

**Addendum to the Fact Sheet for
NPDES Permit WA0052426
July 22, 2019**

1. General Information

Facility: Port of Sunnyside Industrial Wastewater Treatment Facility
(IWWTF)
PO Box 329
Sunnyside, WA 98944

2. Permit Limits and Conditions

The modified permit is virtually identical to the previous permit issued on August 29, 2014 with **one exception identified below**.

The final limits for fecal coliform bacteria discharged to Joint Drain 33.4 (Outfall 001) have been removed from the permit. The final limits that were effective February 1, 2019 included a monthly geometric mean limit of 200/100 milliliter (mL) and a weekly geometric mean limit of 400/100 mL. (page 8).

Other minor modifications include:

- Add Modification Date to first page and header.
- Change the address for Central Regional Office (page 1 and 20).
- Change signature block to David B. Bowen.
- Remove footnote c for fecal coliform calculation from the S1.A.3 limit table. (page 9)
- Repaginate entire permit.

The Department of Ecology (Ecology) received a letter, on December 3, 2018, outlining a request for an extension of the final fecal coliform permit limit that becomes effective February 1, 2019. The Port of Sunnyside letter is included as Appendix C of this fact sheet addendum. The Port of Sunnyside met with Ecology on January 25, 2019 to discuss the request.

The letter includes a proposed timeline and activities for compliance with the fecal coliform limit. The letter proposes developing an engineering report and plans/specifications for a fecal coliform reduction remedy in the first half of 2019 and construction of a remedy in the second half of 2019.

Ecology is willing to modify the existing NPDES permit to remove the final fecal coliform permit limits that are effective February 1, 2019 in order to provide the Port of Sunnyside more time to develop the engineering report and plans/specifications treatment of the fecal coliform.

Ecology intends to reinstate the fecal coliform limit in the next permit cycle when the permit is reissued in the future. The current permit expires August 31, 2019 and Ecology anticipates extending this modified permit until a future permit is

prepared and issued. This extension is anticipated to last through at least the time that the fecal coliform reduction remedy is planned to be installed by the Port of Sunnyside in the first half of 2020. Ecology is also in the process of switching the use of fecal coliform limits to E. coli limits, so an E. coli limit may be used instead of fecal coliform bacteria in the future permit. ***[highlighted section added after public review, in response to comments received from Sunnyside Valley Irrigation District (SVID)]***

3. Public Process

Ecology must public notice the availability of the draft modified permit at least 30 days before it reissues the permit [Washington Administrative Code (WAC) 173-220-050]. Ecology invites you to review and comment on its decision to reauthorize the permit (see **Appendix A—Public Involvement Information** for more detail on the Public Notice procedures).

After the public comment period has closed, Ecology will prepare a *Response to Comments* document and attach it to this fact sheet addendum. Ecology will respond to each comment and describe the resultant changes to the permit in this document. Ecology sends a copy of the *Response to Comments* to all parties that submitted comments.

4. Permit Appeal Process

Appendix B describes the permit appeal process.

Appendix A—Public Involvement Information

Ecology proposes to modify a permit issued to the Port of Sunnyside on August 29, 2014. 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 Modification on April 17, 2019 in the Sunnyside Sun 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.
- Asks people to tell us how well the proposed permit would protect the receiving water.
- Invites people to suggest fairer conditions, limits, and requirements for the permit.
- Invites comments on Ecology's determination of compliance with antidegradation rules.
- Urges people to submit their comments, in writing, before the end of the comment period.
- Tells how to request a public hearing about the proposed NPDES permit.
- Explains the next step(s) in the permitting process.

NOTICE: ANNOUNCEMENT OF AVAILABILITY OF DRAFT PERMIT MODIFICATION

PERMIT NO.: WA0052426

APPLICANT: Port of Sunnyside Industrial Wastewater Treatment Facility (IWWTF)

The Port of Sunnyside IWWTF has requested a modification of their National Pollutant Discharge Elimination System (NPDES) permit in accordance with the provisions of Chapter 90.48 Revised Code of Washington (RCW) and Chapter 173-220 Washington Administrative Code (WAC), and the Federal Clean Water Act.

Following evaluation of the modification request and other available information, a modified permit has been developed which would remove the final limits for fecal coliform bacteria discharged to Joint Drain 33.4. All discharges to be in compliance with the Department of Ecology's Water Quality Standards for a permit to be issued.

A tentative determination has been made on the effluent limitations and special permit conditions that will prevent and control pollution. A final determination will not be made until all timely comments received in response to this notice have been evaluated.

PUBLIC COMMENT AND INFORMATION

The modified permit and fact sheet addendum may be viewed at the Department of Ecology (Department) website:

<https://apps.ecology.wa.gov/paris/PermitDocumentSearch.aspx?PermitNumber=WA0052426&FacilityName=&City=&County=&Region=0&PermitType=0> . The documents are also available at the Department's Central Regional Office for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m., weekdays. To obtain a copy or to arrange to view copies at the Central Regional Office, please call Jackie Cameron at (509) 575-2027, e-mail jackie.cameron@ecy.wa.gov , or write to the address below.

Interested persons are invited to submit written comments regarding the proposed permit. All comments must be submitted by May 17, 2019 to be considered for the final determination.

Submit comments online at: <http://ws.ecology.commentinput.com/?id=tiWPG> .

Written comments should be sent to: Cynthia Huwe, WQ Permit Coordinator, Department of Ecology, Central Regional Office, 1250 West Alder Street, Union Gap, WA 98903-0009.

Any interested party may request a public hearing on the proposed permit within 30 days of the publication date of this notice. The request for a hearing shall state the interest of the party and the reasons why a hearing is necessary. The request should be sent to the above address. The Department will hold a hearing if it determines that there is significant public interest. If a hearing is to be held, public notice will be published at least 30 days in advance of the hearing date. Any party responding to this notice with comments will be mailed a copy of a hearing public notice.

Please bring this public notice to the attention of persons who you know would be interested in this matter. The Department is an equal opportunity agency. If you need this publication in an alternate format, please contact us at (509) 575-2490 or TTY (for the speech and hearing impaired) at 711 or 1-800-833-6388.

Ecology has published a document entitled *Frequently Asked Questions about Effective Public Commenting*, which is available on our website at <http://www.ecy.wa.gov/biblio/0307023.html>.

You may obtain further information from Ecology by telephone, (509) 457-7105, or by writing to the address listed below.

Water Quality Permit Coordinator
Department of Ecology
Central Regional Office
1250 West Alder Street
Union Gap, 98903

The primary author of this permit and fact sheet is Matthew Durkee, LHG.

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.

ADDRESS AND LOCATION INFORMATION

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

Appendix C—Port of Sunnyside Request Letter



December 4, 2018

Mr. Matthew Durkee
Department of Ecology
Central Regional Office
1250 W Alder Street
Union Gap, WA 98903-009

Subject: Port of Sunnyside NPDES Permit Renewal

Dear Matt,

Thank you for meeting with the Port of Sunnyside (Port) and Parametrix on July 19, 2018. The purpose of the meeting was to discuss the Port's proposed plan and schedule for complying with whole effluent toxicity (WET) and fecal coliform limits in the NPDES permit.

As discussed during the meeting and described in the report submitted to Ecology in July 2018 (Parametrix, 2018), the Port would like to request an extension in the compliance schedule for fecal coliform to allow time to review, design, and construct treatment for fecal coliform. The Port also requests a mixing allowance for Outfall 001 that would address compliance with whole effluent toxicity limits. The reasoning and justification for these requests are detailed in the Parametrix report (Parametrix, 2018).

The table below shows proposed activities and a timeline for compliance with WET and fecal coliform permit limits. This table is an updated version of the schedule shown in the July 2018 report (Parametrix, 2018). The timeline proposes that Ecology grant a mixing allowance in the renewed permit that will become effective in August 2019. The timeline also proposes an extension to the fecal coliform compliance date to January 2020 to allow time to review, plan, design, and implement treatment.

**Table 1. Proposed Activities and Timeline for Compliance
with WET and Fecal Coliform Permit Limits**

Proposed Activity or Deliverable	Proposed Timeline
Meet with Ecology to initially discuss approach and timeline for WET and fecal compliance.	Completed
Submit BOD, Ammonia, TSS Reduction Plan.	Completed
Develop sampling and analysis plan (SAP) for monitoring upstream industrial sources of WET, TDS, and fecal coliform.	Completed
Conduct sampling and analysis of upstream sources.	Completed

Table 1. Proposed Activities and Timeline for Compliance with WET and Fecal Coliform Permit Limits

Proposed Activity or Deliverable	Proposed Timeline
Evaluate TDS concentrations and mixing conditions at JD 33.4 and conduct chronic toxicity testing of the mixed effluent.	Completed
Submit Draft Whole Effluent Toxicity and Fecal Coliform Compliance Evaluation Report and meet with Ecology.	July 2018
Develop feasibility study evaluation of alternatives addressing new fecal coliform limits.	September 2018 to December 2018
Review and select fecal coliform reduction remedies and develop plan for implementation.	January 2019
Meet with Ecology to review and discuss plan for implementation of fecal coliform reduction remedies.	August 2019
NPDES renewal with new mixing allowance for chronic toxicity.	February 2019
Develop WAC 173-240 Engineering Report for fecal coliform remedy.	February/March 2019
Ecology Review of Engineering Report.	April/May 2019
Develop WAC 173-240 Plans and Specifications for fecal coliform remedy.	June 2019
Ecology Review of Plans and Specifications.	July to December 2019
Bid, Procure, Construct, and Commission fecal coliform remedy.	January 2020
Proposed extended NPDES compliance date for fecal coliform limits.	

The Port would like to confirm that Ecology is in agreement with the proposed plan and schedule for fecal coliform in Table 1 and that Ecology is also in favor of proceeding with the mixing allowance in the renewed NPDES permit with an effective date of August 2019. Please let me know if you have any questions or require any further information.

References: Parametrix. 2018. Whole Effluent Toxicity and Fecal Coliform Compliance Evaluation. Prepared for Port of Sunnyside and Submitted to Washington Department of Ecology, July 2018.

Sincerely,

PORT OF SUNNYSIDE

Jay Hester, Executive Director

Enclosure

cc: James Leier, Department of Ecology

Brandon Ball, Parametrix

Appendix D—Response to Comments

Ecology received a letter from Elaine Brouillard, Water Quality Supervisor with the Sunnyside Valley Irrigation District (SVID) on May 6, 2019 commenting on the draft modified Port of Sunnyside permit. The letter is inserted below, followed by Ecology's response to the SVID comments:



SERVING AGRICULTURE SINCE 1906

Cynthia Huwe
Water Quality Permit Coordinator
Department of Ecology
1250 West Alder Street
Union Gap, WA 98903

4-30-2019

Re: Public Notice of Modification for the Port of Sunnyside industrial Wastewater Treatment Facility (IWWTF); WA0052426

Dear Cynthia Huwe:

Thank you for the opportunity to comment on the National Pollutant Discharge Elimination System (NPDES) Waste Discharge permit No. WA0052426. The "Notice: Announcement of availability of draft permit modification" describes "a modified permit has been developed which would remove the final limits for fecal coliform bacteria discharged to Joint Drain 33.4."

The Addendum to the Fact Sheet for NPDES Permit WA0052426 has the Permit Limits and Conditions as "The final limits for fecal coliform bacteria discharged to Joint Drain 33.4 (Outfall 001) have been removed from the permit. The final limits that were effective February 1, 2019 included a monthly geometric mean limit of 200/100 milliliter (mL) and a weekly geometric mean limit of 400/100 mL."

The Sunnyside Valley Irrigation District (SVID) has the following comments:

1. SVID granted the Port of Sunnyside an inlet discharge permit to the JD 33.4 in 2004 for an 18-inch diameter PVC pipe with a maximum flow of 400 gallons per minute (gpm). The Permit has eight (8) requirements. Requirements 7 and 8 are listed below.
 - a. Requirement 7 states "Water discharged into the waterway shall meet or exceed all present Federal, State, or County water quality standards including the RSBOJC's 25 NTU turbidity requirement with which the Sunnyside Valley Irrigation District must be in compliance." In reviewing the Port of Sunnyside's last five years of fecal coliform data, there is a chronic high density of fecal coliform discharged to the Joint Drain 33.4. The Port of Sunnyside has not been in compliance with the inlet permit.
 - b. Requirement 8 states "Under no circumstances does the Sunnyside Valley Irrigation District, its agents or representatives, assume any liability or

responsibility to the applicant, his successors, or to downstream users of the drainage system or,

- i. Any damage to the inlet, drainage system or adjacent facilities resulting from ditch maintenance or cleaning equipment or high-water runoff, or
 - ii. Any damage to crops, wildlife, or fisheries, resulting from applicant's discharge of chemicals. Including, but not limited to, herbicides, pesticides, sterilants, petroleum products or fuels.
Applicant assumes all liability and responsibility.
2. The Port of Sunnyside must accept all responsibility to the SVID landowners and the Department of Ecology for fecal coliform and or *E. coli* bacteria included within their discharge to the JD 33.4. If the Port of Sunnyside is unwilling to accept this responsibility, the Port of Sunnyside may no longer discharge to JD 33.4 until the bacteria abatement has proven effective to SVID's satisfaction.
3. "Ecology is willing to modify the existing NPDES permit to remove the final fecal coliform permit limits that are effective February 1, 2019 in order to provide the Port of Sunnyside more time to develop the engineering report and plans/specifications treatment of the fecal coliform." While Ecology is willing to remove the fecal coliform limits, SVID is not. The fecal coliform limits need to be in the modified and subsequent permits and verified with required effluent sampling. SVID requests the following language be included in section 3 at S3.A.: add S3.A.9 "Submit all parameter reports to SVID electronically by the 15th day of the following month". If the Port of Sunnyside is discharging to an SVID facility, SVID requires the data for its own evaluation.
4. SVID has an Eastern Washington Phase II Municipal Stormwater Permit (WAR04-6204) that will be affected by the high fecal coliform density discharged by the Port of Sunnyside. Outfall 001 is approximately 6,375 feet upstream of SVID's last permitted sampling point.
5. SVID suggests the language for the S1.3. to include the Parameter Fecal Coliform with an Average Monthly Minimum to be equal to the State of Washington Water Quality Standard and the Average Weekly Maximum standard to be equivalent of no more than 200 cfu/100 ml per day. The S2.A. *Monitoring Schedule for (2) Final wastewater* effluent discharge to Joint Drain 33.4 has three grab samples per week. This schedule is requested to be in the modified and subsequent permits.
6. The Department of Ecology has issued several NPDES permits allowing discharge to the Joint Drain 33.4. The Port of Sunnyside is one of three known permittees where SVID was not consulted or included in the decision for discharge into an SVID facility. SVID and the Department of Ecology have agreed that all future permits that could discharge to an SVID facility would be discussed and that SVID would have the final yes or no to the effluent inlet to an SVID facility. (as per Sanjay Barik).

Thank you again Ms. Huwe for sending this existing permit modification to SVID a week in advance of the public notice.

Best Regards,

A handwritten signature in black ink that reads "Elaine S. Brouillard". The signature is written in a cursive style with a large initial 'E'.

Elaine S. Brouillard
Water Quality Supervisor

CC: Jay Hester, Port of Sunnyside
Lori Brady, SVID
Sanjay Barik, Ecology

SVID comments excerpted from the letter and *Ecology's response to the SVID comments*:

SVID Comment #1:

1. SVID granted the Port of Sunnyside an inlet discharge permit to the JD 33.4 in 2004 for an 18-inch diameter PVC pipe with a maximum flow of 400 gallons per minute (gpm). The Permit has eight (8) requirements. Requirements 7 and 8 are listed below.
 - a. Requirement 7 states "Water discharged into the waterway shall meet or exceed all present Federal, State, or County water quality standards including the RSBOJC's 25 NTU turbidity requirement with which the Sunnyside Valley Irrigation District must be in compliance." In reviewing the Port of Sunnyside's last five years of fecal coliform data, there is a chronic high density of fecal coliform discharged to the Joint Drain 33.4. The Port of Sunnyside has not been in compliance with the inlet permit.
 - b. Requirement 8 states "Under no circumstances does the Sunnyside Valley Irrigation District, its agents or representatives, assume any liability or responsibility to the applicant, his successors, or to downstream users of the drainage system or,
 - i. Any damage to the inlet, drainage system or adjacent facilities resulting from ditch maintenance or cleaning equipment or high- water runoff, or
 - ii. Any damage to crops, wildlife, or fisheries, resulting from applicant's discharge of chemicals. Including, but not limited to, herbicides, pesticides, sterilants, petroleum products or fuels. Applicant assumes all liability and responsibility.

Ecology's response to Comment #1:

Noted. Ecology currently does not have a copy of the Port of Sunnyside inlet discharge permit. Ecology requested a copy this from the Port of Sunnyside in May 2019 after receiving these public comments from SVID. Ecology is not associated with or a signatory to the Inlet Permit, the conditions of which need to be resolved by the Port and SVID.

SVID Comment #2

2. The Port of Sunnyside must accept all responsibility to the SVID landowners and the Department of Ecology for fecal coliform and or *E. coli* bacteria included within their discharge to the JD 33.4. If the Port of Sunnyside is unwilling to accept this responsibility, the Port of Sunnyside may no longer discharge to JD 33.4 until the bacteria abatement has proven effective to SVID's satisfaction.

Ecology's response to Comment #2:

Ecology has been working collaboratively with Port of Sunnyside as it completes installation of a bacteria treatment remedy as quickly and as realistically possible. Ecology recognizes that the Port had opportunities to previously install a bacteria treatment remedy or work with their industrial users to solve the problem and failed to do so before the final permit limits for fecal coliform bacteria took effect on February 1, 2019. These final limits took effect near the end of the permit cycle and the Port did have most of the length of the five-year permit to deal with the issue.

The Port of Sunnyside has presented a timeline for design, approval, and installation of the bacteria disinfection equipment technology as outlined in their December 4, 2018 letter to Ecology (Appendix C). The Port of Sunnyside has been updating Ecology on a regular basis about the progress and submitted a 90% engineering design to Ecology on July 12, 2019. The timeline in the report lists January 2020 as the date of completion. The Port's modified permit expires August 31, 2019. The re-issued permit will have bacteria limits.

SVID Comment #3

3. "Ecology is willing to modify the existing NPDES permit to remove the final fecal coliform permit limits that are effective February 1, 2019 in order to provide the Port of Sunnyside more time to develop the engineering report and plans/specifications treatment of the fecal coliform." While Ecology is willing to remove the fecal coliform limits, SVID is not. The fecal coliform limits need to be in the modified and subsequent permits and verified with required effluent sampling. SVID requests the following language be included in section 3 at 53.A.: add S3.A.9 "Submit all parameter reports to SVID electronically by the 15th day of the following month". If the Port of Sunnyside is discharging to an SVID facility, SVID requires the data for its own evaluation.

Ecology's response to Comment #3:

Noted. The Port of Sunnyside has been working collaboratively with Ecology to complete installation of a bacteria treatment remedy as quickly as realistically possible at this point. If Ecology left the permit unmodified, the Port of Sunnyside would have continued to get monthly NPDES permit limit violations for bacteria. Since the Port has demonstrated good faith and has allocated funding for bacterial disinfection of wastewater, Ecology will proceed with the permit modification.

Ecology will not require the Port of Sunnyside to submit monitoring data directly to SVID. This would require a change to standard permit language, and a change to Ecology's standard operating procedure. The permit and all monitoring data required by the permit are available to the public on Ecology's website: (<https://apps.ecology.wa.gov/paris/PermitLookup.aspx>). Ecology has provided instructions to SVID on how to access this data and can provide additional technical assistance if needed.

SVID Comment #4

4. SVID has an Eastern Washington Phase II Municipal Stormwater Permit (WAR04-6204) that will be affected by the high fecal coliform density discharged by the Port of Sunnyside. Outfall 001 is approximately 6,375 feet upstream of SVID's last permitted sampling point.

Ecology's response to Comment #4:

Noted. Ecology will take into consideration, as much as possible, the Municipal Stormwater Permit. Ecology does not anticipate taking any enforcement action against SVID related to fecal coliform bacteria loads in JD 33.4 related to the Port of Sunnyside outfall.

SVID Comment #5

5. SVID suggests the language for the S1.3. to include the Parameter Fecal Coliform with an Average Monthly Minimum to be equal to the State of Washington Water Quality Standard and the Average Weekly Maximum standard to be equivalent of no more than 200 cfu/100 ml per day. The S2.A. *Monitoring Schedule for (2) Final wastewater effluent discharge to Joint Drain 33.4* has three grab samples per week. This schedule is requested to be in the modified and subsequent permits.

Ecology's response to Comment #5:

Ecology added language in the fact sheet addendum, clarifying that the fecal coliform bacteria final limits removed from the permit by this permit modification will be included again when the Port's NPDES permit is reissued. Ecology anticipates reissuing this permit sometime after the bacteria disinfection treatment equipment is installed, according to the proposed schedule. The fecal coliform bacteria limits in the prior, unmodified permit included an average monthly geometric mean of 200/100 mL and an average weekly geometric of 400/100 mL. These are technology-based limits. Ecology will consider stipulating the more stringent water-quality based limits during the upcoming permit re-issuance.

Ecology also notes in the revision to the fact sheet addendum that Ecology is planning on switching over from using fecal coliform bacteria based limits to E. Coli bacteria based limits, so this could change how the limits are included when the permit is reissued. Regardless, the re-issued permit will have limits for bacteria that meet the State's Water Quality Standard.

No changes were made to the bacteria monitoring requirements for the modified permit. Monitoring for bacteria has been a permit requirement and will continue to be a permit requirement.

SVID Comment #6

6. The Department of Ecology has issued several NPDES permits allowing discharge to the Joint Drain 33.4. The Port of Sunnyside is one of three known permittees where SVID was not consulted or included in the decision for discharge into an SVID facility. SVID and the Department of Ecology have agreed that all future permits that could discharge to an SVID facility would be discussed and that SVID would have the final yes or no to the effluent inlet to an SVID facility. (as per Sanjay Barik).

Ecology's response to Comment #6:

The Port of Sunnyside NPDES permit first issued in 1998, is not a new discharge or permit. More recently, Ecology has been notifying SVID when permits are out for public comment if the discharge associated with the permit enters Joint Drain 33.4. Ecology appreciates SVID's water quality concerns in JD33.4. Ecology looks forward to collaborating in the future with all involved partners to improve Joint Drain 33.4 water quality.