

Issuance Date: October 18, 2011  
Effective Date: November 1, 2011  
Expiration Date: October 18, 2016

## State Waste Discharge Permit Number ST0045505

State of Washington  
DEPARTMENT OF ECOLOGY  
Northwest Regional Office  
3190 160th 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, as amended,

### **ACTIVE BERRY PACKERS, L.L.C.**

210 Nooksack Ave, Suite 101  
Lynden, Washington 98264

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

<u>Facility Location:</u> 204 1 <sup>st</sup> Street Lynden, WA 98264	<u>SIC Code:</u> 2037 <u>NAICS Code:</u> 311411
<u>POTW Receiving Discharge:</u> City of Lynden WWTP, WA0022578	<u>Industry Type:</u> Berry Processing

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Water Quality Section Manager  
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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	Monthly	December 15, 2011
S3.E	Reporting Permit Violations	As necessary	
S3.F	Other Reporting	As necessary	
S4.B	Reporting Bypasses	As necessary	
S7.C1	Solid Waste Control Plan	1/permit cycle	By January 1, 2012
S7.C2	Solid Waste Control Plan Update	1/permit cycle	As necessary
S8	Application for Permit Renewal	1/permit cycle	By April 18, 2016
S9	Spill Plan	1/permit cycle	By January 1, 2012
S10	Slug Discharge Control Plan	1/permit cycle	By January 1, 2012
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	
G8	Payment of Fees	As assessed	
G10	Duty to Provide Information	As necessary	

## Special Conditions

### S1. Discharge limits

All discharges and activities authorized by this permit must comply with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of that authorized by this permit, violates the terms and conditions of this permit.

A discharge of a pollutant in excess of local limits set by the City of Lynden violates the terms and conditions of this permit.

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to discharge wastewater to the City of Lynden sewer system subject to the following limits:

<b>Effluent Limits: Outfall # 001</b>		
<b>Latitude: 48.946186° Longitude: -122.448297°</b>		
<b>Parameter</b>	<b>Average Monthly <sup>a</sup></b>	<b>Maximum Daily <sup>b</sup></b>
Flow	10,000 gpd	15,000 gpd

<b>Parameter</b>	<b>Daily Minimum</b>	<b>Daily Maximum</b>
pH	6.0 standard pH units	10.0 standard pH units

a	Average monthly effluent limit means the highest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the limit, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured.
b	Maximum daily effluent limit means the highest allowable daily discharge. The daily discharge means the discharge of a pollutant or flow measured during a calendar day. For pollutants with limits expressed in units of mass, calculate the daily discharge as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day. This does not apply to pH.

### S2. Monitoring requirements

#### S2.A. Monitoring requirements

The Permittee must monitor the wastewater according to the following schedule. The Permittee must use the specified analytical methods unless the method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136. If the Permittee uses an alternative method, not specified in the permit and as allowed above, it must report the test method, DL, and QL on the discharge monitoring report or in the required report.

Parameter	Units	Laboratory Method	Sampling Frequency <sup>b</sup>	Sample Type <sup>a</sup>
<b>(1) Final Wastewater Effluent</b>				
Flow	gallons/day (gpd)		Daily	Metered
Biochemical Oxygen Demand (BOD <sub>5</sub> )	mg/L	SM 5210 B	Weekly	Grab
BOD <sub>5</sub>	lbs/day	Not applicable (NA)	NA	Calculated
Total Suspended Solids (TSS)	mg/L	SM 2540 D	Weekly	Grab
TSS	lbs/day	NA	NA	Calculated
pH <sup>c</sup>	Standard Units	SM 4500-H+B	Daily	Grab or meter
<sup>a</sup>	Grab means an individual sample collected over a fifteen (15) minute, or less, period.			
<sup>b</sup>	Weekly means once during each calendar week.			
<sup>c</sup>	The Permittee must report the instantaneous maximum and minimum pH monthly. Do not average pH values.			

**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 water and wastewater monitoring requirements specified in this permit must conform to the latest revision of the following rules and documents unless otherwise specified in this permit or approved in writing by the Department of Ecology (Ecology).

- Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136.
- Standard Methods for the Examination of Water and Wastewater (APHA).

**S2.C. Flow measurement, field measurement and continuous monitoring devices**

The Permittee must:

1. Select and use appropriate flow measurement, field measurement, monitoring devices and methods consistent with accepted scientific practices.
2. Install, calibrate, and maintain these devices to ensure the accuracy of the measurements is consistent with the accepted industry standard and the manufacturer’s recommendation for that type of device.
3. Use field measurement devices as directed by the manufacturer and do not use reagents beyond their expiration dates.

4. Calibrate these devices at the frequency recommended by the manufacturer.
5. Calibrate flow monitoring devices at a minimum frequency of at least one calibration per year.
6. Maintain calibration records for at least three years.

#### **S2.D. Laboratory accreditation**

The Permittee must ensure that all monitoring data required by Ecology 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. The Permittee must obtain accreditation for pH if it must receive accreditation or registration for other parameters.

### **S3. Reporting and recording requirements**

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

#### **S3.A. Reporting**

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

1. Summarize, report, and submit monitoring data obtained during each monthly monitoring period on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by Ecology. Include a summary listing daily results for the parameters tabulated in Special Condition S2. If submitting DMRs electronically, report a value for each day sampling occurred and for the summary values (when applicable) included on the form.
2. Submit the form as required with the words "no discharge" entered in place of the monitoring results, if the facility did not discharge during a given monitoring period. If submitting DMRs electronically, you must enter "no discharge" for an entire DMR, for a specific monitoring point, or for a specific parameter as appropriate.
3. Report the test method on the discharge monitoring report or in the required report, if the Permittee used an alternative method not specified in the permit.
4. Include the following information: sampling date, sample location, date of analysis, parameter name, reporting units, and concentration detected. The Permittee must submit a copy of the contract laboratory report to provide this information. Analytical results from samples sent to a contract laboratory must also include information on the chain of custody, QA/QC results, and documentation of accreditation for the parameter. If the Permittee submits electronic DMRs, then it must attach an electronic file of the laboratory report to the electronic DMR.

5. Ensure that DMR forms are postmarked or received by Ecology no later than the dates specified below, unless otherwise specified in this permit. If submitting DMRs electronically, submit the DMR no later than the dates specified below, unless otherwise specified in this permit.
6. Submit **monthly** DMRs by the 15<sup>th</sup> day of the following month.
7. Submit reports to Ecology online using Ecology's electronic DMR submittal forms or send paper reports, to both Ecology and the City of Lynden at:

Water Quality Permit Coordinator	City of Lynden
Department of Ecology	Attn: Water/Wastewater Plant
Northwest Regional Office	Superintendent
3190 160 <sup>th</sup> Avenue SE	300 – 4 <sup>th</sup> Street
Bellevue, WA 98008-5452	Lynden, WA 98264

### **S3.B. Records retention**

The Permittee must retain records of all monitoring information for a minimum of three (3) years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

### **S3.C. Recording of results**

For each measurement or sample taken, the Permittee must record the following information:

1. The date, exact place, method, and time of sampling or measurement.
2. The individual who performed the sampling or measurement.
3. The dates the analyses were performed.
4. The individual who performed the analyses.
5. The analytical techniques or methods used.
6. The results of all analyses.

### **S3.D. Additional monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by 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.

### **S3.E. Reporting permit violations**

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

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

#### **a. Immediate reporting**

The Permittee must report any noncompliance that may endanger health or the environment immediately to the Department of Ecology's Regional Office 24-hour number listed below:

Northwest Regional Office 425-649-7000

#### **b. 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. The Permittee must report:

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 an 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. 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.
4. Any violation of a maximum daily discharge limit for any of the pollutants in Section S1 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.

**c. Report within five days**

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

**d. 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.

**e. 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.

**f. Report submittal**

The Permittee must submit reports to the address listed in S3.A.

**S3.F. Other reporting**

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

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.G. Maintaining a copy of this permit**

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

**S3.H. Dangerous waste discharge notification**

The Permittee must notify the publicly owned treatment works (POTW) and Ecology in writing of the intent to discharge into the POTW any substance designated as a dangerous waste in accordance with the provisions of WAC 173-303-070. It must make this notification at least 90 days prior to the date that it proposes to initiate the discharge. The Permittee must not discharge this substance until authorized by Ecology and the POTW. It must also comply with the notification requirements of Special Condition S8 and General Condition G4.

**S3.I. Spill notification**

The Permittee must notify the POTW immediately (as soon as discovered) of all discharges that could cause problems to the POTW, such as process spills and unauthorized discharges (including slug discharges).

**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 includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

**S4.A. Treatment System Operating Plan (TSOP)**

The Permittee must develop and follow a treatment system operating plan that includes the following information:

1. A baseline operating condition, which describes the operating parameters and procedures, used to meet the effluent limits of S1 at the production levels used in developing these limits.
2. In the event of production rates, which are below the baseline levels used to establish these limits, the plan must describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting must be described in the plan.
3. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shut downs, or other causes, the plan must describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting must be described in the plan.

4. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).
5. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset, spill, failure, or demand by the publicly owned treatment works (POTW) treating the discharge.
6. 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.)
7. Wastewater sampling protocols and procedures for compliance with the sampling and reporting requirements in the wastewater discharge permit.

**S4.B. Bypass procedures**

This permit prohibits a bypass, which is the intentional diversion of waste streams from any portion of a treatment facility. Ecology may take enforcement action against a Permittee for a bypass unless one of the following circumstances (1, 2, or 3) applies.

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

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

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

This permit authorizes such a bypass only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. No feasible alternatives to the bypass exist, such as:
  - The use of auxiliary treatment facilities.
  - Retention of untreated wastes.
  - Stopping production.

- Maintenance during normal periods of equipment downtime, but not if the Permittee should have installed adequate backup equipment in the exercise of reasonable engineering judgment to prevent a bypass.
  - Transport of untreated wastes to another treatment facility or preventative maintenance), or transport of untreated wastes to another treatment facility.
- c. The Permittee has properly notified Ecology of the bypass as required in Condition S3.E of this permit.
3. If bypass is anticipated and has the potential to result in noncompliance of this permit.
- a. The Permittee must notify Ecology at least thirty (30) days before the planned date of bypass. The notice must contain:
- A description of the bypass and its cause.
  - An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing.
  - A cost-effectiveness analysis of alternatives including comparative resource damage assessment.
  - The minimum and maximum duration of bypass under each alternative.
  - A recommendation as to the preferred alternative for conducting the bypass.
  - The projected date of bypass initiation.
  - A statement of compliance with SEPA.
  - A request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated.
  - Details of the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- b. For probable construction bypasses, the Permittee must notify Ecology of the need to bypass as early in the planning process as possible. The Permittee must consider the analysis required above during preparation of the engineering report or facilities plan and plans and specifications and must include these to the extent practical. In cases where the Permittee determines the probable need to bypass early, the Permittee must continue to analyze conditions up to and including the construction period in an effort to minimize or eliminate the bypass.
- c. Ecology will consider the following prior to issuing an administrative order for this type of bypass:

- If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- If feasible alternatives to bypass exist, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- If the Permittee planned and scheduled the bypass to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. Ecology will give the public an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Ecology will approve a request to bypass by issuing an administrative order under RCW 90.48.120.

#### **S4.C. Best Management Practices/Pollution Prevention Program**

The Permittee must develop and implement a Best Management Practices Plan. The Permittee must:

1. Ensure that all unit processes, screening units, sumps, pH neutralization units and process wastewater conveyance lines are operated properly and have regularly scheduled maintenance.
2. Prepare emergency procedures for plant shutdown and cleanup in the event of a wastewater system upset or failure.
3. Ensure that all employees are familiar with and are trained to implement the BMPs and Pollution Prevention Practices listed in this permit and developed by the Permittee.
4. Prepare a description of the reporting system which employees must use to alert responsible managers and legal authorities in the event of a spill.
5. Prepare a description of preventive measures and facilities (including an overall facility map showing drainage patterns) which prevent, contain, or treat spills that may enter surface waters or the Lynden WWTP system.
6. Notify the Lynden WWTP of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system.
7. Ensure that all process wastewater passes through coarse screening and a solids separation system before discharge to the Lynden WWTP system.
8. Ensure that the proper stormwater permits and stormwater BMPs are in place to prevent runoff and contact with the berry processing and washing operations.

## **S5. Prohibited discharges**

The Permittee must comply with these general and specific prohibitions.

### **S5.A. General prohibitions**

The Permittee must not introduce into the POTW pollutant(s), which cause pass through or interference.

### **S5.B. Specific prohibitions**

In addition, the Permittee must not introduce the following into the POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60 degrees C (140 degrees F) using the test methods specified in 40 CFR 261.21.
2. Solid or viscous pollutants in amounts, which will cause obstruction to the flow in the POTW resulting in interference.
3. Any pollutant (including oxygen-demanding pollutants (BOD<sub>5</sub>, etc.), released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the POTW.
4. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees C (104 degrees F) unless the approval authority, upon request of the POTW, approves alternative temperature limits.
5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
7. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
8. Pollutants that will cause corrosive structural damage to the POTW.

### **S5.C. Prohibited unless approved**

Any of the following discharges are prohibited unless approved by Ecology under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or a need to augment sewage flows due to septic conditions):

1. Noncontact cooling water in significant volumes.
2. Storm water and other direct inflow sources.
3. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.

4. The discharge of dangerous wastes as defined in chapter 173-303 WAC (unless specifically authorized in this permit).

## **S6. Dilution prohibited**

The Permittee must not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, noncontact cooling water, or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limits contained in this permit.

## **S7. Solid waste disposal**

### **S7.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.

### **S7.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**

#### **a. Submittal requirements**

The Permittee must:

1. Submit a solid waste control plan to Ecology by January 1, 2012.
2. Submit to Ecology any proposed revision or modification of the solid waste control plan for review and approval at least 30 days prior to implementation.
3. Comply with the plan and any modifications.

#### **b. Solid waste control plan content**

The solid waste control plan must:

1. Follow Ecology's guidance for preparing a solid waste control plan ([www.ecy.wa.gov/biblio/0710024.html](http://www.ecy.wa.gov/biblio/0710024.html)) and address all solid wastes generated by the permittee.
2. Include at a minimum a description, source, generation rate, and disposal methods of these solid wastes.
3. Not conflict with local or state solid waste regulations.

## **S8. Application for permit renewal or modification for facility changes**

The Permittee must submit an application for renewal of this permit by April 18, 2016.

The Permittee must also submit a new application or supplement 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.

## **S9. Spill control plan**

### **S9.A. Spill control plan submittals and requirements**

The Permittee must:

1. Submit to Ecology a spill control plan for the prevention, containment, and control of spills or unplanned releases of pollutants by January 1, 2012.
2. Review the plan at least annually and update the spill plan as needed.
3. Send changes to the plan to Ecology within 30 days of adoption.
4. Follow the plan and any supplements throughout the term of the permit.

### **S9.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.

## **S10. Slug discharge control plan**

### **S10.A. Slug discharge control plan submittal and requirements**

The Permittee must:

1. Prepare and submit to Ecology, by January 1, 2012, a plan to minimize the potential of slug discharges from the facility covered by this permit. The plan and any subsequent revisions become effective 30 days following submission.
2. Review its slug discharge plan and update it as needed.
3. Submit all revisions or updates of this plan to Ecology for review and approval within 30 days of adoption.
4. Keep the current approved plan on the plant site and make it readily available to facility personnel.
5. Follow the approved plan and any approved supplements throughout the term of the permit.

### **S10.B. Slug discharge control plan components**

The slug discharge control plan must include the following information and procedures relating to the prevention of unauthorized slug discharges; it must include:

1. A description of a reporting system the Permittee will use to immediately notify facility management, the POTW operator, and appropriate state, federal, and local authorities of any slug discharges, and provisions to provide a written follow-up report within five days.
2. A description of operator training, equipment, and facilities (including overall facility plan) for preventing, containing, or treating slug discharges.
3. Procedures to prevent adverse impact from accidental spills including:
  - a. Inspection and maintenance of storage areas
  - b. Handling and transfer of materials
  - c. Loading and unloading operations
  - d. Control of plant site run-off
  - e. Worker training
  - f. Building of containment structures or equipment
  - g. Measures for containing toxic organic pollutants (including solvents)
  - h. Measures and equipment for emergency response
4. A list of all raw materials, products, chemicals, and hazardous materials used, processed, or stored at the facility; the normal quantity maintained on the premises for each listed material; and a map showing where they are located.

5. A description of discharge practices for batch and continuous processes under normal and non-routine circumstances.
6. A brief description of any unauthorized discharges which occurred during the 36-month period preceding the effective date of this permit and subsequent measures taken by Permittee to prevent or to reduce the possibility of further unauthorized discharges.
7. An implementation schedule including additional operator training and procurement and installation of equipment or facilities required to properly implement the plan.

## General Conditions

### G1. Signatory requirements

All applications, reports, or information submitted to Ecology must be signed as follows:

1. All permit applications must be signed by either a principal executive officer or ranking elected official.
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 the person described above and is submitted to Ecology at the time of authorization, and
  - b. The authorization specifies either a named individual or any individual occupying a named position.
3. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization 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 entry

Representatives of Ecology have the right to enter at all reasonable times in or upon any property, public or for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times include normal business hours; hours during which production, treatment, or discharge occurs; or times when Ecology suspects a violation requiring immediate inspection. Representatives of Ecology must be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

### **G3. Permit actions**

This permit is subject to modification, suspension, or termination, in whole or in part by Ecology for any of the following causes:

1. Violation of any permit term or condition;
2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
3. A material change in quantity or type of waste disposal;
4. A material change in the condition of the waters of the state; or
5. Nonpayment of fees assessed pursuant to RCW 90.48.465.

Ecology may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

### **G4. Reporting a cause for modification**

The Permittee must submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application must be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

### **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 should be submitted at least 180 days prior to the planned start of construction. Facilities must be constructed and operated in accordance with the approved plans.

### **G6. Compliance with other laws and statutes**

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

### **G7. Transfer of this permit**

This permit is automatically transferred to a new owner or operator if:

1. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to Ecology;
2. A copy of the permit is provided to the new owner; and
3. Ecology does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to Section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by Ecology.

### **G8. Reduced production for compliance**

The Permittee must control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency, loss, or failure of its treatment facility until the treatment capacity 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 for 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 effluent stream for discharge.

### **G10. Payment of fees**

The Permittee must submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit if the permit fees established under chapter 173-224 WAC are not paid.

### **G11. Penalties for violating permit conditions**

Any person who is found guilty of willfully violating the terms and conditions of this permit is guilty of a crime, and upon conviction thereof will be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs is a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit incurs, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars 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 a separate and distinct violation.

### **G12. 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.

**G13. Duty to comply**

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of chapter 90.48 RCW and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.