

PERMIT NO: WAG – 991000

Issuance Date: February 20, 2008

Effective Date: March 21, 2008

Expiration Date: February 20, 2013

Irrigation System Aquatic Weed Control  
National Pollutant Discharge Elimination System (NPDES)  
and State Waste Discharge General Permit

State of Washington  
Department of Ecology  
Olympia, Washington 98504-7600

In compliance with the provisions of  
Chapter 90.48 Revised Code of Washington as amended

Until this permit expires, is modified or revoked, permittees that have properly obtained coverage by this permit are authorized to discharge to waters of the state in accordance with the special and general conditions that follow.



David C. Peeler, Manager  
Water Quality Program  
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.

<i>Permit Section</i>	<i>Submittal</i>	<i>Frequency</i>	<i>Submittal Date</i>
S4.C	Point of Compliance (if applicable)	1/permit cycle	April 1, 2008 (notification) November 1, 2008 (plan) November 1, 2011 (reports)
S5.B9	Copper Compliance Schedule (if applicable)	1/permit cycle	April 1, 2008 (notification) March 1, 2009 (plan)
S6.C	Time Travel Study	1/year	February 1
S7	Integrated Aquatic Vegetation Management	1/permit cycle	November 1, 2008
S9	Spill Plan	1/permit cycle	November 1, 2008
S9	Update to Spill Plan	1/permit cycle	February 1, 2010
S10.A	Legal Notice Submittal	1/year	February 1
S11.A1	Discharge Monitoring Reports (DMR)	Monthly (April - October)	May 30 ( <i>April results</i> ) June 30 ( <i>May results</i> ) July 30 ( <i>June results</i> ) August 30 ( <i>July results</i> ) September 30 ( <i>August results</i> ) October 30 ( <i>September results</i> ) November 30 ( <i>October results</i> )
S11.A2	Discharge Monitoring Reports for Fluridone and Imazapyr	Monthly (October - March)	November 30 ( <i>October results</i> ) December 30 ( <i>November results</i> ) January 30 ( <i>December results</i> ) March 2 ( <i>January results</i> ) March 30 ( <i>February results</i> ) April 30 ( <i>March results</i> )
S11.B	Annual Treatment Reports	1/year	February 1
S11.C	Notification of Treatments	As necessary	24 hours prior to any treatment
S11.G	Noncompliance Notification	As necessary	See S11.G for details
G8.	Application for Permit Renewal	1/permit cycle	180 days prior to expiration of permit
G9 and G19	Additional Information	As necessary	See G9 and G19
G13	Upset Notice	As necessary	See G13
G18	Reporting Planned Changes	As necessary	As soon as possible
G20	Reporting Anticipated Non-Compliance	As necessary	45 days prior to discharges

## **SPECIAL CONDITIONS**

### **S1. Activities Covered**

Every irrigation district or irrigation water supplier who applies pesticides to water in irrigation canals or ditches that flows to a point of compliance (as defined in S4) shall apply for and obtain coverage under this general permit (unless those activities are covered under an individual NPDES permit).

### **S2. Geographic Area Covered**

This general permit covers the use of pesticides in irrigation supply systems anywhere in the state of Washington. Each applicant for coverage under this permit shall describe the specific areas where aquatic weed control activities occur.

### **S3. Obtaining Coverage**

For new irrigation supply systems or those seeking coverage after June 19, 2008:

- A. The permittee shall notify the Department of Ecology (Ecology) by submitting a completed application form requesting coverage under this permit at least 90 days prior to the planned activity that will result in the discharge to waters of the state.
- B. The permittee shall publish a notice twice in a local newspaper of general circulation.
  - 1. The notice shall state that the permittee has applied for coverage pursuant to Section 173-226-130(5) WAC.
  - 2. The notice shall state that comments on the application may be sent to: Aquatic Pesticides Team, Water Quality Program, Department of Ecology, PO Box 47600, Olympia, Washington 98504-7600.
  - 3. The notice shall specify the last day of the 30-day public comment period.
- C. At the end of the 30-day comment period, Ecology will accept the application and review all comments prior to making a determination on whether to grant permit coverage.
- D. Ecology intends to notify applicants by mail of their status concerning coverage under this permit. If the applicant does not receive notification of the coverage decision from Ecology, coverage under this permit will commence on the 60th day following Ecology's determination that the application form is complete.

#### **S4. Point of Compliance**

- A. The point of compliance means the location where water treated with pesticides enters surface water bodies that existed prior to the creation of reclamation and irrigation projects.
- B. In addition, for Amon Wasteway, Snipes Creek Wasteway, Sulphur Creek Wasteway, and Crab Creek, the point of compliance shall be at or above the following locations:
  - 1. Amon Wasteway where it exits the golf course at Gage Road (approximately latitude 46.22715, longitude -119.26024).
  - 2. Snipes Creek Wasteway at the Benton 29.32 Lateral (near McCreadie Road) (approximately at latitude 46.25630, longitude -119.67406).
  - 3. Sulphur Creek Wasteway at Sheller Road (approximately at latitude 46.33167, longitude -119.98021).
  - 4. Crab Creek at Red Rock Coulee / DCC1 wasteway (approximately at latitude 46.84693, longitude -119.58673).
- C. A permittee may choose to use the points of compliance specified in S4.A and not the points of compliance specified in S4.B, if the permittee does all of the following requirements:
  - 1. Notifies Ecology by April 1, 2008 of its intent to do so.
  - 2. Submits a plan by November 1, 2008 detailing how it will meet the requirements of S4.C3 and S4.C4.
  - 3. Submits to Ecology by November 1, 2011 a report detailing fish and other aquatic life uses in the waterbody identified in S4.B.
    - a. The report shall contain a comprehensive analysis of all of the uses of the waterbody during the permittee's entire irrigation season.
    - b. The permittee shall ensure that appropriately trained personnel use currently accepted data collection practices to perform all work for the report.
  - 4. Submits to Ecology by November 1, 2011 an economic and engineering analysis detailing what changes to the current pesticide application practices or irrigation practices would have to occur to meet the permit requirements at the points of compliance identified in S4.B.
- D. The permittee may move its point(s) of compliance upstream of the point described in S4.A or S4.B for easier access for monitoring or for other reasons. The permittee shall notify Ecology in writing before moving a point of compliance.

#### **S5. Discharge Limitations**

From March 21, 2008 to February 20, 2013, the permittee is authorized to discharge the aquatic pesticides designated in this permit into irrigation conveyance systems. The

permittee shall follow label directions, shall comply with applicable state and federal laws and rules regarding pesticides, and shall comply with the terms and conditions of this permit.

A. Temporary Water Quality Modification

1. WAC 173-201A includes a provision which allows short-term modification of the criteria established in the regulation so long as the permittee meets certain conditions. This permit conditions, times, and restricts such activities in a manner that will minimize water quality degradation to existing uses.
2. This permit allows the use of pesticides to control aquatic weeds only if the permittee satisfies all the terms and conditions of this permit and minimizes the time necessary to accomplish the desired aquatic plant management objectives.
3. The use of pesticides authorized by this permit shall not cause long-term harm to the environment.
4. The short-term water quality modification shall last only hours or days for a specific pesticide application authorized under this permit.

B. Discharges at the Point of Compliance

1. The permittee shall ensure that all discharges and activities authorized by this permit comply with the terms and conditions of this permit.
2. The discharge of any pollutant listed in S5.B4 at a level in excess of that identified and authorized by this permit constitutes a violation of the terms and conditions of this permit.
3. The permittee shall not use adjuvants.
4. Wherever treated water from a pesticide application eventually flows to a point of compliance, the permittee shall ensure that the concentrations do not exceed the following limitations at the point of compliance:

<i>Parameter</i>	<i>Maximum instantaneous concentration</i>
Copper (dissolved)	25 ug/l
Acrolein	21 ug/l
Xylene	5.1 mg/l
Sodium Carbonate Peroxyhydrate	No Limitation
Fluridone	See S5.B6
Imazapyr	See S5.B7
The maximum instantaneous concentration means the highest allowable discharge at any time.	

5. For sodium carbonate peroxyhydrate applications:
  - a. The permittee need not conduct monitoring under S6.
  - b. The permittee shall comply with reporting and record keeping for all treatments under S11.

6. For fluridone applications:
  - a. The permittee shall only apply fluridone between October 1 and March 31.
  - b. The permittee shall only apply in-water fluridone to slow-moving or quiescent waters.
  - c. The permittee shall conduct fluridone treatments in a manner that will prevent treated water from reaching a point of compliance for at least eight weeks after application.
  - d. The permittee need not conduct monitoring under S6.
  - e. The permittee shall comply with reporting and record keeping for all treatments under S11.
  
7. For imazapyr applications:
  - a. The permittee shall only apply imazapyr between October 1 and March 31.
  - b. The permittee shall only apply imazapyr to slow-moving or quiescent waters.
  - c. The permittee shall conduct imazapyr treatments in a manner that will prevent treated water from reaching a point of compliance for at least two weeks after application.
  - d. The permittee need not conduct monitoring under S6.
  - e. The permittee shall comply with reporting and record keeping for all treatments under S11.
  
8. Where a risk assessment has not been completed, permittees may apply a pesticide under a Washington State Department of Agriculture Experimental Use Permit (EUP).
  - a. The permittee need not conduct monitoring under S6 (other than the monitoring specified in the EUP).
  - b. The permittee shall comply with reporting and record keeping for all treatments under S11.
  
9. A permittee may implement a compliance schedule rather than meet the copper limitation in S5.B4.
  - a. If a permittee chooses to use a compliance schedule, the permittee need not meet the requirements in S5.B4 for copper until March 1, 2012, but it shall meet the following interim requirements:

Requirement	Deadline
Notify Ecology in writing of its intent to use the compliance schedule.	April 1, 2008
Submit a plan to Ecology by March 1, 2009 explaining how the permittee will meet the copper limit in S5.B4 by March 1, 2012.	March 1, 2009

Wherever treated water from a pesticide application eventually flows to a point of compliance, the permittee shall ensure that the copper concentrations do not exceed the following limitations at the point of compliance:	
<ul style="list-style-type: none"> <li>• a maximum 24-hour rolling average limit of 25 ug/l and a maximum instantaneous limit of 100 ug/l.</li> </ul>	March 1, 2008
<ul style="list-style-type: none"> <li>• a maximum 24-hour rolling average limit of 25 ug/l and a maximum instantaneous limit of 75 ug/l.</li> </ul>	March 1, 2010
<ul style="list-style-type: none"> <li>• a maximum 24-hour rolling average limit of 25 ug/l and a maximum instantaneous limit of 50 ug/l.</li> </ul>	March 1, 2011
<ul style="list-style-type: none"> <li>• a maximum instantaneous limit of 25 ug/l.</li> </ul>	March 1, 2012

- b. The permittee shall calculate the 24-hour rolling average by averaging all samples taken over each 24-hour rolling period. The permittee shall evenly space the time between each sample. The permittee shall sample at least twice per treatment according to the requirements in S6.A.

## S6. Monitoring Requirements

- A. The permittee shall monitor all pesticide applications where the treated water eventually flows to a point of compliance according to the sampling schedule.

### 1. Sampling Schedule

<i>Monitoring Site</i>	<i>Parameter</i>	<i>Method Detection Limit</i>	<i>Minimum Sampling Frequency</i>	<i>Sample Type</i>
Point(s) of Compliance	Flow	Not Applicable	Concurrent with all other samples	Measurement
Point(s) of Compliance	Copper, dissolved	5 ug/l	2 times per treatment (see S6.A2)	Grab
Point(s) of Compliance	Hardness (only when monitoring copper)	1 mg/l	Concurrently with copper sampling	Grab
Point(s) of Compliance	Acrolein	2 ug/l	2 times per treatment (see S6.A2)	Grab
Point(s) of Compliance	Xylene	1 mg/l	2 times per treatment (see S6.A2)	Grab

<i>Monitoring Site</i>	<i>Parameter</i>	<i>Method Detection Limit</i>	<i>Minimum Sampling Frequency</i>	<i>Sample Type</i>
None	Sodium Carbonate Peroxyhydrate	Not Applicable	None	None
None	Fluridone	Not Applicable	None	None
None	Imazapyr	Not Applicable	None	None

2. The permittee shall take the two samples to identify the highest concentration of the pesticide. The permittee shall take both samples during the peak pesticide concentration at the compliance point.
  - a. If the travel time is 20 hours or more, the permittee shall space their sampling at least two hours apart.
  - b. If the travel time is less than 20 hours, the permittee shall space their samples at 10% of the travel time of the pesticide.
  - c. If the permittee is tracking multiple treatments simultaneously, the permittee shall use the shortest travel time to determine if the permittee follows S6.A2a or S6.A2b.

**B. Special Situations**

1. Ecology may reduce the minimum sampling frequency if the permittee meets specific conditions and Ecology grants written approval. A permittee may provide information to Ecology that reliably predicts the travel time (even under variable flow rates) and the pesticide's potential maximum concentration at the point of compliance. If approved by Ecology, the permittee shall take no less than one sample during two different treatments at each treatment site each year. The permittee shall take each sample at the peak concentration of the pesticide.
2. If the permittee holds treated water (any amount) and then releases it days or weeks later, the permittee shall conduct monitoring according to S6.A1 until Ecology approves reduced monitoring in writing (S6.B1). To gain approval from Ecology, the permittee shall document that it prevents any flows to the point of compliance for a sufficient length of time to allow the pesticide to degrade to levels below the discharge limitations in S5.B. The documentation shall include any combination of calculations and/or monitoring data. If approved by Ecology, the permittee shall monitor at least twice annually as per the reduced monitoring allowance in S6.B1.
3. If all treated water is consumed (i.e. used on-farm) and the end of the canal/spillway is dry, the permittee need not conduct monitoring. The permittee shall include all pesticide applications covered by this special situation on the monthly discharge monitoring report (DMR). The DMR shall also provide evidence (such as data photographs or flow records) to show that the canal was dry long enough so that all the treated water was

consumed. This special situation only applies if no treated water (or water mixed with treated water) is held. If any water is simply held, this special situation does not apply.

4. In some situations, the permittee prevents treated water from reaching some points of compliance by closing side canals/spillways. (For example, a permittee closes a gate to a spillway while treating the primary canal and all the treated water passes the closed gate.) The permittee shall conduct full monitoring (S6.A) at the points of compliance corresponding to the closed canals/spillways when the canals/spillways are reopened unless:
  - a. The closed canal/spillway is kept closed for double the travel time it takes the treated water to reach the point of closure. In this situation, no monitoring is required. For this special situation only, the travel time is counted from when the pesticide application ends. (For example, if a treatment ends at 1:00 and it takes four hours to pass the closed gate at 5:00, the permittee shall keep the gate closed for another four hours until 9:00 for this special situation to apply).
  - b. Ecology approves reduced monitoring as per S6.B1. In this case, the permittee shall sample as required in S6.B1 when the canals are reopened.

C. Time Travel Study

1. The permittee shall support all monitoring by completing a time travel study at each application site.
2. Time travel studies shall determine the amount of time it takes the pesticide to travel from the application site to the point of compliance.
3. The flow conditions during the time travel study shall mimic the conditions during pesticide application.
4. The permittee shall use time travel studies that are less than five years old.
5. The permittee shall submit the results of the most recent time travel studies to Ecology by February 1 of each year.
6. Time travel studies are only required for pesticide applications that flow to a point of compliance.

D. Sampling and Analytical Procedures

1. The permittee shall ensure that all samples and measurements taken to meet the requirements of this permit are representative of the volume, concentration, and nature of the monitored parameters.
2. The permittee shall ensure that sampling and analytical methods used to meet the monitoring requirements specified in this permit 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 Ecology.

3. Acrolein testing may follow the procedures of Solid Waste Method 8260.

## **S7. Integrated Vegetation Management Plan**

- A. The permittee shall prepare and submit a copy of an Integrated Vegetation Management Plan (IVMP) to Ecology on or before November 1, 2008 for review and approval. The permittee shall implement the IVMP after written approval from Ecology.
- B. If the permittee selects treatment to reduce or eliminate pesticide residues as a method to achieve compliance, the permittee shall submit two copies of approvable plans and specifications in accordance with WAC 173-240 to Ecology for review and approval.

## **S8. Operation and Maintenance**

The permittee shall, at all times, properly operate and maintain all facilities or 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 includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that the permittee installed only when the operation is necessary to achieve compliance with the conditions of this permit.

## **S9. Spill Plan for Pesticide Storage and Application Sites**

- A. By November 1, 2008, the permittee shall submit to Ecology a spill control plan for the prevention, containment, and control of spills or unplanned discharges from the application, storage, and transportation of pesticides.
  1. The permittee shall review and update the Spill Plan, as needed, and submit an update to Ecology by February 1, 2010.
  2. The permittee shall submit all changes to the plan to Ecology.
  3. The permittee shall follow the plan and any supplements throughout the term of the permit.
- B. The spill control plan shall include the following:
  1. A description of the process the permittee will use to alert responsible managers and legal authorities in the event of a spill.
  2. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
  3. A list of all pesticides used, processed, or stored at the facility that could spill into state waters.

## **S10. Public Notice Procedures**

### **A. Legal Notice Procedures**

1. Prior to each treatment season, the permittee shall publish a notice in the legal notices section of a local newspaper of general circulation (or nearest regional paper if a local paper does not exist).
2. The permittee shall publish the legal notices prior to the first pesticide application of the season.
3. The legal notice shall include:
  - a. The purpose of the pesticide application;
  - b. A general description of the canals to be treated;
  - c. The pesticide(s) the permittee will use and their active ingredient(s);
  - d. The approximate date(s) of treatment;
  - e. The approximate location(s) of treatment;
  - f. Any water use restrictions or precautions;
  - g. The posting procedure;
  - h. The names and phone numbers of the permittee; and
  - i. The address and phone number of the appropriate Ecology regional office.
4. The permittee shall mail or fax a dated copy of the published notice or an affidavit from the newspaper to:

Aquatic Pesticides Team  
Water Quality Program  
Department of Ecology  
PO Box 47600  
Olympia, Washington 98504-7600.
5. The permittee shall submit a copy of the published notice or an affidavit from the newspaper no later than February 1 of the following year.
6. The permittee shall mail or hand deliver a copy of the published notice or an affidavit from the newspaper to Ecology with five days upon request.
7. In addition, the permittee may provide notice using general newsletters, special notices enclosed in the annual assessments, and individual letters.

### **B. Posting Procedures**

1. For acrolein and xylene treatments, the permittee shall post signs at all irrigation canal and drainage ditch accesses within one mile of the point of application that are normally available to the public (such as public road crossings of canals or drainage ditches).
2. The permittee shall post and maintain all signs prior to the each application.
3. The permittee shall use good faith and reasonable effort to ensure that posted signs remain in place throughout the treatment.
4. The permittee should use signs printed in both English and Spanish.
5. The signs shall include, at a minimum, the following information:
  - a. Name and telephone number of the irrigation district;

- b. A statement that the public must not trespass on access sites; and
  - c. A statement that water treatments using {the pesticide} to control aquatic plants may occur during the irrigation season.
- C. Variations to this Procedure  
The permittee shall obtain advance written approval from Ecology before making variations to the posting and notification procedures listed in this Permit.

## **S11. Reporting and Recordkeeping Requirements**

The permittee shall record and report in accordance with the following conditions. The falsification of information submitted to Ecology shall constitute a violation of the terms and conditions of this permit.

The permittee shall send reports to:

Aquatic Pesticides Team  
Water Quality Program  
Department of Ecology  
PO Box 47600  
Olympia, Washington 98504-7600.

- A. Discharge Monitoring Reports
1. The permittee shall submit monitoring results monthly for the treatment months of April through October whether or not the permittee applied pesticides or discharged treated water.
    - a. The permittee shall summarize, report, and submit monitoring data on a Discharge Monitoring Report (DMR) form provided or otherwise approved by Ecology.
    - b. DMR for each month shall be postmarked within 30 days after the end of the month.
    - c. If the permittee conducted no aquatic pesticide treatments during a month, the permittee shall submit the form as required with the words "no applications" entered in place of the monitoring results.
  2. If the permittee is applying fluridone or imazapyr, the permittee shall submit DMRs monthly for October through March.
    - a. DMR for each month shall be postmarked within 30 days after the end of the month.
    - b. If the permittee conducted no aquatic pesticide treatments during a month, the permittee shall submit the form as required with the words "no applications" entered in place of the monitoring results.
    - c. For each month with a fluridone or imazapyr treatment, the DMR shall state whether or not any fluridone or imazapyr treated water reached a point of compliance.
  3. See S6.B3 for additional requirements for DMRs when all treated water is consumed.

- B. Annual Treatment Reports
1. The permittee shall keep complete application records on a report form provided by Ecology.
  2. The report shall include a listing of all pesticide applications, including the amount of pesticide used.
  3. The permittee shall submit the annual report to Ecology no later than February 1 of each year.
- C. Notification of Treatments
1. The permittee shall telephone, fax, or submit electronically a list of planned treatments to Ecology at least 24 hours prior to any treatment.
  2. This list shall contain the names and locations of the treatment sites.
- D. Records Retention
1. The permittee shall retain records of all monitoring information for a minimum of five years.
  2. Such information shall include all calibration and maintenance records, all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, all original laboratory data, and records of all data used to complete the application for this permit.
  3. The permittee shall extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by Ecology.
- E. Recording of Results
1. For each sample taken, the permittee shall record the following information:
    - a. The date.
    - b. Exact place.
    - c. Time of sampling.
    - d. The individual who performed the sampling.
  2. All laboratory reports providing data for organic and metal parameters shall include the following information:
    - a. Sampling date.
    - b. Sample location.
    - c. Date of analysis.
    - d. Parameter name.
    - e. Analytical method / number.
    - f. Preservation method.
    - g. Method detection limit (MDL).
    - h. Laboratory practical quantification limit (PQL).
    - i. Reporting units.
    - j. Concentration detected.
  3. Acrolein monitoring data shall also include the time of sampling, time of analysis, and method of sample transport.

- F. **Additional Monitoring by the Permittee**  
If the permittee monitors any pollutant more frequently than required by this permit using test procedures and sampling locations specified under Condition S6 of this permit, then the permittee shall include the results of this monitoring in the DMR.
- G. **Noncompliance Notification**
1. In the event the permittee is unable to comply with any of the terms and conditions of this permit, the permittee shall:
    - a. Immediately take action to prevent the discharge/pollution or otherwise stop or correct the noncompliance.
    - b. Notify Ecology within 24 hours of becoming aware of the failure to comply.
    - c. Submit a detailed written report to Ecology within five (5) days of becoming aware of the failure to comply. The report shall contain a description of the noncompliance (including exact dates and times) and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. If the permittee has not corrected the noncompliance, the report shall also include the anticipated time the permittee expects it to return to compliance.
  2. 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.

## **S12. Compliance with Standards**

This permit does not authorize a violation of Washington State Surface Water Quality Standards (Chapter 173-201A Washington Administrative Code (WAC)), Ground Water Quality Standards (Chapter 173-200 WAC), Sediment Management Standards (Chapter 173-204 WAC), or human health-based criteria in the National Toxics Rule (Federal Register, Vol. 57, NO. 246, Dec. 22, 1992, pages 60848-60923).

## **S13. Permit Fees**

- A. The Permittee shall pay permit fees assessed by Ecology and established in Chapter 173-224 WAC.
- B. Ecology will continue to assess permit fees until the permit is revoked in accordance with G5.

## **S14. Solid and Liquid Waste Management**

The Permittee shall not allow solid waste material or leachate to cause violations of the State Surface Water Quality Standards (Chapter 173-201A WAC), the Ground Water Quality Standards (Chapter 173-200 WAC) or the Sediment Management Standards (Chapter 173-204 WAC).

### **GENERAL CONDITIONS**

#### **G1. DISCHARGE VIOLATIONS**

All discharges and activities authorized by this general permit shall be consistent with the terms and conditions of this general permit. Any discharge of any pollutant more frequent than or at a level in excess of that identified and authorized by the general permit shall constitute a violation of the terms and conditions of this permit.

#### **G2. SIGNATORY REQUIREMENTS**

- A. All applications, reports, or information submitted to Ecology shall be signed and certified:
1. In the case of corporations, by a responsible corporate officer. For the purposes of this section a responsible corporate officer means: (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned to or delegated to the manager in accordance with corporate procedures.
  2. In the case of a partnership, by a general partner of a partnership.
  3. In the case of sole proprietorship, by the proprietor.
  4. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

- B. All reports required by this permit and other information requested by Ecology 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 Ecology.
  2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.
- C. Changes to authorization. If an authorization under paragraph G2.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 G2.B.2 above shall be submitted to Ecology prior to, or together with, any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section 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.”

### **G3. RIGHT OF INSPECTION AND ENTRY**

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

- A. To enter upon the premises where a discharge is located or where any records shall 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.

#### **G4. GENERAL PERMIT MODIFICATION AND REVOCATION**

This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of Chapter 173-226 WAC. Grounds for modification, revocation and reissuance, or termination include, but are not limited to, the following:

- A. When a change which occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this permit.
- B. When effluent limitation guidelines or standards are promulgated pursuant to the CWA or Chapter 90.48 RCW, for the category of dischargers covered under this permit.
- C. When a water quality management plan containing requirements applicable to the category of dischargers covered under this permit is approved.
- D. When information is obtained which indicates that cumulative effects on the environment from dischargers covered under this permit are unacceptable.

#### **G5. REVOCATION OF COVERAGE UNDER THE PERMIT**

Pursuant with Chapter 43.21B RCW and Chapter 173-226 WAC, the Director may terminate coverage for any discharger under this permit for cause. Cases where coverage may be terminated include, but are not limited to, the following:

- A. Violation of any term or condition of this permit.
- B. Obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts.
- C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- D. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- E. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations.
- F. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC.
- G. Failure of the permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable.

The Director may require any discharger under this permit to apply for and obtain coverage under an individual permit or another more specific general permit. Permittees who have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

**G6. REPORTING A CAUSE FOR MODIFICATION**

The permittee shall submit a new application, or a supplement to the previous application, whenever a material change to the activity 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.

**G7. 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.

**G8. DUTY TO REAPPLY**

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

**G9. DUTY TO PROVIDE INFORMATION**

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

**G10. OTHER REQUIREMENTS OF 40 CFR**

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

**G11. ADDITIONAL MONITORING**

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

**G12. 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.

### **G13. 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 S11.G; and 4) the permittee complied with any remedial measures required under this permit.

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

### **G14. PROPERTY RIGHTS**

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

### **G15. 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.

### **G16. 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.

**G17. 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 imprisonment of not more than four years, or both.

**G18. REPORTING PLANNED CHANGES**

The permittee shall, as soon as possible, give notice to Ecology of planned physical alterations, modifications or additions to the permitted activity, which will result in

- A. A significant change in the nature or an increase in quantity of pollutants discharged or
- B. A new point of compliance.

Following such notice, permit coverage 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.

**G19. 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 Ecology, it shall promptly submit such facts or information.

**G20. REPORTING ANTICIPATED NON-COMPLIANCE**

The permittee shall give advance notice to Ecology by submission of a new application or supplement thereto at least forty-five (45) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by Ecology.

## **G21. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER THE PERMIT**

Any discharger authorized by this permit may request to be excluded from coverage under the general permit by applying for an individual permit. The discharger shall submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. These reasons shall fully document how an individual permit will apply to the applicant in a way that the general permit cannot. Ecology may make specific requests for information to support the request. The Director shall either issue an individual permit or deny the request with a statement explaining the reason for the denial.

## **G22. APPEALS**

- A. The terms and conditions of this general permit, as they apply to the appropriate class of dischargers, are subject to appeal by any person within 30 days of issuance of this general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.
- B. The terms and conditions of this general permit, as they apply to an individual discharger, are appealable in accordance with Chapter 43.21B RCW within 30 days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that individual discharger.
- C. The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under this general permit. If the terms and conditions of this general permit are found to be inapplicable to any individual discharger(s), the matter shall be remanded to Ecology for consideration of issuance of an individual permit or permits.

## **G23. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit, or application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.