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Permit No.: WA-005239-6  
Issuance Date: February 21, 2008  
Effective Date: April 1, 2008  
Expiration Date: March 31, 2013

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT NO. WA-005239-6

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
YAKIMA, WASHINGTON 98902

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.

**REGIONAL PUBLICLY-OWNED TREATMENT  
WORKS AT COWICHE  
COWICHE SEWER DISTRICT  
PO BOX 64  
COWICHE, WA 98923**

<u>Plant Location:</u> 1160 Livengood Road, Cowiche, WA 98923	<u>Receiving Water:</u> North Fork of Cowiche Creek
<u>Water Body I.D. No.:</u> WA-38-1015	<u>Discharge Location:</u> Latitude: 46° 40' 22.5" N Longitude: 120° 42' 9.6" W
<u>Plant Type:</u> Sequencing batch reactors	

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

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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.

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
S3.	Discharge Monitoring Report	Monthly	May 15, 2008
S3.E	Noncompliance Notification	As necessary	
S4.B	Plans for Maintaining Adequate Capacity	As necessary	
S4.C	Notification of New or Altered Sources	As necessary	
S4.E	Infiltration and Inflow Evaluation	1/permit cycle	August 15, 2010
S4.F	Waste load Assessment	1/permit cycle	February 15, 2011
S5.G	Operations and Maintenance Manual	As necessary	
S8	Application for permit renewal	1/permit cycle	March 31, 2012
S9	Fruit Packing Plant Monitoring Results	Yearly	As specified in S9
S9	Scope of Work, Temperature Reduction Study	1/permit cycle	May 1, 2009
S9	Temperature Reduction Study	1/permit cycle	March 1, 2010
S9	Letter of Notification-Implementation of temperature best management practices and low-cost technologies	1/permit cycle	May 31, 2009
S9	List of Technology Controls & Best Management Practices to Increase Dissolved Oxygen Limits	1/permit cycle	January 30, 2009
S9	Letter of Notification-Implementation of Best Management Practices to Increase Dissolved Oxygen Limits	1/permit cycle	August 1, 2009
S9 & S10	Scope of Work for Modeling Study	1/permit cycle	October 1, 2008
S9 & S10	Modeling Study Results Final Draft Report	1/permit cycle	February 28, 2010
S11	Receiving Water Sampling and Quality Assurance Plan	1/permit cycle	October 15, 2008
S11	Receiving Water Results	Monthly	As specified in S11
G1	Signature Authorization/Delegation	As necessary	
G4	Reporting Planned Changes	As necessary	
G5	Engineering Report for Construction or Modification Activities	As necessary	
G21	Reporting Anticipated Non-compliance	As necessary	
G22	Reporting Other Information	As necessary	

**SPECIAL CONDITIONS**

**S1. DISCHARGE LIMITATIONS**

**A. Effluent 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 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 **April 1, 2008** and lasting through **March 31, 2013** the permittee is authorized to discharge municipal wastewater at the permitted location subject to complying with the interim limitations below. The final limitations will be established by permit modification (See S9. Compliance Schedules).

Parameter	EFFLUENT LIMITATIONS <sup>a</sup> : OUTFALL # 1			
	Interim		Final <sup>b</sup>	
	Average Monthly	Maximum Weekly	Average Monthly	Maximum Weekly
<b>Biochemical Oxygen Demand 5 day (BOD<sub>5</sub>), mg/L</b>	20 90% minimum removal	30	9.30 <sup>c</sup> 90% minimum removal	18.00 <sup>c</sup>
<b>BOD<sub>5</sub>, lbs/day</b>	73.4	110	34.1	51.2
<b>Total Suspended Solids (TSS), mg/L</b>	20 90% minimum removal	30	20 90% minimum removal	30
<b>TSS, lbs/day</b>	73.4	110	73.4	110
<b>Fecal Coliform Bacteria, colony forming units/100mL</b>	50	100	50	100
<b>Total Ammonia (as NH<sub>3</sub>-N) May to September, mg/L</b>	1.4	2.0	0.87 <sup>c</sup>	1.76 <sup>c</sup>

EFFLUENT LIMITATIONS, continued				
Parameter	Interim		Final <sup>b</sup>	
	Average Monthly	Maximum Daily <sup>d</sup>	Average Monthly	Maximum Daily <sup>d</sup>
Total Ammonia (as NH <sub>3</sub> -N) October to April, mg/L	1.4	2.0	1.4	2.0
Temperature °C	20.74	22.84	20.74	22.84
Dissolved Oxygen, mg/L	8.00	2.88 (minimum)	8.00	2.88 (minimum)
pH <sup>f</sup>	Between 6.5 and 8.5		Between 6.5 and 8.5	

Footnotes:

- a: The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.
- b: See Permit condition S9 for compliance schedules.
- c: Final limits will be imposed by permit modification if the design limits cannot be shown to be protective of downstream habitats (permit conditions S9. and S10.).
- d: 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. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.
- e: The final ammonia limits will be imposed on May 1, 2011 (Permit Condition S9).
- f: Indicates the range of permitted values. The instantaneous maximum and minimum pH shall be reported monthly.

**B. Mixing Zone Descriptions**

A mixing zone is not allowed for the discharge.

## S2. MONITORING REQUIREMENTS

### A. Monitoring Schedule

The permittee shall monitor in accordance with the following schedule:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
<b>Wastewater Influent</b>	BOD <sub>5</sub>	mg/L	Influent Structure	2/week <sup>a</sup>	24-hour composite <sup>b</sup>
“	BOD <sub>5</sub>	lbs/day	“	2/week	Calculation <sup>c</sup>
“	TSS	mg/L	“	2/week	24-hour composite
“	Total Ammonia	mg/L	“	1/week <sup>d</sup>	Grab <sup>e</sup>
“	Total Ammonia	lbs/day	“	1/week	Calculation
“	Conductivity	μS/cm	“	2/day <sup>f</sup>	Measurement
“	Oxygen Reduction Potential (ORP)	mV	“	2/day	Measurement
“	Flow	MGD	Influent Parshall Flume	Continuous <sup>g</sup>	Metered
<b>Wastewater Effluent</b>	Flow	MGD	Effluent Parshall Flume	Continuous <sup>g</sup>	Metered
“	BOD <sub>5</sub>	mg/L	Filter/UV Building	2/week	24-hour composite
“	BOD <sub>5</sub>	lbs/day	“	2/week	Calculation
“	BOD <sub>5</sub>	% removal <sup>h</sup>	“	1/month	Calculation
“	TSS	mg/L	“	2/week	24-hour composite
“	TSS	lbs/day	“	2/week	Calculation
“	TSS	% removal	“	1/month	Calculation
“	pH	Standard Units	“	5/week <sup>i</sup>	Grab

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
<b>Wastewater Effluent</b>	Temperature <sup>j</sup>	°C	Cooling channel	Continuous <sup>j</sup>	Measurement
“	Dissolved Oxygen	mg/L	Filter/UV Building	5/week	Grab
”	Fecal Coliform	Colonies / 100 mL	“	2/week	Grab
“	Total ammonia	mg/L	“	2/week	Grab
“	Phosphorus (Total)	mg/L	“	Monthly <sup>k</sup>	24-hour composite
“	SOPP	mg/L	“	1/year during September to October	24-hour composite
“	TBZ	mg/L	“	1/year during September to October	24-hour composite
<b>Sludge</b>	As specified in section S7.				
<b>Fruit-packing plant effluent</b>	As specified in section S9.				
<b>Downstream Habitats</b>	As specified in section S10.				
<b>Receiving Water Study</b>	As specified in section S11.				
<b>Reapplication Monitoring</b>	Total Hardness	mg/L	Filter/UV Building	Yearly <sup>l</sup>	24-hour composite
“	Alkalinity	mg/L	“	Yearly	24-hour composite

Footnotes:

- a "2/week" means two times during each calendar week and on a rotational basis throughout the days of the week, except weekends and holidays.
- b 24-hour composite means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.

- c "Calculation" means figured concurrently with the respective sample, using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day.
- d "1/week" means one time during each calendar week and on a rotational basis throughout the days of the week, except weekends and holidays.
- e "Grab" means an individual sample collected over a 15 minute, or less, period.
- f "2/day" means twice each day, except weekends and holidays.
- g Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken six times per day when continuous monitoring is not possible. Daily maximum and monthly average must be calculated for the monthly report.
- h Percent (%) removal of BOD and TSS shall be calculated with the following algorithm (concentrations in mg/L): (Average Monthly Influent Concentration - Average Monthly Effluent Concentration)/Average Monthly Influent Concentration.
- i "5/week" means five times during each calendar week, except weekends and holidays.
- j For temperature, the permittee must report the highest value each day. The monitoring system must record values every thirty minutes or less. Chart recorders may be used, with the peak temperature reported as read from the chart. Exclude any false readings caused during probe maintenance. Keep a record of each day's chart or temperature readings.
- k "Monthly" means once every calendar month during alternate weeks.
- l "Yearly" means once each year during alternate months.

## **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 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.

## **C. Flow Measurement**

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

**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, 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. Ecology exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

**S3. REPORTING AND RECORDING 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 **April 1, 2008**. 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 Ecology. **DMR forms shall be postmarked or received by Ecology no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit.**

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**

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

**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 such 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 report the following occurrences of noncompliance by telephone, to Ecology at 509/575-2490, within 24 hours from the time the permittee becomes aware of the circumstances:
  - a. any noncompliance that may endanger health or the environment;
  - b. any unanticipated bypass that exceeds any effluent limitation in the permit (See Part S5.F, "Bypass Procedures");
  - c. any upset that exceeds any effluent limitation in the permit (See G15, "Upset");
  - d. any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in S1.A; or

- e. any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.
2. The permittee must also provide a written submission within five days of the time that a permittee becomes aware of any event required to be reported under subpart 1, 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
  - e. if the non compliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.
3. 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.
4. Reports must be submitted to the address in S3 ("REPORTING AND RECORDKEEPING REQUIREMENTS").

**F. Other Noncompliance Reporting**

The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for S3.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 facility and be made available upon request to Ecology inspectors.

#### **S4. FACILITY LOADING**

##### **A. Design Criteria**

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded:

Average flow for the maximum month: 0.44 MGD  
BOD<sub>5</sub> loading for maximum month: 880 lbs/day  
Ammonia loading for maximum month: 90 lbs/day

##### **B. Plans for Maintaining Adequate Capacity**

The permittee must submit to Ecology a plan and a schedule for continuing to maintain capacity when:

- a. The actual flow or waste load reaches 85 percent of any one of the design criteria in S4.A for three consecutive months; or
- b. The projected increase would reach design capacity within five years, whichever occurs first.

If such a plan is required, it shall contain a plan and schedule for continuing to maintain capacity. The capacity as outlined in this plan must be sufficient to achieve the effluent limitations and other conditions of this permit. This plan shall address any of the following actions or any others necessary to meet the objective of maintaining capacity.

1. Analysis of the present design including the introduction of any process modifications that would establish the ability of the existing facility to achieve the effluent limits and other requirements of this permit at specific levels in excess of the existing design criteria specified in Paragraph A (Design Criteria) above.
2. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system.
3. Limitation on future sewer extensions or connections or additional waste loads.
4. Modification or expansion of facilities necessary to accommodate increased flow or waste load.
5. Reduction of industrial or commercial flows or waste loads to allow for increasing sanitary flow or waste load.

Engineering documents associated with the plan must meet the requirements of WAC 173-240-060, "Engineering Report," and be approved by Ecology prior to any construction. If the permittee intends to apply for State or Federal funding for the design or construction of a facility project, the plan must also meet the requirements of a "Facility Plan" as described in 40 CFR 35.2030. The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective.

**C. Duty to Mitigate**

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

**D. Notification of New or Altered Sources**

The permittee shall submit written notice to Ecology whenever any new discharge or a substantial change in volume or character of an existing discharge into the POTW is proposed which:

- would interfere with the operation of, or exceed the design capacity of, any portion of the POTW;
- is not part of an approved general sewer plan or approved plans and specifications; or,
- would be subject to pretreatment standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act. This notice shall include an evaluation of the POTW's ability to adequately transport and treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the POTW, and the anticipated impact on the permittee' effluent [40 CFR 122.42(b)].

**E. Infiltration and Inflow Evaluation**

The permittee shall conduct an infiltration and inflow evaluation. Refer to the U.S. EPA publication, *I/I Analysis and Project Certification*, available as Publication No. 97-03 at: Publications Office, Department of Ecology, PO Box 47600, Olympia, WA, 98504-7600. Plant monitoring records may be used to assess measurable infiltration and inflow.

A report shall be prepared which summarizes any measurable infiltration and inflow. If infiltration and inflow have increased by more than 15 percent from that found in the previous report based on equivalent rainfall, the report shall contain a plan and a schedule for: (1) locating the sources of infiltration and inflow; and (2) correcting the problem.

The report must be received by **August 15, 2010**.

**F. Waste load Assessment**

The permittee shall conduct an assessment of its flow and waste load and submit a report to Ecology by **February 15, 2011**. The report shall contain the following:

- an indication of compliance or noncompliance with the permit effluent limitations;
- a comparison between the existing and design monthly average; and,
- the percentage increase in these parameters since the last annual report.

The report shall also state the present and design population or population equivalent, projected population growth rate, and the estimated date upon which the design capacity is projected to be reached, according to the most restrictive of the parameters above. The interval for review and reporting may be modified if Ecology determines that a different frequency is appropriate.

**S5. OPERATION AND MAINTENANCE**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

**A. Certified Operator**

An operator certified for at least a Class III plant by the state of Washington shall be in responsible charge of the day-to-day operation of the wastewater treatment plant. An operator certified for at least a Class II plant shall be in charge during all regularly scheduled shifts.

**B. O & M Program**

The permittee shall institute an adequate operation and maintenance program for the entire collection and treatment system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the collection system and pumping stations. Such records shall clearly specify the

frequency and type of maintenance recommended by the manufacturer and must show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

**C. Short-term Reduction**

If a permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the permittee must give written notification to Ecology, if possible, 30 days prior to such activities, detailing the reasons for, length of time of, and the potential effects of the reduced level of treatment. This notification does not relieve the permittee of obligations under this permit.

**D. Electrical Power Failure**

The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift stations either by means of alternate power sources, standby generator, or retention of inadequately treated wastes.

The permittee shall maintain Reliability Class II (EPA 430/9-74-001) at the wastewater treatment plant, which requires a backup power source sufficient to operate all vital components and critical lighting and ventilation during peak wastewater flow conditions, except vital components used to support the secondary processes (i.e., mechanical aerators or aeration basin air compressors) need not be operable to full levels of treatment, but shall be sufficient to maintain the biota.

**E. Prevent Connection of Inflow**

The permittee shall strictly enforce its sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, etc.) to the sanitary sewer system.

**F. Bypass Procedures**

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

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

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

2. Bypass which is unavoidable, unanticipated and results in noncompliance of this permit.

This bypass is permitted only if:

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

The permittee shall notify Ecology at least 30 days before the planned date of bypass. The notice shall contain:

- (1) a description of the bypass and its cause;
- (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing;
- (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment;
- (4) the minimum and maximum duration of bypass under each alternative;
- (5) a recommendation as to the preferred alternative for conducting the bypass;
- (6) the projected date of bypass initiation;
- (7) a statement of compliance with SEPA;

- (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and
- (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

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

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

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

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. The public 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.

#### **G. Operations and Maintenance Manual**

The approved Operations and Maintenance (O&M) Manual shall be kept available at the treatment plant and all operators shall follow the instructions and procedures of this manual.

The O&M Manual shall be reviewed by the permittee at least annually. Substantial changes or updates to the O&M Manual shall be submitted to Ecology for review and approval whenever they are incorporated into the manual. New best management

practices identified for prevention of plant upset, effluent temperature reduction, and effluent oxygen increase must be added to the O&M Manual.

## **S6. PRETREATMENT**

### **A. General Requirements**

The permittee shall work with Ecology to ensure that all commercial and industrial users of the publicly owned treatment works (POTW) are in compliance with the pretreatment regulations promulgated in 40 CFR Part 403 and any additional regulations that may be promulgated under Section 307(b) (pretreatment) and 308 (reporting) of the Federal Clean Water Act.

### **B. Wastewater Discharge Permit Required**

The permittee shall not allow significant industrial users (SIUs) to discharge wastewater to the permittee' sewerage system until such user has received a wastewater discharge permit from Ecology in accordance with Chapter 90.48 RCW and Chapter 173-216 WAC, as amended.

### **C. Identification and Reporting of Existing, New, and Proposed Industrial Users**

1. The permittee must take continuous, routine measures to identify all existing, new, and proposed SIUs and potential significant industrial users (PSIUs) discharging or proposing to discharge to the permittee' sewerage system (see Appendix B of Fact Sheet for definitions).
2. Within 30 days of becoming aware of an unpermitted existing, new, or proposed industrial user who may be an SIU, the permittee must notify the user by registered mail that, if classified as an SIU, they shall be required to apply to Ecology and obtain a State Waste Discharge Permit. A copy of this notification letter shall also be sent to Ecology within this same 30-day period.
3. The permittee must also notify all PSIUs, as they are identified, that if their classification should change to an SIU, they shall be required to apply to Ecology for a State Waste Discharge Permit within 30 days of such change.

### **D. Duty to Enforce Discharge Prohibitions**

1. In accordance with 40 CFR 403.5(a), the permittee shall not authorize or knowingly allow the discharge of any pollutants into its POTW which cause pass

through or interference, or which otherwise violates general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.

2. The permittee shall not authorize or knowingly allow the introduction of any of the following into its treatment works:
  - a. 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 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21).
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.
  - c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.
  - d. Any pollutant, including oxygen demanding pollutants, (BOD, e.g.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
  - e. Petroleum oil, nonbiodegradable cutting oil or products of mineral origin in amounts that will cause interference or pass through.
  - f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.
  - g. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40°C (104°F) unless Ecology, upon request of a permittee, approves, in writing, alternate temperature limits.
  - h. Any trucked or hauled pollutants, except at discharge points designated by a permittee.
  - i. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).
3. All of the following are prohibited from discharge to the POTW unless approved in writing by Ecology under extraordinary circumstances (such as a lack of direct

discharge alternatives due to combined sewer service or the need to augment sewage flows due to septic conditions):

- a. Noncontact cooling water in significant volumes.
  - b. Stormwater, 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.
4. The permittee shall notify Ecology if any industrial user violates the prohibitions listed in this section.

#### **E. Inspection and Monitoring Requirements**

The permittee must perform quarterly inspections of the fruit-packing plants that discharge to the POTW.

1. The permittee must coordinate with Ecology to evaluate whether each facility needs a plan to control discharges to the POTW. If so, the plan must include:
  - a. Description of discharge practices, including batch discharges.
  - b. Description of stored chemicals.
  - c. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment necessary for emergency response.

#### **F. Local Limit Development**

As sufficient data becomes available, the permittee shall, in consultation with Ecology, reevaluate local limits in order to prevent pass through or interference. If Ecology finds that any pollutant present causes pass through or interference, the permittee shall establish new local limits or revise existing local limits as required by 40 CFR 403.5. In addition, Ecology may require revision or establishment of local limits for any pollutant discharged from the POTW that has a reasonable potential to exceed the Water Quality Standards, Sediment Standards, or effluent limits, or causes whole effluent toxicity.

## **S7. RESIDUAL SOLIDS**

Residual solids include screenings, grit, scum, primary sludge, waste activated sludge, and other solid waste. The permittee must store and handle all residual solids in such a manner so as to prevent their entry into state ground or surface waters. The permittee must not discharge leachate from residual solids to state surface or ground waters.

Sampling and analysis of biosolids must be conducted as required by the permittee' General Permit for Biosolids Management.

## **S8. APPLICATION FOR PERMIT RENEWAL**

The permittee shall submit an application for renewal of this permit by **March 31, 2012**.

## **S9. COMPLIANCE SCHEDULES**

### **A. Reduction of Plant Upsets**

In order to reduce plant upsets, the following must begin at the earliest possible date:

- Conductivity and oxygen reduction potential (ORP) meters must be used to measure the inflow for changes in wastewater composition. A minimum of two measurements per day (Monday through Friday) must be collected. Continuous monitoring is recommended with meters that have data-logging capability.
- The plant operators must call the fruit-packing plants when changes to the wastewater composition are observed (by use of the conductivity and ORP meters) in order to determine what activities were occurring at the time. It is recommended that the calls be made the same day. Calls within a week are required. The POTW must keep a log of calls and make it available to Ecology inspectors upon request.
- Inspections of the fruit-packing facilities by the plant operators must occur at least quarterly. Yearly sampling of plant effluent must be conducted during September or October for the first three years of this permit. The sampling must be conducted on a day when discharges are occurring at normal to maximum levels. Grab samples must be collected and analyzed for TBZ, total residual chlorine, and SOPP if it is used at the facility. If additional SOPP samples are required to determine potential impacts to the treatment plant, phenol measurement using a colorimetric test may be substituted for SOPP analysis. Sampling results must be submitted to Ecology within 60 days of the sampling event.

**B. Compliance with Ammonia Limits**

Reduction of plant upsets must be accomplished in order to achieve the ammonia limits. Final ammonia limits will be imposed on **May 1, 2011**.

**C. Compliance with Temperature Design Limits**

In order to achieve compliance with the POTW design effluent temperature limits and water quality standards, the following must be performed by the dates given:

- Begin continuous monitoring of upstream receiving water for maximum daily temperatures no later than **May 1, 2009**.
- Submit a scope of work for an effluent temperature reduction study by **November 30, 2009**. The study will identify temperature reduction best management practices and low-cost technology suitable for the Cowiche POTW.
- Submit the completed temperature reduction study to Ecology for approval by **March 1, 2010**.
- Implement any best management practices and initiate low-cost technology (such as tree planting) identified by the temperature reduction study by **May 31, 2009**.

**D. Potential Impacts to Downstream Habitats from Effluent BOD<sub>5</sub> and Low Dissolved Oxygen**

In order to prevent impacts to downstream habitats resulting from effluent BOD<sub>5</sub> and low dissolved oxygen, the following must be performed by the dates given:

- No later than **October 1, 2008**, complete and submit for review and approval a scope of work for the modeling study described in permit condition S10. The scope of work must include a plan for collecting the data required for the model. Upon approval of the scope of work, the study must be conducted as described in permit condition S10.
- Identify all known, available and reasonable methods of prevention, control, and treatment (AKART) to increase dissolved oxygen levels to consistently achieve the design dissolved oxygen limits (8.5 mg/L). Submit a list of potential technology controls and best management practices to Ecology by **January 30, 2009**. Implement any identified best management practices not currently in place by **August 1, 2009**.
- No later than **February 28, 2010**, submit to Ecology for approval a report on the results of the modeling study.

Final performance-based BOD<sub>5</sub> limits will be imposed, upon acceptance of the modeling study, if the design limits cannot be shown to be protective of downstream habitats.

**S10. STUDY OF POTENTIAL IMPACTS TO DOWNSTREAM HABITATS FROM EFFLUENT BOD<sub>5</sub> AND LOW DISSOLVED OXYGEN**

**A. General Requirements**

The Qual2K model (referenced in the Fact Sheet) or other approved method must be used to determine the potential impacts from BOD<sub>5</sub> and low dissolved oxygen in the effluent on downstream habitats. A Scope of Work must be submitted to Ecology for review 30 days prior to initiation of the study.

Collect stream flow measurements and additional Carbonaceous Biochemical Oxygen Demand (CBOD) sampling and analysis required for modeling in the main channel of Cowiche Creek and its tributaries.

**B. Reporting Requirements**

Any information on the background physical conditions or background concentration of chemical substances in the receiving water collected as part of this study must be included in the report submitted to Ecology.

The report must be submitted to Ecology for approval. If the report is not approved, the requested changes must be incorporated and resubmitted for approval.

The permittee shall use some method of fixing and reporting the location of the measurements and sampling such as Global Positioning System (GPS) coordinates. The method of fixing station location and the actual station locations must be identified in the report.

**C. Protocols**

Modeling must be conducted according to model documentation or other written information by the developers, including email.

**D. Schedule**

The schedule for the work is included in permit condition S9.

**S11. RECEIVING WATER STUDY**

The permittee must collect receiving water information necessary to determine if the effluent has a reasonable potential to cause a violation of the water quality standards. If reasonable potential exists, Ecology will use this information to calculate future effluent limits.

The permittee must submit a sampling and quality assurance plan for Ecology review and approval by **October 15, 2008**. The permittee must conduct all sampling and analysis in accordance with the guidelines given in *Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies*, Ecology Publication 04-03-030 (<http://www.ecy.wa.gov/pubs/0403030.pdf>). The plan must include the following requirements:

- Beginning in 2009, the permittee must measure flow, temperature, and dissolved oxygen during each critical period (May through September). During 2010 and 2011, the receiving water must be sampled and analyzed for fecal coliform bacteria, alkalinity, hardness, pH, dissolved oxygen, and ammonia. Daily maximum temperatures must be determined by continuous monitoring of temperature every half-hour with a data logger (thermistor). In addition to the critical period, temperature measurements must be collected during October each year starting in 2009.
- Record each sampling station location with an accuracy of  $\pm 65$  feet.
- The receiving water sampling location should be at least 100 feet upstream and outside the zone of influence of the effluent.

Any subsequent sampling and analysis shall also meet these requirements. The permittee must submit the results of the sampling and analysis to Ecology within 60 days of sampling.

## GENERAL CONDITIONS

### G1. SIGNATORY REQUIREMENTS

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

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

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

## **G2. RIGHT OF INSPECTION AND ENTRY**

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

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

## **G3. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 40 CFR 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.
  - 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.
  - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
  - 7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:

1. A material change in the condition of the waters of the state.
2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
5. The permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
6. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. When cause exists for termination for reasons listed in A1 through A7 of this section, and Ecology determines that modification or revocation and reissuance is appropriate.
2. When Ecology has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

#### **G4. REPORTING PLANNED CHANGES**

The permittee must, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the permittee's sludge use or disposal practices. Following such notice, 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 must be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

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

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

#### **G7. TRANSFER OF THIS PERMIT**

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

##### **A. Transfers by Modification**

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

##### **B. Automatic Transfers**

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

1. The permittee notify Ecology at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new permittee containing a specific date transfer of permit responsibility, coverage, and liability between them.

3. Ecology does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue this permit. A modification under this 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 the permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

#### **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 final effluent stream for discharge to state waters.

#### **G10. DUTY TO PROVIDE INFORMATION**

The permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee must also submit to Ecology upon request, copies of records required to be kept by this permit.

#### **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**

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

**G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof must be punished by a fine of up to \$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 will incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is 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 must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an upset occurred and that the permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the permittee submitted notice of the upset as required in condition S3.E; and 4) the permittee complied with any remedial measures required under S4.C of this permit.

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

**G18. TOXIC POLLUTANTS**

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

**G19. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit must, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment must be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both.

**G20. REPORTING ANTICIPATED NON-COMPLIANCE**

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

**G21. REPORTING OTHER INFORMATION**

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

**G22. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

**G23. CONTRACT REVIEW**

The permittee must submit to Ecology any proposed contract for the operation of any wastewater treatment facility covered by this permit. The review is to insure consistency with chapters 90.46 and 90.48 RCW. In the event that Ecology does not comment within a thirty-day period, the permittee may assume consistency and proceed with the contract.