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Effective Date: November 1, 2006
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**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA0037192**

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7775

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.

City of Aberdeen
200 East Market
Aberdeen, WA 98520

Plant Location:

1205 West State Street
Aberdeen WA

Receiving Water:

Grays Harbor Estuary, Mouth of Chehalis River

Water Body I.D. No.:

Old ID No. WA-22-0030
New ID No. 1237062469546

Discharge Location:

Latitude: 46° 57' 57" N
Longitude: 123° 49' 47" W

Plant Type: Conventional Activated Sludge, Chlorine Disinfection and Dechlorination

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

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Southwest Regional Manager
Water Quality Program
Washington State Department of Ecology

TABLE OF CONTENTS

- SUMMARY OF PERMIT REPORT SUBMITTALS 4
- S1. DISCHARGE LIMITATIONS 6
 - A. Effluent Limitations
 - B. Mixing Zone Descriptions
- S2. MONITORING REQUIREMENTS 7
 - A. Monitoring Schedule
 - B. Sampling and Analytical Procedures
 - C. Flow Measurement
 - D. Laboratory Accreditation
- S3. REPORTING AND RECORDING REQUIREMENTS 10
 - A. Reporting
 - B. Records Retention
 - C. Recording of Results
 - D. Additional Monitoring by the Permittee
 - E. Twenty-four Hour Notice of Noncompliance Reporting
 - F. Other Noncompliance Reporting
 - G. Maintaining a Copy of This Permit
 - H. Reporting - Shellfish Protection
- S4. FACILITY LOADING 12
 - A. Design Criteria
 - B. Plans for Maintaining Adequate Capacity
 - C. Duty to Mitigate
 - D. Notification of New or Altered Sources
 - E. Infiltration and Inflow Evaluation
 - F. Waste load Assessment
- S5. OPERATION AND MAINTENANCE 14
 - A. Certified Operator
 - B. O & M Program
 - C. Short-term Reduction
 - D. Electrical Power Failure
 - E. Prevent Connection of Inflow
 - F. Bypass Procedures
 - G. Operations and Maintenance Manual
- S6. PRETREATMENT 17
 - A. General Requirements
 - B. Wastewater Discharge Permit Required
 - C. Identification and Reporting of Existing, New, and Proposed Industrial Users
 - D. Industrial User Survey
 - E. Duty to Enforce Discharge Prohibitions
- S7. RESIDUAL SOLIDS 20

| | | |
|---------------------------|---|----|
| S8. | APPLICATION FOR PERMIT RENEWAL | 20 |
| S9. | ACUTE TOXICITY | 20 |
| | A. Effluent Limit for Acute Toxicity | |
| | B. Monitoring for Compliance With an Effluent Limit for Acute Toxicity | |
| | C. Response to Noncompliance With an Effluent Limit for Acute Toxicity | |
| | D. Sampling and Reporting Requirements | |
| S10. | CHRONIC TOXICITY | 23 |
| | A. Testing Requirements | |
| | B. Sampling and Reporting Requirements | |
| S11. | ADDITIONAL CHEMICAL ANALYSIS OF INFLUENT AND EFFLUENT | 25 |
| | A. General Requirements | |
| | B. Monitoring Requirements | |
| | C. Protocols | |
| | D. Quality Assurance/Quality Control Procedures | |
| S12. | OUTFALL EVALUATION | 26 |
| S13. | ANNUAL AMMONIA PERFORMANCE EVALUATION | 26 |
| GENERAL CONDITIONS | | |
| G1. | SIGNATORY REQUIREMENTS | 27 |
| G2. | RIGHT OF INSPECTION AND ENTRY | 27 |
| G3. | PERMIT ACTIONS | 28 |
| G4. | REPORTING PLANNED CHANGES | 29 |
| G5. | PLAN REVIEW REQUIRED | 29 |
| G6. | COMPLIANCE WITH OTHER LAWS AND STATUTES | 30 |
| G7. | TRANSFER OF THIS PERMIT | 30 |
| G8. | REDUCED PRODUCTION FOR COMPLIANCE | 30 |
| G9. | REMOVED SUBSTANCES | 30 |
| G10. | DUTY TO PROVIDE INFORMATION | 31 |
| G11. | OTHER REQUIREMENTS OF 40 CFR | 31 |
| G12. | ADDITIONAL MONITORING | 31 |
| G13. | PAYMENT OF FEES | 31 |
| G14. | PENALTIES FOR VIOLATING PERMIT CONDITIONS | 31 |
| G15. | UPSET | 31 |
| G16. | PROPERTY RIGHTS | 32 |
| G17. | DUTY TO COMPLY | 32 |
| G18. | TOXIC POLLUTANTS | 32 |
| G19. | PENALTIES FOR TAMPERING | 32 |
| G20. | REPORTING ANTICIPATED NON-COMPLIANCE | 32 |
| G21. | REPORTING OTHER INFORMATION | 32 |
| G22. | COMPLIANCE SCHEDULES | 33 |

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

| Permit Section | Submittal | Frequency | First Submittal Date |
|----------------|--|-----------------|--|
| S3.A. | Discharge Monitoring Report | Monthly | December 15, 2006 |
| S3.E. | Noncompliance Notification | As necessary | |
| S3.H. | Shellfish Protection | As necessary | |
| S4.B. | Plans for Adequate Capacity | 1/permit cycle | February 1, 2008 |
| S4.B. | Plans for Maintaining Adequate Capacity | As necessary | |
| S4.D. | Notification of New or Altered Sources | As necessary | |
| S4.E. | Infiltration and Inflow Evaluation | Annually | March 15, 2007 |
| S4.F. | Wasteload Assessment | Annually | March 15, 2007 |
| S5.F. | Reporting Anticipated Bypass | As necessary | |
| S5.G. | Operation & Maintenance Manual Update/ Confirmation Letter | Annually | June 15, 2007 |
| S6.C. | Identification & Reporting of Existing, New, or Proposed Industrial Users | As necessary | |
| S6.D. | Complete Industrial User Survey | 1/five years | February 15, 2008 |
| S6.D. | Update to Industrial User Survey | Annually | February 15, 2009 |
| S7.B. | Residual Solids Management Plan | 1/five years | June 15, 2010 |
| S8. | Application for permit renewal | 1/five years | December 15, 2010 |
| S9.B. | Acute Toxicity Compliance Monitoring | 2/year* Testing | July 15, 2008 January 15, 2009 |
| S9.C. | Acute Toxicity Compliance Monitoring Reports | 2/year* Reports | September 15, 2008 March 15, 2009 |
| S9.D. | Acute Toxicity: "Causes and Preventative Measures for Transient Events." | As necessary | |
| S9.D. | Acute Toxicity TI/TRE Plan | As necessary | |
| S10.A. | Chronic Toxicity Testing | 2/permit cycle | January 15, 2010 July 15, 2010 (Submit Results With Renewal Application – December 15, 2010) |

| Permit Section | Submittal | Frequency | First Submittal Date |
|----------------|--|--|---|
| S11.A | Chemical Analysis of Influent and Effluent (Sampling & Reporting of Priority Pollutant Scan) | (<i>Sample Before</i>) January 15, 2007 July 15, 2008 January 15, 2009 July 15, 2010 | (<i>Report By</i>) March 1, 2007 September 1, 2008 March 1, 2009 September 1, 2010 (Resubmit Results With Renewal Application – December 15, 2010) |
| S11.A. | Additional Chemical Analysis of Influent and Effluent | Quarterly (In the Year 2010 only) | Submit Results With Renewal Application – December 15, 2010 |
| S12. | Outfall Evaluation | 1/permit cycle | November 15, 2009 |
| S13. | Ammonia Performance Evaluation | Annually | April 15, 2008 |
| G1. | Notice of Change in Authorization | As necessary | |
| G4. | Reporting Planned Changes | As necessary | |
| G5. | Engineering Report for Construction or Modification Activities | As necessary | |
| G20. | Reporting Anticipated Non-compliance | As necessary | |
| G21. | Reporting Other Information | As necessary | |

*Biannual of 2/year Testing is due to be completed by: January 15, and July 15. Biannual Reports are due 60 days after testing: March 15, and September 15.

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Effluent Limitations

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

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

| EFFLUENT LIMITATIONS^a: OUTFALL # 001 | | |
|--|---|----------------------------------|
| Parameter | Average Monthly | Average Weekly |
| Biochemical Oxygen Demand (5 day) | 30 mg/L, 977 lbs/day 85% removal of influent BOD | 45 mg/L, 1465 lbs/day |
| Total Suspended Solids | 30 mg/L, 1073 lbs/day 85% removal of influent TSS | 45 mg/L, 1609 lbs/day |
| Fecal Coliform Bacteria | 200 org/100 ml | 400 org/100 ml |
| pH ^b | Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9. | |
| Parameter | Average Monthly | Maximum Daily^d |
| Total Residual Chlorine ^c | 0.08 mg/L | 0.17 mg/L |
| Total Ammonia (as NH ₃ -N) | The Permittee must operate the facility to minimize the Ammonia-N discharge | |
| Acute Whole Effluent Toxicity (WET) ^e | No acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC). | |
| ^a The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean. | | |
| ^b Indicates the range of permitted values. The instantaneous maximum and minimum pH shall be reported monthly. | | |
| ^c This effluent limit applies whenever chlorine is used in the facility. If no chlorine is used during the monitoring period enter “no discharge of chlorine” on the DMR for the period. | | |
| ^d The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day. | | |
| ^e Whole Effluent Toxicity testing and compliance requirements are described in sections S.9 and S.10 of this permit. | | |

B. Mixing Zone Descriptions

The maximum boundaries of the mixing zones are defined as follows:

The Chronic mixing zone boundary extends a distance of 218 feet outward in a horizontal direction from the discharge diffuser and extends vertically from the bottom to the surface. Chronic aquatic life criteria and human health criteria must be met at the edge of the chronic zone.

The zone of acute criteria exceedances extends a distance of 21.8 feet outward in a horizontal direction from the discharge diffuser ports and extends vertically from the bottom to the surface. Acute aquatic life criteria must be met at the edge of the acute zone.

The dilution ratios allowed at the edge of the acute and chronic mixing zones defined above are:

| | Acute dilution | Chronic dilution |
|------------------------------|----------------|------------------|
| Aquatic Life, Winter | 13 | 17 |
| Aquatic Life, Summer | 21 | 32 |
| Human Health, Carcinogen | | 123 |
| Human Health, Non-Carcinogen | | 42 |

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

The Permittee shall monitor in accordance with the following schedule:

| Category | Parameter | Units | Sample Point | Minimum Sampling Frequency | Sample Type |
|---------------------|------------------|-----------------|---------------------------|----------------------------|-------------------|
| Wastewater Influent | Flow | MGD | Influent Wet Well Pump | Continuous ^a | On-Line Recording |
| Wastewater Influent | BOD ₅ | mg/L lbs/day | Prior to Influent Manhole | 5/week | 24-hour composite |
| Wastewater Influent | TSS | mg/L lbs/day | Prior to Influent Manhole | 5/week | 24-hour composite |
| Wastewater Influent | Ammonia as N | mg/L | Prior to Influent Manhole | 2/week | 24-hour composite |
| | | | | | |
| Wastewater Effluent | Flow | MGD | Parshall flumes | Continuous ^a | On-Line Recording |

| Category | Parameter | Units | Sample Point | Minimum Sampling Frequency | Sample Type |
|--------------------------|---|----------------|----------------------------|--|-------------------|
| Wastewater Effluent | BOD ₅ | mg/L | Final Effluent | 5/week | 24-hour composite |
| | | lbs/day | Final Effluent | 5/week | 24-hour composite |
| | | % removal | Final Effluent | 5/week | Calculation |
| Wastewater Effluent | TSS | mg/L | Final Effluent | 5/week | 24-hour composite |
| | | lbs/day | Final Effluent | 5/week | 24-hour composite |
| | | % removal | Final Effluent | 5/week | Calculation |
| Wastewater Effluent | pH | Standard Units | Final Effluent | Continuous (report daily MIN & MAX) | On-line Recording |
| Wastewater Effluent | Temperature ^b | °C | Final Effluent | Daily | Grab or On-line |
| Wastewater Effluent | Total Residual Chlorine ^c | mg/L | Final Effluent | Daily | Grab |
| Wastewater Effluent | Fecal Coliform | Org./100 ml | Final Effluent | Daily | Grab |
| Wastewater Effluent | Ammonia as N | mg/L | Final Effluent | 2/week | 24-hour composite |
| Acute Toxicity Testing | Test two species. (See sections S9.A-C and E) | NA | Just Prior to chlorination | 2/year ^d (Summer and Winter starting in 2008) | Grab |
| Chronic Toxicity Testing | Test three species (See sections S10 A-C and E) | NA | Just Prior to chlorination | 2/permit ^e (Summer and Winter in 2010) | Grab |

| Category | Parameter | Units | Sample Point | Minimum Sampling Frequency | Sample Type |
|--|--|-----------------------|--------------------|---|---|
| Chemical Analysis of Influent and Effluent (Priority Pollutant Scan) | Metals ^f , cyanide and phenols; Volatile Organic Compounds; Acid-extractable compounds; and Base-neutral compounds (Table II of 40 CFR, Part 122, Appendix J) | Report as appropriate | Influent, Effluent | 1/year ^g | Grab |
| Additional Chemical Analysis of Influent and Effluent | Dissolved Oxygen, Nitrate, Nitrite, Total Kjeldahl Nitrogen, Oil & Grease, Phosphorus, and Total Dissolved Solids (Table 1 of 40 CFR Part 122, Appendix J) | Report as appropriate | Influent, Effluent | Quarterly ^h in last year, submit with permit renewal | Grab or 24-hour composite (as required by sampling procedures) ⁱ |

^a Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken twice per day when continuous monitoring is not possible.

^b When sampling temperature with a grab, sampling must occur when the effluent is at or near its daily maximum temperature which will usually be in the late afternoon. If temperature is measured continuously, a daily maximum must be determined and reported from half-hour measurements in a 24-hour period.

^c Sample chlorine residual after dechlorination.

^d Test by January 15th and July 15th each year.

^e Test by January 15, 2010 and July 15, 2010.

^f The Method Detection Level (MDL) for copper is 1.0 µg/L using graphite furnace atomic absorption or inductively coupled plasma-mass spectrometry (ICP-MS) and Method number 220.2 or 200.8 from 40 CFR Part 136. The Quantitation Level (QL) for copper is 5 µg/L (5 x MDL). Copper should be sampled using clean sampling techniques specified and adopted from Method 1669 for copper analysis and sampling.

^g Testing shall be done each year alternating from January 15th to July 15th each year. Starting on January 15, 2007; and then the following year will be July 15, 2008.

^h Quarterly is defined as: February 15, May 15, August 15, and November 15, 2010.

ⁱ The nitrogen compounds, phosphorus, and total dissolved solids should be 24-hour composite.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including

representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 Code of Federal Regulations (CFR) Part 136.

C. Flow Measurement

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

D. Laboratory Accreditation

All monitoring data required by the Department of Ecology (Department) shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 Washington Administrative Code (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. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDING REQUIREMENTS

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

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be postmarked or received by the Department no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Unless otherwise specified, priority pollutant analysis data shall be submitted no later than 45 days following the monitoring period. Unless otherwise specified, all toxicity test data shall be submitted within 60 days after the sample date. The reports shall be sent to the Department of Ecology, P.O. Box 47775, Olympia, Washington 98504-7775

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name,

CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected. Analytical results from samples sent to a contract laboratory must have information on the chain of custody, the analytical method, QA/QC results, and documentation of accreditation for the parameter.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of 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 Department.

C. Recording of Results

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

D. Additional Monitoring by the Permittee

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

E. Twenty-four Hour Notice of Noncompliance Reporting

1. The Permittee must report the following occurrences of noncompliance by telephone, to the Department at (360) 407-6300, within 24 hours from the time the Permittee becomes aware of the circumstances:
 - a. any noncompliance upset or bypass that may endanger health or the environment;
 - b. any unanticipated bypass that may exceed any effluent limitation in the permit (See Part S5.F., "Bypass Procedures");
 - c. any upset that may cause an exceedance of any effluent limitation in the permit (See G.15, "Upset");
 - d. any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in S1.A.; or

- e. any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.
2. The Permittee must also provide a written report within five days of the time that the Permittee becomes aware of any event required to be reported under subpart 1, above. The written report must contain:
- a. a description of the noncompliance upset or bypass and its cause;
 - b. the period of noncompliance, including exact dates and times;
 - c. the estimated time noncompliance upset or bypass is expected to continue if it has not been corrected;
 - d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance upset or bypass; and
 - e. if the non compliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

F. Other Noncompliance Reporting

The Permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for S3.A (Reporting) are submitted. The reports must contain the information listed in paragraph E2 above. Reporting per these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

G. Maintaining a Copy of This Permit

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

H. Reporting - Shellfish Protection

Unauthorized discharges such as collection system overflows, plant bypasses, failure of the disinfection system, or any single effluent fecal coliform sample which exceeds 20,000 org/100 ml shall be reported immediately to the Department of Ecology and the Department of Health, Shellfish Program. The Department of Ecology's Southwest Regional Office 24-hour number is (360) 407-6300, and the Department of Health's Shellfish 24-hour number is (360) 236-3330.

S4. FACILITY LOADING

A. Design Criteria

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

| | |
|-------------------------------------|----------|
| Average flow for the maximum month: | 8.75 mgd |
| Peak hourly flow: | 13 mgd |

BOD₅ loading for maximum month: 6510 lbs/day
TSS loading for maximum month: 7150 lbs/day

B. Plans for Maintaining Adequate Capacity

The loadings to the treatment plant have exceeded the design criteria, therefore, the Permittee shall submit to the Department a plan and a schedule for continuing to maintain treatment capacity by **February 1, 2008**.

The plan shall update the 2000 Facility Plan and shall contain a schedule for continuing to maintain capacity. The capacity as outlined in this plan must be sufficient to achieve the effluent limitations and other conditions of this permit. This plan shall address any of the following actions or any others necessary to meet the objective of maintaining capacity.

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

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

C. Duty to Mitigate

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

D. Notification of New or Altered Sources

The Permittee shall submit written notice to the Department whenever any new discharge or a substantial change in volume or character of an existing discharge into the Publicly Owned Treatment Works (POTW) is proposed which: (1) would interfere with the

operation of, or exceed the design capacity of, any portion of the POTW; (2) is not part of an approved general sewer plan or approved plans and specifications; or (3) would be subject to pretreatment standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act. This notice shall include an evaluation of the POTW's ability to adequately transport and treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the POTW, and the anticipated impact on the Permittee's effluent [40 CFR 122.42(b)].

E. Infiltration and Inflow Evaluation

1. The Permittee shall conduct an infiltration and inflow evaluation. Refer to the U.S. EPA publication, *II Analysis and Project Certification*, available as Publication No. 97-03 at: Publications Office, Department of Ecology, P.O. Box 47600, Olympia, Washington 98504-7600. Plant monitoring records may be used to assess measurable infiltration and inflow.
2. A report shall be prepared which summarizes any measurable infiltration and inflow. The first report is due to the Department by **March 15, 2007**, and **annually** thereafter. If infiltration and inflow have increased by more than 15 percent from that found in the previous report based on equivalent rainfall, the report shall contain a plan and a schedule for: (1) locating the sources of infiltration and inflow; and (2) correcting the problem.
3. Any infiltration or inflow identified in segments of the collection system which are under or adjacent to surface water (within 50 feet) shall be further characterized for the existence of exfiltration.

F. Wasteload Assessment

The Permittee shall conduct an annual assessment of their flow and waste load and submit a report to the Department by **March 15, 2007**, and **annually** thereafter. The report shall contain the following: an indication of compliance or noncompliance with the permit effluent limitations; a comparison between the existing and design monthly average dry weather and wet weather flows, peak flows, BOD, and total suspended solids loadings; and the percentage increase in these parameters since the last annual report. The report shall also state the present and design population or population equivalent, projected population growth rate, and the estimated date upon which the design capacity is projected to be reached, according to the most restrictive of the parameters above. The interval for review and reporting may be modified if the Department determines that a different frequency is sufficient.

S5. OPERATION AND MAINTENANCE

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

A. Certified Operator

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

B. Operation & Maintenance (O&M) Program

The Permittee shall institute an adequate operation and maintenance program for the entire sewage system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the sewage system and pumping stations. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

C. Short-term Reduction

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

D. Electrical Power Failure

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

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

E. Prevent Connection of Inflow

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

F. Bypass Procedures

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

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

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

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

This bypass is permitted only if:

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

3. Bypass which is anticipated and has the potential to result in noncompliance of this permit.

The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with State Environmental Policy Act (SEPA); (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be

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

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

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

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, 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 Revised Code of Washington (RCW) 90.48.120.

G. Operations and Maintenance (O&M) Manual

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

The O&M Manual shall be reviewed by the Permittee at least **annually** and the Permittee shall confirm this review by letter and submit it to the Department by **June 15, 2007**, and **annually** thereafter. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual.

S6. PRETREATMENT

A. General Requirements

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

B. Wastewater Discharge Permit Required

The Permittee shall not allow significant industrial users (SIUs) to discharge wastewater to the Permittee's sewerage system until such user has received a wastewater discharge

permit from the Department in accordance with Chapter 90.48 RCW and Chapter 173-216 WAC, as amended.

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

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

D. Industrial User Survey

1. The Permittee shall perform an Industrial User Survey and submit the results of this survey including a table of all Significant Industrial Users (SIUs) and of all Potential SIUs (PSIUs) discharging to the POTW. The survey shall be submitted to the Department by **February 15, 2008**, and **every five years** thereafter. At a minimum, the list of SIUs and PSIUs shall be developed by means of a telephone book search, a water utility billing records search, and a physical reconnaissance of the service area. The Permittee shall collect and maintain signed survey forms for all SIU's and PSIU's and report the following information on each SIU or PSIU to the Department: the business name, telephone number, address, description of the industrial process(es), and the known wastewater volumes and characteristics. For assistance with the development of the Industrial User Survey, the Permittee may refer to the Department's guidance document entitled "Performing an Industrial User Survey." The Permittee shall **annually update** this survey based on information gained over the prior calendar year from ongoing review processes (e.g. plan reviews, review of water billing records, business license and permit applications, etc.) and summarize the results of survey forms which it shall require of industries and commercial operations discharging nondomestic wastewater that started business or significantly changed processes during the previous calendar year. The update shall show the deletions and additions to the prior year's list and include completed survey forms for all industries which the Permittee considered SIU's. The update shall be submitted to the Department by **February 15, 2009**, and **annually** thereafter.
2. The updated survey shall include a list of all new industrial users, as well as existing industrial users which are known or discovered to have significantly altered processes or disposal practices since submittal of the last survey or survey update. For industrial users for which there are potentially significant non-

domestic discharges, the minimum information described in section D.1 above for PSIUs shall be obtained and included in the report.

E. Duty to Enforce Discharge Prohibitions

1. In accordance with 40 CFR 403.5(a), the Permittee shall not authorize or knowingly allow the discharge of any pollutants into its POTW which cause pass through or interference, or which otherwise violates general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.
2. The Permittee shall not authorize or knowingly allow the introduction of any of the following into their treatment works:
 - a. Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21).
 - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.
 - c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.
 - d. Any pollutant, including oxygen demanding pollutants, (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
 - e. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.
 - f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.
 - g. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40°C (104°F) unless the Department, upon request of the Permittee, approves, in writing, alternate temperature limits.
 - h. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.
 - i. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).

3. All of the following are prohibited from discharge to the POTW unless approved in writing by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or the need to augment sewage flows due to septic conditions):
 - a. Noncontact cooling water in significant volumes.
 - b. Stormwater, and other direct inflow sources.
 - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.
4. The Permittee shall notify the Department if any industrial user violates the prohibitions listed in this section.

S7. RESIDUAL SOLIDS

Residual solids include screenings, grit, scum, primary sludge, waste activated sludge, and other solid waste. The Permittee shall store and handle all residual solids in such a manner so as to prevent their entry into state ground or surface waters. The Permittee shall not discharge leachate from residual solids to state surface or ground waters. A Residual Solids Management Plan is due once each five years of the Permit by **June 15, 2010**.

S8. APPLICATION FOR PERMIT RENEWAL

The Permittee shall submit an application for renewal of this permit by **December 15, 2010**.

S9. ACUTE TOXICITY

A. Effluent Limit for Acute Toxicity

The Permittee will have an acute Whole Effluent Toxicity (WET) limit that will take effect on **June 1, 2007**.

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 is authorized in Section S.2.B of this permit. The ACEC equals 7.7 percent effluent.

In the event of failure to pass the test described in subsection B. 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 C. are being met to the satisfaction of the Department.

B. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

The Permittee shall conduct monitoring to determine compliance with the effluent limit for acute toxicity. The acute toxicity tests shall be performed using at a minimum 100 percent effluent, the ACEC, and a control. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this Section.

Compliance monitoring must be conducted **twice each year** with the first monitoring to be completed by **July 15, 2008**, and the second monitoring to be completed by **January 15, 2009**. Subsequent monitoring must be completed each year by these dates. Reporting dates are shown in Part C below. The Permittee must use each of the species and protocols listed below on a rotating basis:

1. Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA-821-R-02-012).
2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA-821-R-02-012). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

The Permittee is in violation of the effluent limit for acute toxicity following any acute toxicity testing if:

There is a statistically significant difference in survival between the control and the ACEC when conducting the hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/009).

If a violation of this above limit condition is found, the Permittee must immediately implement subsection C. If, however, the survival between the control and the ACEC is less than 10 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

C. Response to Noncompliance With an Effluent Limit for Acute Toxicity

The Permittee must **report the results** of the acute toxicity compliance monitoring **twice each year** following the monitoring with the first report due by **September 15, 2008**. The second report following the second monitoring period will be due by **March 15, 2009**. Subsequent reporting is due **each year** by these dates. If a toxicity test conducted for compliance monitoring under subsection B. determines a statistically significant difference in response between the ACEC 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 weekly for four consecutive weeks 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 ACEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for acute toxicity as described in subsection B. The discharger shall return to the original monitoring frequency in subsection B. 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.

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 the sample date. 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).

D. 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 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 0 - 6 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. Final effluent samples for whole effluent toxicity testing shall be chemically dechlorinated with sodium thiosulfate just prior to test initiation. No more sodium thiosulfate shall be added than is necessary to neutralize the chlorine.
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.
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 percent 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. CHRONIC TOXICITY

A. Testing Requirements

The Permittee shall test final effluent once in the last winter by **January 15, 2010**, and once in the last summer by **July 15, 2010**. Results are to be submitted with the application for permit renewal. All of the chronic toxicity tests listed below shall be conducted on each sample. The results of this chronic toxicity testing shall be submitted to the Department as a part of the permit renewal application process.

The Permittee shall conduct chronic toxicity testing on a series of at least five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. This series of dilutions shall include the acute critical effluent concentration (ACEC). The ACEC equals 7.7 percent effluent. The Permittee shall 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.

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

| Saltwater Chronic Test | Species | Method |
|---|---------------------------------------|------------------|
| Topsmelt survival and growth | <i>Atherinops affinis</i> | EPA/600/R-95/136 |
| Mysid shrimp survival and growth | <i>Mysidopsis bahia</i> | EPA-821-R-02-014 |
| Oyster/ Mussel Survival and development | <i>Crassostrea gigas/ Mytilus sp.</i> | EPA/600/R-95/136 |

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. The laboratory shall use whichever one of the two species that will give a valid result in each particular test.

B. 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 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 0 - 6 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. Effluent samples for whole effluent toxicity testing shall be collected just prior to the chlorination step in the treatment process.

7. The Permittee may choose to conduct a full dilution series test 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. The ACEC and CCEC may either substitute for the effluent concentration that is closest to it in the dilution series or be an extra effluent concentration.
8. All whole effluent toxicity tests that involve hypothesis testing and do not comply with the chronic statistical power standard of 39 percent 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. ADDITIONAL CHEMICAL ANALYSIS OF INFLUENT AND EFFLUENT

A. General Requirements

The Permittee is required to gather priority pollutants as shown below. The Permittee shall conduct chemical analyses of influent and effluent samples collected from the wastewater treatment system in accordance with protocols, monitoring requirements, and QA/QC procedures specified in this section.

The **annual** sampling for priority pollutants shall be completed by the following dates: **January 15, 2007; July 15, 2008; January 15, 2009; and July 15, 2010**. The actual sampling date must coincide with the acute and chronic sampling day listed in S9 and S10 if acute and chronic toxicity sampling is required. If acute or chronic toxicity sampling is not required then continue to complete sampling by these dates.

The **annual** sampling priority pollutant shall be reported to the Department by **March 1, 2007; September 1, 2008; March 1, 2009; and September 1, 2010**. These reports must be resubmitted with the permit application.

The following pollutants shall be sampled in the influent and effluent quarterly in the last year of the permit: Dissolved Oxygen, Nitrate, Nitrite, TKN, Oil & Grease, Phosphorus-P, and Total Dissolved Solids. This quarterly sampling must occur by **February 15, 2010; May 15, 2010; August 15, 2010; and November 15, 2010**. The results shall be reported and submitted with the permit renewal application which is due **December 15, 2010**.

The priority pollutant testing is described in the application form (EPA form 3510-2A) in part D. The testing is also outlined in section S2 of this permit. For the annual priority pollutant sampling test for Metals, cyanide and phenols, volatile organic compounds, acid extractable compounds, and base neutral compounds as shown in the Code of Federal Regulations (40 CFR) part 122, appendix J, table 2. These substances must be tested in the **influent and effluent**, with a 24-hour composite sample.

B. Monitoring Requirements

1. The following samples shall be collected for analyses: 1) two samples of influent to wastewater treatment, with sampling times at least one week apart; and 2) two samples of effluent from wastewater treatment, collected at such times that results, in conjunction with influent analyses results, may be used to estimate constituent removal efficiencies across the treatment system.
2. Each sample of the influent and effluent shall be representative composite consisting of continuous sampling or six grab samples equally spaced over a 24-hour period.

C. Protocols

Sample analysis shall be conducted in accordance with 40 CFR Part 136. When sampling priority pollutant metals, the method used for copper must follow method number 220.2 or 200.8 under Part 136. The method detection level for copper is 1.0 µg/L and the quantitation level is 5 µg/L. Copper should be sampled using clean sampling techniques specified and adopted from Method 1669 for copper analysis and sampling.

D. Quality Assurance/Quality Control Procedures

The Permittee shall follow the quality assurance procedures of 40 CFR Part 136.

S12. OUTFALL EVALUATION

The Permittee shall inspect the submerged portion of the outfall line and diffuser to document its integrity and continued function. If conditions allow for a photographic verification, it shall be included in the report. By **November 15, 2009**, the inspection report shall be submitted to the Department.

S13. ANNUAL AMMONIA PERFORMANCE EVALUATION

The Permittee must submit a report to the Department on its progress in reducing ammonia in the effluent. The first report is due **April 15, 2008**, and **annually** thereafter. The report must include:

- A description of annual efforts and progress in reducing ammonia,
- A compilation of influent and effluent ammonia data, and
- A chart of ammonia values over the last two years where data is available and compare the most recent year to the previous year.

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 or a ranking elected official.
- 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.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the 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 INSPECTION AND 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 and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

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

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
 - 4. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 5. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
 - 1. A material change in the condition of the waters of the state.
 - 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 5. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 6. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
 7. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 8. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

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 shall be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by the Department. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G7. TRANSFER OF THIS PERMIT

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

A. Transfers by Modification

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

B. Automatic Transfers

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

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with 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.

G9. REMOVED SUBSTANCES

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

G10. DUTY TO PROVIDE INFORMATION

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

G11. OTHER REQUIREMENTS OF 40 CFR

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

G12. ADDITIONAL MONITORING

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

G13. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G14. 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 \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

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

G15. UPSET

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

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

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as

required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

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

G16. PROPERTY RIGHTS

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

G17. DUTY TO COMPLY

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

G18. TOXIC POLLUTANTS

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

G19. PENALTIES FOR TAMPERING

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

G20. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions.

Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G21. REPORTING OTHER INFORMATION

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

G22. COMPLIANCE SCHEDULES

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