

Issuance Date: March 23, 2007
Effective Date: April 1, 2007
Expiration Date: April 1, 2012

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA-000320-4

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

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.

Sound Refining, Inc.
2628 Marine View Drive
Tacoma WA 98422

<u>Facility Location:</u> 2628 Marine View Drive Tacoma, Washington	<u>Receiving Water:</u> Hylebos Waterway, Commencement Bay
<u>Water Body I.D. No.:</u> WA – 10-0020	<u>Discharge Location:</u> Outfall 002 Latitude: 47° 16' 40" N Longitude: 122° 23' 0" W Outfall 003 Latitude: 47° 16' 40" N Longitude: 122° 23' 0" W Outfall 004 Latitude: 47° 16' 40" N Longitude: 122° 23' 0" W
<u>Industry Type:</u> Petroleum Refinery	

is authorized to discharge in accordance with the special and general conditions which follow.

Merley F. McCall, Section Supervisor
Industrial Section
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.D.	Visual Monitoring Report	Monthly	With the discharge monitoring report
S2.A	Discharge Monitoring Report	Monthly	
S2.D	Additional Monitoring	As necessary	
S2.E	24 Hour Noncompliance Notification	Within 24 hours as necessary	
S2.F	Other Noncompliance Notification	As necessary	
S4.	Priority Pollutant Testing	Annually	By 4/1/2008
S5.	Application for Permit Renewal	1/permit cycle	By 10/1/2011
S8.	Spill Plan	1/permit cycle & updates submitted as necessary	By 4/1/2008
S9.A1	Stormwater Pollution Prevention Plan	1/permit cycle	By 7/1/2007
S9.A2	Stormwater Pollution Prevention – Complete implementation of operational & source control BMPs	1/permit cycle	By 1/1/2008
S9.A3	Stormwater Pollution Prevention – BMP Capital Improvements	1/permit cycle	By 10/1/2008
S9 B2.	Stormwater Pollution Prevention Plan	As necessary	
S9C.	Stormwater Pollution Prevention Plan – Stormwater Inspections	2/year (wet and dry season)	
S9D.	Stormwater Pollution Prevention annual evaluation	Annual	By 7/1/2008
S10.	Non-routine and Unanticipated Discharges	As necessary	
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G8	Notice of Permit Transfer	As necessary	
G22.	Reporting Other Information	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

A. Stormwater Discharges

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

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

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 specified on page six (6).

Samples for Outfalls 002 –004 shall be obtained from the free flowing discharge at the end of the outfall pipe. The Ecology permit manager shall authorize any alternative methods to collect representative samples. Monitoring shall occur at the frequencies listed in the table on page six (6).

B. Mixing Zone Description (002 – 004)

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

Each mixing zone for stormwater outfalls 002, 003 and 004 shall extend from the discharge port in a horizontal direction of no greater than 200 feet plus the depth of water at the discharge port as measured during mean lower low water but shall not occupy greater than 25% of the width of the water body as measured during mean lower low water.

C. Effluent Limitations and Monitoring Requirements for Outfalls #002, 003, 004

Parameter	Limitation	Monitoring Frequency/Sample Type
Oil and Grease	The concentration of oil and grease in the discharge shall at no time exceed 15 mg/l, and shall not exceed 10 mg/l more than three days per month.	Twice/month grabs.
pH	pH shall be maintained within the range of 6.0 to 9.0.	Twice/month grabs.
Total Suspended Solids	Once/month grabs.	
Biochemical Oxygen Demand (5-day)	Once/month grabs.	
Chemical Oxygen Demand	Once/month grabs.	
Total Zinc	Once/month grabs.	
Total Copper & Total Lead	If the value for zinc exceeds the benchmark value (see S1.D) for two consecutive samples the Permittee shall begin sampling Once/month grabs . Analysis for these parameters will be required for the remainder of the permit term unless the Permittee achieves consistent attainment of benchmark values (four consecutive reported values equal to or less than benchmark values). The Permittee may petition the Department in writing to reduce or suspend monitoring for one or more of these parameters upon consistent attainment of benchmark values.	
NWTPH-Dx	2/ year.	
NWTPH-Gx	2/ year.	
Priority Pollutant Scan	Annual. The Permittee may petition the Department in writing to reduce priority pollutant scanning requirements after 2 years of data collection. Authorization from the Department to reduce monitoring will be by letter to the Permittee. (See Permit Condition S 4)	
Rainfall	Daily values shall be reported with the monthly DMR.	
Feedstock Rate barrels (bbls)	There is no limitation for this parameter. Daily values shall be reported. The monthly average and maximum day shall be reported in the monthly DMR.	

D. Benchmark Values

Outfalls 002, 003, and 004	
Parameter	Benchmark Value
COD	60 mg/L
BOD	30 mg/L
TSS	25 mg/L
Total Zinc	117 µg/L
pH	6-9 SU
Total Copper	63.6 µg/L
Total Lead	81.6 µg/L

Each time that sampling results are above a benchmark value or outside the benchmark range for pH, the Permittee shall take the following actions:

- a. Conduct an inspection of the drainage area for the affected outfall as promptly as possible, but no later than two weeks after receipt of sampling results.
- b. Identify the possible sources of stormwater contamination from industrial activity that are causing or contributing to the elevated levels of the benchmark parameter.
- c. Evaluate whether any improvements or changes to source control, operational control, and stormwater best management practices (BMPs) are warranted to reduce stormwater contamination below benchmark values.
- d. Within 30 days after receipt of sampling results exceeding the benchmark, implement additional source/operational control and best management practices as identified as needed in the investigation.
- e. Include a brief summary of inspection results and remedial actions taken with the monitoring report for the time period in which sample results were above benchmark values.

E. Visual Monitoring

Monitoring of stormwater discharges shall also consist of visual monitoring. Visual monitoring shall include observations made at stormwater sampling locations at the time of sampling. Observations of the presence of floating materials, visible sheen, discoloration, turbidity, odor, etc. in the stormwater discharge and an evaluation of whether or not stormwater best management practices established by the Pollution Prevention Plan are in place and/or are being followed shall be reported with the

discharge monitoring report. Dry weather observations shall note the presences of non-stormwater discharges to the stormwater system that are not authorized by this permit. Any non-stormwater discharges not otherwise authorized shall be reported to Ecology per Permit Condition S2.E. Visual monitoring reports shall be submitted with the discharge monitoring reports.

F. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall 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.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.

G. Laboratory Accreditation

All monitoring data required by the Department shall 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, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

H. Storage Tank Wastewater

The operation of removing wastewater from oil, product, and intermediate distillate storage tanks shall be performed in a manner and with facilities as required to prevent the wastewater from draining or spilling onto the ground. Direct or indirect discharge of storage tank wastewater to surface water or groundwater is prohibited at the facility.

S2. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall 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 shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be postmarked or received no later than the 15th day of the month following the completed

monitoring period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than forty-five (45) days following the monitoring period. Unless otherwise specified, all toxicity test data shall be submitted within sixty (60) days after the sample date. The report(s) shall be sent to the Industrial Section, Department of Ecology, Post Office Box 47706, Olympia, Washington 98504-7706.

All laboratory reports providing data for organic and metal parameters shall 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. Analytical results from samples sent to a contract laboratory must have information on the chain of custody, the analytical method, QA/QC results, and documentation of accreditation for the parameter.

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 the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall 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 shall 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 shall 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 shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must take the following action upon violation of any permit condition:

Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem and, if applicable, immediately repeat sampling and analysis. The results of any repeat sampling shall be submitted to Ecology within 30 days of sampling.

2. The Permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the Permittee becomes aware of any of the following circumstances. Outside of normal working hours, voice mail or email notification of the Industrial Section responsible engineer and 24 hours spill reporting hot line if necessary, shall meet this requirement:
 - a. any noncompliance that may endanger health or the environment;
 - b. any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in S1.C.
3. The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subpart 2, above. The written submission must contain:
 - a. a description of the noncompliance and its cause;
 - b. the period of noncompliance, including exact dates and times;
 - c. the estimated time noncompliance is expected to continue if it has not been corrected;
 - d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and
4. Ecology may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the noncompliance.
5. Reports must be submitted to the address in S2.A.

F. Other Noncompliance Reporting.

The permittee must report all instances of noncompliance, not required to be reported immediately or within 24 hours, at the time that monitoring reports for S2.A ("Reporting") are submitted. The reports must contain the information listed in paragraph E above, ("Twenty-four Hour Notice of Noncompliance Reporting"). 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.

G. Maintaining a Copy of This Permit

A copy of this permit must be kept at the permitted facility and be made available upon request to Department of Ecology inspectors.

S3. OPERATION AND MAINTENANCE

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

The Permittee shall immediately notify the Department of any spill or overflow from any portion of the stormwater collection, containment or treatment system.

S4. PRIORITY POLLUTANT TESTING

The Permittee shall sample Outfalls 002, 003, and 004 **annually** and analyze the sample for the priority pollutants and other pollutants listed in **Appendix A**. The detection limit and the method shall conform to those listed. The results of these analyses shall be submitted to Ecology **by April 1 of each year**. The data shall be listed in tabular form with the detection limit, the value including units, and the method. The Permittee may petition the Department in writing to reduce priority pollutant scanning requirements after 2 years of data collection. Authorization from the Department to reduce monitoring will be by letter to the Permittee.

This table is a list of all priority pollutants. It includes PCBs and pesticides that are not required to be tested for unless they are used on site.

S5. APPLICATION FOR PERMIT RENEWAL

The Permittee shall submit an application for renewal of this permit by October 1, 2011.

S6. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall 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 shall 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 shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S7. SPILL PLAN

The Permittee shall submit to the Department an update to the existing Spill Control Plan by April 1, 2008. The spill control plan shall address 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 Permittee shall review and update the Spill Plan, as needed, at least annually. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The updated spill control plan shall 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, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

S8. BEST MANAGEMENT PRACTICES

A record of inspections, maintenance, and disposal pertaining to best management practices shall be kept on file and available for review by the department. Upon completion of Ecology review and approval of the Stormwater Pollution Prevention Plan required in Special Condition S.9, the following listed BMP's will be replaced or amended by the facility specific BMP's identified in the approved Stormwater Pollution Prevention Plan.

1. Outfall 002 – 004 weir boxes shall be checked no less than 3 times daily for signs of oil and grease.
2. Outfall 002 – 004 weir boxes shall be cleaned, at a minimum, on a monthly basis at which time the oil adsorbing filtration fabric and sorbent pads shall be replaced.
3. Tankfarm stormwater system valves shall remain in the closed position unless the basin is actively being drained. Stormwater Basin B (Outfall 3) is an exception to this

requirement because of the continuously flowing groundwater spring crossing the Permittee's property.

4. Removable gates within the tankfarm containment berms shall remain closed at all times unless they are being actively used.
5. A daily inspection shall be conducted in the tankfarms for leaks, spills, and necessary preventive maintenance.
6. Drums of solid waste stored in the open on site shall be covered unless actively being filled or emptied.

All barrels, drums, or similar containers containing hazardous or toxic substances shall be stored in an upright position, in a bermed, covered area sufficient to prevent discharge into state ground or surface waters in the event of leakage or rupture.

S9. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled *Guidance Manual for Preparing/Updating a Stormwater Pollution Prevention Plan for Industrial Facilities*, Publication # 04-10-030, 2004 which is published by the Department of Ecology and available on Ecology's website at <http://www.ecy.wa.gov/biblio/0410030.html>.

A. Plan Development

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

1. By July 1, 2007, develop an SWPPP and retain it on-site.
2. By January 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 October 1, 2008, complete the implementation of BMPs requiring capital improvements.

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

4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the *Guidance Manual for Preparing/Updating a Stormwater Pollution Prevention Plan for Industrial Facilities* Publication # 04-10-030, 2004 which is published by the Department of Ecology and available on Ecology's website at

<http://www.ecy.wa.gov/biblio/4010030.html>. The plan shall 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.

B. General Requirements

1. Submission, Retention, and Availability:

The Permittee shall submit a copy of the SWPPP to the Department by July 1, 2007 for review and comment. The SWPPP and all of its modifications shall be signed in accordance with Special Condition S2. Retain the SWPPP on-site or within reasonable access to the site.

2. Modifications:

The Permittee shall 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 shall be modified, as appropriate, within two (2) months of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee shall 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.

C. Implementation

The Permittee shall 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 shall 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 shall 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 shall conduct the dry season inspection. The dry season inspection shall 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 shall immediately notify the Department.

D. Plan Evaluation

The Permittee shall **annually** 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 shall be maintained summarizing the results of inspections and include a certification, in accordance with Condition S2., that the facility is in compliance with the plan and in compliance with this permit. The record shall identify any incidents of noncompliance.

S10. 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 the Department. Prior to any such discharge, the Permittee shall contact the Department 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 shall be analyzed for all constituents limited for the Permittee's discharge. The analysis shall also include any metals that are limited by water quality standards, and any other parameter deemed necessary by the Department. 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 the Department.

5. The date of proposed discharge and the rate at which the water will be discharged, in gallons per minute. The discharge rate shall be limited to that which will not cause erosion of ditches or structural damage to culverts and their entrances or exits.
 6. If the proposed discharge is to a municipal storm drain and is approved by the Department, the Permittee shall notify the municipality of the discharge.
- B. The discharge cannot proceed until the Department has reviewed the information provided and has authorized the discharge. Authorization from the Department will be by letter to the Permittee or by an Administrative Order.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall 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 the Department shall 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 the Department.
 - 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 the Department 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 shall 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 shall allow an authorized representative of the Department, 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 the Department'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. The Department 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 the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department 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 PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department 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, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, 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.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall 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 shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G7. TRANSFER OF THIS PERMIT

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

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 the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department 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.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall 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.

G9. REMOVED SUBSTANCES

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

G10. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department 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 shall also submit to the Department upon request, copies of records required to be kept by this permit.

G11. OTHER REQUIREMENTS OF 40 CFR

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

G12. ADDITIONAL MONITORING

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

G13. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall 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 shall 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 shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G15. 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 shall 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 S2.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

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

G16. PROPERTY RIGHTS

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

G17. DUTY TO COMPLY

The Permittee shall 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.

G18. TOXIC POLLUTANTS

The Permittee shall 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.

G19. 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 the Department, it shall promptly submit such facts or information.

Appendix A

PRIORITY POLLUTANT SCAN

The Permittee shall sample the final effluent and analyze the sample for the priority pollutants and other pollutants listed in the table below annually. The detection limit and the method shall conform to those listed. The results of these analyses shall be submitted to Ecology within three months of each sampling event. The data shall be listed in tabular form with the detection limit, the value including units, and the method.

This table is a list of all priority pollutants. It includes PCBs and pesticides that are not required to be tested for unless they are used on site.

Pollutant	CAS Number (if available)	Analytical Protocol as EPA Part 136 methods or Standard Methods	Detection or Quantitation Level
Metals, Cyanide & Total Phenols (Part C)			DL µg/l
Antimony, Total	7440-36-0	204.2	3
Arsenic, Total	7440-38-2	206.2	1
Beryllium, Total	7440-43-9	210.2	1
Cadmium, Total	7440-43-9	213.2	0.1
Chromium, Total	7440-47-3	218.2	1
Copper, Total	7440-50-8	220.2	1
Lead, Total	7439-92-1	239.2	1
Mercury, Total	7439-97-6	1631E	0.2 ng/l
Nickel, Total	7440-02-0	249.2	1
Selenium, Total	7782-49-2	270.2	2
Silver, Total	7440-22-4	272.2	0.2
Thallium, Total	7440-28-0	279.2	1
Zinc, Total	7440-66-6	289.2	0.05
Cyanide, Total	57-12-5	335.2 or 335.3	20
Phenols, total		420.1 or 420.2	
Dioxin			QL µg/l
2,3,7,8-Tetra-Chlorodibenzo-P-Dioxin	1764- 01-6	1613	0.00001

Pollutant	CAS Number (if available)	Analytical Protocol as EPA Part 136 methods or Standard Methods	Detection or Quantitation Level
Volatile Compounds			QL µg/l
Acrolein	107-02-8	624	50
Acrylonitrile	107-13-1	624	50
Benzene	71-43-2	624	10
Bis (<i>chloromethyl</i>) Ether	542-88-1	624	10
Bromoform	75-25-2	624	10
Carbon Tetrachloride	56-23-5	624	10
Chlorobenzene	108-90-7	624	50
Chlorodibromomethane	124-48-1	624	10
Chloroethane	75-00-3	624	10
2-Chloroethylvinyl Ether	110-75-8	624	50
Chloroform	67-66-3	624	10
Dichlorobromomethane	75-27-4	624	10
Dichlorodifluoromethane	75-71-8	624	10
1,1-Dichloroethane	75-34-3	624	10
1,2-Dichloroethane	107-06-2	624	10
1,1-Dichloroethylene	75-35-4	624	10
1,2-Dichloropropane	78-87-5	624	10
1,3-Dichloropropylene	542-75-6	624	10
Ethylbenzene	100-41-4	624	10
Methyl Bromide	74-83-9	624	50
Methyl Chloride	74-87-3	624	50
Methylene Chloride	75-09-2	624	20
1,1,2,2-Tetrachloroethane	79-34-5	624	10
Tetrachloroethylene	127-18-4	624	10
Toluene	108-88-3	624	10
1,2-Trans-Dichloroethylene	156-60-5	624	10
1,1,1-Trichloroethane	71-55-6	624	10
1,1,2-Trichloroethane	79-00-5	624	10
Trichloroethylene	79-01-6	624	10
Trichlorofluoromethane	75-69-4	624	10
Vinyl Chloride	75-01-4	624	10

Pollutant	CAS Number (if available)	Analytical Protocol as EPA Part 136 methods or Standard Methods	Detection or Quantitation Level
Acid Compounds			QL µg/l
2-Chlorophenol	95-57-8	625	10
2,4-Dichlorophenol	120-83-2	625	10
2,4-Dimethylphenol	105-67-9	625	10
4,6-Dinitro-O-Cresol (2-methyl-4,6 – dinitrophenol)	534-52-1	625	50
2,4 Dinitrophenol	51-28-5	625	50
2-Nitrophenol	88-75-5	625	20
4-Nitrophenol	100-02-7	625	50
P-Chloro-M-Cresol	59-50-7	625	10
Pentachlorophenol	87-86-5	625	50
Phenol	108-95-2	625	10
2,4,6-Trichlorophenol	88-06-2	625	10
Base/Neutral Compounds			QL µg/l
Acenaphthene	83-32-9	625	10
Acenaphthylene	208-96-8	625	10
Anthracene	120-12-7	625	10
Benzidine	92-87-5	625	50
Benzo (a) Anthracene	56-55-3	625	10
Benzo (a) Pyrene	50-32-8	625	10
3,4-Benzofluoranthene	205-99-2	625	10
Benzo (ghi) Perylene	191-24-2	625	20
Benzo (k) Fluoranthene	207-08-9	625	10
Bis (2-Chloroethoxy) Methane	111-91-1	625	10
Bis (2-Chloroethyl) Ether	111-44-4	625	10
Bis (2-Chloroisopropyl) Ether	108-60-1	625	10
Bis (2-Ethylhexyl) Phthalate	117-81-7	625	10
4-Bromophenyl Phenyl Ether	101-55-3	625	10
Butyl Benzyl Phthalate	85-68-7	625	10
2-Chloronaphthalene	91-58-7	625	10
4-Chlorophenyl Phenyl Ether	7005-72-3	625	10
Chrysene	218-01-9	625	10
Dibenzo (a,h) Anthracene	53-70-3	625	20
1,2-Dichlorobenzene	95-50-1	625	10
1,3-Dichlorobenzene	541-73-1	625	10
1,4-Dichlorobenzene	106-46-7	625	10
3,3'-Dichlorobenzidine	91-94-1	625	50

Pollutant	CAS Number (if available)	Analytical Protocol as EPA Part 136 methods or Standard Methods	Detection or Quantitation Level
Base/Neutral Compounds (cont)			QL µg/l
Diethyl Phthalate	84-66-2	625	10
Dimethyl Phthalate	131-11-3	625	10
Di-N-Butyl Phthalate	84-74-2	625	10
2,4-Dinitrotoluene	121-14-2	625	10
2,6-Dinitrotoluene	606-20-2	625	10
Di-n-octyl Phthalate	117-84-0	625	10
1,2-Diphenylhydrazine (as Azobenzene)	122-66- 7	625	20
Fluoranthene	206-44-0	625	10
Fluorene	86-73-7	625	10
Hexachlorobenzene	118-74-1	625	10
Hexachlorobutadiene	87-68-3	625	10
Hexachlorocyclopentadiene	77-47-4	625	10
Hexachloroethane	67-72-1	625	20
Indeno (1,2,3-cd) Pyrene	193-39-5	625	20
Isophorone	78-59-1	625	10
Naphthalene	91-20-3	625	10
Nitrobenzene	98-95-3	625	10
N-Nitrosodimethylamine	62-75-9	625	50
N-Nitrosodi-N-Propylamine	621-64-7	625	20
N-Nitrosodiphenylamine	86-30-6	625	20
Phenanthrene	85-01-8	625	10
Pyrene	129-00-0	625	10
1,2,4-Trichlorobenzene	120-82-1	625	10

Pollutant	CAS Number (if available)	Analytical Protocol as EPA Part 136 methods or Standard Methods	Detection or Quantitation Level
GC/MS Fraction – Pesticides and PCBs			QL µg/l
Aldrin	309-00-2	608	0.05
α-BHC	319-84-6	608	0.05
β-BHC	319-85-7	608	0.05
γ-BHC	58-89-9	608	0.05
δ-BHC	319-86-8	608	0.05
Chlordane	57-74-9	608	0.2
4,4'-DDT	50-29-3	608	0.1
4,4'-DDE	72-55-9	608	0.1
4,4' DDD	72-54-8	608	0.1
Dieldrin	60-57-1	608	0.1
α-Endosulfan	959988	608	0.1
β-Endosulfan	33213659	608	0.1
Endosulfan Sulfate	1031-07-8	608	0.1
Endrin	72-20-8	608	0.1
Endrin Aldehyde	7421-83-4	608	0.1
Heptachlor	76-44-8	608	0.05
Heptachlor Epoxide	1024-57-3	608	0.05
PCB-1242	53469-21-9	608	1.0
PCB-1254	11097-69-1	608	1.0
PCB-1221	11104-28-2	608	1.0
PCB-1232	11141-16-5	608	1.0
PCB-1248	12672-29-6	608	1.0
PCB-1260	11096-82-5	608	1.0
PCB-1016	12674-11-2	608	1.0
Toxaphene	8001-35-2	608	5.0