



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 West Alder Street • Union Gap, Washington 98903-0009 • (509) 575-2490

November 5, 2021

Adam McKnight
Microsoft Corporation
1 Microsoft Way
Redmond, WA 98052

Sent via email only: adam.mcknight@microsoft.com

RE: Amended Notice of Temporary State Waste Discharge Permit No. ST0501334 for Microsoft Corporation – EAT02, 03, 04 Data Center, Effective October 22, 2021

Dear Adam McKnight:

Your application for a state waste discharge permit for Microsoft Corporation – EAT02, 03, 04 Data Center was received by this office on February 25, 2021. It was reviewed and accepted as complete on September 2, 2021. A Public Notice of Application was published on September 14, and September 21, 2021, in the Wenatchee World and the public comment period ended on October 21, 2021, with no comments being received.

Given our limited resources, beyond processing and approving your application, we can't issue a full permit at this time. Washington Administrative Code (WAC) 173-216-070 explains what satisfies the requirement for filing a permit application. WAC 173-216-090 requires publication of a public notice followed by a 30-day comment period. Revised Code of Washington (RCW) 90.48.200 states, "In the event of failure of the Department of Ecology (Ecology) to act upon an application within 60 days after it has been filed, the applicant shall be deemed to have received a temporary permit. Said permit shall authorize the applicant to discharge wastes into waters of the state as requested in its application only until such time as Ecology shall have taken action upon said application."

Therefore, as RCW 90.48.200 and WAC 173-216-090 provide, your new Temporary Permit became effective **October 22, 2021**, the day following completion of the public notice comment period. It will remain in force for up to five years or until further notice by the Department, whichever occurs first.

Ecology will undertake writing a full permit as time allows. At that time we will contact you to discuss any changes in operation and to do a site visit.

Your temporary permit consists of the permit application and all appendices submitted with it. Compliance with the application and the appendices will constitute compliance with the temporary permit.

Temporary Permit Conditions and Requirements

S2.A. Monitoring requirements

The Permittee must monitor the wastewater and production according to the following schedule:

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Flow	MGD	Continuous	Metered/recorded
Temperature	°C	Continuous	Metered/recorded
Conductivity	Micromhos per centimeter (µmhos/cm)	Continuous	Metered/recorded
pH	Standard Units	Monthly	Metered/recorded
Total Dissolved Solids (TDS)	mg/L	Once per month	Grab
Grab	Grab sample – an individual sample collected in less than 15 minutes time – more or less represents instantaneous conditions		
Metered/Recorded	Recording meters such as for flow, turbidity, TOC, temperature, pH, conductivity, fluoride, and DO		

This authorization does not allow you to discharge pollutants not specified in your application or appendices, or in quantities exceeding those specified. You are also required to comply with all water pollution laws and regulations.

Discharge Monitoring Report (DMR) Forms

Submit DMRs for parameters with the monitoring frequencies specified in the monitoring tables above (monthly, quarterly, semiannual, etc.) at the reporting schedule identified below. The Permittee must:

- Submit **monthly** DMRs by the 15th day of the following month, beginning with the **December 1, 2021** DMR due by **January 15, 2022**.

Ecology requests that you register for WQWebDMR, Ecology's electronic data reporting system, and submit your DMRs electronically. To sign up for WQWebDMR (with step-by-step registration instructions and screen shots) at: <https://ecology.wa.gov/Regulations->

[Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance.](#)

Please feel free to contact Ecology if you have any questions about WQWebDMR.

If you are unable to submit your DMR electronically, contact the Water Quality Permit Coordinator, Department of Ecology, 1250 West Alder Street, Union Gap, WA 98903-0009, to request a waiver to use WQWebDMR and obtain a paper DMR form.

Renewal Application

A new application must be submitted before **October 21, 2024**, if discharge of wastewater is to continue after the five-year term of this temporary permit. Ecology may issue a new permit for this discharge at any time. Ecology may request an updated application if a substantial amount of time passes before acting on your original application.

Permit Fees

Under the Model Toxics Control Act, codified as RCW 90.48.465, Ecology is required to recover the cost of the Water Quality Permit Program. Ecology has adopted a regulation (Chapter 173-224 WAC) establishing annual permit fees for all municipal/domestic and industrial wastewater discharge permit holders. Your Temporary Permit is subject to this fee. Permit fee billing will be in a separate mailing from the Ecology Fee Unit.

Appeal Process

You have the right to appeal this permit within thirty (30) days upon receipt of this document. Pursuant to Chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

If you choose to appeal this action or decision, your notice of appeal must contain: (1) A copy of the permit you are appealing, and (2) A copy of the application for the permit.

Any appeal must contain the following in accordance with the rules of the hearing board:

- a. The appellant's name and address;
- b. The coverage date and number of the permit appealed;
- c. A description of the substance within the permit that is the subject of the appeal;
- d. A clear, separate, and concise statement of every error alleged to have been committed;
- e. A clear and concise statement of facts which the requester relies to sustain his or her statements of error; and
- f. A statement setting forth the relief sought;
- g. The notice of appeal shall contain a copy of the order or decision appealed from, and if the order or decision followed an application, a copy of the application.

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Your appeal must be filed with the Pollution Control Hearings Board:

Street Address

Pollution Control Hearings Board
1111 Israel Road SW, Suite 301
Tumwater, WA 98501

Mailing Address

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Your appeal must also be served on the Department of Ecology:

Street Address

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

In addition, please send a copy of your appeal to:

Damon G. Robert
Section Manager/Water Quality Program - CRO
Department of Ecology
1250 W. Alder St.
Union Gap, WA 98903-0009

If you have any questions or need assistance, please feel free to contact David Matthews, your permit manager at 509-454-4261 or david.matthews@ecy.wa.gov.

Sincerely,



Damon G. Roberts
Section Manager
Water Quality Program

c: Dan Joseph
Chad Mendell
Water Quality Fee Unit, Lacey
Dave Matthews, Ecology-Union Gap
Caleb Bos, Ecology-Union Gap