

Fact Sheet for State Waste Discharge Permit ST0008098

Eastern Washington University

Purpose of this fact sheet

This fact sheet explains and documents the decisions the Department of Ecology (Ecology) made in drafting the proposed State Waste Discharge permit for Eastern Washington University (EWU) that will allow discharge of wastewater to the Cheney Wastewater Treatment Plant (WWTP).

State law requires any commercial or industrial facility to obtain a permit before discharging waste or chemicals to municipal sanitary sewer collection and treatment systems.

Ecology makes the draft permit and fact sheet available for public review and comment at least 30 days before it issues the final permit to the facility operator. Copies of the fact sheet and draft permit for EWU, State Waste Discharge permit ST0008098, are available for public review and comment from October 31, 2019 until the close of business November 30, 2019. For more details on preparing and filing comments about these documents, please see **Appendix A - Public Involvement Information**.

EWU reviewed the draft permit and fact sheet for factual accuracy. Ecology corrected any errors or omissions about the facility's location, history, product type, production rate, or discharges prior to publishing this draft fact sheet for public notice.

After the public comment period closes, Ecology will summarize substantive comments and our responses to them. Ecology will include our summary and responses to comments to this fact sheet as **Appendix E - Response to Comments**, and publish it when we issue the final State Waste Discharge 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

Eastern Washington University (EWU) is located in Cheney, Washington and has approximately 10,000 students and staff combined. The campus includes several buildings, which house several different types of activities. The buildings and activities include resident halls for students, classrooms, utilities, food service, physical education, and much more.

EWU monitors the wastewater discharge of the following buildings: Rozell Steam Plant (Rozell), Pence Union Building (PUB), Tawanka Commons (TAW), the University Recreation Center (URC), and the Science Building. EWU is covered under a State Waste Discharge permit for the activities in these buildings and any new buildings in order to protect the Cheney publicly owned treatment works (POTW).

Table of Contents

I.	Introduction	4
II.	Background Information.....	4
A.	Facility description	6
	Industrial process(s).....	7
	Wastewater pretreatment.....	7
	Solid wastes	7
B.	Discharge location to the City of Cheney’s Wastewater Treatment and Reclamation Plant	8
C.	Wastewater characterization	8
D.	Summary of compliance with previous permit issued	10
E.	State environmental policy act (SEPA) compliance.....	10
III.	Proposed Permit Limits	11
A.	Technology-based effluent limits.....	11
B.	Effluent limits based on local limits and non-domestic user agreement for discharge to Cheney WTRP:	11
C.	Comparison of effluent limits with the previous permit issued on May 2010..	13
IV.	Monitoring Requirements	14
A.	Lab accreditation.....	15
B.	Wastewater monitoring	15
V.	Other Permit Conditions.....	15
A.	Reporting and recordkeeping	15
B.	Operations and maintenance	15
C.	Prohibited discharges.....	16
D.	Dilution prohibited.....	16
E.	Solid waste control plan	16
F.	Non routine and unanticipated wastewater	16
G.	Spill plan	17
H.	Slug discharge plan.....	17
I.	General conditions	17
VI.	Public Notification of Noncompliance.....	17
VII.	Permit Issuance Procedures.....	17
A.	Permit modifications.....	17
B.	Proposed permit issuance	17

VIII.	References for Text and Appendices	18
	Appendix A - Public Involvement Information	19
	Appendix B - Your Right to Appeal	20
	Appendix C - Glossary	21
	Appendix D – EWU and Cheney WWTP Agreement	29
	Appendix E - Response to Comments	34
	Table 1: General Facility Information	4
	Table 2: Wastewater Characterization	9
	Table 3: Violations.....	10
	Table 4: Effluent Limits	12
	Table 5: Comparison of Effluent Limits of Current and Proposed Permit	14
	Figure 1: Facility Location Map	6

I. Introduction

The legislature defined Ecology's authority and obligations for the wastewater discharge permit program in the Water Pollution Control law, chapter 90.48 RCW (Revised Code of Washington).

Ecology adopted rules describing how it exercises its authority:

- State waste discharge program (chapter 173-216 WAC)
- Submission of plans and reports for construction of wastewater facilities (chapter 173-240 WAC)

These rules require any industrial facility owner or operator to obtain a State Waste Discharge permit before discharging wastewater to state waters. This rule includes commercial or industrial discharges to sewerage systems operated by municipalities or public entities which discharge into public waters of the State. They also help define the basis for limits on each discharge and for other performance requirements imposed by the permit.

Under the State Waste Discharge permit program and in response to a complete and accepted permit application, Ecology generally prepares a draft permit and accompanying fact sheet, and makes it available for public review before final issuance. If the volume of the discharge has not changed or if the characteristics of the discharge have not changed Ecology may choose not to issue a public notice. When Ecology publishes an announcement (public notice); it tells people where they can read the draft permit, and where to send their comments, during a period of thirty days. (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 State Waste Discharge permit in response to comment(s). Ecology will summarize the responses to comments and any changes to the permit in **Appendix E**.

II. Background Information

Table 1: General Facility Information

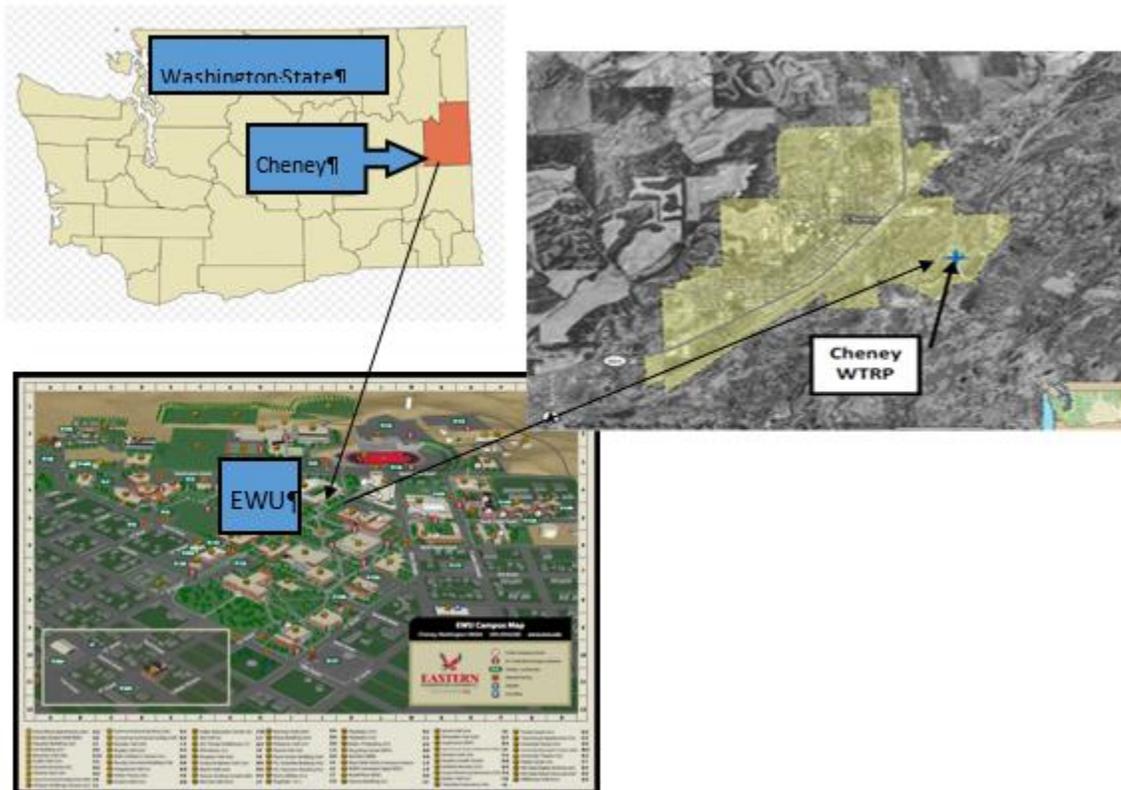
Facility Information	
Applicant	Eastern Washington University
Facility Name and Address	Eastern Washington University 101 Rozell, Cheney, Washington 99004
Contact at Facility	Steve Schmedding Telephone: (509) 359-4205
Responsible Official	Shawn King, Vice President of Facilities and Planning, 101 Rozell, Eastern Washington University Showalter 309, Cheney, WA 99004

Facility Information	
	(509) 359-6878
Industrial User Type	Other Significant Industrial User
Industry Type	Food Service, Campus Power and/Water, and Colleges, Universities, and Professional Schools
Type of Treatment by Industry	pH adjustment by chemical addition; oil and grease removal through grease interceptor.
SIC Codes	5812,4911/4941, and 8221
NAIC Codes	611310
Treatment Plant Receiving Discharge	City of Cheney's Wastewater Treatment and Reclamation Plant (WTRP)
Discharge Locations	6 – locations along the campus perimeter

Permit Status	
Issuance Date of Previous Permit	May 18, 2010
Application for Permit Renewal Submittal Date	March 10, 2015
Date of Ecology Acceptance of Application	March 11, 2015

Inspection Status	
Date of Last Non-sampling Inspection Date	February 17, 2016

Figure 1: Facility Location Map



A. Facility description

Eastern Washington University (EWU) is located in Cheney, Washington and has approximately 10,000 students and staff combined. The campus includes several buildings, which house different types of activities. The buildings and activities include resident halls for students, classrooms, utilities, food service, physical education, and much more. The EWU campus map in Appendix D of this fact sheet shows the overall campus and the different buildings. All the buildings discharge wastewater to EWU's sewer system. The sewer system discharges to the City of Cheney's sewer system at different points, which ultimately discharge to the City's Wastewater Treatment and Reclamation Plant (WTRP).

History

EWU began operations in 1882 and has grown greatly in the last few years. Over the last 10 years, EWU has worked with Ecology and the City of Cheney to determine the potential discharge cause for interference and pass through at the City's WTRP. Ecology has approved the proposed EWU wastewater monitoring plan which was received by this office on April 4, 2016. EWU agreed to provide Ecology updates on progress for funding and construction.

Industrial process(s)

EWU's total discharge from all buildings varies between 135,000 to 210,000 gallons of wastewater per day (2014-2019: current limit 240,000 gpd). Rozell is the utility building that supplies heat to the campus. Rozell's boilers generate cooling water that discharge to the sewer. EWU staff checks the pH from the boilers.

PUB, Tawanka, and the University Recreation Center has food services. The PUB includes two areas of preparation for meals. Effluent discharges to two locations, namely the NW, and the SE sides of the PUB. One side of the PUB has 'mall style' food services and it discharges wastewater through a 5,000 to 8,600 gallon capability grease interceptor. This wastewater combines with the wastewater from the cafeteria food services side of the building. The cafeteria food service side includes two small grease traps inside the facility near the sinks. Large cafeteria food services are located in Tawanka which discharges wastewater to a 1,500 gallon capacity grease interceptor and then to EWU's sewer system. The University Recreation Center has one food services restaurant (The Roost). Its wastewater discharges to a 3,500 gallon capacity grease interceptor and then to EWU's sewer system. All three buildings are equipped with dishwashers and washing machines.

EWU uses the Science Building (SCI) to teach chemistry courses and conduct research during the school sessions. The building discharges from two separate locations, namely one on the west side of the facility discharging to the south (SCI1), and one located on the NE side of the facility discharging to the SE. The Science Building NE and west side discharges combine in one line. These two sides of the building are equipped with early-1990s vintage acid neutralization systems that operate intermittently. The south side wastewater discharges from a sump to the sewer system. A new third connection will be made from the construction of the new "Interdisciplinary Science Center" (ISC). All locations will flow to EWU interior lateral mains, then onto the city system.

Wastewater pretreatment

Rozell's boilers generate cooling water that discharges to the sewer. EWU staff checks the pH from the boilers and adjusts as needed.

PUB, Tawanka, and the University Recreation Center house the food services for the students. The wastewater generated from food services pass through the grease interceptor and then discharge to EWU's sewer system.

The Science Building has several chemistry laboratories, and discharges from three separate locations (east, west, and south). The east and west side discharges combine in one line. This line and the south side discharge are equipped with acid neutralization systems that operate intermittently.

Solid wastes

The solid waste generated from the process and during treatment, which includes chemical drums and garbage, is disposed off-site.

B. Discharge location to the City of Cheney's Wastewater Treatment and Reclamation Plant

EWU pretreats its wastewater prior to discharge to the City's WTRP. EWU wastewater is generated from five main buildings: Rozell, PUB, Tawanka Commons, University Recreation Center, and the Science Building.

EWU is permitted to discharge 240,000 gallons per day (gpd) and has online monitoring flow meter and sampling stations to measure and sample the wastewater discharge.

C. Wastewater characterization

EWU reported the concentration of pollutants in the permit application and in discharge monitoring reports. The tabulated data represents the quality of the effluent discharged from 2014 and 2018.

Table 2: Wastewater Characterization

The effluent is characterized as follows:

Parameter	Unit	Rozell			Science Building			Food facilities*			Total Flow**					
		Min	Avg	Max	Min	Avg	Max	Min	Avg	Max	Min	Avg	Max			
Flow	gpd	3,700	-	22,700	4,671	-	52,419	131,695	-	186,106	134,713	-	209,894			
*This value represents the "total" of the "Food Facilities (REC+TAW+PUB)" on campus;**This value represents the total flow for all permitted discharges.																
Parameter	Unit	Rozell - 001			Rec Center - 002			Science Building-003			Tawanka - 004			PUB - 005		
		Min	Avg	Max	Min	Avg	Max	Min	Avg	Max	Min	Avg	Max	Min	Avg	Max
pH standard unit	s.u.	6.7	-	10.9	6.0	-	8.0	6.0	-	8.0	6.0	-	8.5	6.5	-	8.0
BOD ₅	mg/L	-	-	-	250	438	700	-	-	-	194	390	604	189	528	740
TSS	mg/L	5	-	11	44	-	180	5	-	111	49	-	140	70	-	166
Temperature	°F	47	66	76	39	60	71	40	61	79	50	63	71	44	60	68
Total Oil, & Grease EPA1664A (HEM)	mg/L	-	-	-	1.8	78.4	190	-	-	-	1.8	51.1	120	34.8	78.1	115.8
Non-Polar Oil, & Grease- EPA1664A (SGT-HEM)	mg/L	1.5	1.7	1.83	0.28	10.9	55	0	3.8	2.2	1.6	2.67	8.67	1.8	4.2	13.4
Acetone	µg/L	-	-	-	-	-	-	0.05	-	121.5	-	-	-	-	-	-
Nitrate as N	mg/L	0.10	6.8	19	0.1	77.4	150	1.5	15.4	46.5	02	26	62	0.2	37.7	60
Total Phosphorous	mg/L	0.93	1.80	2.8	0.75	9.4	14	0.12	1.6	5.2	1.9	3.7	6.2	2.5	6.5	9.9
Science Building consists of two locations where effluent discharges and the total is the combined value of these.																

D. Summary of compliance with previous permit issued

Ecology staff conducted a non-sampling compliance inspection on February 17, 2016.

EWU has complied with the effluent limits and permit conditions throughout the duration of the permit issued on July 01, 2010. Ecology assessed compliance based on its review of the facility's information in the Ecology Permitting and Reporting Information System (PARIS), discharge monitoring reports (DMRs) and on inspections conducted by Ecology.

However, there are unreported data violations from July 01, 2010 to December 31, 2018.

The following table shows the details of violations from January 01, 2014 to March 01, 2019. The facility had no missing permit submittals.

Table 3: Violations

Parameter	Number of violations
Flow	46
pH s.u.	19
Solids (Residue)	21
BOD ₅	13
Oil & Grease	04
Phosphorous	12

These violations are due to flow and pH meter failure, electronic submission issues, and staff changes; which were later fixed in timely manner. The proposed permit has a revised pH range and flow limits.

E. 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

State regulations require that Ecology base limits in a State Waste Discharge permit on the:

- Technology and treatment methods available to treat specific pollutants (technology-based). Technology-based limits are set by the EPA and published as a regulation ([40 CFR 400 - 471](#)), or Ecology develops limits on a case-by-case basis ([40 CFR 125.3](#), and [RCW 90.48](#)). Dischargers must treat wastewater using all known, available, reasonable methods of prevention, control, and treatment (AKART).
- Effects of the pollutants on the publicly-owned treatment works (POTW). Wastewater must not interfere with the operation of the POTW. Ecology considers local limits in developing permit limits.
- Applicable requirements of other local, state and federal laws.

Ecology applies the most stringent of these limits to each parameter of concern and further describes the proposed limits below.

The limits in this permit reflect information received in the application and from supporting reports (engineering, hydrogeology, monitoring, 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, and are not listed in regulation.

Ecology does not usually develop permit limits for pollutants not reported in the permit application but may be present in the discharge. The permit does not authorize the 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. Until Ecology modifies the permit to reflect additional discharge of pollutants, a permitted facility could be violating its permit.

A. Technology-based effluent limits

Waste discharge permits issued by Ecology specify conditions requiring all available and reasonable methods of prevention, control, and treatment (AKART) of discharges to waters of the state ([RCW 90.48](#)).

EWU's permitted discharges do not have an existing federal categorical limits for this facility are found under [40 CFR Part 405-471](#).

B. Effluent limits based on local limits and non-domestic user agreement for discharge to Cheney WTRP:

To protect the City of Cheney's WTRP from pass-through, interference, concentrations of toxic chemicals that would impair beneficial or designated uses of sludge, or potentially hazardous exposure levels, Ecology believes it necessary to impose limits for certain parameters.

Ecology based these limits on local limits established by City of Cheney's WTRP (codified in ordinance) and non-domestic user agreement between City of Cheney and EWU for EWU wastewater discharge to the City of Cheney's WTRP. Applicable limits for this discharge include the following:

Table 4: Effluent Limits

Effluent Limits	
Parameter	Daily Maximum ^a
Total Flow for all permitted discharges ^b	240,000 gallons per day (gpd)
^a	Daily Maximum effluent limit means the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limits expressed in units of mass, the daily discharge is calculated 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.
^b	The maximum daily flow applies to the discharges from Tawanka Commons, Science Building, Rozell Plant, Pence Union Building (PUB), and University Recreation Center.

Effluent Limits			
Location	Parameter	Daily Minimum	Daily Maximum ^a
Food Facilities (Tawanka Commons, Pence Union Building, University Recreation Center)	pH	5.0 s.u.	11.0 s.u.
	Biochemical Oxygen Demand (BOD ₅)	-	950 mg/L; 500 lbs/day
	Total Suspended Solids (TSS)	-	200 mg/L; 100 lbs/day
	Total Oil and Grease (EPA 1664A (HEM))	-	200 mg/L
	Non-Polar Oil and Grease (EPA 1664A SGT-HEM)	-	50 mg/L
Science Building	pH ^b	5.0 s.u.	11.0 s.u.
	Non polar Oil and Grease ^c EPA 1664A SGT-HEM	-	50 mg/L

Effluent Limits			
Location	Parameter	Daily Minimum	Daily Maximum ^a
			Annual Total
	Acetone	-	10 pounds/year
^b	The Permittee must report the instantaneous maximum and minimum pH daily. Do not average pH values.		
^c	Limit is all three locations combined; east, west and south sides.		
Rozell Heating Plant ^d	pH	5.0 s.u.	11.0 s.u
	Non-Polar Oil and Grease EPA 1664A SGT-HEM	-	50 mg/L
^a	Daily Maximum effluent limit means the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limits expressed in units of mass, the daily discharge is calculated 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.		
^b	The limits apply to the discharges from the Pence Union Building (PUB), Tawanka Commons, and University Recreation Center.		
^c	The limits apply to the discharges from the Science Building East and Science Building South.		
^d	The limits apply to the discharges from the Rozell Heating Plant.		

Pollutant concentrations in the proposed discharge with technology-based controls in place will not cause problems at the receiving WTRP such as interference, pass-through or hazardous exposure conditions to WTRP workers nor will it result in unacceptable pollutant levels in the WTRP's sludge/biosolids.

C. Comparison of effluent limits with the previous permit issued on May 2010.

The pH limit range in the proposed permit will change. Though the previous range is stringent, most WTRP's choose to use the default limits below, which is the maximum allowed by law (per [40 CFR 403.5 \(b\)](#) and [WAC 173-216-060](#)).

Table 5: Comparison of Effluent Limits of Current and Proposed Permit

Parameter	Previous Effluent Limits		Proposed Effluent Limits	
	Daily Minimum	Daily Maximum	Daily Minimum	Daily Maximum
pH (s.u.)	6.0	10.0	5.0	11.0
Total Flow (gpd)	NA	240,000	NA	240,000
Food Facilities (gpd)	NA	80,000	NA	Limit removed
Science Building (gpd)	NA	90,000	NA	Limit removed
Rozell Heating Plant (gpd)	NA	70,000	NA	Limit removed
Temperature °F	Monitoring		Discontinued	
Priority Pollutant Analysis	2/permit cycle		Reduced to 1/permit cycle	

Due to substantial variation in minimum to maximum flow, the flow limits of the Rozell heating plant, the Science Building and the food facilities are removed in the proposed permit, keeping the facility combined total flow limit of 240,000 gpd. Rozell and the Science Building have shown 70 percent and 45 percent less flow compared to the maximum flow limits; combined total flow is nearly 13 percent less than the total maximum limit of 240,000 gpd.

The proposed permit discontinues the monitoring requirement of temperature as the average measured (2014-2018) temperature of Rozell, the Recreation Center, the Science Building, Tawanka, and PUB varies between 60-66 °F, which is in line with the receiving Cheney WWTP (60-65 °F) and the Cheney WTRP discharges to ground. The discontinued temperature monitoring may not affect the Cheney WTRP performance.

IV. Monitoring Requirements

Ecology requires monitoring, recording, and reporting ([WAC 173-216-110](#)) to verify that the treatment process functions 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.

The proposed permit continues the required additional monitoring to further characterize the facility's effluent. EWU must monitor for flow, BOD₅, TSS, pH, Temperature, Nitrate, Total Phosphorous, FOG (fats, oil & Grease), Non-Polar & Polar Total Petroleum Hydrocarbons, Acetone, and priority pollutants.

The proposed permit discontinues the requirement for temperature monitoring as the average temperature varies between 60-66 °F which is in line with the City of Cheney WTRP (60-65 °F) and the plant's discharges to ground.

A. 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).

B. Wastewater monitoring

Ecology details the proposed monitoring schedule under Special Condition S2 and S3. 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.

V. Other Permit Conditions

A. Reporting and recordkeeping

Ecology based Special Condition S3 on its authority to specify any appropriate reporting and recordkeeping requirements to prevent and control waste discharges [[WAC 173-216-110](#) and [CFR 403.12 \(e\), \(g\), and \(h\)](#)].

B. Operations and maintenance

Ecology requires dischargers to take all reasonable steps to properly operate and maintain their wastewater treatment system in accordance with state regulations ([WAC 173-240-080](#) and [WAC 173-216-110](#)).

The facility must prepare and submit an updated of an operation and maintenance (O&M) manual as required by state regulation for the construction of wastewater treatment facilities ([WAC 173-240-150](#)).

Implementation of the procedures in the operation and maintenance manual ensures the facility's compliance with the terms and limits in the permit.

C. Prohibited discharges

Ecology prohibits certain pollutants from being discharged to the WTRP. These include substances which cause pass-through or interference, pollutants which may cause damage to the POTW or harm to the POTW workers ([chapter 173-216 WAC](#)) and the discharge of designated dangerous wastes not authorized by this permit ([chapter 173-303 WAC](#)).

D. Dilution prohibited

Ecology prohibits the facility from diluting its effluent as a partial or complete substitute for adequate treatment to achieve compliance with permit limits.

E. Solid waste control plan

EWU 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 to prevent solid waste from causing pollution of waters of the state. EWU submit the updated plan to Ecology for approval ([RCW 90.48.080](#)).

F. Non routine and unanticipated wastewater

Occasionally, this facility may generate wastewater not characterized in the permit application because it is not a routine discharge and the facility did not anticipate it at the time of application. These wastes typically consist of waters used to pressure-test storage tanks or fire water systems or of leaks from drinking water systems.

The permit authorizes the discharge of non-routine and unanticipated wastewater under certain conditions. The facility must characterize these waste waters for pollutants and examine the opportunities for reuse. Depending on the nature and extent of pollutants in this wastewater and on any opportunities for reuse, Ecology may:

- Authorize the facility to discharge the water
- Require the facility to treat the wastewater
- Require the facility to reuse the wastewater

G. Spill plan

This facility stores a quantity of chemicals on-site that have the potential to cause water pollution and/or interference or pass through at the receiving POTW 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](#)].

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

H. Slug discharge plan

Ecology determined that EWU has the potential for a batch discharge or a spill that could adversely affect the treatment plant, therefore the proposed permit requires a slug discharge control plan [([40 CFR 403.8 \(f\)\(1\) \(iii\)\(B\)\(6\) and \(f\) \(2\)\(vi\)](#))].

I. General conditions

Ecology bases the standardized general conditions on state law and regulations. They are included in all state waste discharge permits issued by Ecology.

VI. Public Notification of Noncompliance

Ecology may annually publish a list of all industrial users in significant noncompliance with Pretreatment Standards or Requirements during any of the previous four quarters in a local newspaper. Accordingly, this permit Special Condition informs the Facility that noncompliance with this permit may result in publication of the noncompliance.

VII. Permit Issuance Procedures

A. Permit modifications

Ecology may modify this permit to impose or change the numerical limits, if necessary to comply with changes in the pretreatment requirements, conditions in local sewer ordinances, or based on new information from sources such as inspections and effluent monitoring. It may also modify this permit to comply with new or amended state or federal regulations.

B. Proposed permit issuance

This proposed permit meets all statutory requirements for authorizing a wastewater discharge, including those limits and conditions believed necessary to control toxics. Ecology proposes that the permit be issued for five years.

VIII. References for Text and Appendices

Washington State Department of Ecology.

[Laws and Regulations](#)

URL: <https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking>

[Water Quality Individual Permit Guidance](#)

URL: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance>

January 2015. [Permit Writer's Manual](#), Publication Number 92-109

URL: <https://fortress.wa.gov/ecy/publications/SummaryPages/92109.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

URL: <https://fortress.wa.gov/ecy/publications/documents/0710024.pdf>

Appendix A - Public Involvement Information

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

Ecology placed a Public Notice of Application on June 11, 2015 and June 18, 2015 in the Spokesman Review to inform the public about the submitted application and to invite comment on the reissuance of this permit.

Ecology will place a Public Notice of Draft on October 31, 2019 in the Spokesman Review to inform the public and to invite comment on the proposed draft State Waste Discharge 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 state waste discharge 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), available on Ecology's webpage at <https://fortress.wa.gov/ecy/publications/SummaryPages/0307023.html>.

For more information, call the Department of Ecology Eastern Regional Office at (509) 329-3400 or go online to the [Department of Ecology webpage](https://ecology.wa.gov) at <https://ecology.wa.gov>.

The primary author of this permit and fact sheet is Vijay Kubsad.

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).

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Deliver in person

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

Pollution Control Hearings Board
1111 Israel Road Southwest, Suite 301
Tumwater, Washington 98501

Send by mail

Department of Ecology
Attn: Appeals Processing Desk
P.O. Box 47608
Olympia, Washington 98504-7608

Pollution Control Hearings Board
P.O. Box 40903
Olympia, Washington 98504-0903

Effective February 17, 2015, you can file with the PCHB by e-mail at the following address provided you follow-up with required hard copies postmarked the same day they are e-mailed (See WAC 371-08-305(6) and 335(3)); PCHB-SHBappeals@elaho.wa.gov.

Ecology only accepts copies of appeals by hand delivery or mail. E-mail is not accepted.

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 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 month's time taking into account zero discharge days.

Average monthly discharge limit -- The average of the measured values obtained over a calendar month's 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 173-240-130.

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 the maximum discharge of a pollutant measured during a calendar 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 – EWU and Cheney WWTP Agreement

City of Cheney
609 Second Street
Cheney, WA 99004

06/22/20

NON-DOMESTIC USER AGREEMENT FOR DISCHARGE TO CHENEY POTW

THIS AGREEMENT is made and entered into this 24 day of July, 2009 by and between the City of Cheney, a code city organized under Title 35A RCW, hereinafter referred to as the "City," and Eastern Washington University, hereinafter referred to as "EWU," for the purpose of establishing the terms and conditions of a non-domestic user agreement for discharge to the Publicly Owned Treatment Works, hereinafter referred to as the "POTW."

RECITALS

WHEREAS, EWU qualifies as a Significant Nondomestic User as defined by Chapter 15.04.030 of the Cheney Municipal Code and is required by WAC 173-216-040 to submit a State Waste Discharge Permit application to the Washington State Department of Ecology (WSDOE) for permitted discharges into the City Publicly Owned Treatment Works (POTW) from Rezell Plant, Pence Union Building (PUB), Tawanka Commons, and Science Building; and

WHEREAS, the EWU State Waste Discharge Permit Number ST-8098 (EWU Permit) may modify the effluent limitations after EWU reaches agreement with the City and an application for modification of the State Waste Discharge Permit is approved by WSDOE; and

WHEREAS, CMC 15.04.061 authorizes the City to enter into agreements for the discharge of non-domestic wastewater to the POTW under terms and conditions set forth by the City which may include the establishment of maximum flow rates and concentrations, along with the establishment of fees to recover the City's costs associated with the treatment of said non-domestic wastewater; and

WHEREAS, CMC 15.04.077 authorizes the City to require that non-domestic dischargers provide and operate monitoring facilities at said discharger's expense; and

WHEREAS, the City and EWU wish to work together to insure that the non-domestic discharge from the EWU facilities will not adversely affect the operation of the POTW nor limit the capacity of the POTW to accept discharges from other prospective non-domestic users; and

WHEREAS, this AGREEMENT will in no way relieve EWU from its duty to comply as necessary with the State Waste Discharge Permit Program as provided by WAC Chapters 173-216, 173-220 and/or 173-226.

NOW THEREFORE, THE CITY AND EWU AGREE AS FOLLOWS:

TERMS AND CONDITIONS

- 1.1 **Discharge Limitations.** EWU shall be allowed to operate and discharge effluent as set forth in the State Waste Discharge Permit Number ST-8098 as modified and agreed to by the City and approved by the Washington State Department of Ecology. Effluent limitations to Rozell Plant, PUB, Tawanka Commons, Science Building, and Student Recreation Center are modified and agreed between EWU and the city are as follows:

**EWU Permit/Discharge Limitations
Combined Discharge From PUB, Tawanka Commons and Student Recreation Center**

Parameter	Maximum Daily Limit
Total Flow (GPD)	80,000
5-Day BOD (mg/L)	950
5-Day BOD (PPD)	500
TSS (mg/L)	200
TSS (PPD)	100
pH (S.U.)	Within 6.0 to 10.0
Total Oil and Grease (mg/L)	200
Non-Polar Oil and Grease (mg/L)	50

Discharge Limitations/SCIENCE BUILDING

Parameter	Maximum Daily Limit
Total Flow (GPD)	90,000
pH (S.U.)	Within 6.0 to 10.0
Non-Polar Oil and Grease (mg/L)	50
Acetone (µg/L)	"
Acetone (pounds per year)	10

Discharge Limitations/ROZELL HEATING PLANT

Parameter	Maximum Daily Limit
Total Flow (GPD)	70,000
pH (S.U.)	within 6.0 to 10.0
Non-Polar Oil and Grease (mg/L)	50

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1.2 Testing. EWU shall test its discharge as provided in State Waste Discharge Permit Number ST-8098, Section S2 A. Wastewater Monitoring. All samples shall be tested by an accredited laboratory. EWU shall provide copies of all test data to the City.

1.3 City Right to Inspect and Test. The City shall, at its discretion, have the authority to randomly either grab or pull composite samples from the sampling manhole to test for any of the parameters specified under Section 1.1. At the discretion of the City, such test results or samples may be reported or delivered to WSDOE.

1.4 City Ordinances. To the extent not inconsistent with the EWU Permit, EWU shall at all times comply with City Ordinances, rules and regulations relating to the POTW, as presently enacted and amended. The City shall provide written notice to EWU of its intent to amend ordinances that affect this Agreement.

2.0 Term. This AGREEMENT shall be in effect upon the issuance of State Waste Discharge Permit number ST-8098 and shall expire on the expiration date as established in the State Waste Discharge Permit number ST-8098, WAC 173-216-110 or WAC 173-216-130 whichever is applicable, provided either party may terminate this Agreement upon one (1) year advance written notice.

3.0 Fee. EWU shall pay the monthly public sewer charges established by the Cheney City Council set forth in CMC 15.08.020(c), as amended. In addition, the fee for the modified limitations for 5-Day BOD will be as follows:

1. Biochemical Oxygen Demand (BOD)

Surcharge Cost: Total Flow MGD x (annual avg. 5-Day BOD – 300mg/L) x 8.34 x \$38.21/PPD. The City will submit a billing invoice to EWU each January for prior year BOD quantities. Payment shall be made in full within thirty (30) days of the invoice. Thereafter, interest shall accrue on the unpaid amount at the maximum rate allowed by law (RCW 19.52.020). If EWU disputes any invoice, the total amount due shall be paid to the City, as a condition of engaging in dispute resolution. No interest shall accrue on such amounts during the dispute resolution process.

2. Fee Adjustments shall be made on an annual basis beginning January of 2010. The BOD / PPD fee shall be adjusted by recalculation of POTW operational costs to treat 5-Day BOD :

a. 5-Day BOD/PPD Amount = 10% of Annual Operation & Maintenance
Annual Avg. 5-Day BOD Loading

4.0 Default; Remedies, Corrective Action And Termination.

4.1 EWU Default. Occurrence of any of the following shall constitute a default hereunder by EWU:

(a) The failure or refusal of EWU to perform any of its terms, conditions or obligations under this Agreement;

(b) Notice of cancellation, termination or non-renewal of the EWU Permit; or

(c) The failure of EWU to pay all or any amount required to be paid to the City under this Agreement when such amount becomes due and payable.

4.2 City Default. Occurrence of any of the following shall constitute a default hereunder by the City:

(a) The failure or refusal of the City to perform any of its terms, conditions or obligations under this Agreement, which failure or refusal impairs EWU's ability to operate under this Agreement, in whole or in part.

4.3 Notice of Remedies/Default. Either EWU or the City may terminate this Agreement upon the occurrence of a default as described above. In such event, the party seeking to terminate this Agreement shall deliver to the other party written notice describing the default in reasonable detail, proposing steps to be taken to cure the default and specifying a period of time for a cure which shall not be less than thirty (30) days for a non monetary default. Thereafter, the defaulting party must either remedy the default or cease performance under the Agreement.

If the defaulting party elects to continue performance, it shall within the period of time specified in the notice of default either cure the default, or commence to cure including providing a written statement of the cure. If the cure or the statement to cure is satisfactory to the non-defaulting party, that party shall consent in writing to a continuation of performance, which consent shall not be withheld or delayed unreasonably. If the cure or attempt to cure is unsatisfactory, the non-defaulting party may elect its remedies.

4.4 Remedies Upon Default. Upon the occurrence of any event of default and after the period of notice, the non-defaulting party may exercise any remedy or combination of remedies available at law or in equity including but not limited to termination of this Agreement by written notice

If a Force Majeure event prevents any party from timely performing any of its obligations under this Agreement, the breach and period of cure shall be suspended for such time until the Force Majeure event ceases to exist.

5.0 Hold Harmless and Indemnity. Each party to this AGREEMENT shall be responsible for its own acts and/or omissions and those of its officers, employees and agents. No party to this AGREEMENT shall be responsible for the acts and/or omissions of entities or individuals not a party to this AGREEMENT.

6.0 Amendment. Amendment to this AGREEMENT shall be made only by written agreement of the parties hereto.

7.0 Entire Understanding. This AGREEMENT contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this AGREEMENT shall be deemed to exist or bind any parties hereto.

8.0 Interpretation. This AGREEMENT is governed by Washington law. If any provision of this AGREEMENT violates any statute or rule of law of the State of Washington, it is considered modified to conform to that statute or rule of law.

9.0 Dispute Resolution. In the event any dispute arises between the City and

EWU over the interpretation of the terms of this AGREEMENT, the parties shall first attempt to reach a mutually acceptable resolution to the dispute by meeting and discussing the dispute in good faith. Thereafter, either party upon written notice may seek arbitration pursuant to RCW Chapter 7.04A.

10.0 Jurisdiction and Venue. In the event either party to this AGREEMENT deems it necessary to institute legal action or proceedings to enforce any right or obligation under this AGREEMENT, the parties hereto agree that any such action shall be initiated in the Superior Court of the State of Washington in and for the County of Spokane. The parties further hereby consent to the jurisdiction of the Superior Court of the State of Washington in and for Spokane County.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT on the day and year written above.

CITY OF CHENEY, WASHINGTON

By C. Allan Garner
C. Allan Garner, Mayor

ATTEST:

By Cynthia Niemeier
Cynthia Niemeier, City Clerk

APPROVED AS TO FORM:

By Stanley Schwartz
Stanley Schwartz, City Attorney

EASTERN WASHINGTON UNIVERSITY

By MARY VIVES
Its VP for Business and Finance

Appendix E - Response to Comments

Ecology did not receive comments on the draft permit following the 30-day public comment period.