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NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT No. WA-002465-1

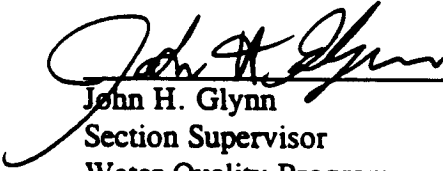
State of Washington  
DEPARTMENT OF ECOLOGY  
Olympia, Washington 98504-8711

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.

PORT OF SEATTLE  
SEATTLE-TACOMA INTERNATIONAL AIRPORT  
P.O. Box 68727  
Seattle, Washington 98168

<u>Facility Location</u>	<u>Receiving Water</u>
Sea-Tac International Airport Seattle, Washington King County	(i) Puget Sound (Industrial Wastewater) (ii) Des Moines Creek (Stormwater) (iii) Miller Creek (Stormwater) (iv) City of SeaTac Storm Sewer, tributary to Gillian Creek and the Green River (Stormwater)
<u>Water Body I.D. No.</u>	<u>Industry Type</u>
(i) WA-PS-0270 (iii) WA-09-2005 (ii) WA-09-2000 (iv) WA-09-1020	Airport

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

  
John H. Glynn  
Section Supervisor  
Water Quality Program  
Northwest Regional Office

AR 017043

Dep. Ex. 4



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**SUMMARY OF SCHEDULED PERMIT REPORT SUBMITTALS**

Permit Section	Submittal	Frequency	First Submittal Date
S2.B	Procedures Manual for Stormwater Sampling	Once/permit cycle	Within 3 months of effective date
S2.C	Construction Stormwater/Dewatering Monitoring Plan	As necessary	30 days prior to start of construction
S2.D	Glycol Usage Summary Report	Annually	June 1, 1998
S2.E	Annual Stormwater Monitoring Summary Report	Annually	October 1, 1998
S3.A	Discharge Monitoring Report (Industrial Wastewater)	Monthly	April 1, 1998
S3.B	Discharge Monitoring Report (Stormwater)	Monthly, Quarterly, Semi-annually, and Annually	April 1, 1998
S4	IWS Engineering Report	Once/permit cycle	Within 2 months of effective date
S5.A	Operations and Maintenance Manual Update or Review Confirmation Letter	Annually	Within 1 year of effective date
S7	Spill Plan	Once /permit cycle	Within 1 year of effective date
S8.A	IWS Acute Toxicity Characterization Data	Quarterly for one year	Within 60 days of sample date
S8.A	IWS Acute Toxicity Tests Characterization Summary Report	Once /permit cycle	Within 90 days of last test
S9.A	IWS Chronic Toxicity Characterization Data	Quarterly for one year	Within 60 days of sample date
S9.A	IWS Chronic Toxicity Characterization Summary Report	Once /permit cycle	Within 90 days of last test
S10.A	Stormwater Acute Toxicity Characterization Data	10/permit cycle	Within 60 days of sample date
S10.A	Stormwater Acute Toxicity Tests Characterization Summary Report	1/permit cycle	Within 90 days of last test

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Permit Section	Submittal	Frequency	First Submittal Date
S11.A	Sediment Baseline Sampling and Analysis Plan	1/permit cycle	Within 1 year of effective date
S11.B	Sediment Data Report	1/permit cycle	Within 3 years of effective date
S12.B	Stormwater Pollution Prevention Plan for Airport Operations	2/permit cycle	November 30, 1998
S14	Lake Reba Operations and Maintenance Plan	Once/permit cycle	Within 3 months of effective date
S15	IWS Hydrogeologic Study Scope of Work	Once/permit cycle	Within 6 months of effective date
S15	IWS Hydrogeologic Study Final Report	Once/permit cycle	6/30/00
G1	Notice of Change in Authorization	As necessary	
G7	Application for permit renewal	1/permit cycle	180 days before permit expiration

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Compliance with this permit is deemed compliance with the Federal Water Pollution Control Act, also known as the Clean Water Act (33 U.S.C. § 1251, et seq.) and the Water Pollution Control Act (RCW 90.48). This permit regulates the area within the property boundary and the acquisition boundary shown on Figure 2 of the Fact Sheet.

#### A. Interim Effluent Limitations - Industrial Wastewater

Beginning on the effective date of this permit and lasting to the effective date of the final effluent limitations, the Permittee is authorized to discharge treated industrial wastewater<sup>a</sup> to Puget Sound subject to meeting the following limitations:

<b>INTERIM EFFLUENT LIMITATIONS: OUTFALL 001</b>		
<b>Parameter</b>	<b>Average Monthly<sup>b</sup></b>	<b>Maximum Daily<sup>c</sup></b>
Flow	---	4,800 gpm <sup>d</sup>
pH	---	Within the range of 6.0 to 9.0 Std. Units
Oil and Grease	8 mg/L <sup>e</sup>	15 mg/L <sup>e</sup>
Total Suspended Solids (TSS)	21 mg/L	33 mg/L

<sup>a</sup>Industrial wastewater is water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater, non-contact cooling water, or stormwater associated with industrial activity. Industrial wastewater may result from any process or activity of industry, manufacture, trade or business, and includes, but is not limited to: water used for industrial processes such as pipe integrity pressure testing and vehicle and aircraft wash water; stormwater contaminated with fuel, oil, fire foam, cleaning agents and aircraft deicing/anti-icing agents; contaminated construction dewatering waters; excess water from ground water well construction and monitoring; and leachate from solid waste facilities. Industrial wastewater does not include stormwater runoff that contains deicing/anti-icing agents that shear or drip from aircraft in the storm drainage system.

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**S1. DISCHARGE LIMITATIONS (CONTINUED)**

<p><sup>b</sup>The average monthly effluent limitation is defined as the highest allowable average of 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.</p>
<p><sup>c</sup>The highest allowable daily discharge of a pollutant (or flow) measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. The daily discharge is calculated as the average measurement of the pollutant (or flow) over the day.</p>
<p><sup>d</sup>Flow shall not exceed the discharge rate specified in the Midway Sewer District discharge agreement. See Footnote S1.B<sup>c</sup>.</p>
<p><sup>e</sup>These oil and grease effluent limitations are based on Method 413.1, and are subject to modification based on the outcome of monitoring with Method 1664. The permit may be modified to establish equivalent effluent limitations after the side-by-side monitoring outlined in Special Condition S2.A, footnote c, is concluded.</p>

**B. Final Effluent Limitations - Industrial Wastewater**

Beginning on the date of completion of start up of the Permittee's approved treatment system as required under Special Condition S4 and lasting through the expiration date of this permit, the Permittee is authorized to discharge treated industrial wastewater<sup>d</sup> to Puget Sound subject to meeting the following limitations:

<b>FINAL EFFLUENT LIMITATIONS: OUTFALL 001</b>		
<b>Parameter</b>	<b>Average Monthly<sup>b</sup></b>	<b>Maximum Daily<sup>c</sup></b>
Flow		2,500 gpm <sup>d</sup>
pH		Within the range of 6.0 to 9.0 Std. Units
Oil and Grease	TBD <sup>e</sup>	TBD <sup>e</sup>
TSS	TBD <sup>e</sup>	TBD <sup>e</sup>
Biochemical Oxygen Demand (BOD <sub>5</sub> )	TBD <sup>e</sup>	TBD <sup>e</sup>

**S1. DISCHARGE LIMITATIONS (CONTINUED)**

<p><sup>a</sup>Industrial wastewater is water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater, non-contact cooling water, or stormwater associated with industrial activity. Industrial wastewater may result from any process or activity of industry, manufacture, trade or business, and includes, but is not limited to: water used for industrial processes such as pipe integrity pressure testing and vehicle and aircraft wash water; stormwater contaminated with fuel, oil, fire foam, cleaning agents and aircraft deicing/anti-icing agents; contaminated construction dewatering waters; excess water from ground water well construction and monitoring; and leachate from solid waste facilities. Industrial wastewater does not include stormwater runoff that contains deicing/anti-icing agents that shear or drip from aircraft in the storm drainage system.</p>
<p><sup>b</sup>The average monthly effluent limitation is defined as the highest allowable average of 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.</p>
<p><sup>c</sup>The highest allowable daily discharge of a pollutant (or flow) measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. The daily discharge is calculated as the average measurement of the pollutant (or flow) over the day.</p>
<p><sup>d</sup>Flow shall not exceed 2,500 gpm whenever the combined flow from the IWS and Midway Sewer District exceeds ninety percent (90%) of the outfall's present capacity of twelve thousand five hundred (12,500) gpm. The 2,500 gpm limitation may be increased if the outfall capacity is increased.</p>
<p><sup>e</sup>Effluent limitations shall be determined by the Department after approval of the AKART Engineering Report required in Special Condition S4. Final effluent limitations will be set through a major modification of the permit and will be subject to public comment.</p>

**C. Mixing Zone Description - Outfall 001**

The boundaries of the mixing zone for Outfall 001 shall be defined by the Department through a major permit modification after the AKART determination required by Special Condition S4.

**D. Non-Contact Cooling Water**

Discharge of non-contact cooling water to waters of the State is prohibited. Cooling tower blowdown may be discharged to the sanitary sewer with permission from the Midway Sewer District.

**S1. DISCHARGE LIMITATIONS (CONTINUED)**

**E. Stormwater Drainage System**

Discharge of industrial wastewater to the Storm Drain System is prohibited. Stormwater associated with industrial activity and construction activity may be discharged to the storm drainage system in accordance with the terms and conditions of this permit. Overflows of untreated industrial wastewater from the IWS collection systems or lagoons due to stormwater flows in excess of the design criteria are authorized bypasses that are not subject to this condition.

**F. Ground Water Discharges**

The Permittee shall apply all known, available, and reasonable methods to prevent the unintentional release of industrial wastewater to ground water. Discharge of stormwater to ground water is permitted.

**G. Construction Related Discharges**

This permit authorizes the discharge of stormwater associated with construction and uncontaminated construction dewatering to waters of the state of Washington and/or to municipal storm drains from airport constructions sites. Stormwater and uncontaminated construction dewatering may be discharged through temporary construction outfalls. A SWPPP for construction activity, including construction dewatering, shall be prepared and implemented prior to the commencement of any construction activity which disturbs five (5) or more acres of total land area (or other minimum land area to be determined by federal regulation), as required in Special Condition S13.

**S2. MONITORING REQUIREMENTS**

**A. Industrial Wastewater**

The Permittee shall monitor the effluent from the Industrial Wastewater System (IWS) prior to mixing with the Midway Wastewater Treatment Plant effluent according to the following schedule:

Parameter	Units	Minimum Sampling Frequency <sup>a</sup>	Sample Type
Maximum Daily Flow	gpm	Daily	continuous
pH	Standard Units	1/week	grab
TSS	mg/L	1/week	composite <sup>b</sup>
Oil and Grease <sup>c</sup>	mg/L	1/week	grab
BOD <sub>5</sub>	mg/L	1/month	composite <sup>b</sup>

**S2. MONITORING REQUIREMENTS (CONTINUED)**

Total Glycols <sup>d</sup>	mg/L	1/month <sup>e</sup>	composite <sup>b</sup>
Total Petroleum Hydrocarbon (TPH) <sup>f</sup>	mg/L	1/month	grab
Fecal Coliform	#/100 mls	1/month <sup>g</sup>	grab
Priority Pollutants <sup>h</sup>	mg/L	annually	grab/ composite

<sup>a</sup> If no discharge occurs in a given month, sampling is not required. "No Discharge" shall be clearly stated on that month's discharge monitoring report. A day shall be a calendar day and a month shall be a calendar month. A week shall be a period of time lasting seven consecutive days, beginning at 12:00 am on the first day of operation and ending at 11:59 PM on the seventh day of operation when the treatment plant is operated intermittently. Intermittent operation includes start up and shut down.

<sup>b</sup> Composite samples shall be a combination of at least four representative grab samples of a fixed volume collected at equal time intervals throughout the normal working day. Automatically timed composited samples are preferred over manually collected samples.

<sup>c</sup> The IWS effluent shall be monitored for oil and grease using Method 413.1. When a laboratory in the greater Seattle area is certified for Method 1664, the IWS effluent shall be monitored for oil and grease using both Method 413.1 and Method 1664 for a period of one year, or for as long as Method 413.1 is available but no longer than one year. During the one-year period of side-by-side monitoring, compliance with the effluent limits for oil and grease shall be based on Method 413.1.

<sup>d</sup> Total glycols equals the sum of ethylene glycol and propylene glycol.

<sup>e</sup> The IWS effluent shall be monitored for both ethylene and propylene glycol once per month upon being notified by the airlines that aircraft deicing or anti-icing has occurred. BOD<sub>5</sub> shall be sampled concurrently with glycols in those months deicing occurs.

<sup>f</sup> Total Petroleum Hydrocarbons shall be measured using the NWTPH-D<sub>x</sub> method, or an equivalent method approved by the Department.

<sup>g</sup> This monitoring requirement may be eliminated with Department approval if the Permittee can show that fecal coliform from human sources are not present.

<sup>h</sup> Priority pollutant monitoring shall include: semivolatiles (organic acid extractables and organic base-neutral extractables), volatile organic analysis, and total recoverable copper, lead, and zinc.

**S2. MONITORING REQUIREMENTS (CONTINUED)**

**B. Stormwater**

The Permittee shall monitor stormwater discharges according to the following monitoring schedule. No monitoring is necessary for reporting periods in which there are no storm events that meet the criteria set forth in the Procedures Manual for Stormwater Sampling. All samples shall be collected according to the procedures outlined in a Procedures Manual for Stormwater Sampling. The Permittee shall submit an updated Procedures Manual to the Department for review and approval within three (3) months of the effective date of this permit. The Permittee shall include the following data for each sampled storm event in the Annual Stormwater Monitoring Summary Report required in Special Condition S2.E: date, duration, the number of dry hours preceding the storm event, total rainfall during the storm event (inches), maximum flow rate during the rain event (gallons per minute), and the total flow from the rain event (gallons). The Permittee shall also include a monthly summary of daily rainfall in the Annual Stormwater Monitoring Summary Report.

1. The Permittee shall monitor the stormwater discharges at Outfalls 002, 005, 006<sup>a</sup>, and 011 according to the following schedule:

Parameter	Units	Minimum Sampling Frequency	Sample Type
TPH <sup>b</sup>	mg/L	monthly	grab
TSS	mg/L	monthly	composite
Turbidity	NTU	monthly	composite
Fecal Coliform	#/100 mL	monthly	grab
BOD <sub>5</sub>	mg/L	monthly <sup>c</sup>	composite
Ethylene Glycol and Propylene Glycol <sup>d</sup>	mg/L	monthly	composite
Total Recoverable Copper	mg/L	monthly	composite
Total Recoverable Lead	mg/L	monthly	composite
Total Recoverable Zinc	mg/L	monthly	composite

<sup>a</sup>The Permittee may request a reduction in monitoring frequency for Outfall 006 after one year of monitoring. The Department may reduce the frequency to quarterly, semi-annually, or annually.

<sup>b</sup>Total Petroleum Hydrocarbons shall be measured using the NWTPH-D<sub>x</sub> method, or an equivalent method approved by the Department.

**S2. MONITORING REQUIREMENTS (CONTINUED)**

\*BOD5 monitoring at Outfall 005 shall occur, to the extent practicable, during a precipitation event that coincides with a runway deicing event in those months in which a runway deicing event occurs.

\*Ethylene glycol and propylene glycol shall be measured monthly at Outfalls 002, 005, and 011 except for the months of June, July, and August. Glycol monitoring is not required at Outfall 006. Sampling shall occur, to the extent practicable, during a precipitation event that coincides with a deicing or anti-icing event.

2. The Permittee shall monitor the stormwater discharges at Outfalls 003, 004, 008, 009, 010, 014, and 015 according to the following schedule:

Parameter	Units	Minimum Sampling Frequency	Sample Type
TPH <sup>a</sup>	mg/L	annually	grab
TSS	mg/L	annually	composite
Turbidity	NTU	annually	composite
Fecal Coliform <sup>b</sup>	#/100 mL	annually	grab
Total Recoverable Copper	mg/L	annually	composite
Total Recoverable Lead	mg/L	annually	composite
Total Recoverable Zinc	mg/L	annually	composite

<sup>a</sup>Total Petroleum Hydrocarbons shall be measured using the NWTPH-D<sub>1</sub> method, or an equivalent method approved by the Department.

<sup>b</sup>This monitoring requirement may be eliminated with Department approval if the Permittee can show that fecal coliform from human sources are not present.

**S2. MONITORING REQUIREMENTS (CONTINUED)**

3. The Permittee shall monitor the stormwater discharges from Outfall 007, the Port Engineering Yard (Outfall 012) and the Taxi Yard (Outfall 013), according to the following schedule:

Parameter	Units	Minimum Sampling Frequency	Sample Type
TPH <sup>a</sup>	mg/L	semi-annually	grab
TSS	mg/L	semi-annually	composite
<p><sup>a</sup>Total Petroleum Hydrocarbons shall be measured using the NWTPH-D<sub>x</sub> method, or an equivalent method approved by the Department.</p>			

4. The Permittee shall monitor the stormwater discharges from Outfall 003 and Outfall 007 according to the following schedule:

Parameter	Units	Minimum Sampling Frequency	Sample Type
Ethylene Glycol and Propylene Glycol	mg/L	Quarterly <sup>a</sup>	Grab <sup>b</sup>
Flow (Outfall 007)		Each discharge event	Report <sup>c</sup>
<p><sup>a</sup>Ethylene glycol and propylene glycol shall be measured at Outfalls 003 and 007 in the three quarters December - February, March - May, and September - November. Sampling shall occur during a precipitation event that coincides with a deicing/anti-icing event. This monitoring requirement may be eliminated after four sampling events at each outfall with Department approval.</p>			
<p><sup>b</sup>Samples shall be collected during the first 60 minutes of each discharge event. The Permittee shall request permission to use data gathered after the first 60 minutes of the discharge if it is not possible to grab a sample in the first 60 minutes.</p>			
<p><sup>c</sup>The Permittee shall report when a bypass from the SDN-2 IWS pump station occurs at Outfall 007 by indicating "yes" on the Discharge Monitoring Report.</p>			

## S2. MONITORING REQUIREMENTS (CONTINUED)

### C. Construction Stormwater/Dewatering Monitoring

The Permittee shall submit a monitoring plan for stormwater and construction dewatering discharges from construction projects required to have a Stormwater Pollution Prevention Plan in Special Condition S13 of this permit. The monitoring plan shall be submitted to the Department for review and approval at least 30 days prior to the start of construction. The monitoring plan may be submitted less than 30 days prior to the start of construction with the approval of the Department. The plan shall be deemed approved if Ecology does not respond to the plan at least 5 days prior to the scheduled date of construction.

### D. Deicing/Anti-icing Fluids Usage

All deicing and anti-icing events of either aircraft or runways shall be reported no later than June 1 of each year, and shall include the volumes of each type of deicing and anti-icing material used each day by each airline and the Permittee. Anti-icing means measures taken to prevent ice accumulation on the surface of the aircraft, airfield, or runway. Deicing means removing ice from the surface of aircraft, airfield, or runway.

### E. Annual Stormwater Monitoring Summary Report

On or before October 1 of each year, the Permittee shall submit a report to the Department summarizing the results of the stormwater monitoring conducted pursuant to Special Condition S2.B or S3.E of this permit during the preceding twelve (12) month period from July 1 through June 30.

The report shall present the analytical data, the Port's conclusions as to what is being learned from the data, and any new initiatives to be undertaken as part of the Stormwater Pollution Prevention Plan for Airport Operations required in Special Condition S12.

### F. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department.



**S2. MONITORING REQUIREMENTS (CONTINUED)**

Ground water sampling shall conform to the latest protocols in the *Implementation Guidance for the Ground Water Quality Standards* (Ecology 1996).

G. Flow Measurement

Appropriate flow measurement devices and/or 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 Department shall be prepared by a laboratory registered or accredited under the provisions of *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, 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 Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting - Industrial Wastewater

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be received no later than the 30th day of the month following the completed reporting period, unless otherwise specified in this permit. The report(s) shall be sent to the Department of Ecology, Northwest Regional Office, 3190 160th Ave. SE, Bellevue, Washington 98008-5452.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS (CONTINUED)**

**B. Reporting - Stormwater**

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly, quarterly, semi-annually, or annually as required in Special Condition S2.B. Quarters shall be defined as: December - February, March - May, June - August, and September - November. Monitoring results obtained during the previous reporting period shall be reported on the forms provided, or otherwise approved, by the Department, and be received no later than the 30th day of the month following the completed reporting period, unless otherwise specified in this permit. The report(s) shall be sent to the Department of Ecology, Northwest Regional Office, 3190 160th Ave. SE, Bellevue, Washington 98008-5452.

All lab reports for metal parameters shall be submitted with the Discharge Monitoring Report. The following information shall be provided: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), lab practical quantitation limit (PQL), reporting units and concentration detected.

**C. Records Retention**

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

**D. Recording of Results**

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

**E. Additional Monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by this permit using the test procedures and the locations specified by Special 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 self-monitoring reports.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS (CONTINUED)**

If the Permittee performs monitoring using methods and/or locations other than those specified in Special Condition S2, the Port must include notice of this monitoring with the Discharge Monitoring Report for the month in which the monitoring occurred, and must provide the data upon request.

**F. Noncompliance Notification**

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

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within 30 days after becoming aware of the violation. Repeat sampling and analysis is not required for any parameter that will be sampled within 30 days to satisfy the requirements of Special Condition S2;
3. Notify the Department of the failure to comply. Spill events shall be reported immediately to the Department's 24-hour Spill Response Team at (425) 649-7000, and to the NPDES permit manager within 24 hours of becoming aware of the spill. Spill events that are contained by the IWS shall be reported to the NPDES permit manager, but not the Spill Response Team. All other noncompliance shall be reported to the NPDES permit manager within 24 hours upon becoming aware of the noncompliance; and
4. Submit a detailed written report to the Department within thirty days (five days for spills, upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

**G. Plan, Report, and Manual Availability**

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The Permittee shall make all plans, reports, and manuals required by this permit available upon request to local agencies, interested members of the public, local government officials, or to the operator of a municipal separate storm sewer receiving discharges from the site. Viewing by the public shall be at reasonable times during regular business hours (advance notice by the public of the desire to view the plan may be required, not to exceed two working days). The permit does

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS (CONTINUED)**

not require that free copies of the plan be provided to interested members of the public, only that they have reasonable access to view the document and copy it at their own expense. The copies of the plans, reports, and manuals may be kept onsite or may be made locally available.

**S4. COMPLIANCE SCHEDULE**

The Permittee shall submit an addendum to the Industrial Wastewater Treatment AKART Engineering Report to the Department within two months of the permit effective date for review and approval.

The engineering report shall be consistent with all the requirements of chapter 173-240 WAC. The AKART engineering report shall review all known, available, and reasonable methods of prevention and treatment, shall quantify the expected concentration of pollutants from each identified treatment, and shall detail the cost of each identified option. Fire control foam disposal shall be considered in the analysis. The engineering report shall also include a schedule for project design, construction, and startup.

The Permittee shall then submit a preliminary design report, plans and specifications to the Department for review and approval, as required by chapter 173-240 WAC.

The Permittee shall take all available and reasonable means to implement the AKART determination in the shortest practicable time, but no later than June 30, 2004.

**S5. OPERATION AND MAINTENANCE**

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

**A. Industrial Wastewater System (IWS) Operations and Maintenance Manual**

- The existing IWS O&M Manual shall be reviewed by the Permittee at least annually and the Permittee shall confirm this review by letter to the Department. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the Manual.

The O&M Manual shall be kept available at the permitted facility and all operators are responsible for being familiar with and using this manual.

The O&M Manual shall include, but is not limited to, the following:

1. A baseline operating condition which describes the operating parameters and procedures used to meet the effluent limitations of Special Condition S1.

**S5. OPERATION AND MAINTENANCE (CONTINUED)**

2. In the event of flow rates which are below the baseline levels used to establish these limitations, the plan shall describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting shall be described in the manual.
3. In the event of an upset due to plant maintenance activities, severe stormwater events, cold weather operation (below 35 °F), summer algae blooms, start ups or shut downs, or other causes, the plan shall describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting shall be described in the manual.
4. A description of any regularly scheduled maintenance or repair activities at the IWTP which would affect the volume or character of the wastes discharged from the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).
5. A description of the regularly scheduled inspection and maintenance program for the IWS conveyance system, including provisions for handling of solids or wastewater removed during maintenance activities.

**B. Bypass Procedures**

The Permittee shall notify the Department of any spill, overflow, or bypass from any portion of the collection or treatment system immediately at the time the Permittee becomes aware of the spill, overflow, or bypass.

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

1. Unavoidable Bypass -- Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify the Department in accordance with Special Condition S3.F "Noncompliance Notification."

**S5. OPERATION AND MAINTENANCE (CONTINUED)**

2. Anticipated Bypass That Has The Potential to Violate Permit Limits or Conditions -- Bypass is authorized by an administrative order issued by the Department. The Permittee shall apply to the Department for the administrative order at least 30 days before the planned date of bypass. The written submission 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 a water quality modification, as provided for in WAC 173-201A-110, 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 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.

The Department will consider the following prior to issuing an administrative order:

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

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department 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 the Department under RCW 90.48.120.

**S5. OPERATION AND MAINTENANCE (CONTINUED)**

3. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

An overflow of untreated industrial wastewater from the Industrial Wastewater System collection system or lagoons due to stormwater flows in excess of the design criteria will not be considered a bypass and will not constitute a violation of this permit if the Department determines that at the time the overflow occurred the Industrial Wastewater Facility was operated in compliance with the approved Operations and Maintenance Manual. The Industrial Wastewater Facility includes the Industrial Wastewater Treatment Plant (IWTP), the Industrial Wastewater System Lagoons, and the equipment used to collect, treat, and dispose of industrial wastewater.

**S6. SOLID WASTE DISPOSAL**

A. Solid Waste Handling

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

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of prevention and 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.

**S7. SPILL PLAN**

The Permittee shall submit to the Department an update to the existing Spill Control Plan within twelve (12) months of the effective date of this permit.

The updated spill control plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil, chemicals and hazardous wastes used, processed, or stored by the Permittee which may be spilled into state waters.

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**S7. SPILL PLAN (CONTINUED)**

For the purpose of meeting this requirement, plans and manuals required by 40 CFR Part 112, and contingency plans required by Chapter 173-303 WAC may be submitted.

**S8. ACUTE TOXICITY - INDUSTRIAL WASTEWATER**

**A. Effluent Characterization**

The Permittee shall conduct acute toxicity testing on the IWS final effluent to determine the presence and amount of acute (lethal) toxicity. The three acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Effluent characterization for acute toxicity shall be quarterly for one year. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50% of the organisms ( $LC_{50}$ ). The percent survival in 100% effluent shall also be reported.

Testing shall begin within 60 days after the startup date of the new IWS Waste Treatment System required in Special Condition S4. A written report shall be submitted to the Department within 60 days after the sample date. A final effluent characterization summary report shall be submitted to the Department within 90 days after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Acute toxicity tests shall be conducted with the following species and protocols:

- 1) Topsmelt or Silverside minnow, *Atherinops affinis* or *Menidia beryllina* (96 hour static-renewal test, method: EPA/600/4-90/027F)
- 2) Mysid shrimp, *Holmesimysis costata* or *Mysidopsis bahia* (48 hour static test, method: EPA/600/4-90/027F).

**B. Effluent Limit for Acute Toxicity**

The Permittee has an effluent limit for acute toxicity if, after completing one year of effluent characterization, either:

- (1) The median survival of any species in 100% effluent is below 80%, or
- (2) Any one test of any species exhibits less than 65% survival in 100% effluent, and the test meets the Department's criteria for test acceptability and is not considered anomalous by the Department.



**S8. ACUTE TOXICITY - INDUSTRIAL WASTEWATER (CONTINUED)**

If an effluent limit for acute toxicity is required by subsection B at the end of one year of effluent characterization, the Permittee shall immediately complete all applicable requirements in subsections C, D, and F.

If no effluent limit is required by subsection B at the end of one year of effluent characterization, then the Permittee shall complete all applicable requirements in subsections E and F.

**The effluent limit for acute toxicity is no acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).**

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100. The zone of acute criteria exceedance will be established per Special Condition S1.C of this permit. The ACEC shall be defined by the Department through a major permit modification.

If the Permittee has an effluent limit for acute toxicity and the ACEC is not known, then effluent characterization for acute toxicity shall continue until the time an ACEC is known. Effluent characterization shall be continued until an ACEC has been determined and shall be performed using each one of the tests listed in subsection A on a rotating basis. When an ACEC has been determined, the Permittee shall immediately complete all applicable requirements in subsections C, D, and F.

If no effluent limit is required by subsection B at the end of one year of effluent characterization, then the Permittee shall stop effluent characterization and begin to conduct the activities in subsection E even if the ACEC is unknown.

In the event of failure to pass the test described in subsection C of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in subsection D are being met to the satisfaction of the Department.

**C. Monitoring for Compliance With an Effluent Limit for Acute Toxicity**

Monitoring to determine compliance with the effluent limit shall be conducted monthly for the remainder of the permit term using each of the species listed in subsection A above on a rotating basis and performed using at a minimum 100% effluent, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule. The percent survival in 100% effluent shall be reported for all compliance monitoring.

**S8. ACUTE TOXICITY - INDUSTRIAL WASTEWATER (CONTINUED)**

The Permittee may petition for less frequent testing if both species demonstrate low sensitivity. If one species demonstrates more sensitivity, the Permittee may petition to limit testing to this species and discontinue the rotational testing schedule between species.

Compliance with the effluent limit for acute toxicity means no statistically significant difference in survival between the control and the test concentration representing the ACEC. The Permittee shall immediately implement subsection D if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the

ACEC is less than 10%, the hypothesis test shall be conducted at the 0.01 level of significance.

**D. Response to Noncompliance With an Effluent Limit for Acute Toxicity**

If the Permittee violates the acute toxicity limit in subsection B, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted weekly for four consecutive weeks using the same test and species as the failed compliance test. For intermittent discharges, testing shall be conducted on the next four discharge events using the same test and species as the failed compliance test. Testing shall determine the  $LC_{50}$  and effluent limit compliance. The discharger shall return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

**S8. ACUTE TOXICITY - INDUSTRIAL WASTEWATER (CONTINUED)**

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department within 60 days after test results are final. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

**E. Monitoring When There Is No Permit Limit for Acute Toxicity**

If the IWS effluent has been characterized as specified in subsection A and no permit limit for acute toxicity is required, then the Permittee shall test final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. All species used in the initial acute effluent characterization or substitutes approved by the Department shall be used and results submitted to the Department as a part of the permit renewal application process. If less than one summer and winter are available between final characterization and the due date of the permit renewal application, the Permittee shall contact the Department for clarification of further effluent WET testing.

**F. Sampling and Reporting Requirements**

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

**S8. ACUTE TOXICITY - INDUSTRIAL WASTEWATER (CONTINUED)**

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology's Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent, except modifications required by testing protocol.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC, if known.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

**S9. CHRONIC TOXICITY - INDUSTRIAL WASTEWATER**

**A. Effluent Characterization**

The Permittee shall conduct chronic toxicity testing on the IWS final effluent. The three chronic toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Testing shall begin within 60 days after the startup date of the new IWS Waste Treatment System required in Special Condition S4. A written report shall be submitted to the Department within 60 days after the sample date. A final effluent characterization summary report shall be submitted to the Department within 90 days after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity-treatability which is developed during the period of testing.

**S9. CHRONIC TOXICITY - INDUSTRIAL WASTEWATER (CONTINUED)**

Effluent testing for chronic toxicity shall be conducted quarterly for one year or until an acute critical effluent concentration (ACEC) is determined, if that determination takes longer than one year (see S8.C, Effluent Limit for Acute Toxicity, for a definition of the ACEC). The Permittee shall conduct chronic toxicity testing during effluent characterization on a series of at least five concentrations of effluent in order to determine appropriate point estimates. The chronic no observed effects concentration (NOEC) will also be determined for comparison to the ACEC when the ACEC is known. If the ACEC is determined before the one year of characterization is over, the Permittee shall include the ACEC in the concentration series of all subsequent tests and compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001. If the ACEC is unknown at the end of one year of effluent characterization, the Permittee shall continue the effluent characterization until an ACEC has been determined. Toxicity testing conducted during an effluent characterization extended past one year until an ACEC has been determined shall be performed using each one of the tests listed below on a rotating basis.

Chronic toxicity tests shall be conducted with the following three species and the most recent version of the following protocols:

Saltwater Chronic Toxicity Test Species		Method
Topsmelt or Silverside minnow	<i>Atherinops affinis</i> or <i>Menidia beryllina</i>	EPA/600/R-95/136 or EPA/600/4-91/003
Mysid shrimp	<i>Holmesimysis costata</i> or <i>Mysidopsis bahia</i>	EPA/600/R-95/136 or EPA/600/4-91/003
Pacific oyster or Mussel	<i>Crassostrea gigas</i> or <i>Mytilus sp.</i>	EPA/600/R-95/136

The Permittee shall use the West Coast fish (Topsmelt, *Atherinops affinis*) and Mysid (*Holmesimysis costata*) for toxicity testing unless the lab cannot obtain a sufficient quantity of a West Coast species in good condition in which case the East Coast fish (Silverside minnow, *Menidia beryllina*) or Mysid (*Mysidopsis bahia*) may be substituted.

The Pacific oyster and mussel tests shall be run in accordance with EPA/600/R-95/136 and the bivalve development test conditions in the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

S9. **CHRONIC TOXICITY - INDUSTRIAL WASTEWATER (CONTINUED)**

B. Effluent Limit for Chronic Toxicity

After completion of effluent characterization, the Permittee has an effluent limit for chronic toxicity if any test conducted for effluent characterization shows a significant difference between the control and the ACEC at the 0.05 level of significance using hypothesis testing (Appendix H, EPA/600/4-89/001) and shall complete all applicable requirements in subsections C, D, and F.

If no significant difference is shown between the ACEC and the control in any of the chronic toxicity tests, the Permittee has no effluent limit for chronic toxicity and only subsections E and F apply.

**The effluent limit for chronic toxicity is no toxicity detected in a test concentration representing the chronic critical effluent concentration (CCEC).**

The CCEC means the maximum concentration of effluent allowable at the boundary of the mixing zone assigned in Special Condition S1.C of this permit. The CCEC shall be defined by the Department upon approval of the Engineering Report required in Special Condition S4.

In the event of failure to pass the test described in subsection C of this section for compliance with the effluent limit for chronic toxicity, the Permittee is considered to be in compliance with all permit requirements for chronic whole effluent toxicity as long as the requirements in subsection D are being met to the satisfaction of the Department.

C. Monitoring for Compliance With an Effluent Limit for Chronic Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted monthly for the remainder of the permit term using each of the species listed in subsection A above on a rotating basis and performed using at a minimum the CCEC, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule.

The Permittee may petition for less frequent testing if all species demonstrate low sensitivity. If one species demonstrates more sensitivity, the Permittee may petition to limit testing to this species and discontinue the rotational testing schedule between species.

**S9. CHRONIC TOXICITY - INDUSTRIAL WASTEWATER (CONTINUED)**

Compliance with the effluent limit for chronic toxicity means no statistically significant difference in response between the control and the test concentration representing the CCEC. The Permittee shall immediately implement subsection D if any chronic toxicity test conducted for compliance monitoring determines a statistically significant difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the CCEC is less than 20%, the hypothesis test shall be conducted at the 0.01 level of significance.

In order to establish whether the chronic toxicity limit is eligible for removal from future permits, the Permittee shall also conduct this same hypothesis test (Appendix H, EPA/600/4-89/001) to determine if a statistically significant difference in response exists between the ACEC and the control.

**D. Response to Noncompliance With an Effluent Limit for Chronic Toxicity**

If a toxicity test conducted for compliance monitoring under subsection C determines a statistically significant difference in response between the CCEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted monthly for three consecutive months using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the CCEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for chronic toxicity as described in subsection C. The discharger shall return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

- If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for chronic toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

**S9. CHRONIC TOXICITY - INDUSTRIAL WASTEWATER (CONTINUED)**

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the chronic toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department within 60 days after test results are final. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

**E. Monitoring When There Is No Permit Limit for Chronic Toxicity**

If the IWS effluent has been characterized as specified in subsection A and no permit limit for acute toxicity is required, then the Permittee shall test final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. All species used in the initial chronic effluent characterization or substitutes approved by the Department shall be used and results submitted to the Department as a part of the permit renewal application process. If less than one summer and winter are available between final characterization and the due date of the permit renewal application, the Permittee shall contact the Department for clarification of further effluent WET testing.

**F. Sampling and Reporting Requirements**

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.



**S9. CHRONIC TOXICITY - INDUSTRIAL WASTEWATER (CONTINUED)**

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent, except modifications required by testing protocol.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

**S10. ACUTE TOXICITY - STORMWATER**

A. Effluent Characterization

The Permittee shall conduct acute toxicity testing on stormwater to determine the presence and amount of acute (lethal) toxicity. The two acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

**S10. ACUTE TOXICITY - STORMWATER (CONTINUED)**

Effluent characterization for acute toxicity shall be conducted twice at each of the following outfalls: Outfall 002, 005, 006, and 011. Alternative outfalls with similar drainage basin characteristics may be substituted with Department's approval. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50% of the organisms (LC<sub>50</sub>). The percent survival in 100% effluent shall also be reported.

Testing shall be completed within one year of the permit effective date. A written report shall be submitted to the Department within 60 days after each sample date. A final effluent characterization summary report shall be submitted to the Department within 90 days after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Acute toxicity tests shall be conducted with the following species and protocols:

- 1) Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F)
- 2) Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48 hour static test, method: EPA/600/4-90/027F). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

**B. Sampling and Reporting Requirements**

1. All reports for effluent characterization shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

**S10. ACUTE TOXICITY - STORMWATER (CONTINUED)**

2. Testing shall be conducted on composite stormwater samples. Composite samples shall be taken over the first one inch of the storm event, or the entire storm event if the total rainfall is less than one inch. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent, except modifications required by testing protocol.
7. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

**S11. SEDIMENT MONITORING (MARINE)**

**A. Sediment Sampling and Analysis Plan**

The Permittee shall submit to the Department for review and approval a Sediment Sampling and Analysis Plan for sediment monitoring no later than one year after permit effective. The purpose of the plan is to recharacterize sediment quality in the vicinity of Outfall 001. The Permittee shall follow the guidance provided in the Department of Ecology's Sediment Source Control Standards User Manual, Appendix B: Sediment Sampling and Analysis Plan (1995).

The Permittee may either cooperate with the Midway Sewer District to perform this baseline study or conduct its own study.

**S11. SEDIMENT MONITORING (CONTINUED)**

**B. Sediment Data Report**

Following Department approval of the Sediment Sampling and Analysis Plan, sediments will be collected and analyzed. The Permittee shall submit to the Department a Sediment Data Report containing the results of the sediment sampling and analysis within 3 years after permit effective. The Sediment Data Report shall conform with the approved Sampling and Analysis Plan.

**S12. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR AIRPORT OPERATIONS**

The Permittee shall continue to maintain the existing SWPPP in accordance with the relevant and appropriate requirements of this special condition, including, but not limited to, maintaining a Pollution Prevention Team, self-inspections, annual review of the SWPPP and updates as necessary, employee training, and recordkeeping.

**A. Objectives**

1. To eliminate the discharges of unpermitted industrial wastewater, domestic wastewater, noncontact cooling water, or other illicit discharges to the storm drainage system;
2. To implement and maintain Best Management Practices (BMPs) to identify, reduce, eliminate, and/or prevent the discharge of stormwater pollutants;
3. To prevent violations of water quality, ground water quality, or sediment management standards; and
4. To prevent adverse water quality impacts on beneficial uses of the receiving water by controlling peak rates and volumes of stormwater runoff at the Permittee's outfalls and downstream of the outfalls.

**B. General Requirements**

1. **Submission and Retention:**

The Permittee shall submit an updated SWPPP to the Department for review and comment at least twice during the term of this permit. An updated SWPPP shall be submitted no later November 30, 1998, and again with the application for permit renewal required in General Condition G7. The Permittee shall include an evaluation of whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. The evaluation shall specifically include, but is not limited to, fecal coliform, copper, lead, and zinc. The updated

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**S12. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR AIRPORT OPERATIONS (CONTINUED)**

SWPPP shall include a summary of the results of the inspections required in subsection C, any incidents of noncompliance, and a certification, in accordance with General Condition G1, that the facility is in compliance with the plan.

The Permittee shall also submit that portion of the SWPPP which addresses the discharge to the City of SeaTac stormwater system to the City of SeaTac if it is modified.

The SWPPP shall be retained on-site or within reasonable access to the site.

2. Modifications:

- 
- a. The Permittee shall modify the SWPPP whenever there is an alteration of airfield facilities or their operation or maintenance which causes the SWPPP to be less effective in controlling pollutants.
  - b. Whenever a self-inspection reveals that the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, due to the discharge of, or the potential to discharge, a significant amount of pollutant, the SWPPP shall be modified, as appropriate, within two (2) weeks of such inspection for noncapital BMPs, and within six (6) months of such inspection for capital BMPs. The proposed capital modifications shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless the Department approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit. If other plans are referenced in the SWPPP, they must be made available per the requirements of Special Condition S3.G.

4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan shall contain the following elements:

- a. Assessment and description of existing and potential pollutant sources,
- b. A description of selected operational BMPs.

**S12. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR AIRPORT OPERATIONS (CONTINUED)**

Handwritten notes: "BMPs" with arrows pointing to items c, d, and e. "A" with an arrow pointing to item f.

- c. A description of selected source-control BMPs,
- d. A description of selected erosion and sediment control BMPs.
- e. A description of selected treatment BMPs, and
- f. An implementation schedule.

**Applicability of Current and Future Editions of the Stormwater Management Manual for the Puget Sound Basin (SWMM):**

BMPs shall be selected from the most recent published edition of the SWMM, or other manuals determined to be equivalent by the Department, available at least 120 days before the selection of the BMPs. The Permittee may develop site-specific BMPs that are appropriate for airport industrial activities with approval of the Department.

**C. Implementation**

The Permittee shall conduct at least four inspections per year; three during the wet season (October 1 - June 30) and one during the dry season (July 1 - September 30).

- 1. The wet season inspections shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit is accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet-weather inspections shall include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharges.
- 2. The dry season inspection shall be conducted by personnel named in the SWPPP. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or industrial wastewater to the stormwater drainage system. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department.

**S13. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR CONSTRUCTION ACTIVITIES**

A SWPPP for construction activity, including construction dewatering, shall be prepared and implemented prior to the commencement of any construction activity which disturbs five (5) or more acres of total land area (or other minimum land area to be determined by federal regulation). Construction activities included in this requirement include clearing, grading, filling and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale.

**A. Objectives**

1. To implement Best Management Practices (BMPs) to minimize erosion and sediments from rainfall runoff at construction sites, and to identify, reduce, eliminate, or prevent the pollution of stormwater.
2. To prevent violations of surface water quality, ground water quality, or sediment management standards.
3. To prevent, during the construction phase, adverse water quality impacts including impacts on beneficial uses of the receiving water by controlling peak rates and volumes of stormwater runoff at the Permittee's outfalls and downstream of the outfalls.
4. To eliminate the discharges of unpermitted process wastewater, domestic wastewater, illicit discharges, and non-contact cooling water to stormwater drainage systems and surface waters of the state.

**B. General Requirements**

- 1. The Permittee shall be responsible for the implementation of a SWPPP. The Erosion and Sediment Control Plan shall be attached to bid packages when seeking contractors to allow the contractor sufficient time to plan implementation. At construction sites for which a lease, easement, or other use agreement has been obtained from the Permittee, the Permittee shall be responsible for the implementation of a SWPPP.
2. The Permittee shall implement procedures for reviewing the SWPPP with contractors and subcontractors prior to initiating construction activities. The Permittee shall implement procedures for addressing changes in plans and construction activities and resolving disagreements on the interpretation of the SWPPP.

**S13. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR  
CONSTRUCTION ACTIVITIES (CONTINUED)**

3. The Permittee shall designate a contact person who will be available 24 hours a day to respond to emergencies, and to inquiries or directives from the Department. The contact person shall have authority over the SWPPP implementation. For construction of projects identified in the Proposed Master Plan Update, the Permittee shall establish and fund an independent qualified construction pollution control officer to advise on and determine compliance with applicable water quality standards. These names shall be listed in the SWPPP.
4. The Permittee shall retain the SWPPP on-site or within reasonable access to the site and make it available per the requirements of Special Condition S3.G.
5. The Permittee shall retain the SWPPP and copies of inspection reports and all other reports required by this permit for at least three years after the date of final stabilization of the construction site. The Permittee shall make these documents available per the requirements of Special Condition S3.G.
6. Reports on incidents, such as discharge of spills and other noncompliance notification shall be included in the records.
7. Modifications:
  - a. The Department may notify the Permittee when the SWPPP does not meet one or more of the requirements of this special condition. Upon notification by the Department, the Permittee shall take appropriate action(s) to come into compliance with this special condition.
  - b. The Department may require SWPPP and BMP modifications if compliance with State of Washington Surface Water Quality Standards (chapter 173-201A WAC), Sediment Management Standards (chapter 173-204 WAC), Ground Water Quality Standards (chapter 173-200 WAC), and human health based criteria in the National Toxics Rule (Federal Register, Vol. 57, No. 246, Dec. 22, 1992, pages 60848-60923) is not being achieved.
  - c. The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance of any BMP which cause(s) the SWPPP to be less effective in controlling the pollutants.



**S13. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR  
CONSTRUCTION ACTIVITIES (CONTINUED)**

- d. Whenever a self-inspection reveals that the description of pollutant sources or the BMPs identified in the SWPPP are inadequate, due to the actual discharge of or potential to discharge a significant amount of any pollutant, the SWPPP shall be modified, as appropriate. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.
  
8. BMPs shall be selected from the most recent published edition of the Stormwater Management Manual for the Puget Sound Basin (SWMM), that has been available for at least 120 days prior to BMP selection, or other equivalent manuals available at the time of BMP selection or when the selection of additional BMPs is necessary.
  
9. The Permittee may request in writing that the Department approve the use of an experimental BMP. The request shall be submitted to the Department at least 30 days prior to the proposed use of the experimental BMP. The request shall include, but need not be limited to, a description of:
  - a. The experimental BMP;
  - b. Why the experimental BMP is being requested;
  - c. Why the BMPs in the SWMM are not appropriate;
  - d. Applicable construction techniques;
  - e. The characteristics of the site or sites at which use of the experimental BMP is proposed;
  - f. Design criteria for the experimental BMP and the expected results;
  - g. Maintenance procedures;
  - h. Cost estimates;
  - i. Monitoring procedures and duration; and
  - j. If appropriate, an approved BMP that could be used if the experimental BMP fails.

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**S13. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR  
CONSTRUCTION ACTIVITIES (CONTINUED)**

**C. SWPPP Contents and Requirements:**

The SWPPP shall consist of and make provision for the following:

**1. An Erosion and Sediment Control Plan:**

The Erosion and Sediment Control Plan shall describe stabilization and structural practices, both of which shall be implemented to minimize erosion and the transport of sediments.

**a. Stabilization Practices**

The Erosion and Sediment Control Plan shall include a description of stabilization BMPs, including site-specific scheduling of the implementation of the practices. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, commercially available soil stabilization products, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased.

The plan shall ensure that the following requirements are satisfied:

- i) All exposed and unworked soils shall be stabilized by suitable and timely application of BMPs.
- ii) Existing vegetation should be preserved where attainable. Areas which are not to be disturbed, including setbacks, sensitive/critical areas and their buffers, trees and drainage courses, shall be marked or flagged on site before construction activities are initiated. These areas should not be harmed when measures under the SWPPP and/or construction activities are undertaken.
- iii) Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Slopes shall be stabilized in accordance with the requirements of this subsection.

**S13. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR  
CONSTRUCTION ACTIVITIES (CONTINUED)**

- iv) Stabilization adequate to prevent erosion of outlets and adjacent stream banks shall be provided at the outlets of all conveyance systems.
- v) All storm drain inlets made operable during construction shall be properly maintained.
- vi) Wherever construction vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment (mud) onto the paved road. If sediment is transported onto a road surface, the roads adjacent to the construction site shall be cleaned on a regular basis. Street washing shall be allowed only after other methods to prevent the transport or removal of the sediments are unsuccessful.

**b. Structural Practices**

In addition to stabilization practices, the Erosion and Sediment Control Plan shall include a description of structural BMPs to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the Federal Clean Water Act. The plan shall ensure that the following requirements are satisfied:

- i) Prior to leaving the site, stormwater runoff shall pass through a sediment pond or sediment trap, or other appropriate BMPs.
- ii) Properties adjacent to the project site shall be protected from sediment deposition.

**S13. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR  
CONSTRUCTION ACTIVITIES (CONTINUED)**

- iii) Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall be constructed as a first step in grading. These BMPs shall be functional before land disturbing activities take place. Earthen structures used for sediment control such as dams, dikes, and diversions shall be stabilized as soon as possible.
- iv) Properties and waterways downstream from the construction site shall be protected from erosion due to increases in volume, velocity, and peak flow of stormwater runoff from the project site.
- v) All temporary erosion and sediment control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal shall be permanently stabilized.

c. Inspection and Maintenance:

All BMPs shall be inspected, maintained, and repaired as needed to assure continued performance of their intended function. All on-site erosion and sediment control measures shall be inspected at least once every seven days and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period.

d. Recordkeeping:

Reports summarizing the scope of inspections, the personnel conducting the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken as a result of these inspections shall be prepared and retained as part of the SWPPP.

e. Format:

The Erosion and Sediment Control Plan shall consist of two parts: a narrative and a set of site plans. The Permittee may refer to Chapter II-4 of the Department's SWMM for guidance on the content and format.

**S13. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR  
CONSTRUCTION ACTIVITIES (CONTINUED)**

2. Control of Pollutants Other Than Sediment on Construction Sites:

All pollutants other than sediment that occur on-site during construction shall be handled and disposed of in a manner that does not cause contamination of stormwater. Chapter II-3 of the SWMM can be referenced for guidance in controlling other potential pollutants.

3. Coordination with Local Requirements:

This permit does not relieve the Permittee of compliance with any more stringent requirements of local government.

Also, as required by the Puget Sound Water Quality Management Plan, local governments within the Puget Sound Basin are to adopt requirements for construction which are at least equivalent to the requirements listed in Chapter I-2 of the Department's SWMM. Where the Department has determined such requirements to be equivalent, compliance with these requirements meets the SWMM requirements of this permit.

4. Construction Stormwater/Dewatering Monitoring

A monitoring plan for stormwater and construction dewatering discharges shall be submitted to the Department for review and approval at least 30 days prior to the start of construction. The monitoring plan may be submitted less than 30 days prior to the start of construction with the approval of the Department. The plan shall be deemed approved if Ecology does not respond to the plan at least 5 days prior to the scheduled date of construction.

**S14. STORMWATER DRAINAGE DETENTION**

All construction actions taken by the Permittee shall provide sufficient detention and/or shall use existing available detention capacity, in accordance with the Stormwater Management Manual for the Puget Sound Basin or its approved equivalent, to prevent an increase in the peak flow rate or flooding frequency of Miller Creek and Des Moines Creek. All detention facilities owned and/or operated by the Permittee shall be inspected, maintained, and repaired as needed to assure continued performance of their intended function.

The Permittee shall submit to the Department within three (3) months of the effective date of this permit an Operations and Maintenance Plan for the Lake Reba Detention Facility.

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**S15. IWS HYDROGEOLOGIC STUDY**

The Permittee shall perform a hydrogeologic study to evaluate the potential for the Industrial Wastewater Facility operations to impact ground water quality. The IWS Hydrogeologic Study shall include an assessment of the current condition of the hydrogeologic environment in the vicinity of the Industrial Waste System Treatment Plant and lagoons. The IWS Hydrogeologic Study shall comply with the requirements contained in the Implementation Guidance for the Ground Water Quality Standards (Ecology Publication #96-02).

The Permittee shall submit a scope of work for the IWS Hydrogeologic Study to the Department for review and approval within 6 months of the effective date of this permit. A report of the study results shall be submitted to the Department no later than June 30, 2000.

## GENERAL CONDITIONS

### G1. SIGNATORY REQUIREMENTS

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

- A. All permit applications shall be signed by either a principal executive officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to the Department, and
  - 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 B.2. must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. - Certification. Any person signing a document under this section shall make the following certification:

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

**G2. RIGHT OF ENTRY**

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;
- B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

**G3. PERMIT ACTIONS**

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

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

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

**G4. REPORTING A CAUSE FOR MODIFICATION**

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a material change in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.



**G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

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

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

**G7. DUTY TO REAPPLY**

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

**G8. PERMIT TRANSFER**

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

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

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

**G9. 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.

**G10. 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.

**G11. TOXIC POLLUTANTS**

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the Department shall institute proceedings to modify or revoke and reissue the permit to conform to the new toxic effluent standard or prohibition.

**G12. OTHER REQUIREMENTS OF 40 CFR**

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

**G13. ADDITIONAL MONITORING**

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

**G14. PAYMENT OF FEES**

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

**G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

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

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