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Permit No.: ST-9183
Issuance Date: September 28, 2007
Effective Date: November 1, 2007
Expiration Date: October 31, 2012

STATE WASTE DISCHARGE PERMIT NO. ST-9183

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
CENTRAL REGIONAL OFFICE

In compliance with the provisions of the
State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington, as amended,
authorizes

BAKER PRODUCE, INC.
212 RAILROAD AVENUE
KENNEWICK, WA 99336

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

<u>Facility Address:</u> 212 Railroad Avenue Kennewick, WA 99336	<u>Discharge Location</u> Latitude: 46° 12' 42" N Longitude: 119° 07' 13" W
<u>Publicly Owned Treatment Works (POTW) Receiving Discharge:</u> City of Kennewick	
<u>Industry Type:</u> Crop preparation Vegetable washing	<u>SIC Code:</u> 0723

Denise E. Mills, LHG
Section Manager
Water Quality Program
Central Regional Office
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
S3.A.	Discharge Monitoring Report	Monthly/Quarterly ^a	January 15, 2008 ^b
S3.J	Automatic Resample Report	as necessary	within 30 days of resample
S4.A.	Treatment System Operating Plan Review Confirmation Letter	Annually	January 31, 2008
S4.A.	Treatment System Operating Plan Update	1/permit cycle	October 31, 2011
S7.2.	Sludge Management Plan Update	1/permit cycle	October 31, 2011
S8.	Duty to Reapply	1/permit cycle	October 31, 2011
G1.	Signature Authorization/Delegation	As Needed	As Needed

- a DMRs are recorded monthly but submitted quarterly.
- b Quarterly submittal dates for DMRs are January 15, April 15, July 15, and October 15.

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

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 concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **November 1, 2007** and lasting through **October 31, 2012**, the Permittee is authorized to discharge wastewater to City of Kennewick sewer system subject to the following limitations:

EFFLUENT LIMITATIONS: Outfall #001	
Parameter	Maximum Daily^a
pH	Not outside the range 5.5 to 9.5
TSS	250 mg/L
^a The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. Do not average pH.	

This permit does not authorize the discharge or disposal of wastewater to any discharge point other than the outfall #001, as described above, nor to any location other than the City of Kennewick POTW.

S2. MONITORING REQUIREMENTS

A. Wastewater Monitoring

The Permittee shall monitor the wastewater according to the following schedule:

Parameter	Units	Sample Point	Sampling Frequency	Sample Type
Flow	gallons per day	Effluent discharge point	Monthly ^a	Meter
TSS	milligrams per liter	Final effluent	Monthly	8-hour composite ^b
pH	Standard Units	Final effluent	Monthly	Grab ^c
TKN	milligrams per liter	Final effluent	Once per Permit Cycle ^d	8-hour composite
NO ₃	milligrams per liter	Final effluent	Once per Permit Cycle	8-hour composite
Pesticides ^e	milligrams per liter	Final effluent	Once per Permit Cycle	8-hour composite
Sludge Volume	cubic feet	settling tank	Monthly or as often as removed	measurement

- a. "Monthly" means samples collected once every calendar month.
- b. "8-hour composite" means a series of at least four individual samples collected over an 8-hour period at selected intervals, based on an increment of either flow or time, and combined into a single container to be analyzed as one sample.
- c. "Grab" means an individual sample collected in less than 15 minutes.
- d. "Once per Permit Cycle" means samples are to be reported one time during the permit cycle, to be submitted with application for permit renewal, one year prior to permit expiration.
- e. "Pesticides" means all of the non-PCB pesticides as listed in 40 CFR Part 122, Appendix D, Table II.

B. 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 water and wastewater 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 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (American Public Health Association), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Ecology).

C. Flow Measurement

A water meter has been installed on the city well and the service connection to by the City of Kennewick to measure water used. With the exception of an insignificant amount lost to evaporation, all process water used by Baker Produce is returned to the sewer. Therefore, this reading will constitute the effluent flow. The effluent flow data shall be consistent with the water utility billing system logs maintained by the City of Kennewick. The effluent flow readings shall be collected monthly and reported quarterly by Baker Produce via Discharge Monitoring Report to Ecology.

D. Laboratory Accreditation

All monitoring data required by Ecology 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, turbidity, conductivity, pH, 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. Crops, soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by Ecology.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

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

A. Reporting

The first monitoring period begins on **November 1, 2007**. Monitoring results shall be submitted quarterly. Quarterly submittal due dates are **January 15th**, **April 15th**, **July 15th**, and **October 15th** of each year. Monitoring results obtained during the previous 3 months shall be reported on the monthly forms as provided,

or otherwise approved, by Ecology, and be received or postmarked no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. TKN, NO₃, and Pesticide analyses data shall be submitted no later than 45 days following the reporting period.

The report(s) shall be sent to:

Permit Data Systems Manager
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

Discharge Monitoring Report forms must be submitted quarterly whether or not the facility was discharging. If there was no discharge or the facility was not operating 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 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; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) 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 calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

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

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to Ecology within 30 days after becoming aware of the violation;
3. Immediately notify Ecology and the local sewage treatment plant manager of the failure to comply; and
4. Submit a detailed written report to Ecology within 30 days (five days for upsets and bypasses), unless requested earlier by Ecology. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

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.

F. Dangerous Waste Discharge Notification

The Permittee shall notify the publicly-owned treatment works (POTW) and Ecology in writing of the intent to discharge into the POTW any substance designated as a dangerous waste in accordance with the provisions of WAC 173-303-070. This notification shall be made at least 90 days prior to the date that discharge is proposed to be initiated.

G. Spill Notification

The Permittee shall notify the POTW immediately (as soon as discovered) of all discharges that could cause problems to the POTW, such as process spills and unauthorized discharges (including slug discharges).

H. Maintaining a Copy of This Permit

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

S4. OPERATION AND MAINTENANCE

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Treatment System Operating Plan

A Treatment System Operating Plan (TSOP) was prepared by the Permittee and received by Ecology on January 10, 2007. The Treatment System Operating Plan shall be reviewed by the Permittee at least annually and the Permittee shall confirm this review by letter to Ecology by **January 31st each year**. Substantial changes or updates to the TSOP shall be submitted to Ecology for whenever they are incorporated into the manual.

The approved TSOP shall be kept available at the permitted facility and all operators are responsible for being familiar with, and using, this manual.

An updated Treatment System Operating Plan (TSOP) shall be submitted to Ecology by **October 31, 2011**. This plan shall be updated and submitted, as necessary, to include requirements for any major modifications of the treatment system.

B. Bypass Procedures

The Permittee shall immediately notify Ecology and the receiving POTW of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass—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.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify Ecology and the receiving POTW in accordance with condition S3.E “Noncompliance Notification.”

2. Anticipated Bypass That Has The Potential to Violate Permit Limits or Conditions—Bypass is authorized by an administrative order issued by Ecology. The Permittee shall notify Ecology and the POTW at least 30 days before the planned date of bypass. The notice shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. Ecology will consider the following prior to issuing an administrative order:
 - a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the 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 shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by Ecology under RCW 90.48.120.

3. 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 the permit, a violation of a pretreatment standard or requirement, or adversely impact public health as determined by Ecology prior to the bypass.

S5. PROHIBITED DISCHARGES

A. General Prohibitions

The Permittee shall not introduce into the POTW pollutant(s) which cause Pass Through or Interference.

B. Specific Prohibitions

In addition, the following shall not be introduced into the POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60°C (140°F) using the test methods specified in 40 CFR 261.21.
2. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
3. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
4. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F) unless the approval authority, upon request of the POTW, approves alternative temperature limits;
5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
7. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
8. Pollutants which will cause corrosive structural damage to the POTW.

C. Prohibited Unless Approved

1. Any of the following discharges are prohibited unless approved by Ecology under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or a need to augment sewage flows due to septic conditions):
 - a. Noncontact cooling water in significant volumes.
 - b. Storm water and other direct inflow sources.
 - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.
2. Unless specifically authorized in this permit, the discharge of dangerous wastes as defined in Chapter 173-303 WAC, is prohibited.

S6. DILUTION PROHIBITED

The Permittee shall not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, noncontact cooling water, or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

S7. SLUDGE MANAGEMENT PLAN

1. The Permittee shall handle and dispose of all sludge and associated leachate in such a manner as to prevent its entry into state ground water, surface water or a POTW. The volume of sludge removed shall be recorded monthly and reported to Ecology via the DMR.
2. The Permittee shall submit all proposed revisions or modifications to the sludge management plan to Ecology. The Permittee shall comply with any plan modifications. The Permittee shall submit an update of the sludge management plan by **October 31, 2011**.
3. Effluent leached from the removed sludge (sediments) must not be allowed to drain over the surrounding pavement and onto city streets.
4. The Sludge Management Plan shall be included in the Treatment System Operation Plan as a separate appendix.

S8. DUTY TO REAPPLY

The Permittee must apply for permit renewal by **October 31, 2011**.

GENERAL CONDITIONS

G1. SIGNATURE AUTHORIZATION/DELEGATION

All applications, reports, or information submitted to Ecology shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by Ecology 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 the person described above and is submitted to Ecology at the time of authorization, and
 - 2. The authorization specifies 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 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 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 ENTRY

Representatives of Ecology shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times shall include normal business hours; hours during which production, treatment, or

discharge occurs; or times when Ecology suspects a violation requiring immediate inspection. Representatives of Ecology shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by Ecology for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

Ecology may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application 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 shall be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G7. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to Ecology;
- B. A copy of the permit is provided to the new owner and the receiving POTW is notified and;
- C. Ecology does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by Ecology.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee shall control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency, loss, or failure of its treatment facility until the treatment capacity 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 for 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 effluent stream for discharge.

G10. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G11. 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 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 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 and be deemed to be a separate and distinct violation.