

# **ENERGY NORTHWEST**

P.O. Box 968 ■ Richland, Washington 99352-0968

April 24, 2001  
GO2-01-064

Docket No. 50-397

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D.C. 20555

Subject: **COLUMBIA GENERATING STATION, OPERATING LICENSE NPF-21  
NOTIFICATION OF NPDES PERMIT RENEWAL**

On April 9, 2001, the State of Washington Energy Facility Site Evaluation Council (EFSEC) approved renewal of the Columbia Generating Station National Pollutant Discharge Elimination System (NPDES) Permit for a five-year term. As required by Section 3.2 of the Environmental Protection Plan (Appendix B to Operating License), the permit is enclosed for your information.

Should you have any questions regarding this matter, please call me at (509) 377-4342.

Respectfully,



D.W. Coleman (Mail Drop PE20)  
Manager, Regulatory Affairs

Enclosure: NPDES Permit No. WA-002515-1

cc: EW Merschoff - NRC RIV  
JS Cushing - NRC NRR  
NRC Sr. Resident Inspector - 988C  
DL Williams - BPA/1399

C001

**STATE OF WASHINGTON**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(NPDES)  
WASTEWATER DISCHARGE PERMIT**

**For The  
COLUMBIA GENERATING STATION**

**Issued By The  
ENERGY FACILITY SITE EVALUATION COUNCIL**

**April 9, 2001**

Issuance Date: April 9, 2001  
Effective Date: April 9, 2001  
Expiration Date: April 9, 2006

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT No. WA-002515-1

State of Washington  
ENERGY FACILITY SITE EVALUATION COUNCIL  
Olympia, Washington 98504-3172

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The State of Washington Energy Siting Law  
Chapter 80.50 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

COLUMBIA GENERATING STATION

P O Box 968  
Richland, WA 99352-0968

Facility Location:  
Hanford - T11N, R28E, SEC 5  
12 miles north of Richland  
Benton County, Washington

Water Body I.D. No.:  
WACR1030

Water Segment No.:  
26-03-00

Industry Type:  
Steam-Electric Power Generation (SIC 4911)

Receiving Water:

Outfall 001:  
Columbia River (River Mile 351.75)  
Outfalls 002 & 003:  
Ground Water

Discharge Locations

Outfall 001	Latitude: 46° 28' 17" N Longitude: 119° 15' 45" W
Outfall 002	Latitude: 46° 28' 26" N Longitude: 119° 19' 43" W
Outfall 003	Latitude: 46° 28' 03" N Longitude: 119° 19' 48" W

The above named municipal corporation is authorized to discharge in accordance with the special and general conditions which follow.

  
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Deborah Ross, Chair  
Energy Facility Site Evaluation Council

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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
S2.B	Outfall 001 Asbestos Fibre Test	1/permit cycle	With application for permit renewal
S3.A	Outfall 001 Discharge Monitoring Report	Monthly	
S3.A	Outfall 002 Monitoring Data	1/year	
S3.A	Outfall 003 Monitoring Data	1/year	
S3.E	Noncompliance Notification	As necessary	
S3.F	Notice of Change in Authorization	As necessary	
S4.A	Outfall 003 - Lead Assessment Plan	Once	3 months after the effective date
S4.B	Outfall 003 - Lead Assessment Report	Once	24 months after plan approval
S5.C	Updated Solid Waste Control Plan	1/permit cycle	With application for permit renewal
S6.	Best Management Practices Program Update	As necessary	
G10.	Permit Application for Substantive Changes to the Discharge	As necessary	
G11.	Notice of Planned Changes	As necessary	
G12.	Engineering Report for Construction or Modification Activities	As necessary	
G13.	Reporting Anticipated Non-compliance	As necessary	
G23.	Application for Permit Renewal	1/permit cycle	180 days prior to expiration

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge wastewater at the permitted locations subject to meeting the following limitations:

#### A. General

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

The discharge of any 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.

The discharge of any pollutant not specifically authorized by this permit in concentrations which cause or contribute to a violation of water quality standards established under section 307(a) of the Clean Water Act or Chapter 173-201A WAC, shall also be a violation of this permit and the Clean Water Act.

There shall be no discharge in wastewater of radioactive materials in excess of the limitations on radioactive effluents established by the Nuclear Regulatory Commission in the facility operating license and in 10 CFR Parts 20 and 50.

#### B. Circulating Cooling Water Blowdown Discharges - Outfall 001

Discharges of radioactive waste treatment system effluent and cooling water blowdown, from either the circulating cooling water system or the standby service water system or both, at the approximate location shown on the cover sheet, are subject to complying with the following effluent limitations:

EFFLUENT LIMITATIONS: OUTFALL 001		
Parameter	Average Monthly <sup>1</sup>	Maximum Daily <sup>2</sup>
Temperature		(Note 3)
Total Residual Halogen <sup>4</sup>		0.1 mg/L
pH, standard units <sup>5</sup>		Between 6.5 and 9.0
Copper <sup>6</sup> (Dec. – Feb.)	70µg/L	108µg/L
Copper <sup>6</sup> (Mar. – Nov.)	223µg/L	345µg/L
Flow (Million Gallons/Day)	5.6 MGD	9.4 MGD
<sup>1</sup> The average monthly effluent limitation is defined as the highest allowable average daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
<sup>2</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge.		

<sup>3</sup> The temperature of the circulating cooling water blowdown shall not exceed, at any time, the lowest temperature of the circulating cooling water, prior to the addition of makeup water, except that the temperature of the blowdown may be less than the temperature of the river.

<sup>4</sup> There shall be no discharge of cooling water from Outfall 001 during biofouling treatments nor until the concentration of total residual halogens is less than 0.1 mg/L for at least 15 minutes.

<sup>5</sup> Indicates the range of permitted values. When pH is continuously monitored, excursions as low as 5.0 or as high as 9.5 shall not be considered violations provided no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 26 minutes per month.

<sup>6</sup> Copper limitations are for total recoverable metal.

There shall be no discharge of polychlorinated biphenyl compounds. There shall be no detectable amount of priority pollutants (listed in 40 CFR Part 423, Appendix A) in the effluent from chemicals added for cooling system maintenance.

C. Standby Service Water Discharges - Outfall 001

Intermittent discharges of standby service water are permitted either directly to the cooling water blowdown line or through the circulating cooling water system. Discharges of service water directly to blowdown are subject to the following effluent limitations:

Parameter	Maximum Daily
pH, standard units	Between 6.5 and 9.0
Flow (Million Gallons/Day)	The combined flow of service water and cooling water blowdown to Outfall 001 must not exceed 9.4 MGD (Condition S1.B)

D. Outfall 002

Discharge of storm water runoff, wastewater from potable and demineralized water production, intake air wash unit blowdown, and water from non-radioactive equipment dewatering, leakage, cleaning, and flushing, at the approximate location described on the cover sheet, shall not cause a violation of the ground water standards (Chapter 173-200 WAC). Existing and future beneficial uses of ground water shall be protected.

E. Outfall 003

Discharges of service water filter backwash, and pond sediment and water during pond cleaning, at the approximate location shown on the cover sheet, shall not cause a violation of the

ground water standards (Chapter 173-200 WAC). Existing and future beneficial uses of ground water shall be protected.

F. Mixing Zone Descriptions - Outfall 001

The allowable chronic mixing zone extends downstream 306 feet from the outfall. The allowable acute mixing zone is ten percent of that distance, 30.6 feet. Modeling calculated the critical dilution factor at the edge of the acute mixing zone to be 11 (10:1 or 9%) and at the edge of the chronic mixing zone, 50 (49:1 or 2%).

## S2. MONITORING REQUIREMENTS

A. Monitoring Schedule – Circulating Cooling Water Blowdown Discharges - Outfall 001

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee shall monitor the discharge of circulating cooling water blowdown at Outfall 001 as follows:

Parameter	Units	Sample Point <sup>1</sup>	Minimum Sampling Frequency	Sample Type
Flow	MGD	Blowdown	Continuous <sup>2</sup>	Meter
pH		Circulating Water	Continuous <sup>2</sup>	Meter
Total Residual Halogen	mg/L	Circulating Water	Twice per treatment	Grab
Total Recoverable Copper	µg/L	Circulating Water or Blowdown	Once per month	Grab

<sup>1</sup>During a maintenance outage, sample point may be relocated to reflect temporary reconfiguration of the circulating water system.

<sup>2</sup>Continuous means uninterrupted - except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance. If monitoring equipment fails, Permittee shall implement manual monitoring.

B. Process Wastewater Discharges - Outfall 001, Asbestos Fibres

The Permittee shall sample blowdown once during the permit cycle and test for asbestos fibre concentration. The sample shall be a grab sample taken when the circulating water cooling system is operating at an average number of cycles of concentration and only blowdown is being discharged. Test results shall be submitted with application for permit renewal. The Council may remove this requirement if Energy Northwest presents a schedule to replace asbestos fill material in the cooling towers.

C. Standby Service Water Discharges - Outfall 001

Permittee shall monitor service water discharges made directly to the blowdown line according to the following schedule:

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Volume	MGD	Pond to be Discharged	Continuous <sup>1</sup> or Volume Estimate <sup>2</sup>	Meter or Estimate
pH		Pond to be Discharged	Daily <sup>3</sup>	Grab

<sup>1</sup>Continuous means uninterrupted - except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance. If monitoring equipment fails, Permittee shall implement manual monitoring.

<sup>2</sup>Volumes of batch releases of water for pond draining may be estimated based on level measurements. Feed-and-bleed discharges to the blowdown line shall be measured by flow meter.

<sup>3</sup>Prior to commencement of discharges, Permittee shall verify that pH is within specified limits. Measurements shall be taken daily while discharge is in progress.

#### D. Monitoring Schedule - Outfall 002

Permittee shall monitor effluent to Outfall 002, an unlined pond. Two 24-hour composite samples shall be taken representative of typical facility discharge to the unlined pond. One sample shall be taken annually from March 15 – May 15 and one sample shall be taken annually from September 15 – November 15. Effluent will be tested for:

Parameter	Test Method <sup>1</sup>
Chromium <sup>2</sup>	200.7
Lead <sup>2</sup>	200.7
Fluoride	340.3
Nitrate-Nitrite (as N)	353.2
Copper <sup>2</sup>	200.7
Nickel <sup>2</sup>	200.7
Iron <sup>2</sup>	200.7
Manganese <sup>2</sup>	200.7
Zinc <sup>2</sup>	200.7
Chloride	300
Sulfate	375.1
Total Dissolved Solids	160.1
pH	Field Metered
Conductivity	Field Metered

<sup>1</sup>Methods for the Chemical Analysis of Water and Wastewater, EPA 600/4-79-020; other EPA approved methods that provide as good or better detection level may be substituted.

<sup>2</sup>Metals as Total Recoverable.

Effluent quantity shall be monitored continuously and recorded each month. If flow instrumentation fails, Permittee shall estimate effluent quantities and diligently pursue equipment repair/replacement. Monitoring and analysis requirements for Outfall 002 may be modified by the Council based on the results of at least two years of monitoring data.

E. Monitoring Schedule - Outfall 003

Permittee shall monitor effluent to Outfall 003, a surface depression. Each pond cleaning that results in discharge of water or water/sediment slurry shall be sampled at least once. The quantity and duration of the discharge shall be recorded. Filter backwash effluent shall be sampled at a frequency of at least once every six (6) weeks of operation. Discharge frequency, duration, and quantity shall be reported. Discharge quantity may be a reasonable estimate rather than direct measurement

Samples shall be tested as follows:

Parameter	Test Method <sup>1</sup>	Sample Type
Total Recoverable Lead	200.7	Grab
Dissolved Lead	200.7	Grab

<sup>1</sup>Methods for the Chemical Analysis of Water and Wastewater, EPA 600/4-79-020; other EPA approved methods that provide as good or better detection level may be substituted.

Monitoring requirements for Outfall 003 may be modified by the Council based on the results of the Lead Assessment (Condition S4).

F. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge, 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 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Council.

G. 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.

H. Laboratory Accreditation

All monitoring data required by the Council 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.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

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

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results for circulating cooling water blowdown discharges to Outfall 001 (Condition S2.A) shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized and reported on a Discharge Monitoring Report (DMR) form approved, by the Council. DMR forms shall be submitted no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Monitoring results for service water discharges to Outfall 001 (Condition S2.C) shall be reported on the DMR for the month(s) in which they occur.

DMRs must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given month, the form is submitted with the words "no discharge" entered in place of the monitoring results.

Monitoring results for discharges to Outfall 002 (Condition S2.D) and Outfall 003 (Condition S2.E) shall be compiled in an annual reports that are submitted no later than March 1 of the following year.

The reports shall be sent to:

EFSEC  
PO Box 43172  
Olympia, WA 98504-3172

Department of Ecology  
Kennewick Office  
Attn: Columbia Generating Station Monitoring  
1315 West 4<sup>th</sup> Avenue  
Kennewick, WA 99336

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Council.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

The following occurrences of noncompliance shall be reported orally to the Council within 24 hours from the time the Permittee becomes aware of the circumstances:

1. Any noncompliance which may endanger health or the environment,
2. Any upset or unanticipated bypass which exceeds any effluent limitation in this permit, or
3. Any violation of a maximum daily discharge limitation for pollutants listed in Condition S1.

A written report will also be submitted to the Council within five business days of the time the Permittee becomes aware of the circumstances. The written report shall contain the following information:

1. A description of the nature and cause of noncompliance, including the quantity and quality of any unauthorized waste discharges;
2. The period of noncompliance, including exact dates and times and/or the anticipated time when the Permittee will return to compliance; and
3. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the noncompliance.

The Council may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

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.

Instances of noncompliance not required to be reported within 24 hours shall be reported on the discharge monitoring reports (Condition S3.A). The reports shall contain all applicable information listed above.

F. Signatory Requirements

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

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Council shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to the Council.
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Council 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.”

G. 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 shall be submitted no later than fourteen (14) days following each schedule date.

#### **S4. OUTFALL 003 - LEAD ASSESSMENT**

##### **A. Lead Assessment Plan**

The Permittee shall submit a plan for the assessment of the source of lead in the discharge at Outfall 003. The plan shall conform to the requirement contained in Ecology's "Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems". A proposed monitoring plan shall be included. The assessment shall include monitoring of groundwater in the vicinity of the discharge to determine what effect the lead may have on water quality. The lead assessment plan shall be submitted to the Council for approval prior to implementing the plan.

##### **B. Lead Assessment Report**

A report, summarizing the results of the assessment and incorporating the monitoring results of groundwater and effluent monitoring, shall be completed and submitted within 24 months after the after the study plan is approved unless an alternative date is approved by the Council. The report shall include treatment options for the lead source, and a cost/benefit analysis for treatment.

##### **C. Assessment Schedule**

The maximum time allowed for completion of each phase of the Lead Assessment Study is listed below. These are maximum times. The Permittee and the Council may complete a phase in less time than allotted. Time saved will not be added to the next phase. However, the Council may authorize extensions of the study completion date for good cause.

TASK	MAXIMUM DURATION
Lead assessment plan	3 months from permit issuance
Council Review & Acceptance	3 months from submittal of lead assessment plan
Begin Data Collection	1 month after approval of study plan
Report	24 months after study plan approval

#### **S5. SOLID WASTE DISPOSAL**

##### **A. Solid Waste Handling**

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground water or surface water.

##### **B. Leachate**

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the Solid Waste Control Plan to the Council. The Permittee shall submit an update of the Solid Waste Control Plan with the application for permit renewal 180 days prior to the expiration date of the permit.

**S6. BEST MANAGEMENT PRACTICES PROGRAM**

The "Oil and Hazardous Substances Spill Prevention, Control and Counter-Measure Plan", dated 12/18/98, submitted with the permit application, is incorporated by reference into this section as the Best Management Practices (BMP) Program.

Proposed modifications to the BMP Program which affect the discharger's permit obligations shall be submitted to the Council for approval.

The Permittee shall amend the BMP Program whenever there is a change in facility design, construction, operation or maintenance that materially affects the facility's potential for discharge of significant amounts of toxic or hazardous pollutants into waters of the State.

## **GENERAL CONDITIONS**

### **G1. DUTY TO PROVIDE INFORMATION**

The Permittee shall submit to the Council, within a reasonable time, all information which the Council may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Council upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

### **G2. DUTY TO COMPLY**

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

### **G3. DISCHARGE VIOLATIONS OR TAMPERING**

Violations of conditions of this permit are subject to enforcement actions and penalties as provided for in Chapter 80.50 RCW. Except as provided in Permit Conditions G6, Upset, and G7, Bypass Prohibited, nothing in this permit shall be construed to relieve the Permittee of the civil or criminal penalties for noncompliance.

#### Penalties for Violating Permit Conditions

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

#### 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 shall, 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 shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

### **G4. PROPER OPERATION AND MAINTENANCE**

The Permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for pollution control.

#### **G5. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

#### **G6. UPSET**

According to 40 CFR 122.41(n), an upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S5 of this permit.

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

#### **G7. BYPASS PROHIBITED**

As per 40 CFR 122.4(m), the intentional bypass of wastes from all or any portion of a treatment works is prohibited unless the following four conditions are met:

- A. Bypass is: (1) unavoidable to prevent loss of life, personal injury, or severe property damage; or (2) necessary to perform construction or maintenance-related activities essential to meet the requirements of the Clean Water Act and authorized by administrative order;
- B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, maintenance during normal periods of equipment down time, or temporary reduction or termination of production;
- C. The Permittee submits notice of an unanticipated bypass to the Council in accordance with Condition S3.E. Where the Permittee knows or should have known in advance of the need for a bypass, this prior notification shall be submitted for approval to the Council, if possible, at least thirty (30) days before the date of bypass (or longer if specified in the special conditions);

- D. The bypass is allowed under conditions determined to be necessary by the Council to minimize any adverse effects. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible.

“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. Severe property damage does not mean economic loss caused by delays in production.

After consideration of the factors above and the adverse effects of the proposed bypass, the Council will approve or deny the request. Approval of a request to bypass will be by administrative order under RCW 90.48.120.

#### **G8. RIGHT OF INSPECTION AND ENTRY**

The Permittee shall allow an authorized representative of the Council, 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.

#### **G9. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Council's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
  - 1. Violation of any permit term or condition.
  - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
  - 3. A material change in quantity or type of wastewater disposal.
  - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
  6. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:
1. A material change in the condition of the waters of the state.
  2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
  3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
  4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
  5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
  6. The Council has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
  7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A6, of this section, and the Council determines that modification or revocation and reissuance is appropriate.
  2. The Council has received notification of a proposed transfer of the permit.

#### **G10. REPORTING A CAUSE FOR MODIFICATION**

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for modification or revocation and reissuance under Condition G9 must report such plans, or such information, to the Council so that a decision can be made on whether action to modify or revoke and reissue a permit will be required.

The Council may then require submission of a new application, or a supplement to the previous application, along with required engineering plans and reports. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

**G11. REPORTING PLANNED CHANGES**

The Permittee shall, as soon as possible, give notice to the Council 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, 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.

**G12. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Council for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by the Council. Facilities shall be constructed and operated in accordance with the approved plans.

**G13. REPORTING ANTICIPATED NON-COMPLIANCE**

The Permittee shall give advance notice to the Council by submission of a new application or supplement thereto at least one hundred and eighty (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, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Council.

**G14. REPORTING OTHER INFORMATION**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Council, it shall promptly submit such facts or information.

**G15. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS**

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Council as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

- 1. One hundred micrograms per liter (100 µg/L).

2. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
  3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  4. The level established by the Council in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
1. Five hundred micrograms per liter (500µg/L).
  2. One milligram per liter (1 mg/L) for antimony.
  3. Ten (10 ) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  4. The level established by the Council in accordance with 40 CFR 122.44(f).

#### **G16. TRANSFER OF THIS PERMIT**

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.

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

#### **G17. TOXIC POLLUTANTS**

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

#### **G18. ADDITIONAL MONITORING**

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

#### **G19. REMOVED SUBSTANCES**

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

**G20. OTHER REQUIREMENTS OF 40 CFR**

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

**G21. COMPLIANCE WITH OTHER LAWS AND STATUTES**

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

**G22. PROPERTY RIGHTS**

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

**G23. DUTY TO REAPPLY**

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.