



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

August 7, 2019

The Honorable Don Britain
Mayor, City of Kennewick
210 W. 6th Ave
Kennewick, WA 99336

**RE: Administrative Order Approving Kennewick Pretreatment Program
NPDES Permit No. WA0044784**

Dear Mayor Britain:

Congratulations. I am pleased to announce that with the enclosed Order, the City of Kennewick Industrial Pretreatment Program is **approved**. The Department of Ecology (Ecology) is issuing full delegation of the Federal Pretreatment Program and State Waste Discharge Permit Program to the City of Kennewick (City). Ecology will also be modifying the City's National Pollutant Discharge Elimination System (NPDES) Permit No. WA0044784 to reflect the program delegation.

This delegation follows public notice of the intent to delegate the program, published in the Tri Cities Herald on June 28 and July 5, 2019. No comments were received during the public comment period, which ended on August 5, 2019.

This delegation follows several years of work on the part of staff of the city's Industrial Pretreatment Program, most notably Chris Espinoza and Gina Morgan. Ecology appreciates the hard work and commitment from your staff to complete this important work.

Please contact Donna L. Smith if you have any questions. She can be reached at 509-575-2612.

Sincerely,

David B. Bowen
Section Manager
Water Quality Program
Central Regional Office

By Certified Mail 7014 3490 0001 5527 7458

Enclosure: AO 16609



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN)	ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER)	DOCKET #16609
TO)	
CITY OF KENNEWICK)	

To: City of Kennewick
City Manager's Office
210 W. 6th Ave.
Kennewick, WA 99336

Order Docket #	16609
Site Location	City of Kennewick

The Department of Ecology (Ecology) has issued this Administrative Order (Order) to the City of Kennewick approving its Industrial Pretreatment Program and requiring that the City of Kennewick fully implement its program.

The National Pretreatment Program was designed to be developed, implemented, and enforced primarily by the municipal entities that own or operate wastewater treatment facilities. The General Pretreatment Regulations, set out at 40 Code of Federal Regulations (CFR) Part 403, establish uniform federal requirements that apply to wastewater treatment facilities that meet the definition of "Publicly Owned Treatment Works" (POTW) and to the industrial users that discharge to them. Any POTW with a total design flow of greater than 5 Million Gallons per Day and receiving waste from dischargers subject to federal pretreatment standards and requirements must establish a pretreatment program.

Each pretreatment program is evaluated for completeness according to the criteria set out in the General Pretreatment Regulations. An approved program must contain six general elements. They are:

1. Legal Authority to implement and enforce program requirements through a sewer use ordinance or similar authority.
2. Local Discharge Limits developed using site-specific data in order to protect the collection system, treatment plant, POTW employees, sludge reuse and disposal practices and the receiving water.
3. Industrial User Inventory to provide current information on the sources, nature and volume of industrial discharges.
4. Control Mechanism such as permits to ensure that industrial users comply with pretreatment standards and requirements.
5. Compliance Monitoring procedures including inspections, sampling of industrial users, and data management.
6. Enforcement Response Plan to facilitate swift and effective enforcement against industrial users violating the sewer use ordinance and/or control mechanism conditions.

The City of Kennewick POTW meets the 5 MGD design flow and receives waste from regulated industrial facilities.

On November 17, 2017, Ecology issued Administrative Order No. 15446 requiring development of the program and the submittal of the Request for Pretreatment Delegation by December 4, 2018.

The City of Kennewick submitted its Request for Pretreatment Delegation on December 6, 2018. Over several months, Ecology reviewed the submittal for completeness as described above and provided feedback to the City. The City made necessary changes to its submittal and a final was received on May 30, 2019. Ecology staff have reviewed the final submittal and found that it adequately includes the six general elements.

The City's NPDES Permit No. WA0044784 required that the program be implemented by May 1, 2019. The City requested that its permit be modified to delay implementation to September 19, 2019, due to staffing issues at the City. Ecology modified the permit as such on April 2, 2019.

Public Notice of the proposed delegation was published on June 28, 2019 and July 5, 2019. The 30-day comment period ended on August 5, 2019. Ecology received no comments.

RCW 90.48.260 designates the Department of Ecology (Ecology) as the state water pollution control agency for all purposes of the Federal Water Pollution Control Act (FWPCA). This act grants Ecology authority to establish any national waste discharge or National Pollution Discharge Elimination System (NPDES) permit. This permitting authority includes pretreatment requirements, enforcement of the program through penalties, emergency powers, and criminal sanctions.

Federal Regulation 40 CFR section 403.8(a) requires any Publicly Owned Treatment Works (POTW) with a design flow of greater than five (5) million gallons a day and accepting waste or pollutants from federally regulated industries to establish a Pretreatment Program.

In addition, 40 CFR 403.8 establishes specific requirements for the content and 40 CFR 403.9 contains procedures for the submittal and delegation of such pretreatment programs.

RCW 90.48.165 allows that, upon application, any city, town, or municipal corporation cooperating a sewerage system including treatment facilities may be granted authority by the department to issue permits for the discharge of wastes to such system provided the department ascertains to its satisfaction that the sewerage system and the inspection and control program implemented will protect the public interest.

Chapter 173-208 Washington Administrative Code sets forth the procedures for granting authority for administration of the permit program of RCW 90.48.160 as it pertains to waste discharges into POTWs and requires that an administrative order of approval be issued.

In view of the foregoing and in accordance with RCW 90.48, it is ordered that:

1. The City of Kennewick Pretreatment Program is **approved**.
2. City of Kennewick shall fully implement the provisions of the Federal Pretreatment Program of 40 CFR part 403 and the State Waste Discharge Permit Program of Chapter 173-216, Washington Administrative Code, effective on the date that NPDES permit No. WA0044784 is modified to reflect that the delegation is complete.
3. Order No. DE 15446 is hereby rescinded.

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 both 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.

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

ADDRESS AND LOCATION INFORMATION

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

CONTACT INFORMATION

Please direct all questions about this Order to:

Donna L. Smith
Department of Ecology
Central Regional Office
1250 W. Alder Street
Union Gap, WA 98903

Phone: 509-575-2612
Email: Donna.Smith@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://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- Chapter 371-08 WAC – Practice And Procedure
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- Chapter 34.05 RCW – Administrative Procedure Act
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- Ecology's Laws, rules, & rulemaking website
<https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking>

SIGNATURE



David B. Bowen
Section Manager
Water Quality Program
Central Regional Office



Date