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**Permit No. ST- 9264**  
**Issuance Date: January 28, 2008**  
**Effective Date: March 1, 2008**  
**Expiration Date: February 28, 2013**

**STATE WASTE DISCHARGE PERMIT NO. ST-9264**

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

**CHATEAU FAIRE LE PONT**  
**389 TECHNOLOGY DRIVE**  
**WENATCHEE, WA 98801**

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

<u>Facility Address:</u> 389 Technology Drive Wenatchee, WA 98801	<u>Discharge Location</u> Latitude: 47° 27' 53.38" N Longitude: 120° 19' 39.29" W
<u>Publicly Owned Treatment Works (POTW) Receiving Discharge:</u> City of Wenatchee	
<u>Industry Type:</u> Wine manufacturing and bottling	<u>SIC Code:</u> 2084

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Section Manager  
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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.

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
S3.A.	Discharge Monitoring Report	Monthly	April 15, 2008
S4.A.	Operation and Maintenance Manual	1/permit cycle	September 1, 2008
S4.A.	O&M Manual Update	As needed	
S7.C.	Solid Waste Control Plan	1/permit cycle	March 1, 2008
S7.C.	Solid Waste Control Plan Update	1/permit cycle	February 28, 2012
S8.	Duty to Reapply	1/permit cycle	February 28, 2012
S9.	Spill and Slug Discharge Control Plan	1/permit cycle	March 1, 2008
S9.	Spill and Slug Discharge Control Plan Update or Certification	1/permit cycle	February 28, 2012
G1.	Signature Authorization/Delegation	As Needed	As Needed

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

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 more frequently than, or at a concentration in excess of, that authorized by this permit constitutes a violation of the terms and conditions of this permit.

Beginning on **March 1, 2008** and lasting through **February 28, 2013**, the Permittee is authorized to discharge wastewater to the City of Wenatchee (the City) publicly-owned wastewater treatment plant (POTW) subject to the following limitations:

The discharge from this facility is subject to limitations established by Contract between Chateau Faire Le Pont Winery (Permittee) and the City. This Contract is on file with the Department of Ecology (Ecology). The effluent limitations in the Contract constitute the enforceable limits of this permit. The existing Contract must constitute Appendix A of the operation and maintenance (O&M) Manual (see Special Condition S4A.5).

This permit anticipates the Permittee and the City may renegotiate the Contract during the course of this permit, as more information is generated on the variability of the discharge and the City's treatment capacity. Upon establishment of a new Contract, the Permittee must submit the Contract to Ecology for review and approval. The Contract must be incorporated into the O&M manual as an amendment to Appendix A and the limitations established in the new Contract shall become the enforceable limits of this permit.

Additionally, pH must remain within the range 6.0 to 9.0 at all times.

### S2. MONITORING REQUIREMENTS

#### A. Wastewater Monitoring

The Permittee must monitor the wastewater according to the schedule established by contract between the Permittee and the City. The current contract contains the enforceable monitoring requirements of the permit. Should a new contract be renegotiated, the Contract must be incorporated into the O&M manual as an amendment to Appendix A and the monitoring requirements established in the new Contract must constitute the enforceable monitoring requirements of this permit.

**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.

Sampling and analytical methods used to meet the water and wastewater 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* (American Public Health Association), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

**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 is consistent with the accepted industry standard for that type of device. The 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, turbidity, 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.

**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 **March 1, 2008**. Monitoring results must be submitted monthly. Monitoring data obtained during the previous month must be summarized and reported on a form provided, or otherwise approved, by Ecology, and postmarked no later than the 15<sup>th</sup> day of the month following the completed reporting period, unless otherwise specified in this permit.

The report(s) must 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 monthly 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 must retain records of all monitoring information for a minimum of three 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; (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 Special Condition S2. of this permit, then the results of this

monitoring must 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 must:

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 thirty days (5 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 must notify the 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 must be made at least 90 days prior to the date that discharge is proposed to be initiated.

**G. Spill Notification**

The Permittee must 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 must be kept at the facility and be made available upon request to Ecology inspectors.

#### **S4. OPERATION AND MAINTENANCE**

The Permittee must 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. Operations and Maintenance Manual**

An Operations and Maintenance (O&M) Manual must be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to Ecology for approval by **September 1, 2008**. The O&M Manual must be reviewed by the Permittee at least annually. Substantial changes or updates to the O&M Manual, including Appendix A contract changes, must be submitted to Ecology whenever they are incorporated into the manual.

The approved Operations and Maintenance Manual must be kept available at the permitted facility and all operators must follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the O&M Manual must include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater.
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (e.g. defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)
4. The treatment plant process control monitoring schedule.
5. Appendix A of the O&M manual must contain the most recent contract between the City and the Permittee. The most recent contract contains the enforceable permit limits and monitoring requirements of the permit.

##### **B. Bypass Procedures**

The Permittee must 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 must 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 must notify Ecology and the POTW at least 30 days before the planned date of bypass. The notice must 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 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 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 must not introduce into the POTW pollutant(s) which cause Pass Through or Interference.

### **B. Specific Prohibitions**

In addition, the following must 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.

### **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 must 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. 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 water, surface water or a POTW.

### **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, prevention, and control (AKART), 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 must submit a solid waste control plan to Ecology by **March 1, 2008**. This plan must include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan must include 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. Any proposed revision or modification of the solid waste handling plan must be submitted to Ecology for approval. The approved Plan or Plan Update must be placed in Appendix B of the O&M Manual. The Permittee must comply with the plan and any modifications thereof. The Permittee must submit an update of the solid waste control plan to the City and to Ecology by **February 28, 2012**.

## **S8. DUTY TO REAPPLY**

The Permittee must apply for permit renewal by **February 28, 2012**.

## **S9. SPILL AND SLUG DISCHARGE CONTROL PLAN**

### **A. Spill Plan**

By **March 1, 2008**, the Permittee must submit to Ecology a spill control plan for the prevention, containment, and control of spills or unplanned releases. The Permittee must review the plan at least annually and update the Spill Plan as needed. Changes to the plan must be sent to Ecology for approval. The approved Plan or Plan Update must be placed in Appendix B of the O&M Manual. The plan and any supplements must be followed throughout the term of the permit.

The updated spill control plan must include the following:

- A description of operator training to implement the plan.
- 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 petroleum products, 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 other materials which may become pollutants or cause pollution upon reaching state's waters.

Plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

### **B. Slug Discharge Plan**

The Permittee may combine the slug discharge control plan described in this section with the Spill Plan.

The slug discharge plan must include:

1. A description of a reporting system to be used to immediately notify facility management, the POTW operator, and appropriate state, federal, and local

authorities of any slug discharges, and provisions to provide a written follow-up report within five days;

2. A description of operator training, equipment, and facilities (including overall facility plan) for preventing, containing, or treating slug discharges;
3. A list of all raw materials, products, chemicals, and hazardous materials used, processed, or stored at the facility; the normal quantity maintained on the premises for each listed material; and a map showing where they are located.
4. A description of discharge practices for batch and continuous processes under normal and non-routine circumstances;
5. A brief description of any unauthorized discharges which occurred during the 36-month period preceding the effective date of this permit and subsequent measures taken by Permittee to prevent or to reduce the possibility of further unauthorized discharges; and
6. An implementation schedule including additional operator training and procurement and installation of equipment or facilities required to properly implement the plan.

The Permittee must review its spill and slug discharge plans and update them as needed, but no less than every two years. All revisions or updates of the plans must be submitted to and approved by Ecology. The current approved plan must be maintained on the plant site and be contained in Appendix B of the O&M Manual and be readily available to facility personnel. The Permittee must submit an update of the slug discharge control plan, or a certification that it is current by **February 28, 2012**.

## GENERAL CONDITIONS

### G1. SIGNATURE AUTHORIZATION/DELEGATION

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

- A. All permit applications must 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 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 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 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 ENTRY

Representatives of Ecology must 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 must 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

must 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 must 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 must 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 must 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 must 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 must be constructed and operated in accordance with the approved plans.

## **G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in the permit must 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 must 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 must not be resuspended or reintroduced to the effluent stream for discharge.

## **G10. PAYMENT OF FEES**

The Permittee must 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 must be deemed guilty of a crime, and upon conviction thereof must 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 must 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 must be a separate and distinct offense, and in case of a continuing violation, every day's continuance must be and be deemed to be a separate and distinct violation.