

Fact Sheet for NPDES Permit WA0031054

Foss Maritime Company

Public Notice of Draft: October 14, 2020

Purpose of this fact sheet

This fact sheet explains and documents the decisions the Department of Ecology (Ecology) made in drafting the proposed National Pollutant Discharge Elimination System (NPDES) permit for Foss Maritime Company (Foss) located at 660 West Ewing Street, Seattle, WA 98119.

This fact sheet complies with [Section 173-220-060 of the Washington Administrative Code \(WAC\)](#), which requires Ecology to prepare a draft permit and accompanying fact sheet for public evaluation before issuing an NPDES permit.

Ecology makes the draft permit and fact sheet available for public review and comment at least thirty (30) days before issuing the final permit. Copies of the fact sheet and draft permit for Foss, NPDES permit WA0031054, are available for public review and comment from October 14, 2020 until November 13, 2020. For more details on preparing and filing comments about these documents, please see **Appendix A - Public Involvement Information**.

Foss reviewed the draft permit and fact sheet for factual accuracy. Ecology corrected any errors or omissions regarding the facility's location, history, discharges, or receiving water prior to publishing this draft fact sheet for public notice.

After the public comment period closes, Ecology will summarize substantive comments and provide responses to them. Ecology will include the summary and responses to comments in this fact sheet as **Appendix D - Response to Comments**, and publish it when issuing the final NPDES permit. Ecology generally will not revise the rest of the fact sheet. The full document will become part of the legal history contained in the facility's permit file.

Summary

Foss Maritime Company operates a ship repair facility located on the Lake Washington Ship Canal in Seattle, Washington (Figure 1). Ship repair services are provided to approximately 75 to 120 vessels per year, including tugs, fishing vessels, barges, and factory ships. The facility operates three dry docks and one crane. All dry docks are less than 250 feet long.

Ecology issued the previous permit to the facility on December 4, 2012, to authorize discharges of drydock floodwater from drydocks to the lower portion of the Lake Washington Ship Canal where it meets Salmon Bay.

The permit converts effluent discharge limits for oil and grease and turbidity during drydock launches to a visual and photographic logbook documentation of drydock launches. It adds a compliance schedule to evaluate options to remove stormwater discharges from King County sewer by a stormwater treatment system (Engineering Report) with surface water discharge to Lake Washington Ship Canal.

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I. Introduction

The Federal Clean Water Act (FCWA, 1972, and later amendments in 1977, 1981, and 1987) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the Clean Water Act is the National Pollutant Discharge Elimination System (NPDES), administered by the federal Environmental Protection Agency (EPA). The EPA authorized the state of Washington to manage the NPDES permit program in our state. Our state legislature accepted the delegation and assigned the power and duty for conducting NPDES permitting and enforcement to Ecology. The Legislature defined Ecology's authority and obligations for the wastewater discharge permit program in [90.48 RCW](#) (Revised Code of Washington).

The following regulations apply to industrial NPDES permits:

- Procedures Ecology follows for issuing NPDES permits ([chapter 173-220 WAC](#))
- Water quality criteria for surface waters ([chapter 173-201A WAC](#))
- Water quality criteria for ground waters ([chapter 173-200 WAC](#))
- Whole effluent toxicity testing and limits ([chapter 173-205 WAC](#))
- Sediment management standards ([chapter 173-204 WAC](#))
- Submission of plans and reports for construction of wastewater facilities ([chapter 173-240 WAC](#))

These rules require any industrial facility owner/operator to obtain an NPDES permit before discharging wastewater to state waters. They also help define the basis for limits on each discharge and for performance requirements imposed by the permit.

Under the NPDES permit program and in response to a complete and accepted permit application, Ecology must prepare a draft permit and accompanying fact sheet, and make them available for public review before final issuance. Ecology must also publish an announcement (public notice) telling people where they can read the draft permit, and where to send their comments, during a period of thirty days ([WAC 173-220-050](#)). (See **Appendix A-Public Involvement Information** for more detail about the public notice and comment procedures). After the public comment period ends, Ecology may make changes to the draft NPDES permit in response to comment(s). Ecology will summarize the responses to comments and any changes to the permit in **Appendix D**.

II. Background Information

Table 1 — Facility Information

Applicant:	Foss Maritime Company
Facility Name and Address	Foss Maritime Company 660 West Ewing Street Seattle, WA 98119
Contact at Facility	Name: Andre Cardenas Telephone #: 206-270-4824
Responsible Official	Name: Steve Britton Title: Shipyard Director
Industry Type	Ship Repair
Type of Treatment	Best Management Practices, including sweeping and vacuuming of drydocks prior to launching a vessel.
SIC Codes	3731
NAIC Codes	336611
Fee Category	Shipyard, 3 drydock under 250' in length, 1 crane
Facility Location (NAD83/WGS84 reference datum)	Latitude: 47.654466°N Longitude: 122.366886°W
Discharge waterbody name and location (NAD83/WGS84 reference datum)	Lake Washington Ship Canal Drydock 2 Latitude: 47.65457° N Longitude: 122.366256° W Drydock 3 Latitude: 47.654575° N Longitude: 122.366648° W Drydock 4 Latitude: 47.654555° N Longitude: 122.367058° W

Table 2 — Permit Status

<u>Renewal</u> Date of <u>Previous</u> Permit	December 4, 2012
Application for Permit Renewal Submittal Date	March 20, 2017

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Date of Ecology Acceptance of Application	June 16, 2017
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Table 3 — Inspection Status

Date of Last Non-sampling Inspection Date	September 14, 2016
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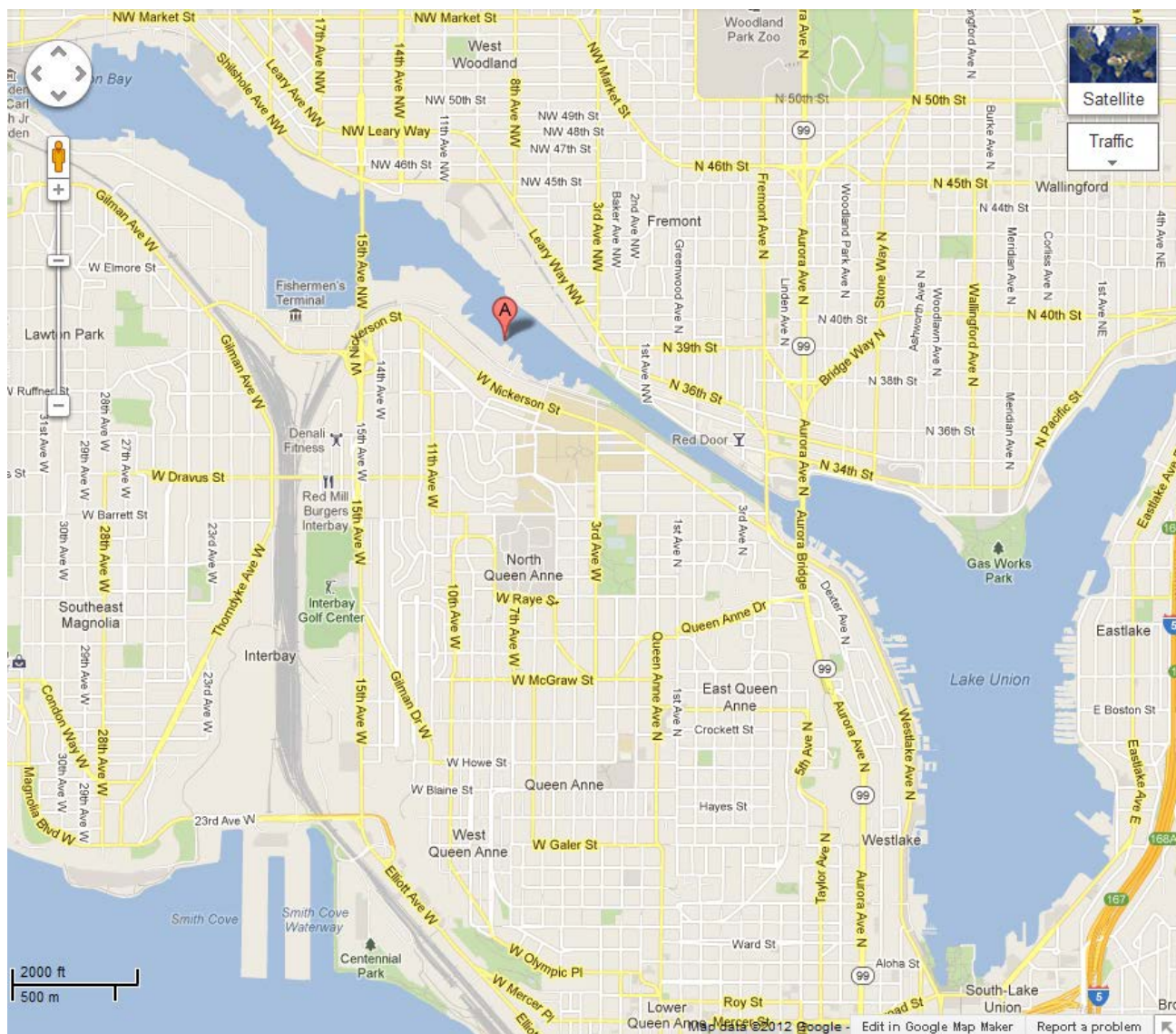


Figure 1 — Facility Location Map

A. Facility description

Background/industry processes

Foss Maritime Company (Foss) is a ship repair facility which operates three drydocks and one Foss 300 floating derrick crane. Services are provided to approximately 150 to 200 vessels a year, including tugs, fishing vessels, barges, and factory ships. The hulls of these vessels are constructed of steel, wood, aluminum, or fiberglass. Ship repair services include electrical and machine work, carpentry, steel fabrication, pipe-fitting, painting, sandblasting, and pressure washing.

Drydock #2 has a length of 220 feet and a width of 62 feet. Drydock #3 has a length of 220 feet and a width of 62 feet. Drydock #4 has a length of 108 feet and a width of 59 feet. The crane has a length of 116 feet and is capable of lifting 75 tons.

Wastewater treatment processes

Pressure wash wastewater is generated at a volume of 300 to 500 gallons per vessel for fishing vessels, and much larger amounts for larger vessels. The pressure wash wastewater is collected in sumps on the drydock deck and treated with a chemical flocculation system and filter press, prior to discharge to King County Sanitary Sewer System.

All stormwater on-site is currently collected and treated prior to discharge to King County Sanitary Sewer System. (The facility closed all of the ten stormwater outfalls which discharged to the Lake Washington Ship Canal in 2000.)

King County Sanitary Sewer System does not want on-site stormwater discharging into their system in the future. This permit adds a compliance schedule for Foss to meet with Ecology to discuss surface water discharge standards and provide an Engineering Report to determine appropriate treatment system options.

In addition to pressure wash wastewater and stormwater, another type of shipyard discharge is drydock floodwater. Drydock floodwater is discharged when work is completed on a vessel and the drydock is flooded in order to float the vessel off of the dry docks. Materials that may have accumulated on the floor of the dry dock, such as spent abrasive grit, oil, paints, and solvents, are potential pollution sources to the receiving water. The proposed permit contains best management practices (BMPs) such as sweeping and vacuuming to be employed prior to flooding to prevent contamination of the receiving water.

Solid wastes

The facility uses abrasive blast grit to conduct hull surface preparation. Spent grit is removed from the drydocks prior to launching a vessel. Spent grit is stored in a covered storage area prior to being hauled to Ash Grove Cement for reuse in the manufacture of cement.

B. Description of the receiving water

Foss discharges drydock floodwater to the lower portion of the Lake Washington Ship Canal where it meets Salmon Bay. Other nearby point source outfalls include those associated with Marine Fluid System, Fishing Vessel Owners Marine Ways, Coastal Transportation, and Trident Seafoods Corp Seattle. The designated uses and criteria for Lake Washington Ship Canal is listed in WAC 173-201A-200.

The Lake Washington Ship Canal adjoins Lake Union in the center of the city of Seattle. The extent and character of the Lake Washington/Lake Union system have been dramatically altered by human activity in the past several decades. The 600-acre Lake Union receives water of relatively good quality from Lake Washington and discharges into Puget Sound through the industrialized Ship Canal and the Hiram Chittenden Locks. The Lake Union basin was originally carved by glaciers, and until about 100 years ago, when the Montlake Cut was constructed, Lake Union was isolated from Lake Washington and was fed solely by runoff and springs. The Fremont Cut (the east end of the Ship Canal, where Foss is located), the Locks and the Ship Canal were constructed at the same time as the Montlake Cut between Portage Bay and Lake Union, and expanded the area of fresh water to include Salmon Bay. The Army Corps of Engineers dredges the Ship Canal, controls the water level in the Lake Washington/Lake Union system, and monitors saltwater intrusion through the locks.

Characteristic uses include the following: water supply (domestic, industrial, agricultural); stock watering; core summer habitat; extraordinary primary contact recreation; wildlife habitat; harvesting; commerce and navigation; boating and aesthetics.

The facility discharges to Salmon Bay / Lake Washington Ship Canal. Salmon Bay is included on the current EPA 303(d) list for exceeding Lead, pH, Aldrin and bacteria standards. A study published by Ecology in 1992, "Survey of Contaminated Sediments in Lake Union and Adjoining Waters," and another study published in 1996, "Chemical Contaminants in Salmon Bay Sediments," identified widespread sediment contamination throughout the water body from PCBs, polycyclic aromatic hydrocarbons (PAHs), and heavy metals. Sediment contamination reflects deposition of pollutants to the bottom of the lake and canal since the early part of the century from a variety of historic and current industrial point sources as well as non-point sources.

C. Wastewater characterization

Foss reported the concentration of pollutants in the discharge in the permit application and in discharge monitoring reports. The tabulated data represents the quality of the wastewater effluent discharged from January 2013 to July 2020. The wastewater effluent is characterized as follows:

Table 4. Wastewater characterization**Drydock 2: DMR data from January 2013 to July 2020**

Parameter	Units	Average Value	Maximum Value
Oil & grease	mg/L	non-detect ¹	non-detect ¹
Turbidity (background)	NTU	0.65	1.9
Turbidity (increase over background)	NTU	0.20	1.1

Drydock 3: DMR data from January 2013 to July 2020

Parameter	Units	Average Value	Maximum Value
Oil & grease	mg/L	non-detect ¹	non-detect ¹
Turbidity (background)	NTU	0.78	4.8
Turbidity (increase over background)	NTU	0.18	1.3

Drydock 4: DMR data from January 2013 to July 2020

Parameter	Units	Average Value	Maximum Value
Oil & grease	mg/L	non-detect ¹	non-detect ¹
Turbidity (background)	NTU	0.73	1.5
Turbidity (increase over background)	NTU	0.39	0.73

¹ Non-detect means the Oil and Grease measurement was less than the detection limit of 3 mg/L.

The previous permit placed effluent limits on oil & grease and turbidity. Foss has complied with the effluent limits and permit conditions throughout the duration of the permit issued on December 4, 2012, except for several late DMR submissions (3rd and 4th quarters 2017, 4th quarter 2018, and 3rd quarter 2019) due to staff turnover. The facility has addressed these particular permit violations, and no enforcement action was taken further. Ecology assessed compliance based on its review of the facility's discharge monitoring reports (DMRs) and on inspections.

D. State environmental policy act (SEPA) compliance

State law exempts the issuance, reissuance or modification of any wastewater discharge permit from the SEPA process as long as the permit contains conditions that are no less stringent than federal and state rules and regulations ([RCW 43.21C.0383](#)). The exemption applies only to existing discharges, not to new discharges.

III. Proposed Permit Limits

Federal and state regulations require that effluent limits in an NPDES permit must be either technology- or water quality-based.

- Technology-based limits are based upon the treatment methods available to treat specific pollutants. Technology-based limits are set by the EPA and published as a regulation, or Ecology develops the limit on a case-by-case basis ([40 CFR 125.3](#), and [chapter 173-220 WAC](#)).

- Water quality-based limits are calculated so that the effluent will comply with the Surface Water Quality Standards ([chapter 173-201A WAC](#)), Ground Water Standards ([chapter 173-200 WAC](#)), Sediment Quality Standards ([chapter 173-204 WAC](#)), or the Federal Water Quality Criteria Applicable to Washington ([40 CFR 131.45](#)).
- Ecology must apply the most stringent of these limits to each parameter of concern. These limits are described below.

The limits in this permit reflect information received in the application and from supporting reports (engineering, hydrogeology, etc.). Ecology evaluated the permit application and determined the limits needed to comply with the rules adopted by the state of Washington. Ecology does not develop effluent limits for all reported pollutants. Some pollutants are not treatable at the concentrations reported, are not controllable at the source, are not listed in regulation, and do not have a reasonable potential to cause a water quality violation.

Ecology does not usually develop limits for pollutants not reported in the permit application but may be present in the discharge. The permit does not authorize discharge of the non-reported pollutants. During the five-year permit term, the facility's effluent discharge conditions may change from those conditions reported in the permit application. The facility must notify Ecology if significant changes occur in any constituent [[40 CFR 122.42\(a\)](#)]. Until Ecology modifies the permit to reflect additional discharge of pollutants, a permitted facility could be violating its permit.

A. Technology-based effluent limits

Ecology may base effluent limits on the technology available to treat the pollutants at a reasonable cost (technology-based) or it may base them on the effect of the pollutants in the receiving water (water quality-based), whichever is most stringent. The technology-based effluent limit in this permit is as follows:

Table 5 — Technology-based Limits

Parameter	Maximum Daily Limit
Oily Sheen	No visible sheen

B. Surface water quality-based effluent limits

The Washington State surface water quality standards ([chapter 173-201A WAC](#)) are designed to protect existing water quality and preserve the beneficial uses of Washington's surface waters. Waste discharge permits must include conditions that ensure the discharge will meet the surface water quality standards ([WAC 173-201A-510](#)). Water quality-based effluent limits may be based on an individual waste load allocation or on a waste load allocation developed during a basin wide total maximum daily load study (TMDL).

The previous permit placed effluent limits on oil & grease and turbidity. Foss has complied with the effluent limits and permit conditions throughout the duration of the permit issued on

December 4, 2012. Testing conducted during the previous seven years showed no detection of oil & grease and no significant change in turbidity during dry dock launches. Laboratory testing for oil & grease and turbidity is changed to a photographic and visual logbook documentation of dry dock launches.

Numerical criteria for the protection of aquatic life and recreation

Numerical water quality criteria are listed in the water quality standards for surface waters ([chapter 173-201A WAC](#)). They specify the maximum levels of pollutants allowed in receiving water to protect aquatic life and recreation in and on the water. Ecology uses numerical criteria along with chemical and physical data for the wastewater and receiving water to derive the effluent limits in the discharge permit. When surface water quality-based limits are more stringent or potentially more stringent than technology-based limits, the discharge must meet the water quality-based limits.

Numerical criteria for the protection of human health

In 1992, U.S. EPA published 91 numeric water quality criteria for the protection of human health that are applicable to dischargers in Washington State in its National Toxics Rule 40 CFR 131.36 (EPA, 1992). Ecology submitted a standards revision for 192 new human health criteria for 97 pollutants to EPA on August 1, 2016. In accordance with requirements of [CWA section 303\(c\) \(2\) \(B\)](#), EPA finalized 144 new and revised Washington specific human health criteria for priority pollutants, to apply to waters under Washington's jurisdiction. EPA approved 45 human health criteria as submitted by Washington. The EPA took no action on Ecology submitted criteria for arsenic, dioxin, and thallium. The existing criteria for these three pollutants remain in effect and were included in [40 CFR 131.45](#), Revision of certain Federal Water quality criteria applicable to Washington.

These newly adopted criteria, located in [WAC 173-201A-240](#), are designed to protect humans from exposure to pollutants linked to cancer and other diseases, based on consuming fish and shellfish and drinking contaminated surface waters. The water quality standards also include radionuclide criteria to protect humans from the effects of radioactive substances.

Narrative criteria

Narrative water quality criteria (e.g., [WAC 173-201A-240\(1\); 2006](#)) limit the toxic, radioactive, or other deleterious material concentrations that the facility may discharge to levels below those which have the potential to:

- Adversely affect designated water uses.
- Cause acute or chronic toxicity to biota.
- Impair aesthetic values.
- Adversely affect human health.

Narrative criteria protect the specific designated uses of all fresh waters ([WAC 173-201A-200, 2016](#)) and of all marine waters ([WAC 173-201A-210, 2016](#)) in the state of Washington.

Antidegradation

Description – The purpose of Washington's Antidegradation Policy ([WAC 173-201A-300-330; 2016](#)) is to:

- Restore and maintain the highest possible quality of the surface waters of Washington.
- Describe situations under which water quality may be lowered from its current condition.
- Apply to human activities that are likely to have an impact on the water quality of surface water.
- Ensure that all human activities likely to contribute to a lowering of water quality, at a minimum, apply all known, available, and reasonable methods of prevention, control, and treatment (AKART).
- Apply three tiers of protection (described below) for surface waters of the state.

Tier I: ensures existing and designated uses are maintained and protected and applies to all waters and all sources of pollutions.

Tier II: ensures that waters of a higher quality than the criteria assigned are not degraded unless such lowering of water quality is necessary and in the overriding public interest. Tier II applies only to a specific list of polluting activities.

Tier III: prevents the degradation of waters formally listed as "outstanding resource waters," and applies to all sources of pollution.

A facility must prepare a Tier II analysis when all three of the following conditions are met:

- The facility is planning a new or expanded action.
- Ecology regulates or authorizes the action.
- The action has the potential to cause measurable degradation to existing water quality at the edge of a chronic mixing zone.

Facility Specific Requirements — This facility must meet Tier I requirements.

- Dischargers must maintain and protect existing and designated uses. Ecology must not allow any degradation that will interfere with, or become injurious to, existing or designated uses, except as provided for in chapter [173-201A WAC](#).
- For waters that do not meet assigned criteria, or protect existing or designated uses, Ecology will take appropriate and definitive steps to bring the water quality back into compliance with the water quality standards.

Ecology's analysis described in this section of the fact sheet demonstrates that the proposed permit conditions will protect existing and designated uses of the receiving water.

Mixing zones

A mixing zone is the defined area in the receiving water surrounding the discharge port(s), where wastewater mixes with receiving water. Within mixing zones the pollutant concentrations may exceed water quality numeric standards, so long as the discharge doesn't interfere with designated uses of the receiving water body (for example, recreation, water supply, and aquatic life and wildlife habitat, etc.) The pollutant concentrations outside of the mixing zones must meet water quality numeric standards.

State and federal rules allow mixing zones because the concentrations and effects of most pollutants diminish rapidly after discharge, due to dilution. Ecology defines mixing zone sizes to limit the amount of time any exposure to the end-of-pipe discharge could harm water quality, plants, or fish.

The state's water quality standards allow Ecology to authorize mixing zones for the facility's permitted wastewater discharges only if those discharges already receive all known, available, and reasonable methods of prevention, control, and treatment (AKART). Mixing zones typically require compliance with water quality criteria within a specified distance from the point of discharge and must not use more than 25% of the available width of the water body for dilution [[WAC 173-201A-400 \(7\)\(a\)\(ii-iii\)](#)].

Ecology uses modeling to estimate the amount of mixing within the mixing zone. Through modeling Ecology determines the potential for violating the water quality standards at the edge of the mixing zone and derives any necessary effluent limits. Steady-state models are the most frequently used tools for conducting mixing zone analyses. Ecology chooses values for each effluent and for receiving water variables that correspond to the time period when the most critical condition is likely to occur (see Ecology's [Permit Writer's Manual](#)). Each critical condition parameter, by itself, has a low probability of occurrence and the resulting dilution factor is conservative. The term "reasonable worst-case" applies to these values.

The mixing zone analysis produces a numerical value called a dilution factor (DF). A dilution factor represents the amount of mixing of effluent and receiving water that occurs at the boundary of the mixing zone. For example, a dilution factor of 4 means the effluent is 25% and the receiving water is 75% of the total volume of water at the boundary of the mixing zone. Ecology uses dilution factors with the water quality criteria to calculate reasonable potentials and effluent limits. Water quality standards include both aquatic life-based criteria and human health-based criteria. The former are applied at both the acute and chronic mixing zone boundaries; the latter are applied only at the chronic boundary. The concentration of pollutants at the boundaries of any of these mixing zones may not exceed the numerical criteria for that zone.

Each aquatic life *acute* criterion is based on the assumption that organisms are not exposed to that concentration for more than one hour and more often than one exposure in three years. Each aquatic life *chronic* criterion is based on the assumption that organisms are not exposed to that concentration for more than four consecutive days and more often than once in three years.

The two types of human health-based water quality criteria distinguish between those pollutants linked to non-cancer effects (non-carcinogenic) and those linked to cancer effects (carcinogenic). The human health-based water quality criteria incorporate several exposure and risk assumptions. These assumptions include:

- A 70-year lifetime of daily exposures.
- An ingestion rate for fish or shellfish measured in kg/day.
- An ingestion rate of two and four tenths (2.4) liters/day for drinking water (increased from two liters/day in the 2016 Water Quality Standards update).
- A one-in-one-million cancer risk for carcinogenic chemicals.

This permit does not authorize a mixing zone. The Permittee may submit a Mixing Zone Study, for Ecology's consideration, to evaluate whether or not a mixing zone is warranted for the discharge. If considering conducting and submitting a study the Permittee should discuss the applicable requirements with Ecology.

C. Designated uses and surface water quality criteria

- Aquatic Life Uses are designated based on the presence of, or the intent to provide protection for the key uses. All indigenous fish and non-fish aquatic species must be protected in waters of the state in addition to the key species. The Aquatic Life Uses for this receiving water are identified below.

Freshwater Aquatic Life Uses and Associated Criteria

Table 6 — Core Summer Salmonid Habitat

Criteria	Value
Temperature Criteria – Highest 7-DAD MAX	16°C (60.8°F)
Dissolved Oxygen Criteria	9.5 mg/L
Turbidity Criteria	<ul style="list-style-type: none"> • 5 NTU over background when the background is 50 NTU or less; or • A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

Criteria	Value
Total Dissolved Gas Criteria	Total dissolved gas must not exceed 110 percent of saturation at any point of sample collection.
pH Criteria	The pH must measure within the range of 6.5 to 8.5, with a human-caused variation within the above range of less than 0.2 units.

- The *recreational uses* for this receiving water are identified below.

Table 7 — Recreational Uses and Associated Criteria

Recreational Use	Criteria
Primary Contact Recreation (effective 1/1/2021)	<i>E.coli</i> organism levels must not exceed a geometric mean value of 100 CFU or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained within the averaging period exceeding 320 CFU or MPN per 100 mL.

- The water supply uses are domestic, agricultural, industrial, and stock watering.
- The miscellaneous freshwater uses are wildlife habitat, harvesting, commerce and navigation, boating, and aesthetics.

D. Water quality impairments

Lake Washington Ship Canal / Salmon Bay is listed on the current 303(d) and is impaired for lead, high pH, Aldrin and bacteria. Ecology is not currently conducting a Total Maximum Daily Load (TMDL) Analysis nor is one planned in the near future.

E. Evaluation of surface water quality-based effluent limits for narrative criteria

Ecology must consider the narrative criteria described in WAC 173-201A-260 when it determines permit limits and conditions. Narrative water quality criteria limit the toxic, radioactive, or other deleterious material concentrations that the facility may discharge which have the potential to adversely affect designated uses, cause acute or chronic toxicity to biota, impair aesthetic values, or adversely affect human health.

Ecology considers narrative criteria when it evaluates the characteristics of the wastewater and when it implements all known, available, and reasonable methods of treatment and prevention (AKART) as described above in the technology-based limits section. When Ecology determines if a facility is meeting AKART it considers the pollutants in the wastewater and the adequacy of the treatment to prevent the violation of narrative criteria.

In addition, Ecology considers the toxicity of the wastewater discharge by requiring whole effluent toxicity (WET) testing when there is a reasonable potential for the discharge to contain toxics. Ecology's analysis of the need for WET testing for this discharge is described later in the fact sheet.

F. Evaluation of surface water quality-based effluent limits for numeric criteria

Ecology has not authorized a mixing zone in the permit.

Turbidity — Ecology evaluated the impact of turbidity based on the range of turbidity in the effluent and turbidity of the receiving water. Based on visual observation of the facility's effluent, Ecology expects no violations of the turbidity criteria.

Toxic Pollutants — Federal regulations ([40 CFR 122.44](#)) require Ecology to place limits in NPDES permits on toxic chemicals in an effluent whenever there is a reasonable potential for those chemicals to exceed the surface water quality criteria. Ecology does not exempt facilities with technology-based effluent limits from meeting the surface water quality standards.

G. Human health

Washington's water quality standards include numeric human health-based criteria for 97 priority pollutants that Ecology must consider when writing NPDES permits.

Ecology determined the applicant's discharge is unlikely to contain chemicals regulated to protect human health Ecology will reevaluate this discharge for impacts to human health at the next permit reissuance.

H. Sediment quality

The aquatic sediment standards ([chapter 173-204 WAC](#)) protect aquatic biota and human health. Under these standards Ecology may require a facility to evaluate the potential for its discharge to cause a violation of sediment standards ([WAC 173-204-400](#)). You can obtain additional information about sediments at the [Aquatic Lands Cleanup Unit](#) available at: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Sediment-cleanups>

Salmon Bay is an industrial area without high sediment mobility or sediment deposition, so it is not expected that concentrations would have changed dramatically since the 1996 sampling effort. The data shows Sediment Quality Standards (SQS) and/or Sediment Screening Level (SSL) exceedances of Arsenic, Copper, Zinc, and Tributyltin which are common pollutants associated with facilities that repair and construct ships. HPAHs and Phthalates, PCBs, and Phenol were other chemicals that exceeded the Sediment Management Standards (SMS). There were also SSL amphipod biological exceedances at all three stations. Therefore based on existing information, Salmon Bay is considered a suspected hazardous site for sediment contamination, and has been defined as such in Ecology's Integrated Site Information System (ISIS).

The purpose of NPDES sediment monitoring is to demonstrate that discharges and Best Management Practices (BMPs) are sufficient to prevent sediment contamination. Under the NPDES permit, the facility has implemented BMPs to reduce the potential for contaminants to enter the water. Ecology recommends sediment testing to evaluate BMPs be delayed until after cleanup is completed. After the site is cleaned up, ongoing sediment monitoring will be needed in the NPDES permit to ensure that BMPs are working and the site is not being recontaminated.

I. Groundwater quality limits

The groundwater quality standards ([chapter 173-200 WAC](#)) protect beneficial uses of groundwater. Permits issued by Ecology must not allow violations of those standards ([WAC 173-200-100](#)).

Foss does not discharge wastewater to the ground. No permit limits are required to protect groundwater.

J. Whole effluent toxicity

The water quality standards for surface waters forbid discharge of effluent that has the potential to cause toxic effects in the receiving waters. Many toxic pollutants cannot be measured by commonly available detection methods. However, laboratory tests can measure toxicity directly by exposing living organisms to the wastewater and measuring their responses. These tests measure the aggregate toxicity of the whole effluent, so this approach is called whole effluent toxicity (WET) testing. Some WET tests measure acute toxicity and other WET tests measure chronic toxicity.

Using the screening criteria in [chapter 173-205-040 WAC](#), Ecology determined that toxic effects caused by unidentified pollutants in the effluent are unlikely. Therefore, this permit does not require WET testing. Ecology may require WET testing in the future if it receives information indicating that toxicity may be present in this effluent.

K. Comparison of effluent limits with the previous permit issued on December 4, 2012

Table 8 Comparison of Previous and Proposed Effluent Limits			
		Previous Effluent Limits: Drydocks 2, 3, 4	Proposed Effluent Limits: Drydocks 2, 3, 4
Parameter	Basis of Limit	Maximum Daily	Maximum Daily
Visible Sheen	Technology	No visible sheen	No visible sheen
Oil and Grease	Technology	5 mg/L	N/A

Table 8 Comparison of Previous and Proposed Effluent Limits			
		Previous Effluent Limits: Drydocks 2, 3, 4	Proposed Effluent Limits: Drydocks 2, 3, 4
Parameter	Basis of Limit	Maximum Daily	Maximum Daily
Turbidity	Water Quality	Less than 5 NTU increase above background	N/A

IV. Monitoring Requirements

Ecology requires monitoring, recording, and reporting ([WAC 173-220-210](#) and [40 CFR 122.41](#)) to verify that the treatment process is functioning correctly and that the discharge complies with the permit's effluent limits.

If a facility uses a contract laboratory to monitor wastewater, it must ensure that the laboratory uses the methods and meets or exceeds the method detection levels required by the permit. The permit describes when facilities may use alternative methods. It also describes what to do in certain situations when the laboratory encounters matrix effects. When a facility uses an alternative method as allowed by the permit, it must report the test method, detection level (DL), and quantitation level (QL) on the discharge monitoring report or in the required report.

A. Wastewater monitoring

Foss monitors for visible sheen to further characterize the effluent. This/These pollutant(s) could have a significant impact on the quality of the surface water.

The monitoring schedule is detailed in the proposed permit under Special Condition S.2. Specified monitoring frequencies take into account the quantity and variability of the discharge, the treatment method, past compliance, significance of pollutants, and cost of monitoring.

B. Lab accreditation

Ecology requires that facilities must use a laboratory registered or accredited under the provisions of [chapter 173-50 WAC](#), Accreditation of Environmental Laboratories, to prepare all monitoring data (with the exception of certain parameters).

V. Other Permit Conditions

A. Reporting and record keeping

Ecology based Special Condition S3 on its authority to specify any appropriate reporting and record keeping requirements to prevent and control waste discharges ([WAC 173-220-210](#)).

B. Spill plan

This facility stores a quantity of chemicals on-site that have the potential to cause water pollution if accidentally released. Ecology can require a facility to develop best management plans to prevent this accidental release [[Section 402\(a\)\(1\) of the Federal Water Pollution Control Act \(FWPCA\)](#) and [RCW 90.48.080](#)].

Foss developed a plan for preventing the accidental release of pollutants to state waters and for minimizing damages if such a spill occurs. The proposed permit requires the facility to update this plan and submit it to Ecology.

C. Solid waste control plan

Foss could cause pollution of the waters of the state through inappropriate disposal of solid waste or through the release of leachate from solid waste.

This proposed permit requires this facility to update the approved solid waste control plan designed as necessary to prevent solid waste from causing pollution of waters of the state. The facility must submit the updated plan to Ecology for approval ([RCW 90.48.080](#)). You can obtain an Ecology guidance document, which describes how to develop a [Solid Waste Control Plan](#), at: <https://fortress.wa.gov/ecy/publications/documents/0710024.pdf>

D. Stormwater pollution prevention plan

In accordance with [40 CFR 122.44\(k\)](#) and [40 CFR 122.44 \(s\)](#), the proposed permit includes requirements for the development and implementation of a SWPPP along with BMPs to minimize or prevent the discharge of pollutants to waters of the state. BMPs constitute Best Conventional Pollutant Control Technology (BCT) and Best Available Technology Economically Achievable (BAT) for stormwater discharges. Ecology has determined that Foss must develop a SWPPP and implement adequate BMPs in order to meet the requirements of “all known, available, and reasonable methods of prevention, control, and treatment” (AKART). A SWPPP requires a facility to implement actions necessary to manage stormwater to comply with the state’s requirement under [chapter 90.48 RCW](#) to protect the beneficial uses of waters of the state.

The SWPPP must identify potential sources of stormwater contamination from industrial activities and identify how it plans to manage those sources of contamination to prevent or minimize contamination of stormwater. Foss must continuously review and revise the SWPPP as necessary to assure that stormwater discharges do not degrade water quality. It must retain the SWPPP on-site or within reasonable access to the site and available for review by Ecology.

Best Management Practices (BMPs)

BMPs are the actions identified in the SWPPP to manage, prevent contamination of, and treat stormwater. BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to

prevent or reduce the pollution of waters of the state. BMPs also include treatment systems, operating procedures, and practices used to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage. Foss must ensure that its SWPPP includes the operational and structural source control BMPs listed as “applicable” in Ecology’s stormwater management manuals. Many of these “applicable” BMPs are sector-specific or activity-specific, and are not required at facilities engaged in other industrial sectors or activities.

Ecology-Approved Stormwater Management Manuals

Consistent with [RCW 90.48.555 \(5\) and \(6\)](#), the proposed permit requires the facility to implement BMPs contained in the Stormwater Management Manual for Western Washington (2019 edition), or any revisions thereof, or practices that are demonstrably equivalent to practices contained in stormwater technical manuals approved by Ecology. This should ensure that BMPs will prevent violations of state water quality standards, and satisfy the state AKART requirements and the federal technology-based treatment requirements under [40 CFR part 125.3](#). The SWPPP must document that the BMPs selected provide an equivalent level of pollution prevention, compared to the applicable Stormwater Management Manuals, including: The technical basis for the selection for all stormwater BMPs (scientific, technical studies, and/or modeling) which support the performance claims for the BMPs selected.

An assessment of how the BMPs will satisfy AKART requirements and the applicable technology-based treatment requirements under [40 CFR part 125.3](#).

Operational Source Control BMPs

Operational source control BMPs include a schedule of activities, prohibition of practices, maintenance procedures, employee training, good housekeeping, and other managerial practices to prevent or reduce the pollution of waters of the state. These activities do not require construction of pollution control devices but are very important components of a successful SWPPP. Employee training, for instance, is critical to achieving timely and consistent spill response. Pollution prevention is likely to fail if the employees do not understand the importance and objectives of BMPs. Prohibitions might include eliminating outdoor repair work on equipment and certainly would include the elimination of intentional draining of crankcase oil on the ground. Good housekeeping and maintenance schedules help prevent incidents that could result in the release of pollutants. Operational BMPs represent a cost-effective way to control pollutants and protect the environment. The SWPPP must identify all the operational BMPs and how and where they are implemented. For example, the SWPPP must identify what training will consist of, when training will take place, and who is responsible to assure that employee training happens.

Structural Source Control BMPs

Structural source control BMPs include physical, structural, or mechanical devices or facilities intended to prevent pollutants from entering stormwater. Examples of source control BMPs include erosion control practices, maintenance of stormwater facilities (e.g., cleaning out sediment traps), construction of roofs over storage and working areas, and direction of equipment wash water and similar discharges to the sanitary sewer or a dead end sump. Structural source control BMPs likely include a capital investment but are cost effective compared to cleaning up pollutants after they have entered stormwater.

Treatment BMPs

Operational and structural source control BMPs are designed to prevent pollutants from entering stormwater. However, even with an aggressive and successful program, stormwater may still require treatment to achieve compliance with water quality standards. Treatment BMPs remove pollutants from stormwater. Examples of treatment BMPs are detention ponds, oil/water separators, biofiltration, and constructed wetlands.

Volume/Flow Control BMPs

Ecology recognizes the need to include specific BMP requirements for stormwater runoff quantity control to protect beneficial water uses, including fish habitat. New facilities and existing facilities undergoing redevelopment must implement the requirements for peak runoff rate and volume control identified by volume 1 of the *Western Washington SWMM* and chapter 2 in the *Eastern Washington SWMM* as applicable to their development. Chapter 3 of volume 3 *Western Washington SWMM* and chapter 6 in the *Eastern Washington SWMM* lists BMPs to accomplish rate and volume control. Existing facilities in western Washington should also review the requirements of volumes 1 (Minimum Technical Requirements) and chapter 3 of volume 3 in the *Western Washington SWMM*. Chapter 2 (Core Elements for New Development and Redevelopment) in the *Eastern Washington SWMM* contains the minimum technical requirements for facilities east of the Cascades. Although not required to implement these BMPs, controlling rate and volume of stormwater discharge maintains the health of the watershed. Existing facilities should identify control measures that they can implement over time to reduce the impact of uncontrolled release of stormwater.

E. Best management practices

Best management practices (BMPs) are the actions identified to manage, prevent contamination of, and treat stormwater. BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment systems, operating procedures, and practices used to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage.

F. Compliance schedule

The proposed permit includes a compliance schedule to discuss surface water discharge standards for on-site stormwater and provide Ecology with an Engineering Report that evaluates stormwater treatment options that would meet these standards. Final design, construction and operation of such a system may stretch beyond the expiration date of this permit.

G. Zebra Mussels

The permit contains reporting and treatment requirements for zebra mussels. Zebra mussels (*dreissena polymorpha*) have spread throughout the Great Lakes and other waterways in 18 states and two Canadian provinces. Scientists/investigators think they were accidentally introduced into Lake Erie and St. Clair in the 1980's. This introduction has been attributed to a discharge of ballast water from a commercial freighter but other introductions are known to have come from hull biofouling.

Zebra mussels will continue to expand their range as naturally flowing water carries their young, known as veligers, downstream. Commercial and recreational vessels and equipment can also spread zebra mussels when they move from infested waters to uninfested waters. Adult mussels may attach to any hard surface and the veligers may be transported in water.

Any boats or vessels from outside the State of Washington should be carefully examined and all boats or vessels from east of the Rocky Mountains should be considered infected.

Water hotter than 110 degrees F will kill veligers and 140 degrees F will kill adult mussels.

Therefore the permit contains inspection, reporting and quarantine requirements to minimize the infestation of zebra mussels.

L. General conditions

Ecology bases the standardized General Conditions on state and federal law and regulations. They are included in all individual industrial NPDES permits issued by Ecology.

VI. Permit Issuance Procedures

A. Permit modifications

Ecology may modify this permit to impose numerical limits, if necessary to comply with water quality standards for surface waters, with sediment quality standards, or with water quality standards for groundwaters, after obtaining new information from sources such as inspections, effluent monitoring, outfall studies, and effluent mixing studies.

Ecology may also modify this permit to comply with new or amended state or federal regulations.

B. Proposed permit Issuance

This proposed permit includes all statutory requirements for Ecology to authorize a wastewater discharge. The permit includes limits and conditions to protect human health and aquatic life, and the beneficial uses of waters of the state of Washington. Ecology proposes to issue this permit for a term of 5 years.

VII. References for Text and Appendices

Environmental Protection Agency (EPA)

- 1992. National Toxics Rule. Federal Register, V. 57, No. 246, Tuesday, December 22, 1992.
- 1991. *Technical Support Document for Water Quality-based Toxics Control*. EPA/505/2-90-001.
- 1988. *Technical Guidance on Supplementary Stream Design Conditions for Steady State Modeling*. USEPA Office of Water, Washington, D.C.
- 1985. *Water Quality Assessment: A Screening Procedure for Toxic and Conventional Pollutants in Surface and Ground Water*. EPA/600/6-85/002a.
- 1983. *Water Quality Standards Handbook*. USEPA Office of Water, Washington, D.C. Tsivoglou, E.C., and J.R. Wallace.
- 1972. *Characterization of Stream Reaeration Capacity*. EPA-R3-72-012. (Cited in EPA 1985 op.cit.)
- 1979. *In-stream Deoxygenation Rate Prediction*. Journal Environmental Engineering Division, ASCE. 105(EE2). (Cited in EPA 1985 op.cit.)

Foss Maritime Company

- 2019. NPDES Permit Application Forms 1 and 2C.

Washington State Department of Ecology

- July 2018. [Permit Writer's Manual. Publication Number 92-109](https://fortress.wa.gov/ecy/publications/documents/92109.pdf)
(<https://fortress.wa.gov/ecy/publications/documents/92109.pdf>)
- September 2011. [Water Quality Program Guidance Manual – Supplemental Guidance on Implementing Tier II Antidegradation. Publication Number 11-10-073](https://fortress.wa.gov/ecy/publications/summarypages/1110073.html)
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- October 2010 (revised). [Water Quality Program Guidance Manual – Procedures to Implement the State's Temperature Standards through NPDES Permits. Publication Number 06-10-100](https://fortress.wa.gov/ecy/publications/summarypages/0610100.html)
(<https://fortress.wa.gov/ecy/publications/summarypages/0610100.html>)
- February 2007. [Focus Sheet on Solid Waste Control Plan, Developing a Solid Waste Control Plan for Industrial Wastewater Discharge Permittees, Publication Number 07-10-024](https://fortress.wa.gov/ecy/publications/documents/0710024.pdf).
(<https://fortress.wa.gov/ecy/publications/documents/0710024.pdf>) Wright, R.M., and A.J. McDonnell.

November 1996. *Chemical Contaminants in Salmon Bay Sediments – Results of Phase II Sampling*. Publication Number 96-343.

<https://fortress.wa.gov/ecy/publications/SummaryPages/96343.html>

[Laws and Regulations](http://leg.wa.gov/LawsAndAgencyRules/Pages/default.aspx) (<http://leg.wa.gov/LawsAndAgencyRules/Pages/default.aspx>)

[Permit and Wastewater Related Information](https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance) (<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance>)

Appendix A — Public Involvement Information

Ecology proposes to reissue a permit to Foss Maritime Company. The permit includes wastewater discharge limits and other conditions. This fact sheet describes the facility and Ecology's reasons for requiring permit conditions.

Ecology will place a Public Notice of Draft on October 14, 2020 in the Seattle Times to inform the public and to invite comment on the proposed draft National Pollutant Discharge Elimination System permit and fact sheet.

The notice:

- Tells where copies of the draft Permit and Fact Sheet are available for public evaluation (a local public library, the closest Regional or Field Office, posted on our website).
- Offers to provide the documents in an alternate format to accommodate special needs.
- Urges people to submit their comments, in writing, before the end of the Comment Period
- Tells how to request a public hearing of comments about the proposed NPDES permit.
- Explains the next step(s) in the permitting process.

Ecology has published a document entitled [Frequently Asked Questions about Effective Public Commenting](https://fortress.wa.gov/ecy/publications/SummaryPages/0307023.html) which is available on our website at

<https://fortress.wa.gov/ecy/publications/SummaryPages/0307023.html>

You may obtain further information from Ecology by telephone, 425-649-7201, or by writing to the address listed below.

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

The primary author of this permit and fact sheet is Robert Nolan.

Appendix B — Your Right to Appeal

You have a right to appeal this permit to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of the final permit. 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\(2\)](#) (see glossary).

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

File your appeal and a copy of this permit 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 permit 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](#).

Table 9 Address and Location Information

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

Appendix C — Glossary

1-DMax or 1-day maximum temperature – The highest water temperature reached on any given day.

This measure can be obtained using calibrated maximum/minimum thermometers or continuous monitoring probes having sampling intervals of thirty minutes or less.

7-DADMax or 7-day average of the daily maximum temperatures – The arithmetic average of seven consecutive measures of daily maximum temperatures. The 7-DADMax for any individual day is calculated by averaging that day's daily maximum temperature with the daily maximum temperatures of the three days prior and the three days after that date.

Acute toxicity – The lethal effect of a compound on an organism that occurs in a short time period, usually 48 to 96 hours.

AKART – The acronym for “all known, available, and reasonable methods of prevention, control and treatment.” AKART is a technology-based approach to limiting pollutants from wastewater discharges, which requires an engineering judgment and an economic judgment. AKART must be applied to all wastes and contaminants prior to entry into waters of the state in accordance with [RCW 90.48.010](#) and [RCW 90.48.520](#), [WAC 173-200-030\(2\)\(c\)\(ii\)](#), and [WAC 173-216-110\(1\)\(a\)](#).

Alternate point of compliance – An alternative location in the groundwater from the point of compliance where compliance with the groundwater standards is measured. It may be established in the groundwater at locations some distance from the discharge source, up to, but not exceeding the property boundary and is determined on a site specific basis following an AKART analysis. An “early warning value” must be used when an alternate point is established. An alternate point of compliance must be determined and approved in accordance with [WAC 173-200-060\(2\)](#).

Ambient water quality – The existing environmental condition of the water in a receiving water body.

Ammonia – Ammonia is produced by the breakdown of nitrogenous materials in wastewater. Ammonia is toxic to aquatic organisms, exerts an oxygen demand, and contributes to eutrophication. It also increases the amount of chlorine needed to disinfect wastewater.

Annual average design flow (AADF – average of the daily flow volumes anticipated to occur over a calendar year.

Average monthly (intermittent) discharge limit – The average of the measured values obtained over a calendar months’ time taking into account zero discharge days.

Average monthly discharge limit – The average of the measured values obtained over a calendar months’ time.

Background water quality – The concentrations of chemical, physical, biological or radiological constituents or other characteristics in or of groundwater at a particular point in time upgradient of an activity that has not been affected by that activity, [[WAC 173-200-020\(3\)](#)]. Background water quality for any parameter is statistically defined as the 95% upper tolerance interval with a 95% confidence based on at least eight hydraulically upgradient water quality samples. The eight

samples are collected over a period of at least one year, with no more than one sample collected during any month in a single calendar year.

Best management practices (BMPs) – Schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may be further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

BOD₅ – Determining the five-day Biochemical Oxygen Demand of an effluent is an indirect way of measuring the quantity of organic material present in an effluent that is utilized by bacteria. The BOD₅ is used in modeling to measure the reduction of dissolved oxygen in receiving waters after effluent is discharged. Stress caused by reduced dissolved oxygen levels makes organisms less competitive and less able to sustain their species in the aquatic environment. Although BOD₅ is not a specific compound, it is defined as a conventional pollutant under the federal Clean Water Act.

Bypass – The intentional diversion of waste streams from any portion of a treatment facility.

Categorical pretreatment standards – National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties, which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories.

Chlorine – A chemical used to disinfect wastewaters of pathogens harmful to human health. It is also extremely toxic to aquatic life.

Chronic toxicity – The effect of a compound on an organism over a relatively long time, often 1/10 of an organism's lifespan or more. Chronic toxicity can measure survival, reproduction or growth rates, or other parameters to measure the toxic effects of a compound or combination of compounds.

Clean water act (CWA) – The federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, 97-117; USC 1251 et seq.

Compliance inspection-without sampling – A site visit for the purpose of determining the compliance of a facility with the terms and conditions of its permit or with applicable statutes and regulations.

Compliance inspection-with sampling – A site visit for the purpose of determining the compliance of a facility with the terms and conditions of its permit or with applicable statutes and regulations. In addition it includes as a minimum, sampling and analysis for all parameters with limits in the permit to ascertain compliance with those limits; and, for municipal facilities, sampling of influent to ascertain compliance with the 85 percent removal requirement. Ecology may conduct additional sampling.

Composite sample – A mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing discrete samples. May be "time-composite" (collected at constant time intervals) or "flow-proportional" (collected either as a constant sample

volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increased while maintaining a constant time interval between the aliquots).

Construction activity – Clearing, grading, excavation, and any other activity, which disturbs the surface of the land. Such activities may include road building; construction of residential houses, office buildings, or industrial buildings; and demolition activity.

Continuous monitoring – Uninterrupted, unless otherwise noted in the permit.

Critical condition – The time during which the combination of receiving water and waste discharge conditions have the highest potential for causing toxicity in the receiving water environment. This situation usually occurs when the flow within a water body is low, thus, its ability to dilute effluent is reduced.

Date of receipt – This is defined in [RCW 43.21B.001\(2\)](#) as five business days after the date of mailing; or the date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the agency, constitutes sufficient evidence of actual receipt. The date of actual receipt, however, may not exceed forty-five days from the date of mailing.

Detection limit – The minimum concentration of a substance that can be measured and reported with 99 percent confidence that the pollutant concentration is above zero and is determined from analysis of a sample in a given matrix containing the pollutant.

Dilution factor (DF) – A measure of the amount of mixing of effluent and receiving water that occurs at the boundary of the mixing zone. Expressed as the inverse of the percent effluent fraction, for example, a dilution factor of 10 means the effluent comprises 10% by volume and the receiving water 90%.

Distribution uniformity – The uniformity of infiltration (or application in the case of sprinkle or trickle irrigation) throughout the field expressed as a percent relating to the average depth infiltrated in the lowest one-quarter of the area to the average depth of water infiltrated.

Early warning value – The concentration of a pollutant set in accordance with [WAC 173-200-070](#) that is a percentage of an enforcement limit. It may be established in the effluent, groundwater, surface water, the vadose zone or within the treatment process. This value acts as a trigger to detect and respond to increasing contaminant concentrations prior to the degradation of a beneficial use.

Enforcement limit – The concentration assigned to a contaminant in the groundwater at the point of compliance for the purpose of regulation, [[WAC 173-200-020\(11\)](#)]. This limit assures that a groundwater criterion will not be exceeded and that background water quality will be protected.

Engineering report – A document that thoroughly examines the engineering and administrative aspects of a particular domestic or industrial wastewater facility. The report must contain the appropriate information required in [WAC 173-240-060](#) or [WAC 173-240-130](#).

Enterococci – A subgroup of fecal streptococci that includes *S. faecalis*, *S. faecium*, *S. gallinarum*, and *S. avium*. The enterococci are differentiated from other streptococci by their ability to grow in 6.5% sodium chloride, at pH 9.6, and at 10°C and 45°C.

E. coli – A bacterium in the family Enterobacteriaceae named Escherichia coli and is a common inhabitant of the intestinal tract of warm-blooded animals, and its presence in water samples is an indication of fecal pollution and the possible presence of enteric pathogens.

Fecal coliform bacteria – Fecal coliform bacteria are used as indicators of pathogenic bacteria in the effluent that are harmful to humans. Pathogenic bacteria in wastewater discharges are controlled by disinfecting the wastewater. The presence of high numbers of fecal coliform bacteria in a water body can indicate the recent release of untreated wastewater and/or the presence of animal feces.

Grab sample – A single sample or measurement taken at a specific time or over as short a period of time as is feasible.

Groundwater – Water in a saturated zone or stratum beneath the surface of land or below a surface water body.

Industrial user – A discharger of wastewater to the sanitary sewer that is not sanitary wastewater or is not equivalent to sanitary wastewater in character.

Industrial wastewater – Water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business; from the development of any natural resource; or from animal operations such as feed lots, poultry houses, or dairies. The term includes contaminated stormwater and, also, leachate from solid waste facilities.

Interference – A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), sludge regulations appearing in 40 CFR Part 507, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Local limits – Specific prohibitions or limits on pollutants or pollutant parameters developed by a POTW.

Major facility – A facility discharging to surface water with an EPA rating score of > 80 points based on such factors as flow volume, toxic pollutant potential, and public health impact.

Maximum daily discharge limit – The highest allowable daily discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. The daily discharge is calculated as the average measurement of the pollutant over the day.

Maximum day design flow (MDDF) – The largest volume of flow anticipated to occur during a one-day period, expressed as a daily average.

Maximum month design flow (MMDF) – The largest volume of flow anticipated to occur during a continuous 30-day period, expressed as a daily average.

Maximum week design flow (MWDF) – The largest volume of flow anticipated to occur during a continuous 7-day period, expressed as a daily average.

Method detection level (MDL) – See Detection Limit.

Minor facility -- A facility discharging to surface water with an EPA rating score of < 80 points based on such factors as flow volume, toxic pollutant potential, and public health impact.

Mixing zone – An area that surrounds an effluent discharge within which water quality criteria may be exceeded. The permit specifies the area of the authorized mixing zone that Ecology defines following procedures outlined in state regulations ([chapter 173-201A WAC](#)).

National pollutant discharge elimination system (NPDES) – The NPDES ([Section 402 of the Clean Water Act](#)) is the federal wastewater permitting system for discharges to navigable waters of the United States. Many states, including the state of Washington, have been delegated the authority to issue these permits. NPDES permits issued by Washington State permit writers are joint NPDES/State permits issued under both state and federal laws.

pH – The pH of a liquid measures its acidity or alkalinity. It is the negative logarithm of the hydrogen ion concentration. A pH of 7 is defined as neutral and large variations above or below this value are considered harmful to most aquatic life.

Pass-through – A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation), or which is a cause of a violation of State water quality standards.

Peak hour design flow (PHDF) – The largest volume of flow anticipated to occur during a one-hour period, expressed as a daily or hourly average.

Peak instantaneous design flow (PIDF) – The maximum anticipated instantaneous flow.

Point of compliance – The location in the groundwater where the enforcement limit must not be exceeded and a facility must comply with the Ground Water Quality Standards. Ecology determines

this limit on a site-specific basis. Ecology locates the point of compliance in the groundwater as near and directly downgradient from the pollutant source as technically, hydrogeologically, and geographically feasible, unless it approves an alternative point of compliance.

Potential significant industrial user (PSIU) – A potential significant industrial user is defined as an Industrial User that does not meet the criteria for a Significant Industrial User, but which discharges wastewater meeting one or more of the following criteria:

- a. Exceeds 0.5 % of treatment plant design capacity criteria and discharges <25,000 gallons per day or;
- b. Is a member of a group of similar industrial users which, taken together, have the potential to cause pass through or interference at the POTW (e.g. facilities which develop photographic film or paper, and car washes).

Ecology may determine that a discharger initially classified as a potential significant industrial user should be managed as a significant industrial user.

Quantitation level (QL) – Also known as Minimum Level of Quantitation (ML) – The lowest level at which the entire analytical system must give a recognizable signal and acceptable calibration point for the analyte. It is equivalent to the concentration of the lowest calibration standard, assuming that the lab has used all method-specified sample weights, volumes, and cleanup procedures. The QL is calculated by multiplying the MDL by 3.18 and rounding the result to the number nearest to $(1, 2, \text{ or } 5) \times 10^n$, where n is an integer. ([64 FR 30417](#)).

ALSO GIVEN AS:

The smallest detectable concentration of analyte greater than the Detection Limit (DL) where the accuracy (precision & bias) achieves the objectives of the intended purpose. (Report of the Federal Advisory Committee on Detection and Quantitation Approaches and Uses in Clean Water Act Programs Submitted to the US Environmental Protection Agency December 2007).

Reasonable potential – A reasonable potential to cause a water quality violation, or loss of sensitive and/or important habitat.

Responsible corporate officer – 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 employing more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures ([40 CFR 122.22](#)).

Sample Maximum – No sample may exceed this value.

Significant industrial user (SIU) –

- 1) All industrial users subject to Categorical Pretreatment Standards under [40 CFR 403.6](#) and [40 CFR Chapter I, Subchapter N](#) and;

- 2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater); contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority* on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement [in accordance with [40 CFR 403.8\(f\)\(6\)](#)].

Upon finding that the industrial user meeting the criteria in paragraph 2, above, has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority* may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with [40 CFR 403.8\(f\)\(6\)](#), determine that such industrial user is not a significant industrial user.

*The term "Control Authority" refers to the Washington State Department of Ecology in the case of non-delegated POTWs or to the POTW in the case of delegated POTWs.

Slug discharge – Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge to the POTW. This may include any pollutant released at a flow rate that may cause interference or pass through with the POTW or in any way violate the permit conditions or the POTW's regulations and local limits.

Soil scientist – An individual who is registered as a Certified or Registered Professional Soil Scientist or as a Certified Professional Soil Specialist by the American Registry of Certified Professionals in Agronomy, Crops, and Soils or by the National Society of Consulting Scientists or who has the credentials for membership. Minimum requirements for eligibility are: possession of a baccalaureate, masters, or doctorate degree from a U.S. or Canadian institution with a minimum of 30 semester hours or 45 quarter hours professional core courses in agronomy, crops or soils, and have 5,3,or 1 years, respectively, of professional experience working in the area of agronomy, crops, or soils.

Solid waste – All putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

Soluble BOD₅ – Determining the soluble fraction of Biochemical Oxygen Demand of an effluent is an indirect way of measuring the quantity of soluble organic material present in an effluent that is utilized by bacteria. Although the soluble BOD₅ test is not specifically described in Standard Methods, filtering the raw sample through at least a 1.2 um filter prior to running the standard BOD₅ test is sufficient to remove the particulate organic fraction.

State waters – Lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Stormwater – That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface water body, or a constructed infiltration facility.

Technology-based effluent limit – A permit limit based on the ability of a treatment method to reduce the pollutant.

Total coliform bacteria – A microbiological test, which detects and enumerates the total coliform group of bacteria in water samples.

Total dissolved solids – That portion of total solids in water or wastewater that passes through a specific filter.

Total maximum daily load (TMDL) – A determination of the amount of pollutant that a water body can receive and still meet water quality standards.

Total suspended solids (TSS) – Total suspended solids is the particulate material in an effluent. Large quantities of TSS discharged to a receiving water may result in solids accumulation. Apart from any toxic effects attributable to substances leached out by water, suspended solids may kill fish, shellfish, and other aquatic organisms by causing abrasive injuries and by clogging the gills and respiratory passages of various aquatic fauna. Indirectly, suspended solids can screen out light and can promote and maintain the development of noxious conditions through oxygen depletion.

Upset – 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, lack of preventative maintenance, or careless or improper operation.

Water quality-based effluent limit – A limit imposed on the concentration of an effluent parameter to prevent the concentration of that parameter from exceeding its water quality criterion after discharge into receiving waters.

Appendix D — Response to Comments

[Ecology will complete this section after the public notice of draft period.]