

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
 WASTE DISCHARGE PERMIT NO. WA-002928-9

State of Washington
 DEPARTMENT OF ECOLOGY
 Northwest Regional Office
 3190 160th Avenue SE
 Bellevue, Washington 98008-5452

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 BREMERTON
 345 – 6th Street, Suite 600
 Bremerton, Washington 98337

Plant Name	West Plant	East Plant
Plant Address	1600 Oyster Bay Road, Bremerton, WA 98312	2475 Stephenson Avenue, Bremerton, WA 98310
Receiving Water	Sinclair Inlet, Puget Sound	Port Washington Narrows, Puget Sound
Waterbody I.D. No.	1224026474620	1224026474620
Plant Type	Activated Sludge, Secondary Treatment Plant	High Rate Clarification, Combined Sewer Overflow Treatment Plant
Discharge Location		
Latitude	47° 32' 59" N	47° 34' 57" N
Longitude	122° 40' 11" W	122° 37' 45" W

is authorized to discharge in accordance with the Special and General Conditions that follow.

Kevin C. Fitzpatrick
 Water Quality Section Manager
 Northwest Regional Office
 Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

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

Permit Section	Submittal and Monitoring	Frequency	First Submittal or Testing Date
S2.A.1.(3)	Priority Pollutants	3/permit cycle – January 2008, July 2009, and October 2010	Submittal in Part D of the next permit renewal application
S2.A.1.(5)	Conventional Pollutants	3/permit cycle	Submittal in Part B.6 of the next permit renewal application
S3.A.	Discharge Monitoring Reports (DMRs) for Both Plants	Monthly	
S3.A.	Yearly Averages of TSS Removal Efficiency and Effluent Settleable Solids for the East Plant	1/Year – By March 1 st of each year	First submittal by March 1, 2008
S3.E.	Noncompliance Notification	As necessary	
S3.F.	Shellfish Protection	As necessary	
S4.B.	Plans for Maintaining Adequate Capacity	As necessary	
S4.D.	Notification of New or Altered Sources	As necessary	
S8.B.	Acute Toxicity Compliance Monitoring	4/year – January, April, July, and October, of each year	First testing in January 2007
S8.B.	Acute Toxicity Compliance Monitoring Reports	4/year – March 31, June 30, September 30, and December 31, of each year	First testing in January 2007 First report submittal by March 31, 2007
S8.C.	Acute Toxicity TI/TRE Plan	As necessary	
S9.A.	Chronic Toxicity Characterization Monitoring	2/permit cycle – January 2010 and July 2010	First testing in January 2010
S9.B.9.	Chronic Toxicity Characterization Data Reports	2/permit cycle – March 31, 2010, and September 30, 2010	First report submittal by March 31, 2010
S9.B.9.	Chronic Toxicity Tests Characterization Summary Report	1/permit cycle	Submittal with the next permit renewal application
S10.B.	Combined Sewer Overflow Report (Annual CSO Report)	1/year – by May 31 st of each year	First submittal by May 31, 2007
S10.C.	Combined Sewer Overflow (CSO) Reduction Plan Amendment	1/permit cycle	Submittal with the next permit renewal application
S10.G.	Average number of overflow events per year (during the permit term) from CSO Outfalls OF 13 and OF 17	1/permit cycle	To be included in the Combined Sewer Overflow Reduction Plan Amendment to be submitted with the next permit renewal application

Permit Section	Submittal and Monitoring	Frequency	First Submittal or Testing Date
S11.	Notification of bypassing during wet weather, at the West Plant	As needed; to be reported with monthly DMR	
S12.	Outfall Evaluation	1/permit cycle	Submittal with the next permit renewal application
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal [results of monitoring required in Conditions S2.A.1 (3) and S2.A.1 (5) to be reported in the application].	1/permit cycle	March 28, 2011
G21.	Notice of Planned Changes	As necessary	
G22.	Reporting Anticipated Noncompliance	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Effluent Limitations – West Plant

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 # 1		
Parameter	Average Monthly	Average Weekly
Biochemical Oxygen Demand ^b (5-day) (BOD ₅)	30 mg/L, 2527 lb/day	45 mg/L, 3790 lb/day
Total Suspended Solids ^b (TSS)	30 mg/L, 2527 lb/day	45 mg/L, 3790 lb/day
Fecal Coliform Bacteria	200/100 mL	400/100 mL
pH	Daily minimum is equal to or greater than 6.0 and the daily maximum is less than or equal to 9.0.	
Acute Toxicity	No acute toxicity detected in a Whole Effluent Toxicity (WET) test concentration representing the acute critical effluent concentration (ACEC). The ACEC is 5% effluent.	
Parameter	Average Monthly	Maximum Daily
Total Residual Chlorine ^c	0.1 mg/L	0.3 mg/L
^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 During May through September, the average monthly effluent concentration for BOD ₅ and TSS shall not exceed 30 mg/L or 15 percent of the respective monthly average influent concentrations (mg/L), whichever is more stringent. During wet weather months, October through April, inclusively, when the plant flows are influenced by combined sewage, the average monthly effluent concentration for BOD ₅ and TSS shall not exceed 30 mg/L or 35 percent of the respective monthly average influent concentrations (mg/L), whichever is more stringent.		
^c The maximum daily value for Total Residual Chlorine is the maximum of the daily values during a calendar month. The daily value is defined as the arithmetic mean of the sample measurements taken during a calendar day. The average monthly value for Total Residual Chlorine is the arithmetic mean of the daily values during a calendar month.		

B. Effluent Limitations – East Plant

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 treated combined sewer overflows at the permitted location subject to the following limitations. Discharges from this outfall are prohibited except as a result of a precipitation event. CSO discharges that negatively impact the beneficial uses of the receiving water, as identified under applicable water quality standards, are not authorized.

EFFLUENT LIMITATIONS: OUTFALL # 2	
Parameter	Yearly Average^a
Total Suspended Solids (TSS) Removal Efficiency ^b	50%
Settleable Solids	0.3 ml/l/hr.
Parameter	Monthly Average
Fecal Coliform Bacteria	400/100 mL (geometric mean)
^a The yearly average shall be based on a calendar year and calculated using per-discharge event data points. A discharge event is defined as the combined discharge(s) from the treatment plant that are separated by less than 24 hours. The yearly averages of TSS removal efficiency and effluent settleable solids shall be reported to the Department by March 1 of the following year.	
^b The TSS removal efficiency shall be calculated on a mass balance basis as the percent of solids removed at the Plant.	

C. Mixing Zone Descriptions and Dilution Ratios

The maximum boundaries of the mixing zones and dilution achieved at the edge of each zone are as follows:

Treatment Plant Outfall	Chronic Mixing Zone Boundary	Acute Mixing Zone Boundary	Chronic Dilution Ratio	Acute Dilution Ratio
West Plant	229 feet ^a	23 feet ^a	120:1	20:1
East plant	224 feet ^a	23 feet ^a	467:1	51:1

^a Horizontal distance from the discharge ports to the edge of the mixing zone boundary.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

1. West Plant – Outfall 001

Parameter	Sample Point	Minimum Sampling Frequency	Sample Type
(1) Compliance			
Flow	Primary Influent ^a	Continuous ^b	Measurement
pH	Final Effluent	Daily	Grab
BOD ₅	Plant Influent Final Effluent	3/week 3/week	24-hr composite 24-hr composite
TSS	Plant Influent Final Effluent	3/week 3/week	24-hr composite 24-hr composite
Total Residual Chlorine	Final Effluent (after dechlorination)	Daily	Grab
Fecal Coliform Bacteria ^c	Final Effluent (sampled concurrently with total residual chlorine)	5/week	Grab
(2) Toxics			
Total Ammonia (as NH ₃ -N) ^c	Final Effluent	1/month	24-hr composite ^c
Metals (Total Recoverable) ^c Cadmium Chromium Copper Lead Mercury ^d Nickel Zinc	Plant Influent Final Effluent	2/year beginning 2007 (at least 6 months apart each year, when possible)	24-hr composite ^c
Cyanide (weak acid dissociable) ^e	Plant Influent Final Effluent	2/year beginning 2007 (at least 6 months apart each year, when possible)	Grab
(3) Priority Pollutants Listed in Part D of the NPDES Permit Application – Form 3510-2A^f			
(a) Metals (Total Recoverable) ^d (b) Cyanide (weak acid dissociable) ^e (c) Total Phenolic Compounds (d) Hardness (as CaCO ₃) (e) Volatile Organic Compounds (f) Acid-extractable Compounds (g) Base-neutral Compounds	Final Effluent	3/permit term – January 2008, July 2009, and October 2010	Grab
(4) Whole Effluent Toxicity (WET) Testing			
Acute Toxicity ^g	Final Effluent (prior to chlorination)	Beginning January 2007; 4/year during the months of January, April, July, and October	Grab

Parameter	Sample Point	Minimum Sampling Frequency	Sample Type
Chronic Toxicity ^h	Final Effluent (prior to chlorination)	2/year in 2010 - January 2010, & July 2010	Grab
(5) Conventional Pollutants listed in Part B6 of the NPDES Permit Application – Form 3510-2Aⁱ			
(a) Dissolved Oxygen (b) Total Kjeldahl Nitrogen(TKN) Or Total Nitrogen ^j (c) Oil and Grease (d) Total Phosphorus (e) Total Dissolved Solids (TDS)	Final Effluent	3/permit term	Grab
(6) Conventional Pollutants for TMDL Study			
(a) NO ₃ -N + NO ₂ -N (b) Total Kjeldahl Nitrogen(TKN) Or Total Nitrogen ^j	Final Effluent	1/week for three years (2007, 2008, and 2009) during the months of July, August, September, and October	24-hr composite

- ^a Since the flow measuring devices for primary clarifiers influent can record much higher flows, the primary influent flow shall be recorded and reported as treatment plant flows.
- ^b Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance.
- ^c Monitoring during Wet Weather Operations (see Condition S11. of this permit) - If the treatment plant operates in wet weather operation mode in any given year, and if it occurs during the time period when the treatment plant is staffed, the Permittee shall collect at least one sample during that year, of the final (blended) effluent and analyze for metals, ammonia, and fecal coliform. Manual or automatic composite (24 hours or less, depending on the bypass duration) samples of the blended effluent for metals and ammonia analysis shall be collected when the plant is staffed.
- ^d The analytical method for mercury shall be in accordance with EPA Method Number 1631, Revision E (Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry) from 40 CFR Part 136. The method detection level (MDL) for mercury using this test method is 0.2 ng/L. The quantitation level (QL) for mercury using this test method is 0.5 ng/L.
- ^e The analytical method for "weak acid dissociable cyanide" shall be in accordance with 4500-CN⁻ I, Standard Methods for the Examination of Water and Wastewater, 20th Edition, and as revised.
- ^f Final effluent shall be tested for pollutants listed in Part D, *Expanded Effluent Testing Data*, of EPA Form 3510-2A, *NPDES Application*. These pollutants are also listed in Appendix G of the fact sheet for this permit. The analysis results shall be reported in Part D of the next NPDES permit application. Metals testing conducted under part (2)

- of this table can be substituted for metals testing to be conducted under part (3) of this table, and vice versa, even though the sample types are different under these parts.
- g Testing and reporting requirements for the acute WET tests are specified in Condition S8, *Acute Toxicity*, of this permit. The analysis results shall be submitted no later than the dates specified in Condition S8.B of this permit.
 - h Testing and reporting requirements for the chronic WET tests are specified in Condition S9, *Chronic Toxicity*, of this permit. The analysis results shall be submitted no later than the dates specified in Condition S9.B.9 of this permit.
 - i To provide required data for Part B.6, *Effluent Testing Data*, of the EPA Form 3510-2A, *NPDES Application*, for the next permit application, the final effluent shall be tested for these parameters. Samples shall be collected for analysis at least three (3) times during the term of this permit, and results shall be reported in Part B.6 of the next NPDES permit application. Testing conducted for parameters listed under (6) *Conventional Pollutants for TMDL Study*, in the table, need not be repeated.
 - j Testing for TKN or Total Nitrogen conducted under part (6) of this table can be substituted for TKN or Total Nitrogen testing to be conducted under part (5) of this table, and vice versa, even though the sample types are different under these parts.

2. East Plant – Outfall 002

Parameter	Sample Point	Minimum Sampling Frequency	Sample Type
Flow	Plant Influent	Continuous during plant operation ^a	Measurement
Rainfall	Nearby Station	Per Discharge Event ^b	Measurement
TSS	Plant Influent Final Effluent		Composite ^c
pH	Final Effluent		Grab ^d
Fecal Coliform	Final Effluent		Grab ^e
Settleable Solids	Final Effluent		Composite ^c
BOD ₅	Plant Influent Final Effluent		Composite ^c
Total Ammonia (as NH ₃ -N) ^f	Final Effluent		Per Discharge Event ^b (minimum six samples per permit term)
Metals (Total Recoverable) ^f Cadmium Chromium Copper Lead Mercury Nickel Zinc	Final Effluent	Composite ^c	

^a Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance.

- b A discharge event is defined as the combined discharge(s) from the treatment plant that are separated by less than 24 hours.
- c Composite samples shall represent the entire discharge event.
- d Grab sample for pH must be taken within first two hours after the treatment plant begins discharging to the receiving water.
- e Grab samples for fecal coliform must be taken at specific time intervals as follows, after the treatment plant begins discharging to the receiving water:
 - (1) One sample within first 2 hours.
 - (2) One sample after 4 – 8 hours.
 - (3) One sample after 20 – 24 hours.
 - (4) If the discharge continues beyond 24 hours, at a minimum, one sample shall be collected each day until the discharge ceases.
- f During the term of this permit, minimum of six samples shall be collected and analyzed for metals and ammonia, provided the plant operates enough times and is staffed to be able to collect samples.

B. Sampling and Analytical Procedures

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

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

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 is 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 (3) years.

D. 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, pH, and internal process control parameters are exempt from this requirement. Testing for 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 RECORD KEEPING 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 for both plants, 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.

DMR 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.

The yearly averages of TSS removal efficiency and effluent settleable solids for the East Plant shall be reported to the Department by March 1 of the following year.

Monitoring results for toxic compounds required under S2.A.1(2) and for TMDL parameters required under S2.A.1(6) shall be postmarked or received by the Department no later than forty-five (45) days following the monitoring period.

The monitoring reports shall be sent to the Department of Ecology, Northwest Regional Office, 3190 – 160th Avenue SE, Bellevue, WA 98008-5452.

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.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the 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 take the following action upon violation of any permit condition:
Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem and, if applicable, immediately repeat sampling and analysis. The results of any repeat sampling shall be submitted to Ecology within thirty (30) days of sampling.
2. The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at (425) 649-7000, within 24 hours from the time the Permittee becomes aware of the circumstances:
 - a. Any noncompliance that may endanger health or the environment (for example, a fecal coliform measurement in the effluent which is too numerous to count);
 - b. Any unanticipated bypass that exceeds any effluent limitation in the permit (See Part S5.F, "Bypass Procedures");
 - c. Any upset that exceeds any effluent limitation in the permit (See 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.
3. The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subpart 2, above. The written submission must contain:
 - a. A description of the noncompliance and its cause.
 - b. The period of noncompliance, including exact dates and times.
 - c. The estimated time noncompliance is expected to continue if it has not been corrected.
 - d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - e. If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.
 4. Ecology may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the noncompliance.
 5. Reports must be submitted to the address in S3 (“REPORTING AND RECORD KEEPING REQUIREMENTS”).

F. Immediate Noncompliance Notification

Any failure of the disinfection system shall be reported immediately to the Department of Ecology's Northwest Regional Office 24-hour number (425) 649-7000.

Any failure of the disinfection system, any discharges from the East Plant, and any collection system overflows or plant bypass discharging near a shellfish area shall be reported immediately to the Department of Ecology and the Department of Health, Shellfish Program. The Department of Ecology's Northwest Regional Office 24-hour number is (425) 649-7000, and the Department of Health's Shellfish 24-hour number is (360) 236-3330.

G. Other Noncompliance Reporting

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

H. Maintaining a Copy of This Permit

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

S4. FACILITY LOADING

A. Design Criteria – West Plant

Flows or waste loadings of the following design criteria for the West Plant shall not be exceeded:

Parameter	Design Criteria
Average flow for the maximum month	10.1 MGD
BOD ₅ loading for the maximum month	18,100 lb/day
TSS loading for the maximum month	22,600 lb/day

B. Plans for Maintaining Adequate Capacity – West Plant

When the actual flow or waste load reaches 85 percent of any one of the design criteria in S4.A for three consecutive months, or when the projected increases would reach design capacity within five years, whichever occurs first, the Permittee shall submit to the Department, a plan and a schedule for continuing to maintain capacity at the facility 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 this objective.

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 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 treatment plant is proposed which: (1) would interfere with the operation of, or exceed the design capacity of, any portion of the treatment plant; (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 system'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 treatment plant, and the anticipated impact on the Permittee's effluent [40 CFR 122.42(b)].

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 the Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Certified Operator

1. West Plant

An operator certified for at least a Class IV 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 III plant shall be in charge during all regularly scheduled shifts.

2. East Plant

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

B. O & M Program

The Permittee shall institute an adequate operation and maintenance program for their 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, thirty (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 their obligations under this permit.

D. Electrical Power Failure – West Plant

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 430-99-74-001) at the wastewater treatment plant. The Permittee shall comply with the effluent limitations specified in Condition S1.A of this permit, at all times, including those times associated with power outages at the treatment plant.

E. Prevent Connection of Inflow

The Permittee shall strictly enforce their sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, and so on) 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, except as provided for in Condition S11 of this permit.

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 ten (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 S3.E 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 thirty (30) days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

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

The Department will consider the following prior to issuing an administrative order for this type of 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 RCW 90.48.120.

G. Operations and Maintenance Manual

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

S6. PRETREATMENT

A. General Requirements

The Permittee shall work with the Department to ensure that all commercial and industrial facilities discharging to the treatment plant 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. General Prohibitions

In accordance with 40 CFR 403.5(a), a nondomestic discharger may not introduce into the Permittee's sewerage system any pollutant(s) that cause pass through or interference.

D. Specific Prohibitions

In accordance with 40 CFR 403.5(b), the following nondomestic discharges shall not be discharged into the Permittee's sewerage treatment system.

1. Pollutants that create a fire or explosion hazard in the treatment plant (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).
2. Pollutants that will cause corrosive structural damage to the Permittee's sewerage system or treatment plant, but in no case discharges with pH lower than 5.0 standard units, unless the works are specifically designed to accommodate such discharges.
3. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the treatment plant.
4. Any pollutant, including oxygen-demanding pollutants, (BOD, and so on) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the treatment plant.
5. Heat in amounts that will inhibit biological activity in the treatment plant resulting in interference, but in no case heat in such quantities such that the temperature at the treatment plant exceeds 40°C (104°F) unless the Department, upon request of the Permittee, approves, in writing, alternate temperature limits.
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the treatment plant in a quantity which may cause acute worker health and safety problems.
8. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.

E. Notification of Industrial User Violations

The Permittee shall notify the Department if any nondomestic user violates the prohibitions listed in S8.C and S8.D above.

F. Industrial User Survey

If required by the Department, the Permittee shall perform an industrial user survey, or other activities (for example, sewer use ordinance and local limits development), which are necessary for the proper administration of the state pretreatment program.

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.

S8. ACUTE TOXICITY - WEST PLANT

A. Effluent Limit for Acute Toxicity

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 S1.C of this permit. The ACEC equals 5 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. Testing shall begin in January 2007. A written report shall be submitted to the Department no later than March 31, 2007. The percent survival in 100 percent effluent shall be reported along with all compliance monitoring results.

Compliance monitoring shall begin in January 2007, and shall be conducted quarterly during the months of January, April, July, and October, using each of the species and protocols listed below on a rotating basis. Written reports of compliance monitoring shall be submitted no later than March 31, June 30, September 30, and December 31.

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 compliance monitoring.

The Permittee is in violation of the effluent limit for acute toxicity in Subsection A and shall immediately implement Subsection C 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 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

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 Permittee 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, and so on) 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 sixty (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 No. 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 grab samples. Grab samples must be shipped on ice to the lab immediately upon collection. If a grab sample is received at the testing lab within one hour after collection, it must have a temperature below 20°C at receipt. If a grab sample is received at the testing lab within 4 hours after collection, it must be below 12°C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 0 - 6°C in the dark from receipt until completion of the test.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication No. 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 No. 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. The sample collection point (under current treatment process configuration) is secondary treated effluent prior to chlorination.
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.

S9. CHRONIC TOXICITY - WEST PLANT

A. Testing Requirements

The Permittee shall test final effluent once in January 2010, and once in July 2010, prior to submission of 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 5 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 Toxicity Test Species		Method
Topsmelt or Silverside minnow	<i>Atherinops affinis</i> or <i>Menidia beryllina</i>	EPA/600/R-95/136 or EPA/821/R/02/014
Mysid shrimp	<i>Holmesimysis costata</i> or <i>Mysidopsis bahia</i>	EPA/600/R-95/136 or EPA/821/R/02/014

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.

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 No. 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 grab samples. Grab samples must be shipped on ice to the lab immediately upon collection. If a grab sample is received at the testing lab within one hour after collection, it must have a temperature below 20°C at receipt. If a grab sample is received at the testing lab within 4 hours after collection, it must be below 12°C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 0 - 6°C in the dark from receipt until completion of the test.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication No. 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 No. 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. The sample collection point (under current treatment process configuration) is secondary treated effluent prior to chlorination.
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.
9. Written reports of monitoring results of the testing during January 2010 and July 2010 shall be submitted no later than March 31, 2010, and September 30, 2010, respectively. A final summary report shall be submitted to the Department with the next permit renewal application. This summary report shall include a tabulated summary of the individual test results, and any information on sources of toxicity, if any, toxicity source control, toxicity treatability, and correlation with effluent data.

S10. COMBINED SEWER OVERFLOWS

A. Discharge Locations

The following is a list of combined sewer overflows (CSOs), which are occasional point sources of pollutants as a result of precipitation events. Discharges from these sites are prohibited except as a result of and during precipitation events. No authorization is given by this permit for discharge from a CSO that causes adverse impacts that threaten characteristic uses of the receiving water as identified in the water quality standards, chapter 173-201A WAC.

OUTFALL NUMBER	BASIN	LOCATION	RECEIVING WATER
OF 1	Pine Road Basin	47° 34' 57" N 122° 37' 45" W	Port Washington Narrows
OF 2	Stevens Canyon Basin	47° 34' 57" N 122° 38' 07" W	Port Washington Narrows
OF 3	Cherry Avenue Basin	47° 34' 45" N 122° 37' 27" W	Port Washington Narrows
OF 4	Eastpark Basin	47° 34' 29" N 122° 36' 58" W	Port Washington Narrows
OF 6	Tracyton Beach Basin	47° 35' 10" N 122° 38' 39" W	Port Washington Narrows
OF 7A	Trenton Avenue Basin	47° 34' 08" N 122° 36' 26" W	Port Washington Narrows
OF 7B	Trenton Avenue Basin	47° 34' 08" N 122° 36' 26" W	Port Washington Narrows
OF 8	Anderson Cove Basin	47° 35' 05" N 122° 39' 00" W	Port Washington Narrows
OF 9	Anderson Cove Basin	47° 34' 45" N 122° 38' 47" W	Port Washington Narrows
OF 10	Anderson Cove Basin	47° 34' 44" N 122° 38' 26" W	Port Washington Narrows
OF 11	Anderson Cove Basin	47° 34' 44" N 122° 38' 22" W	Port Washington Narrows
OF 12	Anderson Cove Basin	47° 34' 43" N 122° 38' 11" W	Port Washington Narrows
OF 13	Warren Avenue Basin	47° 35' 40" N 122° 37' 45" W	Port Washington Narrows
OF 16 (existing) ^a	Pacific Avenue Basin	47° 33' 38" N 122° 37' 43" W	Sinclair Inlet
OF 17	Callow Avenue Basin	47° 33' 15" N 122° 39' 04" W	Sinclair Inlet
OF 16 (future) ^b	Pacific Avenue Basin	47° 33' 42" N 122° 37' 31" W	Sinclair Inlet

^a Existing CSO outfall location OF 16 to be abandoned after completion of Pacific Avenue Basin CSO Reduction Project.

^b New CSO outfall location OF 16 after completion of Pacific Avenue Basin CSO Reduction Project.

B. Combined Sewer Overflow Report

No later than May 31 of each calendar year, the Permittee shall submit an annual CSO report for the previous calendar year to the Department for review and approval, which complies with the requirements of WAC 173-245-090(1). This report shall include documentation of compliance with Nine Minimum Controls for CSOs.

C. Combined Sewer Overflow Reduction Plan Amendment

In conjunction with the application for renewal of this permit, the Permittee shall submit an amendment of its CSO Reduction Plan to the Department for review and approval. The amendment shall comply with the requirements of WAC 173-245-090(2).

D. Compliance Schedule

In order to achieve the greatest reasonable reduction of combined sewer overflows at the earliest possible date, the elements of the approved combined sewer overflow reduction plan shall be accomplished in accordance with the schedule stipulated in the Order on Consent Number DE 93WQ-N150 and any amendment(s) thereto.

E. Storm Water Connection to the Sewer System

The Permittee shall prohibit discharge of storm water from new developments into a sanitary or a combined sewer system.

F. Nine Minimum Controls

In accordance with WAC 173-245 and US EPA Combined Sewer Overflow (CSO) control policy (59 FR 18688), the Permittee shall implement and document the following nine minimum controls (NMC) for CSOs. Compliance with the NMC shall be documented in the Annual CSO Report to be submitted as required in Condition S10.B of this permit.

The Permittee shall comply with the following technology-based requirements:

1. The Permittee shall implement proper operation and maintenance program for the collection system (pump stations, sewer system, and CSO outfalls) to reduce the magnitude, frequency, and duration of CSOs. The program shall consider regular inspections of collection system; removal of sediment/debris from the collection system; equipment and sewer system repair or replacement, where necessary; and disconnection of connections that contribute to inflow and infiltration.

2. The Permittee shall implement procedures that will maximize the use of the collection system for wastewater storage that can be accommodated by the storage capacity of the collection system in order to reduce the magnitude, frequency, and duration of CSOs.
3. The Permittee shall review and modify, as appropriate, its existing pretreatment requirements to minimize CSO impacts from the discharges from nondomestic users.
4. The Permittee shall operate the wastewater treatment plants at maximum treatable flows during wet weather flow conditions to reduce the magnitude, frequency, and duration of CSOs. The Permittee shall maximize the conveyance of combined sewage flows to the treatment plants within the constraints of the sewer system and treatment plant capacities.
5. Dry weather overflows from CSO outfalls are prohibited. Each dry weather overflow must be reported and corrective action(s) taken in accordance with Conditions S3.E. *Twenty-four-hour Notice of Noncompliance Reporting*, and S3.F. *Immediate Noncompliance Notification*, of this permit.
6. The Permittee shall implement measures to control solid and floatable materials in CSOs.
7. The Permittee shall implement a pollution prevention program focused on reducing the impact of CSOs on receiving waters.
8. The Permittee shall implement a public notification process to inform the citizens of when and where CSOs occur. The process shall consider notification to appropriate state and local government agencies, and posting at CSO outfalls.
9. The Permittee shall monitor CSO outfalls to characterize CSO impacts and the efficacy of CSO controls. These data shall include:
 - a. Characteristics of combined sewer system including the population served by the combined portion of the system and locations of all CSO outfalls in the collection system.
 - b. Frequency and duration of CSO events at all CSO outfalls.
 - c. Locations and designated uses of receiving water bodies.
 - d. Water quality data for receiving water bodies.
 - e. Water quality impacts directly related to CSOs (for example, beach closing, presence of floatables, and so on).

G. Requirements for Controlled Combined Sewer Overflows

The following is a list of combined sewer overflow (CSO) outfalls which are considered to have complied with the requirement of greatest reasonable reduction as defined in WAC 173-245. Frequency of overflow events at these CSO outfalls, as a result of and during precipitation events, shall be no more than an average of one event per year per

outfall, based on a long-term average. Compliance will be based on a 5-year average for the permit cycle. A CSO event is as defined in the *Permit Writer's Manual* (Page V-30), Department of Ecology Publication No. 92-109. The Department of Ecology defines the minimum inter-event period (MIET) for CSOs as 24 hours. A CSO event is considered to have ended only after at least 24 hours has elapsed since the last measured occurrence of an overflow.

The Permittee shall report the average number of overflow events per year (during this permit term) from these CSO outfalls in the CSO Reduction Plan Amendment to be submitted to the Department in conjunction with the permit renewal application, as required in Condition S10.C of this permit.

No authorization is given by this permit for discharge from these CSO sites that causes adverse impacts that threaten characteristic uses of the receiving water as identified in the water quality standards, chapter 173-201A WAC.

OUTFALL NUMBER	BASIN	LOCATION	RECEIVING WATER
OF 13	Warren Avenue Basin	47° 35' 40" N 122° 37' 45" W	Port Washington Narrows
OF 17	Callow Avenue Basin	47° 33' 15" N 122° 39' 04" W	Sinclair Inlet

S11. WET WEATHER OPERATION – WEST PLANT

Combined sewage-related bypassing of the secondary treatment portion of the West Plant is authorized when the influent flow rate to the West Plant exceeds 22.8 million gallons per day (MGD) as a result of a precipitation event. Secondary treatment bypasses when the influent flow is less than 22.8 MGD are not authorized under this condition and are subject to the bypass provisions as stated in Condition S5.F of this permit. In the event of a CSO-related bypass of the secondary treatment system as authorized under this condition, the Permittee shall minimize the discharge of pollutants to the environment. At a minimum, bypass flows must receive preliminary treatment through bar screens and grit removal system, and primary treatment and disinfection. The final discharge must at all times comply with the effluent limitations specified in Condition S1.A of this permit.

The Permittee shall monitor the final discharge of blended effluent (combined primary and secondary treated effluent) as specified in footnote ^c of the table in Condition S2.A.1 of this permit.

The Permittee shall maintain records of all CSO-related secondary treatment bypasses at the treatment plant. These records shall document the duration and dates of the bypassing events, and the influent flows to the treatment plant. This information shall be reported in the discharge monitoring report (DMR) for the month of bypassing.

S12. OUTFALL EVALUATION - BOTH PLANTS

The Permittee shall inspect once during the life of this permit, the submerged portion of the outfall line and diffuser to document its integrity and continued function. The inspection report shall be submitted to the Department in conjunction with the next permit renewal application. If conditions allow for a photographic verification, it shall be included in the report.

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)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the state.
 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through 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 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 to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

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 one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. 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. DUTY TO REAPPLY

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

G8. 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 thirty (30) days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittees 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.

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. 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 [40 CFR 122.41(h)].

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.

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

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

G16. 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 S5 of this permit.

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

G17. PROPERTY RIGHTS

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

G18. 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.

G19. 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.

G20. 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 (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, 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, 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.

G22. REPORTING ANTICIPATED NONCOMPLIANCE

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

G23. 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.

G24. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

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

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":
 1. One hundred micrograms per liter (100 µg/l).
 2. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 4. The level established by the Director in accordance with 40 CFR 122.44(f).

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

G25. COMPLIANCE SCHEDULES

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