



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 10, 2021

Susan Poulosom, P.E., Manager
NPDES Permits Unit
United States Environmental Protection Agency - Region 10
1200 Sixth Avenue, Suite 155, OWW
Seattle, WA 98101

RE: Clean Water Act Section 401 Certification for EPA National Pollutant Discharge Elimination System Permit No. WA0021962 – Yakima Training Center Wastewater Treatment Plant

Dear Susan Poulosom:

This letter is in response to the US Environmental Protection Agency's letter, dated June 14, 2021, requesting Washington State Department of Ecology (Ecology) provide a Clean Water Act Section 401 Certification for the Final National Pollutant Discharge Elimination System (NPDES) Permit No. WA0021962 for Yakima Training Center Wastewater Treatment Plant.

With this Section 401 Water Quality Certification, Ecology certifies NPDES Permit No. WA0021962 as found in Order No. 20329. The Enclosed Order may be appealed by following the procedures described in the Order.

If you have any questions or would like to discuss these matters further, please contact Caleb Bos, at (509) 426-0679 or caleb.bos@ecy.wa.gov.

Sincerely,

Jeff Killelea, Manager
Program Development Services Section
Water Quality Program

Enclosure: Administrative Order# 20329

cc: Susan Poulosom, NPDES Permits Unit Manager, Region 10 EPA
Cody Piscitelli, Permit Writer, Region 10 EPA
Caleb Bos, Permit Manager, WQ Program
Angela Zeigenfuse, 401 Certification Coordinator, WQ Program
Vincent McGowan, P.E., Water Quality Program Manager, WQ Program
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By Certified Mail: 9489 0090 0027 6072 1472 05

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF GRANTING A)	ADMINISTRATIVE ORDER
WATER QUALITY CERTIFICATION)	DOCKET # 20329
TO)	Yakima Training Center Wastewater Treatment
U.S. Environmental Protection Agency)	Plant
pursuant to 33 U.S.C. 1341 (FWPCA §)	(NPDES Permit No. WA0021962)
401), 40 CFR Part 121, RCW 90.48.120,)	
RCW 90.48.260 and chapter 173-201A)	
WAC)	

TO: UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
ATTN: Susan Poulsom
1200 Sixth Ave, Suite 155, OWW
SEATTLE, WA 98101

On June 22, 2021, the US Environmental Protection Agency (EPA) requested a Section 401 Water Quality Certification from the Department of Ecology (Ecology) for EPA's NPDES permit authorizing discharges to a water of the state (defined in RCW 90.48) from the Yakima Training Center Wastewater Treatment Plant (WWTP).

On August 13, 1998 the Yakima Training Center WWTP submitted a NPDES permit application to the EPA requesting permit renewal. In response to the Yakima Training Center WWTP application, EPA drafted a renewed NPDES permit to authorize discharges from the Yakima Training Center WWTP into waters of the United States. The discharges consist of treated and disinfected municipal (domestic) wastewater effluent to the Yakima River through Outfall 001. Once finalized, the 2021 Yakima Training Center WWTP permit will replace the permit already in place.

The Yakima Training Center WWTP serves a resident population of 100 but increases to around 10,000 during training exercises. There are no major industries discharging to the facility. Yakima Training Center WWTP is located in Selah, Yakima County, WA . The facility is located at 160 T.P. Road, Yakima, WA 98901-9399.

EPA may not issue an NPDES permit to conduct activity that may result in any discharges into waters of Washington State until Ecology has granted certification under Clean Water Act (CWA) section 401, or has waived its right to certify. 33 U.S.C. 1341 (a)(1); 40 C.F.R. 124.53(a).

In accordance with 40 CFR 124.53(e)(3), Ecology has determined that no condition in the draft NPDES permit may be made less stringent without violating water quality standards in Washington State law.

AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, 40 CFR Part 121, RCW 90.48.120, and RCW 90.48.260, Ecology has examined the EPA's request for CWA 401 certification of the draft permit pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §1311, 1312, 1313, 1316, and 1317 (FWPCA § 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.
4. Conformance with Washington's prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington as required by RCW 90.48.080.

WATER QUALITY CERTIFICATION CONDITIONS:

With this Certification and through issuance of this Order, Ecology certifies that the discharge as proposed and conditioned by this Certification will comply with applicable water quality standards or other appropriate requirements of State law. In view of the foregoing and in accordance with 33 U.S.C. §1341, 40 CFR Part 121, RCW 90.48.120, RCW 90.48.260, chapter 173-200 WAC, and chapter 173-201A WAC, water quality certification is granted to the Project Proponent subject to the conditions within this Order and NPDES Permit WA0021962

Certification of the proposed draft permits does not authorize the Project Proponent to exceed applicable state surface water quality standards (chapter 173-201A WAC), ground water standards (chapter 173-200 WAC) or sediment quality standards (chapter 173-204 WAC), standards in the EPA's Revision of certain Federal water quality criteria applicable to Washington (40 CFR 131.45), and other appropriate requirements of State law.

General Requirements

1. For purposes of this Order, the term “Project Proponent” shall mean those that are seeking coverage under this permit, and its agents, assignees and contractors.
2. The Federal Agency shall mean the US Environmental Protection Agency. The Federal Agency shall enforce the permit and ensure that the Project Proponent complies with the conditions of the permits at all times.
3. Failure of any person or entity to comply with this Certification may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Certification.

A. Timing Requirements

1. This Certification is valid until the expiration date including any administrative extension or termination date of NPDES Permit WA0021962. (40 CFR § 122.46).

B. Notification Requirements

1. The Federal Agency shall enforce and the Project Proponent must comply with all the reporting and notification conditions of the NPDES permit in order to comply with this Order and the certification conditions herein (40 CFR § 121.11).

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. “Date of receipt” is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Caleb Bos
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600

Phone: 509-426-0679
Email: caleb.bos@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards**
<https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**
<https://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**
<https://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

SIGNATURE



Jeff Killelea, Manager
Program Development Services Section
Water Quality Program

August 10, 2021
Date