

Issuance Date: May 22, 2020  
Effective Date: July 1, 2020  
Expiration Date: June 30, 2025

**National Pollutant Discharge Elimination System  
Waste Discharge Permit No. WA0031046**

State of Washington  
DEPARTMENT OF ECOLOGY  
Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1342 et seq.

**Pacific Fishermen Shipyard and Electric, LLC**  
5351 – 24<sup>th</sup> Avenue NW  
Seattle, WA 98107

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

**Facility Location:**  
5351 24<sup>th</sup> Ave NW  
Seattle, WA 98107


**Receiving Water:**  
Lake Washington Ship Canal

**Treatment Type:** Enhanced Filtration

**SIC Code:** 3731

**Industry Type:** Ship Repair

**NAICS Code:** 336611



Rachel McCrea  
Water Quality Section Manager  
Northwest Regional Office  
Washington State Department of Ecology

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## Summary of Permit Report Submittals

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

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report (DMR)	Quarterly	October 28, 2020
S3.F	Reporting Permit Violations	As necessary	
S4.A	Operations and Maintenance Manual Update	As necessary	
S4.B	Reporting Bypasses	As necessary	
S5.C	Solid Waste Control Plan	1/permit cycle	December 28, 2024
S5.C	Modification to Solid Waste Plan	As necessary	
S6	Application for Permit Renewal	1/permit cycle	December 28, 2024
S8.A	Spill Plan	1/permit cycle, updates submitted as necessary	December 28, 2024
S9	Outfall Evaluation	1/permit cycle	December 28, 2024
S10	Stormwater Pollution Prevention Plan	As necessary	
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	
G21	Compliance Schedules	As necessary	

## Special Conditions

### S1. Discharge limits

#### S1.A. Process wastewater discharges

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

The Permittee must **not** discharge any wastewater originating from hydroblasting, rinsing, cleaning, scraping, and painting activities on Small Marine Railway No. 1, Large Marine Railway No. 2; and the Screw Lift Dry Dock to surface water. The Permittee must collect this wastewater and (1) treat it and recycle it; (2) haul it to an appropriate off-site disposal facility; or (3) discharge it to the sanitary sewer pursuant to the local permit.

The Permittee must not discharge the following wastewaters to waters of the state, including groundwater:

- Hydroblast or pressure wash wastewater.
- Bilge water, hydraulic fluid, and oily wastes.
- Ballast water.
- Gray water (including discharges from any ship's galley or shower while at dockside).
- Ship sanitary wastes.
- Solvents.
- Maintenance shop wastewaters including but not limited to wastewaters from the machine shop, sandblasting shed, steel storage and fabrication shed, welding shop, carpentry shop, pipe shop, paint shed, and sandblasting building.
- Wastewater from any industrial activity and repair areas on the piers or upland areas.
- The Permittee must notify owners of vessels under repair dockside in writing that federal and state regulations prohibit the discharge of sewage and gray water into the waterways. If a vessel must discharge untreated sanitary wastes it must discharge to either the sanitary sewer or into holding tanks that are periodically emptied into a sanitary sewer system. The Permittee will make available at all times a list of contractors providing disposal services and any other alternatives available for complying with these regulations, such as holding tanks and pump-out facilities.

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.

## **S1.B. Stormwater discharges**

Stormwater discharges shall not cause a visible change in turbidity, color, or cause a visible oil sheen in the receiving water.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge treated stormwater at the permitted location subject to complying with the following limits:

<b>Table S1.B: Effluent Limits for Stormwater discharges to Outfall 14</b>		
<b>Latitude: 47.666518 Longitude: -122.388845</b>		
<b>Parameter</b>	<b>Maximum Daily<sup>a</sup></b>	
Oil and Grease	No visible sheen	
Turbidity	25 NTU	
Total Copper	62 µg/L	
Total Zinc	332 µg/L	
	<b>Minimum</b>	<b>Maximum</b>
pH	5.0 standard units	9.0 standard units
<sup>a</sup>	Maximum daily effluent limit is the highest allowable daily discharge.	

## **S1.C. Mixing zone authorization**

### **Mixing zone for Outfall 14**

The following paragraphs define the maximum boundaries of the mixing zone(s).

#### **Chronic Mixing Zone**

WAC 173-201A-400 specifies mixing zones must not extend in any horizontal direction from the discharge ports for a distance greater than 100 feet for the Permittee's outfall. The mixing zone is a circle with radius of 100 feet measured from the center of each discharge port. The mixing zone extends from the seabed to the top of the water surface. Chronic aquatic life criteria and human health criteria must be met at the edge of the chronic zone. The dilution factor associated with the chronic mixing zone is 87:1.

#### **Acute mixing zone**

The width of the acute mixing zone is limited to a distance of 10 feet in any horizontal direction from the outfall. The length of the acute mixing zone extends 10 feet upstream and 10 feet downstream of the outfall. The mixing zone extends from the bottom to the top of the water column. The concentration of pollutants at the edge of the acute zone must meet acute aquatic life criteria. The dilution factor associated with the acute mixing zone is 25:1.

## **S1.D. Marine Railway and Screw Lift Dry Dock floodwater**

Beginning on the effective date of this permit, the Permittee must monitor Marine Railways (i.e., MW 1 & 2) and Screw Lift Dry Dock floodwater during launch subject to complying with the following discharge prohibitions and limitations at the permitted location:

- Discharges from the Marine Ways No. 1 and No. 2 during launch and Screw Lift Dry Dock during flooding shall not cause a visible change in turbidity, color, or cause a visible sheen to the receiving water.

- Document condition of railways and dry dock prior to and during each launch in a logbook according to condition S11.B.9.
- Discharges of stormwater from the Marine Ways No. 1 and No. 2 and Screw Lift Dry Dock to surface water are prohibited during times that work is in progress on the railways.

## S2. Monitoring requirements

### S2.A. Monitoring schedule

The Permittee must monitor 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 and as allowed above, it must report the test method, DL, and 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 (MDL) and a quantitation limit (QL) to Ecology with appropriate laboratory documentation.

Collect samples from the outfall or an online access point of a storm drain nearest the outfall terminus.

Collect samples during normal operating hours within the first sixty (60) minutes of runoff from a storm event that is greater than 0.1 inches of rainfall. If a qualifying storm event does not occur during a month, then the Permittee is not required to submit stormwater data for that week.

**Table S2.A: Monitoring Requirements for Stormwater Effluent (Outfall 14)**

Parameter	Units	Laboratory Method	Minimum Sampling Frequency	Sample Type
pH	Standard units	SM 4500-H <sup>+</sup> B	Once per quarter <sup>2</sup>	Grab <sup>1</sup>
Oil and Grease	Yes/No	N/A	Once per quarter	Visual
Turbidity	NTU	SM2130 / EPA 180.1	Once per quarter	Grab
Copper (Total)	µg/L	EPA 200.8	Once per quarter	Grab
Zinc (Total)	µg/L	EPA 200.8	Once per quarter	Grab
<sup>1</sup>	Grab means an individual sample collected over a fifteen (15)-minute, or less, period.			
<sup>2</sup>	Quarterly sampling periods are January through March, April through June, July through September, and October through December. The Permittee must begin quarterly monitoring for the quarter beginning on July 1, 2020, and submit results by October 28, 2020.			

### 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, and internal process control parameters are exempt from this requirement.

#### **S2.D. Request for reduction in monitoring**

The Permittee may request a reduction of the sampling frequency after twelve (12) months of monitoring. Ecology will review each request and at its discretion grant the request when it reissues the permit or by a permit modification.

The Permittee must:

1. Provide a written request.
2. Clearly state the parameters for which it is requesting reduced monitoring.
3. Clearly state the justification for the reduction.

### **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. Discharge monitoring reports**

The first monitoring period begins on the effective date of the permit (unless otherwise specified). 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 the Water Quality Permitting Portal. 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 the Water Quality Permitting Portal go to: <http://ecyapwq/wqwebportal/>

2. Ensure that DMRs are electronically submitted no later than the dates specified below, unless otherwise specified in this permit.



3. Submit DMRs for parameters with the monitoring frequencies specified in S2 (monthly, quarterly, annual, etc.) at the reporting schedule identified below. The Permittee must:
  - a. Submit **quarterly DMRs**, unless otherwise specified in the permit, by the 28<sup>th</sup> day of the month following the monitoring period. Quarterly sampling periods are January through March, April through June, July through September, and October through December. The Permittee must submit the first quarterly DMR by October 28, 2020, for the quarter beginning on July 1, 2020.
4. 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.
5. Report single analytical values below detection 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.
6. Report single analytical values between the detection level (DL) and the quantitation level (QL) by entering the estimated value, the code for estimated value/below quantitation limit (j) and any additional information in the comments. Submit a copy of the laboratory report as an attachment using WQWebDMR.
7. 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.
8. Calculate average values and calculated total values (unless otherwise specified in the permit) using:
  - a. The reported numeric value for all parameters measured between the detection value and the quantitation value for the sample analysis.
  - b. One-half the detection value (for values reported below detection) if the lab detected the parameter in another sample from the same monitoring point for the reporting period.
  - c. Zero (for values reported below detection) if the lab did not detect the parameter in another sample for the reporting period.
9. The Permittee must also submit an electronic copy of the laboratory report as an attachment using WQWebDMR. The contract laboratory reports must also include information on the chain of custody, QA/QC results, and documentation of accreditation for the parameter.

### **S3.B. Permit submittals and schedules**

The Permittee must use the Water Quality Permitting Portal – Permit Submittals application (unless otherwise specified in the permit) to submit all other written permit-required reports by the date specified in the permit.

When another permit condition requires submittal of a paper (hard-copy) report, the Permittee must ensure that it is postmarked or received by Ecology no later than the dates specified by this permit. Send these paper reports to Ecology at:

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

### **S3.C. 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.D. 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 individual who performed the analyses.
5. The analytical techniques or methods used.
6. The results of all analyses.

### **S3.E. 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.F. 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 425-649-7000, 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 Sections S1.B and S1.D 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. This requirement does not include industrial process wastewater overflows to impermeable surfaces which are collected and routed to the treatment works.

**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.
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 subpart 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 hours reporting, when it submits monitoring reports for S3.A ("Reporting"). The reports must contain the information

listed in subpart 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.G. Other reporting**

#### **a. 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. You can obtain further instructions at the following website: <https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill>

#### **b. Failure to submit relevant or correct facts**

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 must submit such facts or information promptly.

### **S3.H. 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 according to the approved O&M manual or as otherwise approved by Ecology.

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

#### **a. O&M manual submittal and requirements**

The Permittee must:

1. Submit to Ecology for review substantial changes or updates to the O&M manual.
2. Keep the approved O&M manual at the permitted facility.
3. Follow the instructions and procedures of this manual.

**b. O&M manual components**

In addition to the requirements of WAC 173-240-150(1) and (2), the O&M manual must include:

1. Emergency procedures for plant shutdown and cleanup in the event of a wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater.
3. 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).
4. Wastewater sampling protocols and procedures for compliance with the sampling and reporting requirements in the wastewater discharge permit.
5. Minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit.
6. Treatment plant process control monitoring schedule.

**S4.B. Bypass procedures**

A bypass is the intentional diversion of waste streams from any portion of a treatment facility. This permit prohibits all bypasses except when the bypass is for essential maintenance, as authorized in Special Condition S4.B.1, or is approved by Ecology as an anticipated bypass following the procedures in S4.B.2.

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

This permit allows bypasses for essential maintenance of the treatment system when necessary to ensure efficient operation of the system. The Permittee may bypass the treatment system for essential maintenance only if doing so does not cause violations of effluent limits. The Permittee is not required to notify Ecology when bypassing for essential maintenance. However, the Permittee must comply with the monitoring requirements specified in Special Condition S2.B.

2. Anticipated bypasses for non-essential maintenance

Ecology may approve an anticipated bypass under the conditions listed below. This permit prohibits any anticipated bypass that is not approved through the following process.

- a. If a bypass is for non-essential maintenance, the Permittee must notify Ecology, if possible, at least ten (10) days before the planned date of bypass. The notice must contain:
  - A description of the bypass and the reason the bypass is necessary.

- An analysis of all known alternatives which would eliminate, reduce, or mitigate the potential impacts from the proposed bypass.
  - A cost-effectiveness analysis of alternatives.
  - 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 recurrence 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 the project planning and design process. The project-specific engineering report as well as the plans and specifications must include details of probable construction bypasses 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 determine if the Permittee has met the conditions of Special Condition S4.B.2 a and b and consider the following prior to issuing a determination letter, an administrative order, or a permit modification as appropriate for an anticipated bypass:
- If the Permittee planned and scheduled the bypass to minimize adverse effects on the public and the environment.
  - If the 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. Severe property damage does not mean economic loss caused by delays in production.
  - If 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 which occurred during normal periods of equipment downtime or preventative maintenance.
- Transport of untreated wastes to another treatment facility.

## **S5. Solid wastes**

### **S5.A. Solid waste handling**

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

### **S5.B. Leachate**

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

### **S5.C. Solid waste control plan**

The Permittee must submit all proposed revisions or modifications to the solid waste control plan to Ecology for review and approval at least 30 days prior to implementation. The Permittee must comply with the approved solid waste control plan and any modifications once approved. The Permittee must submit an update of the solid waste control plan by December 28, 2024.

## **S6. Application for permit renewal or modification for facility changes**

The Permittee must submit an application for renewal of this permit by December 28, 2024.

The Permittee must also submit a new application or addendum at least one hundred eighty (180) 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.

## **S7. Facility loading**

### **S7.A. Design criteria**

The flows or waste loads for the permitted facility must not exceed the following design criteria:

Treatment Flow Range

Up to 50 gpm

### **S7.B. Stormwater treatment design criteria**

The Permittee may divert stormwater runoff that exceeds the hydraulic design criteria of a stormwater treatment system around the stormwater treatment system when Ecology has determined the system meets AKART requirements. Ecology does not consider these stormwater runoff flows as exceedences of the established design criteria or as meeting the definition of a bypass under Special Condition S4.B. The Permittee must not commingle these stormwater discharges with any other type of wastewater.

## **S8. Spill control plan**

### **S8.A. Spill control plan submittals and requirements**

The Permittee must:

1. Submit to Ecology an update to the existing spill control plan by December 28, 2024.
2. Review the plan at least annually and update the spill plan as needed.
3. Send changes to the plan to Ecology.
4. Follow the plan and any supplements throughout the term of the permit.

### **S8.B. Spill control plan components**

The spill control plan must include the following:

1. A list of all oil and petroleum products and other materials used and/or stored on-site, which when spilled, or otherwise released into the environment, designate as dangerous waste (DW) or extremely hazardous waste (EHW) by the procedures set forth in WAC 173-303-070. Include other materials used and/or stored on-site which may become pollutants or cause pollution upon reaching state's waters.
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 description of the reporting system the Permittee will use to alert responsible managers and legal authorities in the event of a spill.
4. A description of operator training to implement the plan.

The Permittee may submit plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies, which meet the intent of this section.

## **S9. Outfall evaluation**

The Permittee must inspect, once, the submerged portion of the outfall line and diffuser to document its integrity and continued function. If conditions allow for a photographic



verification, the Permittee must include such verification in the report. By December 28, 2024, the Permittee must submit the inspection report to Ecology through the Water Quality Permitting Portal – Permit Submittals application.

## **S10. Stormwater pollution prevention plan**

The facility covered under this permit must have a stormwater pollution prevention plan (SWPPP) specifically developed for this facility. The SWPPP must be consistent with permit requirements, fully implemented as directed by permit conditions, and updated as necessary to maintain compliance with permit conditions.

The Permittee must implement elements of the SWPPP concurrent with permit effective date.

### **S10.A. General requirements**

The Permittee must retain the SWPPP on-site or within reasonable access to the site and make it immediately available, upon request, to Ecology.

#### **1. Ecology request**

Ecology may request a written copy or update of a previously submitted SWPPP. The Permittee must submit its SWPPP to Ecology within two (2) weeks of receiving the request or at a later date if approved by Ecology.

#### **2. Enhanced/additional best management practices (BMPs)**

The Permittee must provide a schedule in the SWPPP for implementation of any additional or enhanced BMPs that are necessary because of a facility change, a self-inspection, or a notice from Ecology. Unless otherwise authorized by Ecology in writing, a schedule for implementation (plan) must be completed and entered into the SWPPP within thirty (30) days of a notice/determination of necessary improvements, or in accordance with an approved compliance schedule. BMPs identified in the plan must be implemented with due diligence. Unless otherwise authorized by Ecology in writing, noncapital BMPs must be completed within two (2) weeks after completing the plan and capital BMPs within six (6) months.

The Permittee must modify the SWPPP whenever there is a change in design, construction, operation, or maintenance of any BMP which cause(s) the SWPPP to be less effective in controlling the pollutants.

This permit requires the Permittee to conduct visual monitoring, and this monitoring may identify BMPs that are inadequate or pollutant sources that are not identified or poorly described in the SWPPP. When visual monitoring identifies inadequacies in the SWPPP, due to the actual discharge of or potential to discharge a significant amount of any pollutant, the SWPPP must be modified and BMPs adjusted to correct the deficiency.

### **S10.B. SWPPP contents and requirements**

The SWPPP must contain a detailed assessment of the facility and a detailed description of the BMPs being implemented.

## 1. Facility assessment

The facility assessment must include a description of the facility, a detailed site map, an inventory of facility activities, and equipment that contribute to or have the potential to contribute pollutants to stormwater, and an inventory of materials that contribute to or have the potential to contribute pollutants to stormwater. The assessment must be as complete as possible and must be updated to reflect changes at the facility. The SWPPP must address each potential source of pollutants with best management practices that will eliminate or reduce the potential to contaminate stormwater.

- a. **Facility description:** The facility description will describe the industrial activities conducted at the site; the general layout of the facility, including buildings and storage of raw materials; and the flow of goods and materials through the facility. It should include seasonal variations, including peaks in production and any changes in work based on season or weather (for example, moving work outdoors on dry days).
- b. **Site map:** The site map must be drawn to an identified scale or include relative distances between significant structures and drainage systems. It must provide identifiers (names) of significant features and be of sufficient size and detail to identify the following: The site map will show the stormwater drainage and discharge structures, an outline of the stormwater drainage areas for each stormwater discharge point (including discharges to ground water), paved areas and buildings, areas of pollutant contact (actual or potential), surface water locations (including wetlands and drainage ditches), areas of existing and potential soil erosion and vehicle service areas; lands and waters adjacent to the site must also be depicted where helpful in identifying discharge points or drainage routes.
- c. **Industrial activities:** The inventory of industrial activities will identify all areas associated with industrial activities which have been or may potentially be sources of significant amounts of pollutants, including the following:
  - i) Loading and unloading of dry bulk materials or liquids.
  - ii) Outdoor storage of materials or products.
  - iii) Outdoor manufacturing and processing.
  - iv) Dust or particulate generating processes.
  - v) Roofs or other surfaces exposed to air emissions from a manufacturing building or a process area.
  - (vi) On-site waste treatment, storage, or disposal.
  - (vii) Vehicle and equipment fueling, maintenance, and/or cleaning (includes washing).
- d. **Material List:** The inventory of materials will list all the types of materials handled at the site that potentially may be exposed to precipitation or runoff. The inventory will include a short narrative for

each material describing the potential of the pollutant to be present in stormwater discharges. The Permittee will update this narrative when data become available to verify the presence or absence of these pollutants. The inventory will include a narrative description of any potential sources of pollutants from past activities; significant materials that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater; the method and location of on-site storage or disposal; and a list of significant spills and significant leaks of toxic or hazardous pollutants.

## 2. Monitoring plan

The SWPPP will include a monitoring plan. The plan must identify all the points of discharge to surface water or to a storm drain system. The plan must identify who is responsible for monitoring and how monitoring will be conducted to comply with permit conditions. The monitoring plan will address stormwater sampling requirements and visual inspections. The plan must include the following:

- a. Identification of points of discharge.
- b. A check list for visual monitoring.
- c. Who conducts stormwater sampling.
- d. Procedures for sample collection and handling.
- e. Procedures for sending samples to the lab.

## 3. BMPs

The SWPPP will include a description of the BMPs that are necessary for the facility to eliminate or reduce the potential to contaminate stormwater. BMPs must be included to comply with the following requirements:

- a. **Operational Source Control BMPs:** Operational BMPs are common to all facilities. The categories listed below are a minimum set of BMPs that must be included in the SWPPP.
  - i) Pollution prevention team: The SWPPP will include a BMP that identifies specific individuals by name or by title within the facility who are responsible for developing the SWPPP and assisting the facility manager in its implementation, maintenance, and modification. The activities and responsibilities of the team should address all aspects of the facility's SWPPP.
  - ii) Good housekeeping: The SWPPP will include a BMP(s) that defines ongoing maintenance and cleanup, as appropriate, of areas which may contribute pollutants to stormwater discharges. The SWPPP will include the schedule/frequency for completing each housekeeping task.
  - iii) Preventive maintenance: The SWPPP will include a BMP(s) to inspect and maintain the stormwater drainage and treatment systems

(if any), and plant equipment and systems that could fail and result in contamination of stormwater. The SWPPP will include the schedule/frequency for completing each maintenance task.

iv) Employee Training: The SWPPP will include a BMP(s) to provide SWPPP training for employees who have duties in areas of industrial activity subject to this permit. At a minimum, training must include an overview of what is in the SWPPP and how employees make a difference in complying with the SWPPP and preventing contamination of stormwater. The training must address spill response procedures, good housekeeping, and material management practices. The BMP(s) must provide the content of the training, how training will be conducted, and the frequency/schedule for assuring employees will receive training. Annual training is the minimum acceptable frequency. A log of the dates on which specific employees receive training must be kept and included in the SWPPP.

v) Inspections and record keeping: The SWPPP will identify personnel responsible for inspection of BMPs (i.e., structural and non-structural) and other equipment and plant areas of Part II of this permit. The Permittee must also provide a tracking or follow-up procedure to ensure that appropriate action has been taken in response to monitoring. There must be documentation of visual, and other monitoring reporting and record keeping procedures and schedules as required by the permit.

b. **Structural Source Control BMPs**: Structural source control BMPs must be provided to eliminate or minimize the exposure of stormwater to pollutants. Volume IV of Ecology's *Stormwater Management Manual for Western Washington* provides useful information for source control BMPs in S401 - BMPs for the Building, Repair, and Maintenance of Boats and Ships. Those BMPs listed as "applicable" are considered the minimum set of required BMPs for compliance with this permit. BMPs listed in S11 Shipyard Best Management Practices are also required. Equivalent BMPs may be selected which result in equal or better quality of stormwater discharge.

c. **Treatment BMPs**: Treatment BMPs are required when operational and source control BMPs are not adequate to reduce pollutants below a significant amount and maintain compliance with water quality standards. At a minimum, the SWPPP must include a narrative that describes how the Permittee determined if treatment BMPs are or are not required. When treatment BMPs are required, refer to Ecology's *Stormwater Management Manual for Western Washington*, Volume V, or equivalent manual, for guidance on selecting treatment BMPs.

#### 4. Other BMPs

Nothing in Special Condition S10 of this permit is intended to preclude the application of innovative treatment, source control, reduction or recycle, or operational BMPs beyond those identified in Ecology's *Stormwater Management Manual for Western*

*Washington.* Additional BMPs beyond those identified in Ecology's *Stormwater Management Manual for Western Washington* may be necessary to achieve compliance with standards. However, treatment BMPs that include addition of chemicals to provide treatment must be approved by Ecology before implementation.

## **S11. Shipyard best management practices**

The Permittee must implement the following Best Management Practices (BMPs).

### **S11.A. Control of large solid materials**

Prior to flooding, the Permittee must remove floatable and low density waste, such as wood, plastic, and miscellaneous trash, such as paper, insulation, and packaging, from the drydock floors.

### **S11.B. Control and cleanup of paint dust and abrasive blasting debris**

The Permittee must:

1. Confine dust and overspray to the shipyard repair and construction areas to the maximum extent feasible during abrasive blasting and spray painting of vessels and modules. Feasible methods of control include conducting the work in a sandblast/spray paint shed or installing plastic barriers around the vessel.
2. Secure and arrange the plastic barriers hung from the vessel or temporary structures around the vessel to prevent the fugitive emissions of abrasive grit and dust, as well as effectively capture overspray from spray painting activities.
3. Weight or fasten the bottom edge of tarpaulins and plastic sheeting so they remain in place during windy conditions.
4. Consider other feasible innovative procedures, as appropriate, to improve the effectiveness of controlling dust emissions and paint overspray. Such innovative methods may include wet abrasive blasting (slurry blasting), product substitution for blasting media, for example, sodium bicarbonate, or overall waste minimization and recycling, for example, the use of vacuum return sandblasting heads or steel shot blast technology.
5. Do not use abrasive blast or spray paint while vessels are docked pier-side, such that material is discharged to the receiving water.
6. Clean up spent paint, paint chips, protective coating materials, and abrasive grit as part of the repair or production activities, to the extent maximally feasible, to prevent their entry into state waters.
7. Set vessels on the drydock ways to maximize accessibility to the floor of the drydock beneath the vessel for collection of spent abrasive.
8. Use either manual or mechanical methods to clean the drydock of spent sandblast grit and debris prior to launching a vessel.
9. Take photographs and maintain them in a logbook to demonstrate the condition of the drydock floor prior to launching every vessel. Documentation accompanying the photographs must include the name of the vessel, the drydock number, the launch date, the date of the photograph, and

the name of the photographer. The Permittee may use a videotape that documents the same information in place of a photograph collection. Document in a logbook the visual observations (yes/no) during each launch of any change in turbidity or observable oil sheen due to the launch.

10. Clean the yard on a regular basis to minimize the possibility that stormwater runoff will carry sandblasting grit or other debris into the receiving water.
11. Store collected sandblasting debris under cover in a designated area with the spent abrasive grit.
12. Adopt innovations and procedures to improve the effectiveness of cleanup operations where they are feasible, appropriate and the Permittee can demonstrate they prevent the discharge of solids to water.

#### **S11.C. In-water vessel maintenance - surface preparation BMPs**

The Permittee must not clean any portion of a vessel's hull below the waterline or employ conventional abrasive blasting while the vessel is afloat.

#### **S11.D. In-water vessel maintenance - cleaning activities**

1. The Permittee may conduct the following types of surface preparation activities on a vessel's hull above the waterline at a permitted shipyard facility provided that containment and collection BMP measures effectively prevent dust, dirt, debris, or any other pollutants generated from these surface preparation operations from being deposited on or entering into waters of the state:
  - a. Mechanical hand preparation, such as scraping or wire brushing.
  - b. Conventional mechanical grinding or use of other powered mechanical abrading tools.
2. Ecology may allow the Permittee to conduct innovative abrasive blasting systems or ultrahigh water pressure systems for surface preparation on a vessel's hull while it is in the water if the Permittee demonstrates beforehand to Ecology's satisfaction that such methods do not release generated pollutants into waters of the state.

#### **S11.E. In-water vessel maintenance - paint and coating application BMPs**

1. The Permittee must not spray-paint or spray-coating applications to a vessel's hull while that vessel is in the water. The Permittee may conduct the following methods of paint and coating applications to a vessel's hull while in the water at an NPDES-permitted shipyard, if all containment, collection, and spill prevention BMPs are in place before it makes any applications.
  - a. Application by roller.
  - b. Application by brush.
2. Ecology may allow the Permittee to conduct innovative spray-paint or spray-coating application methods on a vessel's hull while it is in the water if

it demonstrates beforehand to Ecology's satisfaction that such methods do not release generated pollutants into waters of the state.

**S11.F. BMPs for floats used for in-water vessel maintenance**

Floats are free-floating, unattached work platforms capable of moving back and forth along the length of the ship and around its hull. The Permittee must:

1. Maintain floats at a minimum of 1 foot of freeboard at the floats' lowest point during all phases of maintenance operations.
2. Maintain this minimum 1-foot freeboard requirement with all scaffolding configurations and number of persons onboard the float.
3. Take all necessary precautions while onboard the float to prevent paints, cleaning materials, petroleum products, all other liquids and unsecured materials from entering into the water from the float.
4. Provide secondary containment for any container greater than one-gallon holding paint, marine coating, or any other liquid product for painting or surface preparation when used onboard a float.
5. Provide all roller pans used on a float with secondary spill containment equal to the entire volume of the container plus 10 percent of the volume of that same container.

**S11.G. Documentation requirements for in-water vessel maintenance BMPs**

The Permittee must comply with documentation requirements for any in-water surface preparation operations of one hour or more in duration and any in-water coating or painting operation involving 1/2 gallon or more of paint or marine coating.

Documentation requirements will consist, at a minimum, of one or more representative photographs of all in-water vessel maintenance BMPs which the Permittee implements for surface preparation operations and all painting and coating operations. The Permittee must date all such photographs and maintain them in a logbook, with all necessary descriptive narrative of the in-water vessel maintenance BMPs. The Permittee must make these records available to an Ecology inspector upon request and must retain them on-site for at least three (3) years.

**S11.H. Oil, grease, paint, and fuel spills prevention and containment**

1. The Permittee must not discharge oil, other hazardous material, or paint to state waters, except as specifically authorized by this permit. The Permittee must:
  - a. Prevent oil, grease, fuel, or paint spills from reaching drainage systems or surface waters.
  - b. Promptly cleanup after it detects an oil, grease, fuel, or paint spill.
  - c. Conveniently store oil containment booms and absorbents so it can immediately deploy them in the event of a spill.
  - d. Train all yard personnel that may participate in cleanup of spills in the use and deployment of cleanup equipment.

2. In the event of an accidental discharge of oil or hazardous material into waters of the state or onto land with a potential for entry into state waters, the Permittee must immediately notify Ecology's Northwest Regional Office Spill Response Section and the United States Coast Guard. The Permittee must not use emulsifiers or dispersants in or upon the waters of the state without prior approval from Ecology. The Permittee must:
  - a. Immediately commence and complete cleanup efforts, which takes precedence over normal work.
  - b. Properly dispose of spilled material and used cleanup material.
  - c. Follow an approved spill control plan or according to specific instructions of an on-scene coordinator to cleanup oil or hazardous material.
  - d. Use drip pans or other protective devices for all oil transfer operations to catch incidental spills and drips from hose nozzles, hose racks, drums, or barrels.
  - e. Provide oils and fuel storage tanks with secondary containment.

**S11.I. Paint and solvent use and containment**

The Permittee must:

1. Only mix paints and solvents in locations and under conditions to prevent spills from entering state waters.
2. Use drip pans or other protective devices for all paint mixing and solvent transfer operations, unless it conducts the mixing operation in covered and controlled areas away from storm drains, surface waters, shorelines, and piers.
3. Use drip pans, drop cloths, or tarpaulins wherever it mixes paints and solvents on wood docks.
4. Not mix paints and solvents on floats.
5. Treat paint and solvent spills as oil spills and prevent the spill from reaching storm drains and subsequent discharge into the water.

**S11.J. Contact between water and debris**

The Permittee must:

1. Minimize contact of shipboard cooling and noncontact cooling water with spent abrasives, paint chips, and other debris by proper segregation and control of wastewater streams.
2. Incorporate appropriate methods to prevent accumulation of debris in drainage systems and promptly remove debris to prevent its discharge with stormwater.

**S11.K. Maintenance of hoses, soil chutes, and piping**

The Permittee must:

1. Immediately replace or repair leaking connections, valves, pipes, hoses, and soil chutes carrying either water or wastewater.



2. Tightly connect soil chute and hose connections to vessels and to receiving lines or containers and maintain them as leak free as practicable.

#### **S11.L. Chemical storage**

The Permittee must store solid chemicals, chemical solutions, paints, oils, solvents, acids, caustic solutions, and waste materials, including used batteries, in a manner which will prevent the inadvertent entry of these materials into waters of the state, including ground water. Storage methods must prevent spills due to overfilling, tipping, or rupture. In addition, the Permittee must use the following practices:

1. Store all liquid products on durable impervious surfaces and within bermed containment capable of containing 110% of the largest single container in the storage area.
2. Store waste liquids under cover; tarpaulins, roofed structures, etc.
3. Clearly designate all waste storage areas for waste oil or hazardous waste, and keep these areas segregated from new product storage.
4. Segregate and secure incompatible or reactive materials stored in separate containment areas to prevent inadvertent mixing and reaction of spilled chemicals.
5. Transport off-site for disposal concentrated waste or spilled chemicals at a facility approved by Ecology or the appropriate county health authority in accordance with the solid waste disposal requirements of Special Condition S5.
6. Not discharge concentrated waste or spilled chemicals to any sewer or state waters.

#### **S11.M. Recycling of spilled chemicals and rinse water**

The Permittee must:

1. Recycle any intercepted chemical spill back to the appropriate chemical solution tank or clean it up and dispose of it properly.
2. Recycle any intercepted chemical spill back to the appropriate chemical solution tank or clean it up and dispose of it properly.

#### **S11.N. Notification of vessel owner of prohibited discharges**

The Permittee must notify the owners of vessels in the railway, or under repair dockside, that federal and state regulations prohibit the discharge of sewage and gray water into waters of the state. If vessels must discharge untreated sanitary wastes, they must discharge into holding tanks that subcontractors pump out and dispose of offsite. The Permittee must make available at all times a list of contractors providing disposal services and any other alternatives available for complying with these regulations, such as holding tanks and pump-out facilities.

#### **S11.O. Education of employees, contractors, and customers**

To facilitate the consistent and effective implementation of the BMPs described above, the Permittee must develop a program for training its employees, and all

contractors who work at the facility, on BMPs, and the environmental concerns related to this permit. Permittees can accomplish this in a variety of ways and should determine the method that works best for the company. For example, some companies find that regular safety meetings are a convenient time to discuss BMP implementation successes or problems in order to obtain employee input on better ways of accomplishing pollution prevention. The Permittee may consider providing similar information to its customers.

**S11.P. Backup sump pump**

The Permittee must ensure that there are sufficient backup sump pumps available on-site to maintain operation of each sump in case of sump pump failure.

## General Conditions

### G1. Signatory requirements

1. All applications 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.
  - b. In the case of a partnership, by a general partner.
  - c. In the case of sole proprietorship, by the proprietor.
  - d. 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 shall 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 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 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.F.
4. The Permittee complied with any remedial measures required under S3.F 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 shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

## **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.