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NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT
(file npdes9.doc)

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Columbia Gorge Aluminum Company
85 John Day Dam Road
Goldendale, Washington 98620

Plant Location

John Day Dam Road
Near Goldendale, Washington

Receiving Water

Columbia River
Water Quality Class A

Industry Type

Primary Aluminum Reduction Facility

Discharge Location

1.0 miles upstream from John Day Dam at river mile 216.7
Latitude 45N, 43', 38"
Longitude 120W, 40', 51"
Waterbody ID#: WA-CR-1020

The above named corporation (Permittee) is authorized to discharge at the location described in accordance with the special and general conditions contained herein.

Carol Kraege, P.E.
Industrial Section Manager
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

| Permit Section | Submittal | Frequency | First Submittal Date |
|----------------|--|----------------------------------|---|
| S1.C. | Sediment Sampling and Analysis Plan | Pending review of past submittal | Unspecified |
| S1.C. | Sediment Data Report | Pending review of past submittal | Unspecified |
| S1.E.I. | Acute WET Characterization | 2/permit cycle | By December 1, 2012 |
| S1.E.II. | Chronic WET Characterization | Quarterly for 1 year | Within 90 days of finalization of last monitoring results |
| S1.F. | Temperature Characterization Study | 1/permit cycle | By May 1, 2009 |
| S1.H. | Priority Pollutant Testing | 4/permit cycle | Submit results within 90 days of completing each test. |
| S3.A. | Discharge Monitoring Report | Monthly | By 15 th day of following month |
| S3.E. | Noncompliance Notification | As necessary | |
| S4.A. | Treatment System O&M Manual | 1/permit cycle | By December 1, 2008 |
| S4.D. | Bypass Notification | As necessary | Check Permit Condition |
| S5.C. | Modification to Solid Waste Plan | 1/permit cycle | By December 1, 2012 |
| S6. | Non-routine and Unanticipated Discharges | Indeterminate | Prior to discharge |
| S7. | Spill Plan | 1/permit cycle | By December 1, 2008 |
| S8. | Outfall Evaluation | 1/permit cycle | By December 1, 2012 |
| S.9. | Certified Operator | As necessary | By January 1, 2009 |
| S10.B. | Stormwater Pollution Plan Submittal (SWPPP) | 1/permit cycle | By November 1, 2008 |
| G1. | Notice of Change in Authorization | As necessary | |
| G5. | Engineering Report for Construction or Modification Activities | As necessary | |

| | | | |
|------|--------------------------------------|----------------|-----------------|
| G7. | Application for Permit Renewal | 1/permit cycle | By July 1, 2012 |
| G8. | Notice of Permit Transfer | As necessary | |
| G21. | Notice of Planned Changes | As necessary | |
| G22. | Reporting Anticipated Non-compliance | As necessary | |

INDUSTRIAL FACILITIES CONFIGURATION

The Permittee owns a primary aluminum smelter and associated facilities, which it formerly operated, consisting of three potlines, paste preparation plant, and a cast house. The smelter curtailed operation in April 2003 and is in stand-by mode. The potlines contain vertical stud Soderberg reduction cells. Air emissions from the potlines are treated by a dry scrubbing system to remove particulates and fluoride, followed by a wet sulfur dioxide scrubber. Potroom air emissions are treated by a wet scrubbing system. At full operations, the Permittee is capable of producing approximately 178,000 tons of aluminum metal per year; 178,000 TPY direct water chilled extrusion billet and sheet ingot, and foundry ingot and molten metal, and approximately 88,000 TPY anode briquettes. The Permittee may also receive cooling water and stormwater from a gas-fired turbine energy project in the process of being permitted which would be sited adjacent to the smelter facility.

BASIS OF FINAL EFFLUENT LIMITATIONS

The Permittee has five process water sources under primary aluminum production which are covered in the Code of Federal Regulations (CFR) Nonferrous Metals Manufacturing Point Source Category, CFR Part 421, Subpart B. Effluent limitations were based on Best Available Control Technology (BAT) for metals, fluoride, and B(a)P, New Source Performance Standards (NSPS) for pH, and Best Professional Judgment (BPJ) for oil and grease and TSS. The five individual sources used in the development of the “building block allowances” used in determining effluent limitations are listed below (each are from the July 1, 1988 40 CFR 421.23).

- (b) Anode Contact Cooling and Briquette Quenching
- (m) Potroom Wet Air Pollution Control
- (n) Potline S02 Emissions Wet Air Pollution Control
- (o) Degassing Wet Air Pollution Control
- (q) Direct Chill Casting Contact Cooling

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS AND ALLOWANCES

A. General Limitations and Allowances

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants in excess of levels identified and authorized by this permit must constitute a violation of the terms and conditions of this permit.

During periods of temporary curtailment of smelting operations, the effluent monitoring is reduced or eliminated as provided herein. If no discharges at the outfall 001 occur during curtailment, monitoring is reduced or eliminated and noted in the monthly reports. Curtailment is defined as the operation of no more than two potroom sections. Upon start up of the curtailed smelting operations, all NPDES requirements must revert to those in the current permit.

B. Specific Limitations and Allowances

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge at the permitted location subject to complying with the following limitations and allowances:

There must be no discharge of floating solids or visible foam in other than trace amounts.

The Permittee may also receive for treatment in the facility treatment system cooling water and stormwater from a gas-fired turbine energy project. The energy project effluent is authorized for discharge through outfall 001C after treatment.

B1. Outfall 001: Industrial Wastewater and Stormwater Runoff Discharge from the Settling Lagoons into the Columbia River

From the issuance date of this permit, the Permittee is authorized to discharge from outfall No. 001, subject to the following limitations and conditions:

| <u>Parameter</u> | <u>Effluent Limits</u> | | <u>Monitoring Requirements</u> | | |
|-----------------------------|------------------------|----------------------|--------------------------------|----------------------------------|--------------------|
| | <u>Monthly Average</u> | <u>Daily Maximum</u> | <u>Frequency</u> | <u>Sample during Curtailment</u> | <u>Sample Type</u> |
| Aluminum Total Suspended | 18.0 lbs/day | 40.0 lbs/day | 1/wk | 1/wk | 24-hr Comp. |

| | | | | | |
|---|----------------------------|--------------|------------|------|--------------|
| Solids (TSS) | 103 lbs/day | 411 lbs/day | 3/wk | 1/wk | 24-hr Comp. |
| Fluoride | 160 lbs/day | 350 lbs/day | 3/wk | 1/wk | 24-hr Comp |
| Oil & Grease | NA | NA | 1/wk | 1/mo | Grab |
| Benzo (a)pyrene | | | | | |
| B(a)P | 0.05 lbs/day | 0.10 lbs/day | 1/wk | -- | Composite |
| Antimony | 5.6 lbs/day | 12.6 lbs/day | 1/wk | -- | 24-hr Comp. |
| Nickel | 2.4 lbs/day | 3.6 lbs/day | 1/wk | -- | 24-hr Comp. |
| Arsenic | NA | NA | 1/mo | -- | 24-hr Comp. |
| pH (a) | 7.0 to 10.0 at all times * | | Continuous | | Continuous |
| Temperature °F | | | Continuous | | Continuous |
| Flow, MGD | | | Continuous | | Continuous |
| Precipitation, inches as rain | | | Daily | | 24-hr Sample |
| Production (b) | | | | | |
| Aluminum metal production, tons/day | | | Daily | | Average |
| Anode production, tons/day | | | Daily | | Average |
| Direct Chill Casting production, tons/day | | | Daily | | Average |

The Permittee may subtract the amount of pollutants present in their intake water as determined by analysis from the amount present in their discharge water before reporting.

The Permittee may request a reduction in metals monitoring after one year of monitoring upon written approval of the Ecology. The expectation is that monitoring results will show little variation.

B2. Outfall 001A: Industrial Wastewater Treatment Plant (WTP) Secondary Roof Scrubber Discharge into Outfall 001 Discharge System

From the issuance date of this permit, the Permittee is authorized to discharge from the Secondary Roof Scrubber WTP into the outfall No. 001 system, subject to the following limitations and conditions monitored at the sand filter discharge:

| Parameter | Effluent Limits | | Monitoring Requirements | | |
|-----------------|-----------------|----------------|-------------------------|--|--------------------|
| | <u>Monthly</u> | <u>Daily</u> | <u>Frequency</u> | <u>Sampling during</u> <u>Curtailment</u> | <u>Sample Type</u> |
| | <u>Average</u> | <u>Maximum</u> | | | |
| TSS | 50 lbs/day | 100 lbs/day | daily | -- | 24-hour Comp. |
| B(a)P | 0.03 lbs/day | 0.06 lbs/day | 1/wk | -- | 24-hour Comp |
| Flow MGD | NA | NA | Continuous | -- | Continuous |
| Fluoride (mg/l) | NA | NA | daily | -- | 24-hour Comp. |

Discharge and Monitoring Definitions and Explanations

- Monthly average is defined as the sum of all daily discharges divided by the number of daily discharges measured during the calendar month.
- Daily maximum is defined as the highest allowable daily discharge during the calendar month.

- 24-hour Composite is defined as a 24 hour flow or time proportional sample, whichever is most representative of the discharge.
- Daily monitoring is defined as seven days per week. A week is defined as each sequential Sunday through following Saturday.
- Metals analysis must be as total recoverable.

The following equipment must be used at each composite collection station: 1) teflon or stainless steel tubing, and 2) priority pollutant approved one to two gallon glass jars with teflon-lined lids. The composited sample must be refrigerated at 4 °C in the dark during collection.

- (a) Permittee must monitor pH continuously at the final discharge point (outfall 001).
- (b) Production daily average is defined as the total calendar monthly production divided by the actual production days during that month.
 - pH limitation is 7.0 to 10.0 at all times with some excursions between 6.0 and 7.0, and 10.0 and 11.0 being allowed. Excursions between 6.0 and 7.0, and 10.0 and 11.0 must be allowed provided no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 26 minutes in length in any calendar month. Any excursions below 6.0 and above 11.0 must be considered violations.

B3. Outfall 001B: Sanitary Treatment Wastewater Plant Discharge into the Outfall 001 Discharge System

From the issuance date of this permit, the Permittee is authorized to discharge treated sanitary wastewater into the Outfall No. 001 system, subject to the following limitations and conditions:

| <u>Parameter</u> | <u>Effluent Limits</u> | | <u>Monitoring Requirements</u> | | |
|---------------------------------------|-----------------------------|----------------------|--------------------------------|------------------------------------|-----------------------|
| | <u>30-Day Average</u> | <u>7-Day Average</u> | <u>Frequency</u> | <u>Sampling during Curtailment</u> | <u>Sample Type</u> |
| Biochemical Oxygen Demand (5-day BOD) | 25.0mg/l (a) | 45.0 mg/l | 1/wk | 1/mo | 24-hour Composite (b) |
| Total Suspended Solids (TSS) | 30.0 mg/l (a) | 45.0 mg/l | 1/wk | 1/mo | 24-hour Composite |
| Residual Chlorine | 0.1 mg/l to 2.5 mg/l | | 5/week | 1/wk | Grab |
| Residual Chlorine | 0.5 mg/l(c) | 0.75 mg/l | 5/week | -- | Grab |
| Fecal Coliform | 200/100 ml | 400/100 ml | 1/wk | 1/mo | Grab |
| pH | 6.0 to 9.0 at all times (d) | | Continuous | | Continuous |
| Flow, MGD | | | Continuous | | Continuous |

Discharge and Monitoring Explanations

- Daily monitoring is defined as seven days per week. A week is defined as each sequential Sunday through following Saturday.
- (a) In addition, the 30-day average percent removals of BOD and TSS must not be less than eighty-five percent of influent concentrations. A grab sample may be used in collecting the sanitary plant influent for determination of the eighty-five percent removal criteria. The influent BOD and TSS samples must be collected at least 1/wk along with the 24-hour composite samples.
- (b) The composited BOD sample must be refrigerated at 4 °C in the dark during collection.
- (c) Permittee must implement, within 18 months of the permit effective permit issuance date, a method of disinfection which meets permit chlorine residual limitations. If a non-chlorine based method of disinfection is implemented, then the final residual chlorine limits and monitoring requirements are eliminated. If non-chlorine based method of disinfection is implemented, Permittee must implement any necessary operational changes to assure adequate disinfection during periods of maintenance. Operational changes may include but are not limited to effluent retention, bulb redundancy, or additional wattage capacity.
- (d) pH limitation is 6.0 to 9.0 at all times with some excursions between 5.0 and 6.0, and 9.0 and 10.0 being allowed. Excursions between 5.0 and 6.0 and 9.0 and 10.0 must be allowed provided no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 26 minutes per month. Any excursions below 5.0 and above 10.0 must be considered violations.

C. Sediment Evaluation

The permittee conducted a sediment study during the 1990-1995 permit term. The purpose of the plan was to characterize sediment quality in the vicinity of the Permittee's discharge locations. The study has been submitted to Ecology and is pending evaluation. No additional sediment studies are proposed during the initial term of this permit. The Permittee may be required to do additional sediment work upon completion of review of the study previously submitted.

D. Mixing Zone Descriptions

The outfall pipeline consists of three segments each with a diffuser, one pipe upstream (port 1), one pipe nearly straight out into the river (port 2), and one pipe downstream (port 3). The boundaries of the Permittee's outfall 001 dilution zone in the Columbia River are defined as follows:

The maximum boundaries of the mixing zones are defined as follows:

The chronic dilution zone must not extend downstream from the downstream most discharge diffuser (port 1) for more than 329 feet nor upstream from the upstream most discharge diffuser (port 3) by more than 100 feet. In addition, the chronic dilution zone width across the river must not exceed 1035 feet (twenty-five percent of the width of the water body). The edge of this zone must be referred to as the chronic criteria compliance boundary.

The acute dilution zone must not extend beyond ten percent of the distance towards the upstream and downstream boundaries of the chronic dilution zone. In addition, the acute dilution zone width across the river must not exceed 1035 feet (twenty-five percent of the width of the water body). The edge of this zone must be referred to as the acute criteria compliance boundary.

The chronic dilution ratio is 69:1 and the acute dilution ratio is 13:1.

E. WET Characterization

I. ACUTE TOXICITY

a. Testing Requirements

The Permittee must test final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal (by December 1, 2012). Testing must only be necessary if the Permittee has achieved six consecutive months of at least 50% molten aluminum production capacity (7,400 tons per month) during the time that testing is to occur. The two species listed below must be used on each sample and the results submitted to the Department as a part of the permit renewal application process. The Permittee must conduct acute toxicity testing on a series of five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. The percent survival in 100% effluent must also be reported.

Acute toxicity tests must be conducted with the following species and protocols:

- 1) Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F)
- 2) Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48 hour static test, method: EPA/600/4-90/027F).

b. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring must be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports must contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into Ecology's database, then the Permittee must send the disk to Ecology along with the test report, bench sheets, and reference toxicant results.

2. Testing must be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing must be cooled to 4 degrees Celsius while being collected and must be sent to the lab immediately upon completion. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing must have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests must meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by Ecology, testing must be repeated with freshly collected effluent.
5. Control water and dilution water must be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests must be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

II. CHRONIC TOXICITY

a. Effluent Characterization

The Permittee must conduct chronic toxicity testing on the final effluent. The two chronic toxicity tests listed below must be conducted on each sample taken for effluent characterization.

Testing must begin within 60 days of the Permittee achieving six consecutive months of at least 50% molten aluminum production capacity (7,400 tons per month). A written report must be submitted to Ecology within 60 days after each sample date. A final effluent characterization summary report must be submitted to Ecology within 90 days after the last monitoring test results are final. This summary report must include a

tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Effluent testing for chronic toxicity must be conducted quarterly for one year. The Permittee must conduct chronic toxicity testing during effluent characterization on a series of at least five concentrations of effluent in order to determine appropriate point estimates. This series of dilutions must include the ACEC. The ACEC equals 7% effluent. The Permittee must compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Chronic toxicity tests must be conducted with the following two species and the most recent version of the following protocols:

| Freshwater Chronic Toxicity Test Species | | Method |
|--|----------------------------|------------------|
| Fathead minnow | <i>Pimephales promelas</i> | EPA/600/4-91/002 |
| Water flea | <i>Ceriodaphnia dubia</i> | EPA/600/4-91/002 |

b. Effluent Limit for Chronic Toxicity

After completion of effluent characterization, the Permittee has an effluent limit for chronic toxicity if any test conducted for effluent characterization shows a significant difference between the control and the ACEC at the 0.05 level of significance using hypothesis testing (Appendix H, EPA/600/4-89/001) and must complete all applicable requirements in subsections c, d, and f.

If no significant difference is shown between the ACEC and the control in any of the chronic toxicity tests, the Permittee has no effluent limit for chronic toxicity and only subsections e and f apply.

The effluent limit for chronic toxicity is no toxicity detected in a test concentration representing the chronic critical effluent concentration (CCEC).

In the event of failure to pass the test described in subsection c, of this section, for compliance with the effluent limit for chronic toxicity, the Permittee is considered to be in compliance with all permit requirements for chronic whole effluent toxicity as long as the requirements in subsection d are being met to the satisfaction of Ecology.

The CCEC means the maximum concentration of effluent allowable at the boundary of the mixing zone assigned in Permit Condition S1.D pursuant to WAC 173-201A-100. The CCEC equals 1.4% effluent.

c. Monitoring for Compliance With an Effluent Limit for Chronic Toxicity

Monitoring to determine compliance with the effluent limit must be conducted quarterly for the remainder of the permit term using each of the species listed in subsection a

above on a rotating basis and performed using at a minimum the CCEC, the ACEC, and a control. The Permittee must schedule the toxicity tests in the order listed in the permit unless Ecology notifies the Permittee in writing of another species rotation schedule.

Compliance with the effluent limit for chronic toxicity means no statistically significant difference in response between the control and the test concentration representing the CCEC. The Permittee must immediately implement subsection d if any chronic toxicity test conducted for compliance monitoring determines a statistically significant difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the CCEC is less than 20%, the hypothesis test must be conducted at the 0.01 level of significance.

In order to establish whether the chronic toxicity limit is eligible for removal from future permits, the Permittee must also conduct this same hypothesis test (Appendix H, EPA/600/4-89/001) to determine if a statistically significant difference in response exists between the ACEC and the control.

d. Response to Noncompliance With an Effluent Limit for Chronic Toxicity

If a toxicity test conducted for compliance monitoring under subsection c determines a statistically significant difference in response between the CCEC and the control, the Permittee must begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring must be conducted monthly for three consecutive months using the same test and species as the failed compliance test. Testing must be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations must equal the CCEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for chronic toxicity as described in subsection c. The discharger must return to the original monitoring frequency in subsection c after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by Ecology as an anomalous test result, the Permittee may notify Ecology that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from Ecology before completing the additional monitoring required in this subsection. The notification to Ecology must accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee must complete all of the additional monitoring required in this subsection as soon as possible after notification by Ecology that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for chronic toxicity, then the Permittee must proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result must replace the compliance test result upon determination by Ecology that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee must search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to Ecology on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the chronic toxicity limit during the additional compliance monitoring, the Permittee must submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to Ecology within 60 days after test results are final. The TI/RE plan must be based on WAC 173-205-100(2) and must be implemented in accordance with WAC 173-205-100(3).

e. Monitoring When There Is No Permit Limit for Chronic Toxicity

The Permittee must test final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. All species used in the initial chronic effluent characterization or substitutes approved by Ecology must be used and results submitted to Ecology as a part of the permit renewal application process.

f. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring must be submitted in accordance with the most recent version of Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports must contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into Ecology's database, then the Permittee must send the disk to Ecology along with the test report, bench sheets, and reference toxicant results.

2. Testing must be conducted on grab samples. Samples taken for toxicity testing must be cooled to 4 degrees Celsius while being collected and must be sent to the lab immediately upon completion. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. All samples and test solutions for toxicity testing must have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

4. All toxicity tests must meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity*

Test Review Criteria. If test results are determined to be invalid or anomalous by Ecology, testing must be repeated with freshly collected effluent.

5. Control water and dilution water must be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests must be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC.

All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing, and do not comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020, must be repeated on a fresh sample with an increased number of replicates to increase the power.

F. Temperature Characterization

By May 1, 2009, the Permittee must submit a plan to Ecology for review and approval to study the ambient temperature of the receiving water in the vicinity of the outfall. The study must begin within one hundred and eighty (180) days of full start up of operations (at least 90% of plant operating) and within ninety (90) days of the approval of the plan.

If EPA and/or Ecology should, as a result of the Columbia River TMDL, provide a waste load allocation or a de minimus provision for heat loading or make a determination that natural conditions are causing the exceedances of the temperature criteria, the Permittee must not be required to complete the temperature study plan or the study.

The study plan must meet the following minimum criteria:

- The data collection phase of the study must occur over a period representing smelter operations at or near historical average production and lasting at least 24 months. Upon completion, submittal, review and evaluation of the first year of study data, the Permittee may petition Ecology to shorten the study data collection phase.
- The data collection phase must focus on collecting data during the expected critical temperature period (i.e., from June 15 through September 15).
- The data collected must include ambient receiving water temperature measurements to characterize receiving water conditions upstream, in areas not likely to be directly affected by the Permittee's effluent, and downstream of the Permittee's outfall mixing zone.
- The study plan must include a recommendation, for review and approval, of upstream monitoring location(s) that will represent the temperature of the major volume of water above the Permittee's outfall. This recommendation will be based upon:

- 1) a demonstration with existing data that the river is well mixed in this area with little or no variation, or 2) by characterizing a transect of the river horizontally and vertically, evaluating whether stratification of the water column occurs, and making a comparison to the recommended monitoring location(s).
- Ambient receiving water temperature measurements must be collected weekly during the critical periods and monthly during the non-critical periods over the 24-month timeframe.
 - The data will be used to determine if the river is impaired for temperature in the vicinity of the outfall, therefore the collection protocol must be consistent with sections "4. Considerations for Data Quality and Evaluation" and "5. Criteria Used to Determine Current Water Quality Limited Segments" in the latest version (2001 revision) of Ecology's Water Quality Program Policy 1-11 "Assessment of Water Quality for the Section 303(d) List."
 - The study plan must include a Quality Assurance Project Plan addressing all aspects of the study based on the protocols in, *Guidelines for Preparing Quality Assurance Project Plans*, Ecology Publication No. 01-03-003.
 - The data collection phase must include daily temperature monitoring of the Permittee's effluent.
 - Ambient air monitoring data representative of the ambient air temperature in the study area must be collected.

The Permittee must submit quarterly summaries of the receiving water, effluent temperature, and ambient air temperature data collected during the quarter and a final report within ninety (90) days after the completion of the study.

- The final report must include all measurements of ambient air, effluent temperature, and water temperature obtained within the scope of the study plan.
- The final report must compare seasonal ambient receiving water temperature data with the applicable numeric water quality criteria.

Monitoring data must be collected that is adequate to evaluate compliance with both the current (WAC 173-201A) and proposed state water quality temperature standards.

The Permittee must be deemed to comply with all effluent limitations and standards that pertain to effluent temperature and are established by this Permit as long as the Permittee complies with the requirements of this Section S1.F.

G. Priority Pollutant Testing

Washington's water quality standards now include 91 numeric health-based criteria in addition to the aquatic life criteria. The human health criteria were promulgated for the state by the U.S. EPA in its National Toxics Rule (Federal Register, Volume 57, No. 246, Tuesday, December 22, 1992). The discharge must be evaluated for reasonable potential to violate the human health criteria. Human health criteria are required to be met at the edge of the chronic zone. The mixing zone design conditions for human health criteria

are different from that allowed for aquatic life criteria and result in a different allowable dilution. The Permittee must perform a priority pollutant scan of their effluent at Outfall 001 at least 4/permit term, spaced at least 6 months apart. Testing must be done during normal operations and flow regime. In order to more thoroughly evaluate human health criteria the Permittee must analyze the effluent for the 91 human health criteria listed pollutants, excluding PCBs, PBBs, pesticides, and dioxins and furans unless the excluded chemicals are used on the smelter site. Most parameters have had adequate detection levels in previous priority pollutant scans. Certain human health parameters require more stringent testing than that required for aquatic life criteria. The Permittee must attempt to meet the minimum detection levels necessary to determine if the Permittee is in compliance with human health criteria. The detection level for the listed parameters may not be achievable because of the limitations of the available test methods. The Permittee is required to achieve the best, reasonably available detection limit obtainable, for their specific wastewater effluent, using approved test methods. If a detection limit is not achievable the Permittee must notify Ecology and include an explanation with the test results. The results of the priority pollutant testing must be submitted to Ecology within 90 days of completing each test.

S2. MONITORING REQUIRMENTS

A. Monitoring Schedule – Addressed in Condition S1.A.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit must be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality. A minimum of four liters of composited sample from each sample location(s) must be made available to Ecology upon unannounced and announced wastewater inspections. All unused collected composited sample(s) must be stored refrigerated until 10:00 a.m. before being discarded.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by Ecology.

C. Flow Measurement

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 quantity of monitored flows. The devices must be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of

calibration must be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records must be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by Ecology must be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH must be accredited if the laboratory must otherwise be registered or accredited. Ecology exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee must monitor and report in accordance with the following conditions. The falsification of information submitted to Ecology must constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results must be submitted monthly. Monitoring data obtained during each monitoring period must be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by Ecology. DMR forms must be received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) must be sent to the Department of Ecology, Industrial Section, P.O. Box 47706 Olympia, Washington 98504-7706.

All laboratory reports providing data for organic and metal parameters must include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with a notation that no discharge occurred entered in place of the monitoring results.

B. Records Retention

The Permittee must retain records of all monitoring information for a minimum of three (3) years. Such information must include all calibration and maintenance records and all original 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. This period of retention must be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee must record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring must be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee must:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to Ecology within thirty (30) days after becoming aware of the violation.
2. Immediately notify Ecology of the failure to comply.
3. Submit a detailed written report to Ecology within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by Ecology. The report must contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. OPERATION AND MAINTENANCE (O&M)

The Permittee must, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also

includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Treatment System Operating Plan

Wastewater treatment systems must be operated according to procedures and criteria described in an operating plan. This plan must be prepared/updated and submitted for Department review and approval by December 1, 2008. This plan must be updated to include requirements for any major modifications of the treatment system. The plan must include, but is not limited to, the following:

A baseline operating condition which describes the operating parameters and procedures used to meet the effluent limitations of permit condition S1 at the production levels used in developing these limitations. In the event of production levels below the baseline levels used to establish these limitations, the plan must describe the operating procedures and conditions needed to maintain design treatment efficiency. The Permittee must operate the treatment system to meet its design efficiency at lower production levels.

A description of any regularly scheduled maintenance or repair activities at the permitted facilities which would affect the volume or character of the wastes discharged; a list including quantities and chemical compositions of any maintenance-related substances (such as cleaners, degreasers, solvents, etc.) that will be discharged, and a plan for monitoring and treating/controlling the discharge of maintenance-related materials.

B. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and Ecology may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
 - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
 - c. Ecology is properly notified of the bypass as required in condition S3E of this permit.
3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee must notify Ecology at least thirty (30) days before the planned date of bypass. The notice must contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above must be considered during preparation of the engineering report or facilities plan and plans and specifications and must be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

Ecology will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.

- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. The public must be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass may be by administrative order issued by Ecology under RCW 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee has submitted a solid waste control plan which has been approved by Ecology. This plan includes all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan includes at a minimum a description, source, generation rate, and disposal methods of these solid wastes. This plan must not be at variance with any approved local solid waste management plan. The Permittee must comply with the plan and any modifications thereof as approved by Ecology. The Permittee must submit an update of the plan with the application for permit renewal (by December 1, 2012).

S6. NON-ROUTINE AND UNANTICIPATED DISCHARGES

- A. Beginning on the effective date of this permit, the Permittee may discharge non-routine wastewater on a case-by-case basis if approved by Ecology. Prior to any such discharge, the Permittee must contact Ecology and at a minimum provide the following information:
1. The nature of the activity that is generating the discharge.
 2. Any alternatives to the discharge, such as reuse, storage, or recycling of the water.
 3. The total volume of water expected to be discharged.
 4. The results of the chemical analysis of the water. The water must be analyzed for all constituents limited for the Permittee's discharge. The analysis must also include hardness, those metals for which there are state water quality standards in WAC 173-201A-040(3), and any other parameter deemed necessary by Ecology.
 5. All discharges must comply with the effluent limitations as established in Condition S1. Of this permit, water quality standards, sediment management standards, and any other limitations imposed by Ecology.
 6. The date of proposed discharge and the rate at which the water will be discharged, in gallons per minute. The discharge rate must be limited to that which will not cause erosion of ditches or structural damage to culverts and their entrances or exits.
 7. If the proposed discharge is to a municipal storm drain and is approved by Ecology, the Permittee must notify the municipality of the discharge.
- B. The discharge cannot proceed until Ecology has reviewed the information provided and has authorized the discharge. Authorization from Ecology will be by letter to the Permittee or by an Administrative Order.

S7. SPILL PLAN

The Permittee must annually revise as necessary the existing Spill Control Plan, subject to Department approval, for the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or 3) other materials which may become pollutants or cause pollution upon reaching state's waters. The plan and any supplements must be followed throughout the term of the permit. A revised Spill Control Plan, or letter stating that no revisions are necessary, must be submitted for Department review and approval by December 1, 2008.

The spill control plan must include the following:

A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.

A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.

A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals required by 40 CFR Part 112, and contingency plans required by Chapter 173-303 WAC may be submitted.

S8. OUTFALL EVALUATION

The Permittee must inspect the submerged portion of the outfall line and diffuser to document its integrity and continued function. If conditions allow for a photographic verification, it must be included in the report. The inspection report must be submitted to Ecology by December 1, 2012.

S9. CERTIFIED OPERATOR

All operators in responsible charge of facilities that treat domestic wastes combined with commercial or industrial waste must be certified in accordance with the provisions of Chapter 70.95B RCW and Chapter 173-230 WAC by January 1, 2009.

S10. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled *Stormwater Pollution Prevention Planning for Industrial Facilities*, which is published by the Department of Ecology.

A. Plan Development Deadlines

The Permittee must develop, implement, and comply with an SWPPP covering the smelter in accordance with the following schedule:

1. By October 1, 2008, develop an SWPPP and retain it on-site.
2. By October 1, 2008, complete the implementation of *operational BMPs* and applicable *source control BMPs*, as required under this Special Condition, which do not require *capital improvements*.
3. By December 1, 2009, complete the implementation of BMPs requiring capital improvements.

The Permittee must implement all the elements of the SWPPP including operational, treatment and source control BMPs, as well as erosion and sediment control BMPs determined necessary.

The guidance for development of an SWPPP is available within the Industrial Section from the Permit Coordinator for the facility.

B. General Requirements

1. Submission, Retention, and Availability:

The Permittee must submit a copy of the SWPPP to Ecology for review and comment within 180 days of the effective date of this permit. The SWPPP and all of its modifications must be signed in accordance with Special Condition S3.I. Retain the SWPPP on-site or within reasonable access to the site.

2. Modifications:

The Permittee must modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP must be modified, as appropriate, within two (2) months of such determination. The proposed modifications to the SWPPP must be submitted to Ecology at least 30 days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee must provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into an SWPPP become enforceable requirements of this permit.

4. The Permittee must prepare the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan must contain the following elements:

- a. Assessment and description of existing and potential pollutant sources.
- b. A description of the operational BMPs.
- c. A description of selected source-control BMPs.
- d. When necessary, a description of the erosion and sediment control BMPs.
- e. When necessary, a description of the treatment BMPs.
- f. An implementation schedule.

C. Implementation

The Permittee must conduct two inspections per year - one during the wet season (October 1 - April 30) and the other during the dry season (May 1 - September 30).

1. The wet season inspection must be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection must include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).
2. Personnel named in the SWPPP must conduct the dry season inspection. The dry season inspection must determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee must immediately notify Ecology.

D. Plan Evaluation

The Permittee must evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record must be maintained summarizing the results of inspections and include a certification, in accordance with Condition S3.I, that the facility is in compliance with the plan and in compliance with this permit. The record must identify any incidents of noncompliance.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to Ecology must be signed and certified.

- A. All permit applications must be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 1. The authorization is made in writing by a person described above and submitted to Ecology.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section must make the following certification:

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

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:
 - 1. A material change in the condition of the waters of the state.
 - 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 - 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 - 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 - 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.

6. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and Ecology determines that modification or revocation and reissuance is appropriate.
 2. Ecology has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee must submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application must be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit must be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this permit (by July 1, 2012).

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to Ecology.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and

reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee must submit payment of fees associated with this permit as assessed by Ecology.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit must be deemed guilty of a crime, and upon conviction thereof must be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit must incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation must be a separate and distinct offense, and in case of a continuing violation, every day's continuance must be deemed to be a separate and distinct violation.

G16. UPSET

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 operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

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 cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S6 of this permit.

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

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

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

G20. PENALTIES FOR TAMPERING

The 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 must, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment must be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING PLANNED CHANGES

The Permittee must, as soon as possible, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G22. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee must give advance notice to Ecology by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, must be scheduled during non-critical water quality periods and carried out in a manner approved by Ecology.

G23. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to Ecology, it must promptly submit such facts or information.

G24. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify Ecology as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this 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).
 4. The level established by the Director in accordance with 40 CFR 122.44(f).

- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
 1. Five hundred micrograms per liter (500µg/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).
4. The level established by the Director in accordance with 40 CFR 122.44(f).

G25. COMPLIANCE SCHEDULES

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 fourteen (14) days following each schedule date.