

Table of Contents

<i>Summary of Permit Report Submittals</i>	4
<i>Special Conditions</i>	5
S1. Discharge limits	5
S1.A. Treated groundwater discharge	5
S2. Monitoring requirements	6
S2.A. Monitoring schedule.....	6
S2.B. Sampling and analytical procedures.....	7
S2.C. Laboratory accreditation	7
S3. Reporting and recording requirements	7
S3.A. Reporting.....	7
S3.B. Records retention	8
S3.C. Recording of results	9
S3.D. Additional monitoring by the Permittee.....	9
S3.E. Reporting permit violations.....	9
S3.F. Other reporting	10
S3.G. Maintaining a copy of this permit	10
S4. Operation and maintenance	11
S4.A. Operations and maintenance (O&M) manual	11
S4.B. Bypass procedures.....	13
S5. Application for permit renewal or modification for facility changes	14
S6. Annual groundwater quality evaluation	15
S7. Stormwater Pollution Prevention Plan	15
S7.A. The Permittee's SWPPP must meet the following objectives.....	15
S7.B. General requirements.....	16
S7.C. SWPPP - Narrative contents and requirements.....	16
S7.D. SWPPP - Map contents and requirements.....	20
<i>General Conditions</i>	21
G1. Signatory requirements	21
G2. Right of inspection and entry	22
G3. Permit actions	22
G4. Reporting planned changes	23
G5. Plan review required	24
G6. Compliance with other laws and statutes	24
G7. Transfer of this permit	24
G8. Reduced production for compliance	25
G9. Removed substances	25
G10. Duty to provide information	25

G11. Other requirements of 40 CFR..... 25

G12. Additional monitoring 25

G13. Payment of fees..... 25

G14. Penalties for violating permit conditions 25

G15. Upset..... 26

G16. Property rights 26

G17. Duty to comply 26

G18. Toxic pollutants..... 26

G19. Penalties for tampering 26

**G20. Reporting requirements applicable to existing manufacturing, commercial, mining,
and silvicultural dischargers 27**

G21. Compliance schedules..... 27

Summary of Permit Report Submittals

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

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	December 28, 2016
S3.E	Reporting Permit Violations	As necessary	
S3.F	Other Reporting	As necessary	
S4.A	Updated Operations and Maintenance Manual	1/permit cycle, updates submitted as necessary	March 31, 2017
S4.B	Reporting Bypasses	As necessary	
S5	Application for Permit Renewal	1/permit cycle	April 30, 2021
S6	Annual Groundwater Quality Evaluation	Annually	November 1, 2017
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	Notice of Permit Transfer	As necessary	
G10	Duty to Provide Information	As necessary	
G13	Payment of Fees	As assessed	
G21	Compliance Schedules	As necessary	

Special Conditions

S1. Discharge limits

S1.A. Treated groundwater discharge

All discharges and activities authorized by this permit must 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 violates the terms and conditions of this permit.

Beginning on the effective date of this permit, the Permittee is authorized to discharge treated groundwater to Willow Creek at Outfall 002 subject to complying with the following limits:

Effluent Limitations at Point of Compliance (after treatment): Monitoring Point 2 Latitude: 47.80698°N Longitude: 122.389484°W	
Parameter	Maximum Daily Effluent Limit ^a
Flow1 (dewatering from excavation, DE1)	15 gpm
Flow2 (from Dual Phase Extraction, DPE)	100 gpm
pH	Between 6 and 9 standard units
Benzene	16 µg/L
TPH-G ^b	800 µg/L
TPH-D ^c	500 µg/L
Total cPAHs ^d	0.00013 µg/L ^e
Chitosan Acetate	0.2 mg/L
^a The maximum daily effluent limitation is defined as the highest allowable daily discharge except for pH and Dissolved Oxygen. The daily discharge means the discharge of a pollutant measured during a calendar day.	
^b TPH-G is defined as total petroleum hydrocarbons-gasoline range organics.	
^c TPH-D is defined as total petroleum hydrocarbons-diesel range organics.	
^d cPAHs means carcinogenic polycyclic aromatic hydrocarbons. Total cPAHs is the sum of benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, benzo(a)pyrene, dibenzo(a,h)anthracene, and indeno(1,2,3-c,d)pyrene concentrations that are adjusted using toxicity equivalency factors to represent a total benzo(a)pyrene concentration. The toxicity equivalency factors published in WAC 173-340-900, Table 708-2 are to be used for making the adjustments.	
^e The daily maximum effluent limit for total cPAHs is 0.00013 µg/L. The quantitation level (QL) for PAHs is 0.05 µg/L, greater than the effluent limit, using the approved analytical test method EPA 625. Therefore, the QL will be used for assessment of compliance with the effluent limit. This QL will be referred to as enforcement limit in this permit.	

S2. Monitoring requirements

S2.A. Monitoring schedule

The Permittee must monitor the wastewater according to the following schedule. The Permittee must use the specified analytical methods unless the method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136. If the Permittee uses an alternative method, not specified in the permit, it must report the test method, Detection Limit (DL), and Quantitation Level (QL) on the discharge monitoring report or in the required report. If the Permittee is unable to obtain the required DL and QL in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit and a QL to Ecology with appropriate laboratory documentation.

Parameter ^b	Units	Minimum Sampling Frequency	Sample Type	Analytical Method
Flow1 (dewatering from excavation, DE1)	gpm	Batch	Metered	N/A
Flow2 (from Dual Phase Extraction, DPE)	gpm	Weekly	Metered	N/A
pH	Standard Units	Weekly	Grab	pH meter ^a
Chitosan acetate ^d	µg/L	Weekly	Grab	Chitosan Field Screening Test (must show concentration below 0.2 mg/L)
Benzene	µg/L	Weekly	Grab	EPA 624 (with DL and QL less than 1 µg/L)
TPH-G	µg/L	Weekly	Grab	NWTPH-G _x
TPH-D	µg/L	Weekly	Grab	NWTPH-D _x
cPAH	µg/L	Weekly	Grab	EPA 625 (with DL and QL equal to or less than 0.05 µg/L) ^c
Benzo(a)anthracene	µg/L	Weekly	Grab	EPA 625 (with DL and QL equal to or less than 0.05 µg/L) ^c
Benzo(b)fluoranthene	µg/L	Weekly	Grab	EPA 625 (with DL and QL equal to or less than 0.05 µg/L) ^c
Benzo(k)fluoranthene	µg/L	Weekly	Grab	EPA 625 (with DL and QL equal to or less than 0.05 µg/L) ^c
Chrysene	µg/L	Weekly	Grab	EPA 625 (with DL and QL equal to or less than 0.05 µg/L) ^c
Benzo(a)pyrene	µg/L	Weekly	Grab	EPA 625 (with DL and QL equal to or less than 0.05 µg/L) ^c
Dibenzo(a,h)anthracene	µg/L	Weekly	Grab	EPA 625 (with DL and QL equal to or less than 0.05 µg/L) ^c
Indeno(1,2,3-c,d)pyrene	µg/L	Weekly	Grab	EPA 625 (with DL and QL equal to or less than 0.05 µg/L) ^c
<p>^a pH can be measured using a pH meter in the field, equivalent to SM4500-H⁺B. The calibration frequency specifications and method must be followed in accordance with the manufacturer's recommendations.</p> <p>^b The final effluent sample point is defined as the nearest accessible point after final treatment and prior to discharge to Willow Creek.</p> <p>^c The approved analytical test methods for benzene and cPAHs are EPA 624 and EPA 625, respectively. The detection limit and quantitative level for benzene must be less than 1 µg/L, and the detection limit and quantitative level for cPAHs must be equal to or less than 0.05 µg/L, for each component.</p> <p>^d Chitosan-enhanced sand filtration technologies and use designations are also listed in Ecology website http://www.ecy.wa.gov/programs/wq/stormwater/newtech/technologies.html</p>				

S2.B. *Sampling and analytical procedures*

Samples and measurements taken to meet the requirements of this permit must represent 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 must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 (or as applicable in 40 CFR subchapters N [Parts 400–471] or O [Parts 501-503]) unless otherwise specified in this permit. Ecology may only specify alternative methods for parameters without limits and for those parameters without an EPA approved test method in 40 CFR Part 136.

S2.C. *Laboratory accreditation*

The Permittee must ensure that all monitoring data required by Ecology for permit-specified parameters is prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC, *Accreditation of Environmental Laboratories*. Flow, temperature, settleable solids, conductivity, pH, chitosan acetate, and internal process control parameters are exempt from this requirement.

S3. Reporting and recording requirements

The Permittee must monitor and report in accordance with the following conditions. Falsification of information submitted to Ecology is a violation of the terms and conditions of this permit.

S3.A. *Reporting*

The first monitoring period begins on the effective date of the permit. The Permittee must:

1. Summarize, report, and submit monitoring data obtained during each monitoring period on the electronic Discharge Monitoring Report (DMR) form provided by Ecology within WWebDMR. Include data for each of the parameters tabulated in Special Condition S2 and as required by the form. Report a value for each day sampling occurred (unless specifically exempted in the permit) and for the summary values (when applicable) included on the electronic form.

To find out more information and to sign up for WWebDMR go to:
<http://www.ecy.wa.gov/programs/wq/permits/paris/webdmr.html>

If unable to submit electronically (for example, if you do not have an internet connection), the Permittee must contact Ecology to request a waiver and obtain instructions on how to obtain a paper copy DMR.

2. Enter the “no discharge” reporting code for an entire DMR, for a specific monitoring point, or for a specific parameter as appropriate, if the Permittee did not discharge wastewater or a specific pollutant during a given monitoring period.

3. Report single analytical values below the detection level as “less than the detection level (DL) by entering “<” followed by the numeric value of the detection level (e.g. “< 2.0”) on the DMR. If the method used did not meet the minimum DL and quantitation level (QL) identified in the permit, report the actual QL and DL in the comments or in the location provided.
4. Report the test method used for analysis in the comments if the laboratory used an alternative method not specified in the permit and as allowed in S2.
5. Calculate average values (unless otherwise specified in the permit) using:
 - a. The reported numeric value for all parameters measured between the agency-required detection value and the agency-required quantitation value.
 - b. One-half the detection value (for values reported below detection) if the laboratory detected the parameter in another sample for the reporting period.
 - c. Zero (for values reported below the detection level) if the laboratory did not detect the parameter in another sample for the reporting period.
6. If the Permittee has obtained a waiver from electronic reporting or if submitting prior to the compliance date, the Permittee must submit a paper copy of the laboratory report providing the following information: date sampled, sample location, date of analysis, parameter name, CAS number, analytical method/number, detection level (DL), laboratory quantitation level (QL), reporting units, and concentration detected.

The contract laboratory reports must also include information on the chain of custody, QA/QC results, and documentation of accreditation for the parameter.

7. Ensure that DMRs are electronically submitted no later than the dates specified below, unless otherwise specified in this permit.
8. Submit DMRs for parameters with the monitoring frequencies specified in S2 at the reporting schedule identified below. The Permittee must:
 - a. Submit **monthly** DMRs by the 28th day of the following month.
9. Submit reports to Ecology online using Ecology’s electronic WAWebDMR submittal forms (electronic DMRs) as required above. Send paper reports to Ecology at:

Water Quality Permit Coordinator
Department of Ecology
Northwest Regional Office
3190 - 160th Avenue SE
Bellevue, WA 98008-5452

S3.B. Records retention

The Permittee must retain records of all monitoring information for a minimum of three (3) years. Such information must 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. The Permittee must 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.

S3.C. *Recording of results*

For each measurement or sample taken, the Permittee must 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 analytical techniques or methods used.
5. The results of all analyses.

S3.D. *Additional monitoring by the Permittee*

If the Permittee monitors any pollutant more frequently than required by Special Condition S2 of this permit, then the Permittee must include the results of such monitoring in the calculation and reporting of the data submitted in the Permittee's DMR unless otherwise specified by Special Condition S2.

S3.E. *Reporting permit violations*

The Permittee must take the following actions when it violates or is unable to comply with any permit condition:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.
2. If applicable, immediately repeat sampling and analysis. Submit the results of any repeat sampling to Ecology within thirty (30) days of sampling.

a. *Twenty-four-hour reporting*

The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at (425) 649-7078, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:

1. Any noncompliance that may endanger health or the environment, unless previously reported under immediate reporting requirements.
2. Any unanticipated bypass that causes an exceedance of any effluent limit in the permit (See Part S4.B., "Bypass Procedures").
3. Any upset that causes an exceedance of an effluent limit in the permit (See G.15, "Upset").
4. Any violation of a maximum daily or instantaneous maximum discharge limit for any of the pollutants in Section S1.A of this permit.
5. Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limit in the permit.

b. Report within five days

The Permittee must also submit a written report within five days of the time that the Permittee becomes aware of any reportable event under subparts a or b, above. The report must contain:

1. A description of the noncompliance and its cause.
2. The period of noncompliance, including exact dates and times, if known.
3. The estimated time the Permittee expects the noncompliance to continue if not yet corrected.
4. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
5. If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

c. Waiver of written reports

Ecology may waive the written report required in S3.E.c, above, on a case-by-case basis upon request if the Permittee has submitted a timely oral report.

d. All other permit violation reporting

The Permittee must report all permit violations, which do not require immediate or within 24 hour reporting, when it submits monitoring reports for S3.A ("Reporting"). The reports must contain the information listed in S3.E.c, above. 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.

S3.F. Other reporting

1. Spills of oil or hazardous materials

The Permittee must report a spill of oil or hazardous materials in accordance with the requirements of RCW 90.56.280 and chapter 173-303-145. The Permittee can obtain further instructions at the following website: <http://www.ecy.wa.gov/programs/spills/other/reportaspill.htm> .

2. Failure to submit relevant or correct facts

When 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 must submit such facts or information promptly.

S3.G. Maintaining a copy of this permit

The Permittee must keep a copy of this permit at the facility and make it available upon request to Ecology inspectors.

S4. Operation and maintenance

The Permittee must, 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 also includes keeping a daily operation logbook (paper or electronic), adequate laboratory controls, and appropriate quality assurance procedures. This provision of the permit requires the Permittee to operate backup or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of this permit.

The Permittee must schedule any facility maintenance, which might require interruption of wastewater treatment and degrade effluent quality, during non-critical water quality periods and carry this maintenance out in a manner approved by Ecology.

S4.A. Operations and maintenance (O&M) manual

1. O&M manual submittal and requirements

The Permittee must:

- a. Prepare the O&M Manual that meets the requirements of 173-240-150 WAC and submit it to Ecology for review by March 31, 2017. The Permittee must submit a paper copy and an electronic copy (preferably in a portable document format (PDF)).
- b. Review the O&M Manual at least annually and update the manual as needed.
- c. Submit to Ecology for review and approval substantial changes or updates to the O&M Manual whenever it incorporates them into the manual. The Permittee must submit a paper copy and an electronic copy (preferably as a PDF).
- d. Keep the approved O&M Manual at the permitted facility.
- e. Follow the instructions and procedures of this manual.

2. O&M manual components

In addition to the requirements of WAC 173-240-150, the O&M Manual must include:

- a. Emergency procedures for plant shutdown and cleanup in the event of a wastewater system upset or failure.
- b. A review of system components which in the event of failure could pollute surface water or could impact human health. Provide a procedure for a routine schedule for checking the function of these components.
- c. Wastewater system maintenance procedures related to the generation of process wastewater.

- d. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (for example, defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)
- e. Wastewater sampling protocols and procedures for compliance with the sampling and reporting requirements in the wastewater discharge permit.
- f. Specification for minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit.
- g. Treatment plant process control monitoring schedule.
- h. Specify other items on case-by-case basis such as O&M for any pump stations, lagoon liners, etc.

3. Treatment system operating plan

The Permittee must summarize the following information in the initial chapter of the O&M Manual entitled the "Treatment System Operating Plan." For the purposes of this permit, a Treatment System Operating Plan (TSOP) is a concise summary of specifically defined elements of the O&M Manual.

The TSOP must not conflict with the O&M Manual and must include the following information:

- a. A baseline operating condition, which describes the operating parameters and procedures, used to meet the effluent limits of S1 at the production levels used in developing these limits.
- b. In the event of production rates, which are below the baseline levels used to establish these limits, the plan must describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting must be described in the plan.
- c. In the event of an upset, due to plant maintenance activities, severe stormwater events, startups or shut downs, or other causes, the plan must describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting must be described in the plan.
- d. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

This plan must be updated and submitted, as necessary, to include requirements for any major modifications of the treatment system.

S4.B. Bypass procedures

This permit prohibits a bypass, which is the intentional diversion of waste streams from any portion of a treatment facility.

Ecology may take enforcement action against a Permittee for a bypass unless one of the following circumstances (1, 2, or 3) applies.

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

This permit authorizes a bypass if it allows for essential maintenance and does not have the potential to cause violations of limits or other conditions of this permit, or adversely impact public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least ten (10) days before the date of the bypass.

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

This permit authorizes such a bypass 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. No feasible alternatives to the bypass exist, such as:
 - The use of auxiliary treatment facilities.
 - Retention of untreated wastes.
 - Stopping production.
 - Maintenance during normal periods of equipment downtime, but not if the Permittee should have installed adequate backup equipment in the exercise of reasonable engineering judgment to prevent a bypass.
 - Transport of untreated wastes to another treatment facility or preventative maintenance, or transport of untreated wastes to another treatment facility.
- c. The Permittee has properly notified Ecology of the bypass as required in Special Condition S3.E of this permit.

3. If bypass is anticipated and has the potential to result in noncompliance of this permit.

- a. The Permittee must notify Ecology at least thirty (30) days before the planned date of bypass. The notice must contain:
 - A description of the bypass and its cause.
 - An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing.

- A cost-effectiveness analysis of alternatives including comparative resource damage assessment.
 - The minimum and maximum duration of bypass under each alternative.
 - A recommendation as to the preferred alternative for conducting the bypass.
 - The projected date of bypass initiation.
 - A statement of compliance with SEPA.
 - A request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated.
 - Details of the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- b. For probable construction bypasses, the Permittee must notify Ecology of the need to bypass as early in the planning process as possible. The Permittee must consider the analysis required above during preparation of the engineering report or facilities plan and plans and specifications and must include these to the extent practical. In cases where the Permittee determines the probable need to bypass early, the Permittee must continue to analyze conditions up to and including the construction period in an effort to minimize or eliminate the bypass.
- c. Ecology will consider the following prior to issuing an administrative order for this type of bypass:
- If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
 - If feasible alternatives to bypass exist, 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.
 - If the Permittee planned and scheduled the bypass 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, Ecology will approve or deny the request. Ecology will give the public an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Ecology will approve a request to bypass by issuing an administrative order under RCW 90.48.120.

S5. Application for permit renewal or modification for facility changes

The Permittee must submit an application for renewal of this permit by April 30, 2021. The Permittee must submit a paper copy and an electronic copy (preferably as a PDF).

The Permittee must also submit a new application or supplement at least sixty (60) days prior to commencement of discharges, resulting from the activities listed below, which may result in permit violations. These activities include any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility.

S6. Annual groundwater quality evaluation

The Permittee must submit a groundwater quality report to Ecology by November 1, 2017, and annually thereafter. The report must include, but is not limited to, the following:

- A discussion and evaluation of the effectiveness of the groundwater remediation system.
- The data should be presented on drawings by mapping the distribution (sample date and measured concentration) in groundwater for each containment. One map for each containment should be presented.
- The groundwater quality data for TPH-GRO, TPH-DRO, TPH-HO, cPAHs, and benzene concentrations collected during the previous calendar year from wells distributed across the site.
- The volume of groundwater pumped through the groundwater treatment plant.
- A plan view of monitoring well locations.

For the purpose of meeting this requirement, groundwater quality monitoring and reporting results required by the Agreed Order may be submitted.

S7. Stormwater Pollution Prevention Plan

The Permittee must prepare and properly implement an adequate Stormwater Pollution Prevention Plan (SWPPP) for construction activity in accordance with the requirements of this permit beginning with initial soil disturbance and until final stabilization. A copy of the SWPPP must be kept on-site and made available for geology inspector.

S7.A. The Permittee's SWPPP must meet the following objectives:

1. To implement best management practices (BMPs) to prevent erosion and sedimentation, and to identify, reduce, eliminate, or prevent stormwater contamination and water pollution from construction activity. BMPs are listed in the *Stormwater Management Manual for Western Washington* (most recent edition).
2. To prevent violations of surface water quality, ground water quality, or sediment management standards.
3. To control peak volumetric flow rates and velocities of stormwater discharges.

S7.B. General requirements

1. The SWPPP must include a narrative and drawings. All BMPs must be clearly referenced in the narrative and marked on the drawings. The SWPPP narrative must include documentation to explain and justify the pollution prevention decisions made for the project. Documentation must include:
 - a. Information about existing site conditions (topography, drainage, soils, vegetation, etc.).
 - b. Potential erosion problem areas.
 - c. The actions to be taken if BMP performance goals are not achieved, for example, a contingency plan for additional treatment and/or storage of stormwater that would violate the water quality standards if discharged.
 - d. Document BMP implementation and maintenance in the site logbook.

The Permittee must modify the SWPPP whenever there is a change in design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the State.

S7.C. SWPPP – Narrative contents and requirements

The Permittee must include each of the elements below in the narrative of the SWPPP and implement them unless site conditions render the element unnecessary and the exemption from that element is clearly justified in the SWPPP.

1. Preserve Vegetation/Mark Clearing Limits
 - a. Before beginning land-disturbing activities, including clearing and grading, clearly mark all clearing limits, sensitive areas and their buffers, and trees that are to be preserved within the construction area.
 - b. Retain the duff layer, native top soil, and natural vegetation in an undisturbed state to the maximum degree practicable.
2. Establish Construction Access
 - a. Limit construction vehicle access and exit to one route, if possible.
 - b. Stabilize access points with a pad of quarry spalls, crushed rock, or other equivalent BMPs, to minimize tracking sediment onto roads.
 - c. Locate wheel wash or tire baths on-site, if the stabilized construction entrance is not effective in preventing tracking sediment onto roads.
 - d. If sediment is tracked off-site, clean the affected roadway thoroughly at the end of each day, or more frequently as necessary (for example, during wet weather). Remove sediment from roads by shoveling, sweeping, or pickup and transport of the sediment to a controlled sediment disposal area.
 - e. Conduct street washing only after sediment removal. Control street wash wastewater by pumping back on-site or otherwise preventing it from discharging into systems tributary to waters of the State.

3. Control Flow Rates

- a. Protect properties and waterways downstream of development sites from erosion and the associated discharge of turbid waters due to increases in the velocity and peak volumetric flow rate of stormwater runoff from the project site, as required by local plan approval authority.

4. Install Sediment Controls

The Permittee must design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, the Permittee must design, install, and maintain such controls to:

- a. Construct sediment control BMPs (sediment ponds, traps, filters, etc.) as one of the first steps in grading. These BMPs must be functional before other land disturbing activities take place.
- b. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.
- c. Direct stormwater runoff from disturbed areas through a sediment pond or other appropriate sediment removal BMP, before the runoff leaves a construction site or before discharge to an infiltration facility.

5. Stabilize Soils

- a. The Permittee must stabilize exposed and unworked soils by application of effective BMPs that prevent erosion. Applicable BMPs include, but are not limited to, temporary and permanent seeding, sodding, mulching, plastic covering, erosion control fabrics and matting, soil application of polyacrylamide (PAM), the early application of gravel base on areas to be paved, and dust control.
- b. The Permittee must control stormwater volume and velocity within the site to minimize soil erosion.
- c. The Permittee must control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion.
- d. The Permittee must stabilize soils at the end of the shift before a holiday or weekend if needed based on the weather forecast.
- e. The Permittee must stabilize soil stockpiles from erosion, protected with sediment trapping measures, and where possible, be located away from storm drain inlets, waterways, and drainage channels.
- f. The Permittee must minimize the amount of soil exposed during construction activity.
- g. The Permittee must minimize the disturbance of steep slopes.

- h. The Permittee must minimize soil compaction and, unless infeasible, preserve topsoil.

6. Protect Drain Inlets

- a. Protect all storm drain inlets made operable during construction so that stormwater runoff does not enter the conveyance system without first being filtered or treated to remove sediment.
- b. Clean or remove and replace inlet protection devices when sediment has filled one-third of the available storage (unless a different standard is specified by the product manufacturer).

7. Control Pollutants

Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. The Permittee must:

- a. Handle and dispose of all pollutants, including waste materials and demolition debris that occur on-site in a manner that does not cause contamination of stormwater.
- b. Provide cover, containment, and protection from vandalism for all chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment. On-site fueling tanks must include secondary containment. Secondary containment means placing tanks or containers within an impervious structure capable of containing 110% of the volume contained in the largest tank within the containment structure. Double-walled tanks do not require additional secondary containment.
- c. Conduct maintenance, fueling, and repair of heavy equipment and vehicles using spill prevention and control measures. Clean contaminated surfaces immediately following any spill incident.
- d. Discharge wheel wash or tire bath wastewater to a separate on-site treatment system that prevents discharge to surface water, such as closed-loop recirculation or upland land application, or to the sanitary sewer with local sewer district approval.
- e. Apply fertilizers and pesticides in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Follow manufacturers' label requirements for application rates and procedures.
- f. Use BMPs to prevent contamination of stormwater runoff by pH-modifying sources. The sources for this contamination include, but are not limited to, bulk cement, cement kiln dust, fly ash, new concrete washing and curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, dewatering concrete vaults, concrete pumping and mixer washout waters. (Also refer to the definition for "concrete wastewater" in Appendix A--Definitions.)

- g. Adjust the pH of stormwater if necessary to prevent violations of water quality standards.
 - h. Assure that washout of concrete trucks is performed off-site or in designated concrete washout areas only. Do not wash out concrete trucks onto the ground, or into storm drains, open ditches, streets, or streams. Do not dump excess concrete on-site, except in designated concrete washout areas. Concrete spillage or concrete discharge to surface waters of the State is prohibited.
 - i. Obtain written approval from Ecology before using chemical treatment other than CO₂ or dry ice to adjust pH.
8. Control Dewatering
- a. Permittees may discharge clean, non-turbid dewatering water, such as well-point ground water, to systems tributary to, or directly into surface waters of the State provided the dewatering flow does not cause erosion or flooding of receiving waters. Do not route clean dewatering water through stormwater sediment ponds. Note that “surface waters of the State” may exist on a construction site as well as off-site; for example, a creek running through a site.
 - b. Other treatment or disposal options may include:
 - i. Infiltration.
 - ii. Transport off-site in a vehicle, such as a vacuum flush truck, for legal disposal in a manner that does not pollute state waters.
 - iii. Ecology-approved on-site chemical treatment or other suitable treatment technologies.
 - iv. Sanitary or combined sewer discharge with local sewer district approval, if there is no other option.
 - v. Use of a sedimentation bag with discharge to a ditch or swale for small volumes of localized dewatering.
 - c. Permittees must handle highly turbid or contaminated dewatering water separately from stormwater.
9. Maintain BMPs
- a. Permittees must maintain and repair all temporary and permanent erosion and sediment control BMPs as needed to assure continued performance of their intended function in accordance with BMP specifications.
 - b. Permittees must remove all temporary erosion and sediment control BMPs within 30 days after achieving final site stabilization or after the temporary BMPs are no longer needed.

S7.D. SWPPP – Map contents and requirements

The Permittee's SWPPP must also include a vicinity map or general location map (for example, a USGS quadrangle map, a portion of a county or city map, or other appropriate map) with enough detail to identify the location of the construction site and receiving waters within one mile of the site.

The SWPPP must also include a legible site map (or maps) showing the entire construction site. The following features must be identified, unless not applicable due to site conditions:

1. The direction of north, property lines, and existing structures and roads.
2. Cut and fill slopes indicating the top and bottom of slope catch lines.
3. Approximate slopes, contours, and direction of stormwater flow before and after major grading activities.
4. Areas of soil disturbance and areas that will not be disturbed.
5. Locations of structural and nonstructural controls (BMPs) identified in the SWPPP.
6. Locations of off-site material, stockpiles, waste storage, borrow areas, and vehicle/equipment storage areas.
7. Locations of all surface water bodies, including wetlands.
8. Locations where stormwater or non-stormwater discharges off-site and/or to a surface water body, including wetlands.
9. Location of water quality sampling station(s), if sampling is required by state or local permitting authority.
10. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.

General Conditions

G1. Signatory requirements

1. All applications, reports, or information submitted to Ecology must be signed and certified.
 - a. In the case of corporations, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - 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
 - 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 or delegated to the manager in accordance with corporate procedures.
 - In the case of a partnership, by a general partner.
 - In the case of sole proprietorship, by the proprietor.
 - In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity must be submitted by the public entity.

2. All reports required by this permit and other information requested by Ecology must 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:
 - a. The authorization is made in writing by a person described above and submitted to Ecology.
 - b. 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.)
3. Changes to authorization. If an authorization under paragraph G1.2, 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 G1.2, above, must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section must 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 must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

1. 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.
2. 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.
3. To inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
4. 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 Ecology’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.

1. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - a. Violation of any permit term or condition.
 - b. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - c. A material change in quantity or type of waste disposal.
 - d. A 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.

- e. 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.
 - f. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - g. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
2. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
- a. A material change in the condition of the waters of the state.
 - b. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 - c. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 - d. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 - e. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
 - f. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 - g. Incorporation of an approved local pretreatment program into a municipality's permit.
3. The following are causes for modification or alternatively revocation and reissuance:
- a. When cause exists for termination for reasons listed in 1.a through 1.g of this section, and Ecology determines that modification or revocation and reissuance is appropriate.
 - b. When Ecology 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 G7) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. Reporting planned changes

The Permittee must, as soon as possible, but no later than one hundred eighty (180) days prior to the proposed changes, give notice to Ecology 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.
3. A significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be

modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. Plan review required

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with chapter 173-240 WAC. Engineering reports, plans, and specifications must 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 must be constructed and operated in accordance with the approved plans.

G6. Compliance with other laws and statutes

Nothing in this permit excuses the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. Transfer of this permit

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

1. Transfers by Modification

Except as provided in paragraph (2) 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.

2. Automatic Transfers

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

- a. The Permittee notifies Ecology at least thirty (30) days in advance of the proposed transfer date.
- b. 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.
- c. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. Reduced production for compliance

The Permittee, in order to maintain compliance with its permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. Removed substances

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

G10. Duty to provide information

The Permittee must 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 must also submit to Ecology upon request, copies of records required to be kept by this permit.

G11. Other requirements of 40 CFR

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

G12. Additional monitoring

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

G13. Payment of fees

The Permittee must submit payment of fees associated with this permit as assessed by Ecology.

G14. Penalties for violating permit conditions

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof must 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 may 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 is a separate and distinct offense, and in case of a continuing violation, every day's continuance is deemed to be a separate and distinct violation.

G15. Upset

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits 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 limits if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must 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 Special Condition S3.E.
4. The Permittee complied with any remedial measures required under S3.E of this permit.

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

G16. Property rights

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

G17. Duty to comply

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

G18. Toxic pollutants

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

G19. Penalties for tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two (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 must 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.

G20. 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 Ecology as soon as they know or have reason to believe:

1. 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:”
 - a. One hundred micrograms per liter (100 µg/L).
 - b. 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.
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).
2. 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:”
 - a. Five hundred micrograms per liter (500 µg/L).
 - b. One milligram per liter (1 mg/L) for antimony.
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).

G21. 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 must be submitted no later than fourteen (14) days following each schedule date.