

**FACT SHEET FOR NPDES PERMIT WA-000295-0**  
**INTALCO ALUMINUM CORPORATION**  
**Permit Modification Public Notice Date – March 19, 2008**

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## INTRODUCTION

The Federal Clean Water Act (FCWA, 1972, and later modifications, 1977, 1981, and 1987) established water quality goals for the navigable (surface) waters of the United States. One of the mechanisms for achieving the goals of the Clean Water Act is the National Pollutant Discharge Elimination System of permits (NPDES permits), which is administered by the Environmental Protection Agency (EPA). The EPA has delegated responsibility to administer the NPDES permit program to the State of Washington on the basis of Chapter 90.48 RCW which defines the Department of Ecology's authority and obligations in administering the wastewater discharge permit program.

The regulations adopted by the State include procedures for issuing permits (Chapter 173-220 WAC), water quality criteria for surface and ground waters (Chapters 173-201A and 200 WAC), and sediment management standards (Chapter 173-204 WAC). These regulations require that a permit be issued before discharge of wastewater to waters of the state is allowed. The regulations also establish the basis for effluent limitations and other requirements which are to be included in the permit. One of the requirements (WAC 173-220-060) for issuing a permit under the NPDES permit program is the preparation of a draft permit and an accompanying fact sheet. Public notice of the availability of the draft permit is required at least thirty days before the permit is issued (WAC 173-220-050). Major permit modifications are subject to the same requirements as permit reissuance. The fact sheet and draft permit are available for review (see Appendix A--Public Involvement of the fact sheet for more detail on the Public Notice procedures).

The fact sheet and draft permit have been reviewed by the Permittee. Errors and omissions identified in this review have been corrected before going to public notice. After the public comment period has closed, the Department will summarize the substantive comments and the response to each comment. The summary and response to comments will become part of the file on the permit and parties submitting comments will receive a copy of the Department's response. The fact sheet will be revised to reflect the changes made to the permit.

| <b>GENERAL INFORMATION</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant                  | Intalco Aluminum Corporation                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Address                    | 4050 Mountainview Road<br>P.O. Box 937<br>Ferndale, WA 98248-0937                                                                                                                                                                                                                                                                                                                                                                               |
| Type of Facility:          | Aluminum Manufacturing                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Discharge Location         | 001- Latitude: 48° 50' 26.8" N<br>Longitude: 122° 43' 13.6" W<br>002- Latitude: 48° 50' 22" N<br>Longitude: 122° 42' 56.1" W<br>003- Latitude: 48° 50' 49" N<br>Longitude: 122° 42' 56.1" W<br>004- Latitude: 48° 50' 13" N<br>Longitude: 122° 42' 52" W<br>005- Latitude: 48° 50' 31" N<br>Longitude: 122° 42' 49" W<br>011- Latitude: 48° 50' 33" N<br>Longitude: 122° 42' 53" W<br>012- Latitude: 48° 50' 25" N<br>Longitude: 122° 42' 53" W |
| Water Body ID Number       | WA-01-0030                                                                                                                                                                                                                                                                                                                                                                                                                                      |

### **PERMIT STATUS**

Public notice for issuance of the current Intalco Aluminum Corporation (Intalco) NPDES Permit was published on Thursday, May 12, 2005 in the Bellingham Herald and on Wednesday May 18, 2005 in the Ferndale Westside Record-Journal. The date for submittal of written comments was April 15, 2005. A number of comments were received by Ecology. A Response to Comments was completed on March 15, 2007. The current NPDES permit for Intalco was issued on March 15, 2007 and became effective on April 01, 2007.

The Puget Sound Alliance and ReSources for Sustainable Communities filed an appeal of Intalco's NPDES permit on April 16, 2007 with the Pollution Control Hearings Board (PCHB). Intalco filed an appeal of the permit with the PCHB on April 20, 2007. The two appeals were consolidated.

A pre-hearing conference was held May 14, 2007. The issues were summarized and a January 14-16, 2008 hearing was scheduled with the Pollution Control Hearings Board.

Settlement discussions were held with both parties on July 19, 2007 and on August 06, 2007. The scheduled hearing at the Pollution Control Hearings Board was cancelled because progress was being made in the settlement discussions.

All parties consented to a Stipulation and Agreed Order which resolved the issues raised in the consolidated appeal. The Stipulation and Agreed Order was submitted to the PCHB for approval and entry on February 19, 2008. The PCHB issued a Continuance Order on February 29, 2008. The order put the case on hold pending the agreed upon amendments to the permit and directed the parties to provide a status report every 90 days. Ecology will provide the required status reports. The order requires Ecology to publish a proposed amendment to the Permit that incorporates the changes that were agreed upon. Once the amended permit is issued, Intalco, Puget Sound Alliance, and ReSources for Sustainable Communities have 40 days to request that the PCHB dismiss the Stipulations and Agreed Orders (PCHB Nos. 07-053 and 07-054).

Ecology published a "Public Comment Period Announcement" in the Bellingham Herald and in the Ferndale Record Journal on March 19, 2008. The announcement informs the public that they can review the proposed Intalco permit and fact sheet in a number of different locations or on Ecology's website. The public is also provided the option of requesting that paper or electronic copies of the documents be sent to them. The announcement states that the public will be allowed to submit written comments, regarding **only** the changes to the permit, to Ecology before 5:00 PM on April 18, 2008.

As a result of the settlement agreements, several permit conditions were changed in the proposed permit modification. The changes include adding pollutant discharge limits at Outfall 001 that reflect changes in production levels, increasing the frequency of monitoring for fluoride and free cyanide at Outfall 001, deleting the redundant language in footnote "d" from the "Effluent Limitations" tables for Outfalls 001 and 002, revising footnote "f" in the "Effluent Limitations" table for Outfall 001, adding actions that must be taken when Stormwater Pond monitoring results are above action levels, adding language specifying monitoring conditions for Outfalls 011 and 012, adding specific language to clarify reporting requirements in the monthly discharge monitoring reports, allowing Intalco to suspend certain studies and permit requirements during curtailment, adding requirements to submit interim progress reports at the end of one year for the Treatment Efficiency Study for the Secondary Wastewater Treatment System and for the AKART study for the Direct Contact Anode Cooling Water in the Carbon Plan (ACWTS), and adding clarification language in a number of conditions of the permit.

## PROPOSED PERMIT CHANGES

### ***Added Pollutant Discharge Limits at Outfall 001 to Reflect Changes in Production Levels (Condition S1.A)***

The effluent limits for fluoride (F), aluminum (Al), benzo(a)pyrene (B(a)P), antimony (Sb), and nickel (Ni) at Outfall 001 were revised to include a third tier. This change was made to better reflect the possible production levels that Intalco may experience during the next permit term. A variable set of limits now apply when production is at 0-33%, 33-50%, and 50-100%. The footnotes for this permit condition were also changed to include a mid-range monthly production level.

### ***Increased the Frequency of Monitoring for Fluoride and Free Cyanide at Outfall 001 (Condition S1.A)***

The monitoring frequency for fluoride and free cyanide at Outfall 001 was increased from once per month to once per week during periods of temporary curtailment. One of the sources of fluoride and free cyanide discharged at Outfall 001 is the leachate from Intalco's on-site hazardous waste landfill. The leachate is collected from the landfill then pumped to and treated in the Secondary Wastewater Treatment System (SWTS) before discharge through Outfall 001. The leachate recovery system in the landfill is operated continuously even during periods of temporary curtailment. The monitoring frequency was increased to ensure that it represents the concentrations of fluoride and free cyanide that are discharged during periods of temporary curtailment.

### ***Deleted Redundant Language in Footnote "d" from the "Effluent Limitations" Tables for Outfalls 001 and 002 (Conditions S1.A and S1.B)***

Footnote "d" was deleted from the effluent limitation tables for Outfalls 001 and 002 because the language is confusing and unnecessary. The sequence of the superscripts in the tables and the footnotes were revised to reflect the changes caused by the deletion of footnote "d".

### ***Revised Footnote "f" in the "Effluent Limitations" Table for Outfall 001 (Condition S1.A)***

Footnote "f" ("e" in the proposed permit) in the "Effluent Limitations" table for Outfall 001 was revised to reflect the reporting requirements for the data summary sheet. The language in the footnote was changed to correct the monitoring frequencies for TSS, aluminum, antimony, and nickel, and the word "concentrations" was added to clarify the appropriate reporting measure for TSS and aluminum.

***Added Actions that Must be Taken when Stormwater Pond Monitoring Results are Above Action Levels (Condition S1.C)***

Condition S1.C was divided into two sections (S1.C.1 and S1.C.2), titled “Monitoring Requirements and Action Levels” and “Response to Monitoring Results Above Action Levels”. Footnote “a” in Condition S1.C.1 was deleted. Condition S1.C.2 replaces footnote “a” to include more specific and rigorous requirements and timeframes for completing these requirements.

***Added Language Clarifying Monitoring Conditions for Outfalls 011 and 012 (Condition S1.G.2)***

A sentence was added to the second paragraph of Condition S1.G.2. to clarify the conditions when the Permittee is not required to sample.

***Specified the Studies and Permit Requirements that Intalco Will Be Allowed to Suspend During Temporary Curtailment (Condition S1.K)***

The language in Condition S1.K. was revised to specify the special studies and other permit requirements that Intalco will be allowed to suspend during temporary curtailment.

***Added Specific Language to Clarify Reporting Requirements in the monthly Discharge Monitoring Reports (Condition S2.D)***

The permit language in the last five paragraphs of Condition S2.D. was changed to clarify: 1) the reporting requirements when sampling at Outfalls 011 or 012 is not conducted due to unsafe conditions, 2) that data summary sheets shall be provided in the monthly DMR for any monitoring at Outfall 001 and for any specified contributions to Outfall 001, 3) that PUD Intake is PUD Intake Water, 4) that data summary sheets shall be provided in the monthly DMR for any monitoring at Outfall 002 and for any specified contributions to Outfall 002, prior to the diversion to Outfall 001, 5) that data summary sheets shall be provided in the monthly DMR for any monitoring at Outfall 002 after the diversion and for any specified contributions to Outfall 001 after the diversion, and 6) that data summary sheets shall be provided in the monthly DMR for any monitoring at Outfalls 011 and 012.”.

***Added Requirements to Submit Interim Progress Reports at the End of One Year for the Treatment Efficiency Study for the Secondary Wastewater Treatment System (Condition S10.B.6) and for the AKART study for the Direct Contact Anode Cooling Water in the Carbon Plan (Condition S10.C.5)***

A new sentence was added to Conditions S10.B.6. and S10.C.5. requiring the submittal of an interim progress report to Ecology describing the status of changes to the Secondary Wastewater Treatment System and the anode cooling water treatment process, respectively. The new requirements were also added to the table at the beginning of the permit that contains a summary of required permit activities and report submittals.

## **PERMIT ISSUANCE PROCEDURES**

### ***PERMIT MODIFICATIONS***

The Department may modify this permit to impose numerical limitations, if necessary to meet Water Quality Standards for Surface Waters, Sediment Quality Standards, or Water Quality Standards for Ground Waters, based on new information obtained from sources such as inspections, effluent monitoring, outfall studies, and effluent mixing studies.

The Department may also modify this permit as a result of new or amended state or federal regulations.

### ***RECOMMENDATION FOR PERMIT ISSUANCE***

This proposed permit modification meets all statutory requirements for authorizing a wastewater discharge, including those limitations and conditions believed necessary to control toxics, protect human health, aquatic life, and the beneficial uses of waters of the State of Washington. The proposed permit modification will be issued with an expiration date of April 1, 2012.

## APPENDIX A--PUBLIC INVOLVEMENT INFORMATION

The Department has tentatively determined to modify Intalco Aluminum Corporation's NPDES permit. The proposed modifications to permit conditions are described in the fact sheet.

The Department will publish a "Public Comment Period Announcement" on March 19, 2008 in the *Ferndale Record Journal* and the *Bellingham Herald* to inform the public that a draft permit modification and fact sheet are available for review. Interested persons are invited to submit written comments regarding **only** the items changed in this proposed permit modification.

The draft permit, fact sheet, and related documents are available for review and copying between the hours of 8:00 a.m. and 4:30 p.m. weekdays at:

Ferndale Public Library  
Reference Desk  
2222 Main Street  
Ferndale, WA 98248  
Phone: (360) 384-3647

Bellingham Public Library  
Reference Desk  
210 Central Ave  
Bellingham, WA 98225  
(360) 778-7323

The draft permit, fact sheet, and related documents are available for review and copying between the hours of 8:00 a.m. and 5:00 p.m. weekdays, by appointment, at the Ecology office listed below. Written comments should be mailed to:

Judy Schwieters  
Department of Ecology  
Industrial Section  
PO Box 47706  
Olympia, WA 98504

Public comments should reference the specific text followed by a suggested revision or concern when possible. **Comments should only address the changes proposed in this permit modification.**

The Department will consider all comments received within thirty (30) days of the date the "Public Comment Period Announcement" was published as indicated above, in formulating a final determination to modify the permit. The Department's response to all significant comments will be made available upon request and will be mailed or e-mailed to persons who have made that request by providing their name and mailing

address or e-mail address to the Department.

Further information may be obtained from the Department by telephone, (360) 407-6942, or by writing to the address listed above.

This permit and fact sheet were written by Judy Schwieters.