these segments. The water quality standards vary by designated use depending on the level of protection required to maintain that use.</p>	
Receiving Water (Federal):	The Water of the U.S. Protected Surface Water (WOTUS PSW) for facility/ outfall is Tonto Creek - Headwaters to confluence with unnamed tributary at 34°18'11" N, 111°04'18" W
River Basin:	Salt River Basin
Outfall Location:	<p>Outfall 001: Township 12 N, Range 12 E, Section 33</p> <p>Latitude 34° 22' 46.69" N, Longitude 111° 5' 50.17" W</p>
Designated uses for the receiving water listed above:	<p>Aquatic and Wildlife cold water (A&Wc)</p> <p>Full Body Contact (FBC)</p> <p>Fish Consumption (FC)</p> <p>Agricultural Irrigation (Agl)</p> <p>Agricultural Livestock watering (Agl)</p>

<p>Is the receiving water on the 303(d) list?</p>	<p>Yes. The receiving water is listed as impaired for the following parameters:</p> <ul style="list-style-type: none"> • <i>Escherichia coli</i> (<i>E. coli</i>) (2004) • Dissolved Oxygen (2022) <p>Total Maximum Daily Loads (TMDLs) are established for Tonto Creek (Waterbody ID: AZ15060105-013A, Headwaters to Haigler Creek):</p> <ul style="list-style-type: none"> • <i>E. coli</i> (Approved 2004) <p>This permit does not assign specific bacteria limits as fish are not considered a source of <i>E. coli</i>.</p> <p><u>E. coli TMDL:</u> 43 cfu/100 mL, 0% Load Reduction</p> <ul style="list-style-type: none"> • Total Nitrogen (Approved 2005) <p>Seasonality is apparent because the stream freezes over for at least a portion of each winter and hatchery production (and its attendant discharge) and recreational visitation is minimal during the off-season. Therefore, the total nitrogen TMDL applies during the late spring to early fall recreation season and is not necessary during the rest of the year due to the lack of human-caused loading inputs.</p> <p>Nitrogen TMDL allocation and reduction applies to all flows from the 3rd week of May through the 2nd week of September.</p> <p><u>Total Nitrogen TMDL:</u> 884 kg/year, 13% Load Reduction</p>
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Given the uses stated above, the applicable narrative water quality standards are described in A.A.C. R18-11-108, and the applicable numeric water quality standards are listed in A.A.C. R18-11-109 and in Appendix A thereof. There are two standards for the Aquatic and Wildlife uses, acute and chronic. In developing AZPDES permits, the standards for all applicable designated uses are compared and limits that will protect for all applicable designated uses are developed based on the standards.

V. DESCRIPTION OF DISCHARGE			
<p>Because the facility is in operation and discharges have occurred, available DMR data from the period June 2018 – November 2022 were reviewed. The following is the measured discharge quality reported for the regulated parameters.</p>			
Parameters	Units	Current Permit Limitation	Maximum Discharge Reported
pH	s.u.	Minimum – 6.5 Maximum – 9.0	Minimum – 6.93 Maximum – 8.57
Total Suspended Solids (TSS)	mg/L	Daily Maximum – 15	Daily Maximum – 10.85
Total Nitrogen (as N)	mg/L	Single Sample Maximum – 2.0 Annual Average – 0.5	Single Sample Maximum – 0.88 Annual Average – 0.53
Total Phosphorus (as P)	mg/L	Single Sample Maximum – 0.8 Annual Average – 0.1	Single Sample Maximum – 0.16 Annual Average – 0.10
Total Kjeldahl Nitrogen (TKN)	mg/L	N/A	0.44

VI. STATUS OF COMPLIANCE WITH THE EXISTING AZPDES PERMIT	
Date of Most Recent Inspection:	09/09/2020; no potential violations were noted as a result of this inspection.
DMR Files Reviewed:	06/2018 through 10/2022
Lab Reports Reviewed:	06/2018 through 10/2022
NOVs Issued:	None
NOVs Closed:	N/A
Compliance Orders:	None

VII. PROPOSED PERMIT CHANGES			
The following table lists the major changes from the previous permit in this permit.			
Parameter	Existing Permit	Proposed permit	Reason for change
Noncompliance Reporting Hotline	(602) 771-2330	Noncompliance resulting in imminent threat to human health or the environment must be reported to (602) 771-2330, while all other noncompliance must be reported to (602) 771-1440.	Routing emergency calls to the emergency hotline, but all other calls to a non-emergency number.
Total Nitrogen Mass Limits	Report only	Annual maximum mass limit set.	Set annual mass limit according to total nitrogen TMDL.
Total Nitrogen and Total Phosphorus Concentration Limits	Set to the tenths decimal place	Set to the hundredths decimal place. Add the 90th percentile concentration limit for annual mean.	Limits are set as per R 18-11-109 (F)(2).
Special conditions: Ambient Surface Water Monitoring	pH, Total Nitrogen, Total Phosphorus	Add the following parameters: Flow, Dissolved Oxygen, Total Suspended Solids, Temperature	Monitoring required to assess impact of effluent on receiving water.
Special conditions: Annual Report Submission	Mail in hardcopy	Email report to AZPDES@azdeq.gov and include Microsoft Excel spreadsheet containing data	Ease of records management.
Special conditions: Chemical Usage	List of all chemicals added to water in annual report for addition made during the preceding year	Require manufacturer and product safety data sheets to be submitted with the chemical report	Requirement needed to assess toxicity impact of chemical addition on receiving water.

Anti-backsliding considerations — “Anti-backsliding” refers to statutory (Section 402(o) of the Clean Water Act) and regulatory (40 CFR 122.44(l)) requirements that prohibit the renewal, reissuance, or modification of an existing NPDES permit that contains effluent limits, permit conditions, or standards that are less stringent than those established in the previous permit. The rules and statutes do identify exceptions to these circumstances where backsliding is acceptable. This permit has been reviewed and drafted with consideration of anti-backsliding concerns.

No limits have been removed from the permit. Limits are retained in the permit for parameters where reasonable potential (RP) for an exceedance of a standard continues to exist or is indeterminate. In these cases, limits will be recalculated using the most current Arizona Water Quality Standards (WQS). If less stringent limits result due to a change in the WQS then backsliding is allowed in accordance with 303(d)(4) if the new limits are consistent with antidegradation requirements and the receiving water is in attainment of the new standard; see Section XII for information regarding antidegradation requirements.

No limits are less stringent due to a change in the WQS in this permit.

VIII. DETERMINATION OF EFFLUENT LIMITATIONS and ASSESSMENT LEVELS

When determining what parameters need monitoring and/or limits included in the permit, both technology-based and water quality-based criteria were compared and the more stringent criteria applied.

Technology-based Limitations:

TCFH is regulated under 40 CFR 122.24 as a concentrated aquatic animal production (CAAP) facility and is not an animal or concentrated animal feeding operation (AFO or CAFO, respectively). There are no numeric technology-based effluent limitations (TBELs) for fish hatcheries. The total suspended solids (TSS) discharge limitations in the current permit are based on best professional judgement (BPJ).

The regulations at 40 CFR Part 451 became effective September 22, 2004, and apply to the discharge of pollutants from a CAAP facility that produces 100,000 pounds or more per year of aquatic animals in a flow-through or recirculating system. Because the maximum production of the TCFH is approximately 60,000 pounds per year of aquatic animals, they are not applicable to this fish hatchery.

AZGFD has implemented Best Management Practices (BMPs) consistent with the discharge limitation guidelines applicable in 40 CFR 451 at the TCFH. ADEQ has therefore established permit requirements based upon Best Practicable Technology (BPT) and Best Available Technology (BAT) discharge limitation guidelines which have been incorporated into the proposed permit. The total suspended solids (TSS) solids discharge limitations in the current permit are based on best professional judgment.

Numeric Water Quality Standards: As outlined in A.A.C. R18-11-109 and Appendix A: Per 40 CFR 122.44(d)(1)(ii), (iii) and (iv), discharge limits must be included in the permit for parameters with “reasonable potential” (RP), that is, those known to be or expected to be present in the effluent at a level that could potentially cause any applicable numeric water quality standard to be exceeded. RP refers to an analysis, based on the statistical calculations using the data submitted or consideration of other factors, to determine whether the discharge may exceed the Water Quality Standards. The procedures used to determine RP are outlined in the *Technical Support Document for Water Quality-based Toxics Control (TSD)* (EPA/505/2-90-001). In most cases, the highest reported value for a parameter is multiplied by a factor (determined from the variability of the data and number of samples) to determine a “highest estimated value”. This value is then compared to the lowest applicable Water Quality Standard for the receiving water. If the value is greater than the standard, RP exists and a water quality-based effluent limitation (WQBEL) is required in the permit for that parameter. RP may also be determined from BPJ based on knowledge of the treatment facilities and other factors. The basis for the RP determination for each parameter with a WQBEL is shown in the table below.

Few contaminants are introduced in the rearing process. Based on the designated uses for this segment of Tonto Creek, ammonia, phosphorus and nitrogen are considered to be the only pollutants of concern due to the fish feed and waste products. RP exists for phosphorus and nitrogen based on best professional judgement (BPJ) due to the nature of facility discharge and the impairment of the receiving waterbody and limits remain in the permit. Nutrient water quality standards for total phosphorus and total nitrogen are reported for Tonto Creek at A.A.C. R18-11-109(F)(2). Annual mean and single sample maximum limits for total phosphorus and total nitrogen are set in the permit.

As for previous AZPDES permits issued for TCFH, data submitted indicate that ammonia monitoring is not required. Total nitrogen concentration is the sum of ammonia (NH₃), ammonium ion (NH₄⁺), nitrite (NO₂), nitrate (NO₃), and dissolved and particulate organic nitrogen, meaning that ammonia nitrogen concentration in a sample must be equal to or less than total nitrogen concentration. Quarterly monitoring data reviewed shows that total nitrogen in effluent samples were much lower than the chronic ammonia water quality standards, which are contingent on the receiving water pH and temperature, determined using the chronic ammonia criteria table A.A.C. R18-11 Appendix A, Table 12. Additionally, the single sample maximum water quality standard for total nitrogen is 2.00 mg/L. Therefore, the total nitrogen standard would be exceeded before the ammonia standard is met.

Sample Date	Receiving water		Determination of Chronic	Effluent
	pH	Temp	Total Ammonia Criteria	Total N
	SU	°C	mg/L	mg/L
3/20/2019	7.53	9.3	5.1	0.58
5/21/2019	7.48	8.6	4.4	0.57
7/18/2019	7.61	14.6	4.0	0.35
10/23/2019	7.53	11.3	4.4	0.57
1/17/2020	7.63	9.5	4.0	0.55
4/9/2020	7.58	10.7	4.0	0.56
9/17/2020	7.26	13.6	5.1	0.37
11/13/2020	7.12	8.9	5.7	0.78
2/11/2021	7.02	8.1	5.9	0.48
5/6/2021	7.24	12.5	5.4	0.81
8/6/2021	7.15	13.8	5.4	0.40
11/10/2021	7.07	10.4	5.7	0.49

Mixing Zone

The limits in this permit were determined without the use of a mixing zone. Arizona state water quality rules require that water quality standards be achieved without mixing zones unless the permittee applies for and is approved for a mixing zone. Since a mixing zone was not applied for or granted, all water quality criteria are applied at end-of-pipe.

Permit Limitations and Monitoring Requirements

Table 1 summarizes the parameters that are limited in the permit and the rationale for that decision. Also included are the parameters that require monitoring without any limitations or that have not been included in the permit at all and the basis for those decisions. The corresponding monitoring requirements are shown for each parameter. In general, the regulatory basis for monitoring requirements is per 40 CFR §122.44(i) *Monitoring requirements*, and 40 CFR §122.48(b), *Required monitoring*; all of which have been adopted by reference in A.A.C. R18-9-A905, *AZPDES Program Standards*.

Table 1. Permit limitations and monitoring requirements.

Parameter	Lowest Standard/Designated Use	Maximum Reported Daily Value	No. of Samples	Estimated Maximum Value	RP Determination	Proposed Monitoring Requirement/Rationale (1)
Flow	---	---	---	---	---	Discharge flow is to be monitored on a continual basis using a flow meter.
pH (2)	Minimum: 6.5 SU Maximum: 9.0 SU A&Wc A.A.C. R18-11-109(B)	6.93 SU 8.57 SU	58 58	N/A	N/A	pH is to be monitored using a discrete sample of the effluent and a WQBEL is set. 40 CFR Part 136 specifies that grab samples must be collected for pH.
Total Suspended Solids	15 mg/L Maximum Daily 10 mg/L Average Monthly Best Professional Judgment (BPJ)	10.85 mg/L 10.85 mg/L	59 59	N/A	N/A	TSS is set as a TBEL in the permit based on BPJ.
Total Nitrogen	Annual Mean: 0.50 mg/L 90th Percentile: 1.00 mg/L Single Sample Maximum: 2.00 mg/L A.A.C. R18-11-109(F)(2) Annual Maximum: 884 kg/year (2)	0.53 mg/L -- 0.88 mg/L	58 -- 58	1.16	RP Indeterminate	There is no RP for daily maximum concentrations, however RP exists for exceedance of the annual mean and a limit remains in the permit. A 90th percentile nutrient criteria has been added to the permit. An annual maximum limit is set in accordance with the TMDL.
Total Phosphorus	Annual Mean: 0.10 mg/L 90th Percentile: 0.20 mg/L Single Sample Maximum: 0.80 mg/L A.A.C. R18-11-109(F)(2)	0.10 mg/L -- 0.16 mg/L	58 -- 58	0.19	RP Indeterminate	There is no RP for daily maximum concentrations, however RP exists for exceedance of the annual mean and a limit remains in the permit. A 90th percentile nutrient criteria has been added to the permit.

Footnotes:

1. The monitoring frequencies are as specified in the permit.
2. The total nitrogen TMDL applies from the 3rd week of May through the 2nd week of September.

VIII. NARRATIVE WATER QUALITY STANDARDS

All narrative limitations in A.A.C. R18-11-108 that are applicable to the receiving water are included in Part I, Section B of the permit.

IX. MONITORING AND REPORTING REQUIREMENTS (Part II of Permit)

Section 308 of the Clean Water Act and 40 CFR Part 122.44(i) require that monitoring be included in permits to determine compliance with effluent limitations. Additionally, monitoring may be required to gather data for future effluent limitations or to monitor effluent impacts on receiving water quality.

Monitoring frequencies are based on the nature and effect of the pollutant, as well as a determination of the minimum sampling necessary to adequately monitor the facility's performance. Monitoring frequencies for some parameters may be reduced in subsequent permits if all monitoring requirements have been met and the limits or ALS for those parameters have not been exceeded during the first permit term.

For the purposes of this permit, discrete (i.e., grab) samples are specified in the permit for all parameters. The quality of the discharge is not expected to be highly variable.

Monitoring locations are specified in the permit (Part I.A and Part II.A, and Part IV.A.) in order to ensure that representative samples of the influent and effluent are consistently obtained. The monitoring location for all parameters in Table 1 shall be Outfall 001. Influent monitoring samples shall be collected from the open top spring box. Ambient monitoring downstream of the discharge shall be performed at points 500 meters and 1,500 meters downstream of Outfall 001.

The requirements in the permit pertaining to Part II, Monitoring and Reporting, are included to ensure that the monitoring data submitted under this permit is accurate in accordance with 40 CFR 122.41(e). The permittee has the responsibility to determine that all data collected for purposes of this permit meet the requirements specified in this permit and is collected, analyzed, and properly reported to ADEQ.

The permit (Part II.A.3) requires the permittee to keep a Quality Assurance (QA) manual at the facility, describing sample collection and analysis processes; the required elements of the QA manual are outlined.

Reporting requirements for monitoring results are detailed in Part II, Section B of the permit, including completion and submittal of Discharge Monitoring Reports (DMRs). The permittee is responsible for conducting all required monitoring and reporting the results to ADEQ on DMRs or as otherwise specified in the permit.

Electronic reporting

The US EPA has published a final regulation that requires electronic reporting and sharing of Clean Water Act National Pollutant Discharge Elimination System (NPDES) program information instead of the current paper-based reporting (Federal Register, Vol. 80, No. 204, October 22, 2015). Beginning December 21, 2016 (one year after the effective date of the regulation), the Federal rule required permittees to make electronic submittals of any monitoring reports and forms called for in their permits. ADEQ has created an online portal called myDEQ that allows users to submit their discharge monitoring reports and other applicable reports required in the permit.

Requirements for retention of monitoring records are detailed in Part II.C.3 of the permit.

X. BIOSOLIDS REQUIREMENTS (Part III in Permit)

Not applicable because fish wastes are not considered biosolids under 40 CFR 503 provisions.

XI. SPECIAL CONDITIONS (Part IV in Permit)

Water Quality Monitoring

The regulations under 40 CFR 122.43(a) state that:

"(a) In addition to conditions required in all permits (122.41 and 122.42), the Director shall establish conditions, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of CWA and regulations."

The permittee shall submit an annual report to ADEQ by January 31st of each year which shall include information regarding.

The permittee shall monitor the source water, effluent and downstream ambient surface water quality 500 meters and 1,500 meters downstream of Outfall 001 in Tonto Creek for temperature, total phosphorus, total nitrogen, total suspended solids (TSS), pH and DO. Ambient monitoring shall be conducted quarterly with these events noted: drought, major winter precipitation, snow melt, summer monsoon, hatchery cleaning activities that could impact the water quality, and fall precipitation. Data shall be provided in the annual report in a Microsoft Excel spreadsheet.

Best Management Practices

The permittee shall submit an annual progress report to ADEQ by January 31st of each year which shall include information regarding best management practices implemented.

Chemical Usage:

ADEQ has retained the following requirement to document chemical usage at the site. ADEQ continues to believe that Whole Effluent Toxicity (WET) testing is not necessary due to the absence of a reasonable potential for the effluent to cause in stream toxicity. However, the reporting requirements for chemical usage may be evaluated in the future to determine if WET testing is required. 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 including manufacturer and product safety data sheet (SDS). 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.

Special Progress Reporting:

The permittee shall submit an annual progress report to ADEQ by January 31st of each year which shall include data collected, information regarding any facility upgrades and/or process improvements, i

Detailed Schematic:

The permittee shall submit an annual progress report to ADEQ by January 31st of each year that includes a facility schematic that shows processes, point(s) of chemical addition, influent entry point, Outfall 001 and visually identifies where facility changes and upgrades have been made or are planned.

Permit Reopener

This permit may be modified based on newly available information; to add conditions or limits to address demonstrated effluent toxicity; to implement any EPA-approved new Arizona water quality standard; or to re-evaluate reasonable potential (RP), if assessment levels in this permit are exceeded [A.A.C. R18-9-B906 and 40 CFR Part 122.62 (a) and (b)].

XII. ANTIDegradation

Antidegradation rules have been established under A.A.C. R18-11-107 to ensure that existing surface water quality is maintained and protected. The discharge from the TCFH will be to Tonto Creek, a perennial water with Tier 2 antidegradation protection. This is a renewal permit for an existing facility with no new or expanded discharge, and the existing uses have been maintained. Therefore, an antidegradation review is not required at this time. Effluent quality limitations and monitoring requirements have been established under the proposed permit to ensure that the discharge will meet the applicable water quality standards. As long as the permittee maintains consistent compliance with these provisions, the designated uses of the receiving water will be presumed protected, and the facility will be deemed to meet currently applicable antidegradation requirements under A.A.C. R18-11-107.

XIII. STANDARD CONDITIONS

Conditions applicable to all NPDES permits in accordance with 40 CFR, Part 122 are attached as an appendix to this permit.

XIV. ADMINISTRATIVE INFORMATION

Public Notice (A.A.C. R18-9-A907)

The public notice is the vehicle for informing all interested parties and members of the general public of the contents of a draft AZPDES permit or other significant action with respect to an AZPDES permit or application. The basic intent of this requirement is to ensure that all interested parties have an opportunity to comment on significant actions of the permitting agency with respect to a permit application or permit. This permit will be public noticed in a local newspaper after a pre-notice review by the applicant and other affected agencies.

Public Comment Period (A.A.C. R18-9-A908)

Rules require that permits be public noticed in a newspaper of general circulation within the area affected by the facility or activity and provide a minimum of 30 calendar days for interested parties to respond in writing to ADEQ. After the closing of the public comment period, ADEQ 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.

Public Hearing (A.A.C R18-9-A908(B))

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 the Director determines there is a significant amount of interest expressed during the 30-day public comment period, or if significant new issues arise that were not considered during the permitting process.

EPA Review (A.A.C. R18-9-A908(C))

A copy of this permit and any revisions made to this draft as a result of public comments received will be sent to EPA Region 9 for review. If EPA objects to a provision of the draft, ADEQ will not issue the permit until the objection is resolved.

XV. ADDITIONAL INFORMATION

Additional information relating to this proposed permit may be obtained from:

Arizona Department of Environmental Quality
Water Quality Division – Surface Water Permits Unit
Attn: Corin Hammond
1110 West Washington Street
Phoenix, Arizona 85007

Or by contacting Corin Hammond at (602) 771 – 4144 or by e-mail at hammond.corin@azdeq.gov.

XVI. INFORMATION SOURCES

While developing effluent limitations, monitoring requirements, and special conditions for the permit, the following information sources were used:

1. AZPDES Permit Application Form(s) 1 and 2B, received September 12, 2022, along with supporting data, facility diagram, and maps submitted by the applicant with the application forms.
2. Supplemental information to the application received by ADEQ on December 5, 2022.
3. Arizona Department of Environmental Quality Proposal of a Total Maximum Daily Load For: Tonto Creek (Headwaters to Haigler Creek), Parameter: Total Nitrogen, Approved June 20, 2005.
4. Arizona Department of Environmental Quality Total Maximum Daily Load For: Tonto Creek (Headwaters to Haigler Creek and Christopher Creek), Parameter: Bacteria (*Escherichia Coliform*), Approved June 29, 2004.
5. ADEQ Geographic Information System (GIS) Web site
6. Arizona Administrative Code (AAC) Title 18, Chapter 11, Article 1, *Water Quality Standards for Surface Waters*, adopted December 31, 2016.
7. A.A.C. Title 18, Chapter 9, Article 9. *Arizona Pollutant Discharge Elimination System* rules.
8. Code of Federal Regulations (CFR) Title 40:
 - Part 122, *EPA Administered Permit Programs: The National Pollutant Discharge Elimination System.*
 - Part 124, *Procedures for Decision Making.*
 - Part 133. *Secondary Treatment Regulation.*
 - Part 503. *Standards for the Use or Disposal of Sewage Sludge.*
9. EPA Technical Support Document for Water Quality-based Toxics Control dated March 1991.
10. U.S. EPA NPDES Permit Writers' Manual, September 2010.
11. The Metals Translator: Guidance For Calculating A Total Recoverable Permit Limit From A Dissolved Criterion, US EPA, June 1996.