

# Fact Sheet for State Waste Discharge Permit ST0009213

## KENYON ZERO STORAGE – PROSSER

September 16, 2020

### 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 Kenyon Zero Storage's Prosser facility that will allow discharge of wastewater to a single lined evaporative lagoon.

State law requires any industrial facility to obtain a permit before discharging waste or chemicals to waters of the state, which includes groundwater.

Ecology makes the draft permit and fact sheet available for public review and comment at least thirty (30) days before issuing the final permit. Copies of the fact sheet and draft permit for Kenyon Zero Storage - Prosser, State Waste Discharge permit ST0009213, are available for public review and comment from September 23, 2020 until the close of business October 23, 2020. For more details on preparing and filing comments about these documents, please see **Appendix A - Public Involvement Information**.

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

After the public comment period closes, Ecology will summarize substantive comments and 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

The Kenyon Zero facility in Prosser discharges contact cooling wastewater to a single lined lagoon located on the property. Ecology issued the previous permit for this facility on November 14, 2012.

Effluent limits for the conventional pollutant pH remains the same from the permit issued in 2012. Permitted wastewater discharge volume has not changed from the permit issued in 2012.

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## 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)
- Water quality standards for ground waters of the state of Washington (chapter 173-200 WAC)
- Submission of plans and reports for construction of wastewater facilities (chapter 173-240 WAC)

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

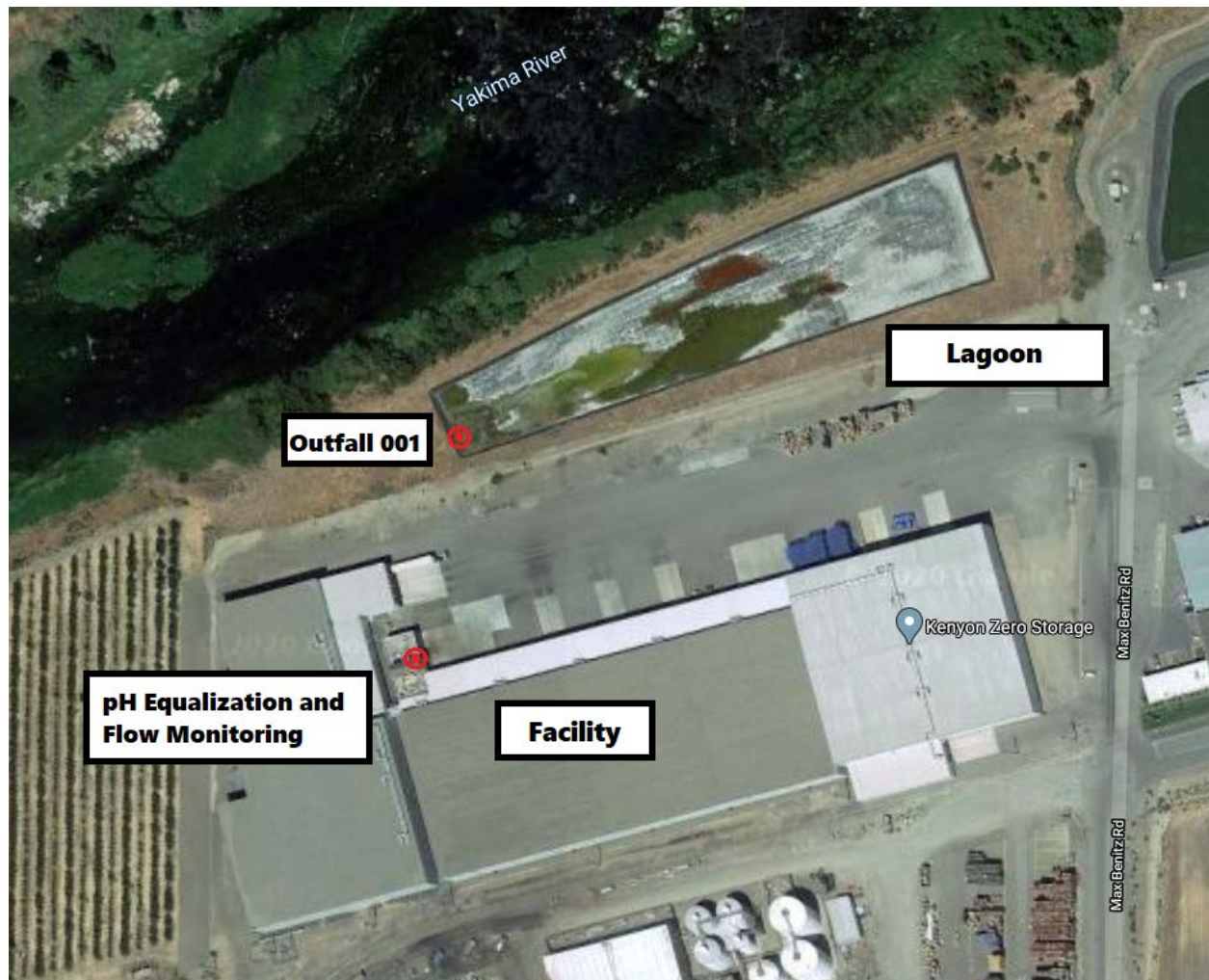
Under the State Waste Discharge permit program and in response to a complete and accepted permit application, Ecology generally prepares a draft permit and accompanying fact sheet, and makes it available for public review before final issuance. If the volume of the discharge has not changed or if the 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	Kenyon Zero Storage
Facility Name and Address	Kenyon Zero Storage – Prosser 100 Benitz Road Way Prosser, WA 99350
Contact at Facility	Name: Buford Baze Telephone #: 509-778-4460
Responsible Official	Name: Scott Wingert Title: President Address: PO Box 604, Grandview, WA 98930 Telephone #: (509) 882-1103
Industry Type	Frozen and Refrigerated Food Storage
Type of Treatment	Evaporation Lagoon
SIC Codes	4222 – Refrigerated Warehousing and Storage
NAIC Codes	493120 – Refrigerated Warehousing and Storage
Facility Location	Latitude: 46.220095 Longitude: -119.732166
Discharge Location	Latitude: 46.220992 Longitude: -119.735035
Permit Status	
Renewal Date of Previous Permit	November 14, 2012
Application for Permit Renewal Submittal Date	February 6, 2017
Date of Ecology Acceptance of Application	February 22, 2017
Inspection Status	
Date of Last Non-sampling Inspection Date	February 14, 2020

**Figure 1 Facility Location Map**



## **A. Facility description**

### *History*

Kenyon Zero Storage Prosser (Kenyon-Prosser) facility was completed in 1998. The original 172,000 square foot building was issued a temporary permit by Department of Ecology on October 2, 1998. A full permit was issued on March 22, 2002. In 2008 the facility was upgraded with a 75,000 square foot expansion.

### *Industrial Process(s)*

Kenyon - Prosser provides cold storage for frozen foods and juices under SIC Code 4222 and NAICS code 493120. The facility is 230,600 square feet and there are no plans for future expansion. The facility operates one shift a day, five days a week, and 52 weeks out of the year. The facility employs approximately 25 employees. Water is supplied by the Prosser Public Potable Water System. Water is used for cooling in the building's ammonia refrigeration system. Maximum water use is 20,000 gallons per day (gpd) and maximum discharge of 12,000 gpd. Effluent flow volume is monitored with a SCADA system. Cooling water is treated with a water softening agent and bromochlor tablets. Wastewater consists entirely of condenser blow-down. Wastewater from the facility is treated with a pH equalization product before being discharged.

### *Land Treatment and Distribution System (Sprayfield, Infiltration Basin, Evaporation Pond)*

Wastewater from Kenyon - Prosser is discharged through an outfall into a single lined evaporative lagoon located at Latitude: 46.220992 Longitude: -119.735035. The lagoon has a footprint of 93,000 square feet and a depth of 3 feet. Data from the Prosser Washington State University Experimental Station for the period of October 1997 to October 1998 showed that the depth of water in a lagoon would be expected to vary from 21 inches in March to zero in September. The lagoon is lined with a heavy ultraviolet resistant liner. Visual inspection of the lagoon is best accomplished during September or October when wastewater is completely or nearly completely evaporated. pH samples are taken from the lagoon by a contracted company. Windblown particulates tend to gather in the west end of the lagoon which facilitates the growth of vegetation.

## **B. Wastewater characterization**

Kenyon Zero Storage - Prosser reported the concentration of pollutants in the discharge in the permit application and in discharge monitoring reports. The tabulated data represents the quality of the wastewater discharged from October 1, 2010 to October 1, 2019. The wastewater prior to evaporation is characterized as follows:



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**Table 2 Wastewater Characterization**

Parameter	Units	# of Samples	Minimum Value	Maximum Value
pH	standard units	72	6.9	9.1

Parameter	Units	# of Samples	Method	Value
Total Phosphates	mg/L	1	EPA 365.2	1.35
Total Kjeldahl Nitrogen	mg/L	1	EPA 351.3	1.1
Nitrate as N	mg/L	1	EPA 353.2	ND
Ammonia as N	mg/L	1	EPA 350.1	0.372
Biochemical Oxygen Demand	mg/L	1	SM5210B	12
Total Dissolved Solids	mg/L	1	SM2540-C	350
Chloride	mg/L	1	EPA 300.0	59.3
Sulfate	mg/L	1	EPA 375.4	116.3
Fluoride	mg/L	1	EPA 300.0	259
Sodium	mg/L	1	EPA 3111B	32.9
Molybdenum	µg/L	1	EPA 6010	ND
Cadmium	µg/L	1	EPA 6020	ND
Copper	µg/L	1	EPA 200.9	ND
Mercury	µg/L	1	EPA 6010	ND
Zinc	µg/L	1	EPA 200.9	ND
Barium	µg/L	1	SM 3113B	ND
Chromium	µg/L	1	EPA 6010	ND
Lead	µg/L	1	SM 3113B	ND



### C. Summary of compliance with previous permit issued

The previous permit placed effluent limits on pH

–Kenyon - Prosser has mostly complied with the effluent limits and permit conditions throughout the duration of the permit issued on November 14, 2012. 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.

**Table 3 Violations**

Begin Date	Parameter	Statistical Base	Units	Value	LIMIT Min/Max	Violation
10/1/2013	pH	Single Sample	S.U.	9.1	9.0	Effluent violation
1/1/2014	pH	Single Sample	S.U.	9.1	9.0	Effluent violation
4/1/204	pH	Single Sample	S.U.	9.1	9.0	Effluent violation

### D. State environmental policy act (SEPA) compliance

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

## III. Proposed Permit Limits

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). Dischargers must treat wastewater using all known, available, reasonable methods of prevention, control, and treatment (AKART). Ecology has developed guidance describing technology-based (AKART) criteria for industrial/commercial systems that discharge to ground; (Ecology, 1993; 2004).

- Operations and best management practices necessary to meet applicable water quality standards to preserve or protect existing and future beneficial uses of the groundwaters.
- Ground water quality standards (Ecology, 1996).
- Applicable requirements of other local, state and federal laws.

Ecology applies the most stringent of technology and water quality-based 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, and irrigation/crop management). 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 discharges of pollutants, a permitted facility could be violating its permit.

#### A. Design criteria

Under WAC 173-216-110 (4), flows and waste loadings must not exceed approved design criteria. Ecology approved design criteria for this facility's treatment in the previous permit dated November 14, 2012. The table below includes design criteria from the referenced report.

**Table 4 Design Criteria for Wastewater Treatment**

Parameter	Design Quantity
Maximum Month Design Flow (MMDF)	360,000 GPD
Monthly Average Dry Weather Flow	3,144 GPD
Peak Instantaneous Design Flow (PIDF)	12,000 GPD

## **B. Technology-based effluent limits**

Categorical standards of 40 CFR do not apply to this discharge.

All waste discharge permits issued by the department must specify conditions requiring AKART of discharges to waters of the state (WAC 173-216-110). Local limits do not apply to on-site evaporative lagoons.

## **C. Groundwater quality-based effluent limits**

In order to protect existing water quality and preserve the designated beneficial uses of Washington's groundwaters including the protection of human health, WAC 173-200-100 requires Ecology to condition discharge permits in such a manner as to authorize only activities that will not cause violations of the groundwater quality standards. The goal of the groundwater quality standards is to maintain the highest quality of the State's groundwaters and to protect existing and future beneficial uses of the groundwater through the reduction or elimination of the discharge of contaminants to groundwater [WAC 173-200-010(4)]. Ecology achieves this goal by:

- Applying all known available and reasonable methods of prevention, control and treatment (AKART) to any discharge.
- Applying the antidegradation policy of the groundwater standards.
- Establishing numeric and narrative criteria for the protection of human health and the environment in the groundwater quality standards.

Ecology approved the engineering report as noted above in the technology based limits section. In addition, Ecology evaluated the report to ensure compliance with groundwater standards using the:

- *Guidance on Land Treatment of Nutrients in Wastewater, with Emphasis on Nitrogen*, Ecology, November 2004  
(<https://fortress.wa.gov/ecy/publications/SummaryPages/0410081.html> )

### *Antidegradation Policy*

The state of Washington's ground water quality standards (GWQS) require preservation of existing and future beneficial uses of groundwater through the antidegradation policy, which includes the two concepts of antidegradation and non-degradation. Antidegradation is not the same as non-degradation (see below).

### *Antidegradation*

Antidegradation applies to calculation of permit limits in groundwater when background (see below) contaminant concentrations are less than criteria in the GWQS. Ecology has discretion to allow the concentrations of contaminants at the point of compliance to exceed background concentrations but not exceed criteria in the GWQS. Ecology grants discretion through an approved AKART engineering analysis of treatment alternatives. If the preferred treatment alternative predicts that discharges to groundwater will result in contaminant concentrations that fall between background concentrations and the criteria, then the preferred treatment alternative should protect beneficial uses and meet the antidegradation policy. In this case, the predicted concentrations become the permit limits. If the preferred alternative will meet background contaminant concentrations, background concentrations become the permit limits. Permit limits must protect groundwater quality by preventing degradation beyond the GWQS criteria. If discharges will result in exceedance of the criteria, facilities must apply additional treatment before Ecology can permit the discharge.

#### *Non-degradation*

Non-degradation applies to permit limits in groundwater when background contaminant concentrations exceed criteria in the GWQS. Non-degradation means that discharges to groundwater must not further degrade existing water quality. In this case, Ecology considers the background concentrations as the water quality criteria and imposes the criteria as permit limits. To meet the antidegradation policy, the facility must prepare an AKART engineering analysis that demonstrates that discharges to groundwater will not result in increasing background concentrations. Ecology must review and approve the AKART engineering analysis.

You can obtain more information on antidegradation and non-degradation by referring to the *Implementation Guidance for the Ground Water Quality Standards (Implementation Guidance)*, Ecology Publication #96-02 (available at <https://fortress.wa.gov/ecy/publications/SummaryPages/9602.html>).

#### *Background Water Quality*

Background water quality is determined by a statistical calculation of contaminant concentrations without the impacts of the proposed activity. The calculation requires an adequate amount of groundwater quality data and determining the mean and standard deviation of the data, as described in the *Implementation Guidance*. Following the procedure in the *Implementation Guidance*, Ecology then defines background water quality for most contaminants as the 95 percent upper tolerance limit. This means that Ecology is 95 percent confident that 95 percent of future measurements will be less than the upper tolerance limit. There are a few

exceptions to the use of the upper tolerance limit. For pH, Ecology will calculate both an upper and a lower tolerance limit resulting in an upper and lower bound to the background water quality. If dissolved oxygen is of interest, Ecology will calculate a lower tolerance limit without an upper tolerance limit.

#### D. Comparison of effluent limits with the previous permit issued on November 14, 2012

**Table 5 Comparison of Previous and Proposed Limits**

		<b>Previous Effluent Limits: Outfall # 001</b>	<b>Proposed Effluent Limits: Outfall # 001</b>
<b>Parameter</b>	<b>Basis of Limit</b>	<b>Maximum Daily</b>	<b>Maximum Daily</b>
Flow	Technology	12,000	12,000

<b>Parameter</b>	<b>Units</b>	<b>Daily Minimum / Maximum</b>	<b>Daily Minimum / Maximum</b>
pH	Standard Units	6.0 to 9.0	6.0 to 9.0

### IV. Monitoring Requirements

Ecology requires monitoring, recording, and reporting (WAC 173-216-110) to verify that the treatment process functions correctly, the discharge meets groundwater criteria 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.

Ecology details the proposed monitoring schedule under Special Condition S2. 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).

### **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 has prepared and must submit an update of an operation and maintenance (O&M) manual for the wastewater facility.

Implementation of the procedures in the operation and maintenance manual ensures the facility's compliance with the terms and limits in the permit and ensures the facility provides AKART to the waste stream.

### **C. Non routine and unanticipated wastewater**

Occasionally, this facility may generate wastewater that was not characterized in the permit application because it is not a routine discharge and was not anticipated 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 wastewater.
- Require the facility to treat the wastewater.
- Require the facility to reuse the wastewater.

### **D. Spill plan**

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

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

#### **E. Best management practices**

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

#### **F. Leak Detection Plan – Irrigation and Storage Ponds**

The Permittee must submit to Ecology for review and acceptance a leak detection plan that can monitor or test for the structural integrity of the liner for the wastewater irrigation and storage ponds.

#### **G. General conditions**

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

### **VI. Permit Issuance Procedures**

#### **A. Permit modifications**

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

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



## B. Proposed permit issuance

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

## VII. References for Text and Appendices

Gavlak, R., D. Horneck, R.O. Miller, and J. Kotuby-Amacher.

3rd edition 2005. *Soil, Plant And Water Reference Methods For The Western Region* <https://www.naptprogram.org/files/napt/publications/method-papers/western-states-methods-manual-2013.pdf>

Washington State Department of Ecology.

1993. *Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems*, Ecology Publication Number 93-36. 20 pp. <https://fortress.wa.gov/ecy/publications/SummaryPages/9336.html>

Laws and Regulations( <http://www.ecy.wa.gov/laws-rules/index.html>)

Permit and Wastewater Related Information (<https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-permits/Water-Quality-individual-permits> )

Revised October 2005. *Implementation Guidance for the Ground Water Quality Standards*, Ecology Publication Number 96-02. <https://fortress.wa.gov/ecy/publications/SummaryPages/9602.html>

December 2011. *Permit Writer's Manual*, Publication Number 92-109 (<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. <https://fortress.wa.gov/ecy/publications/SummaryPages/0710024.html>

November 2004. *Guidance on Land Treatment of Nutrients in Wastewater, with Emphasis on Nitrogen*, Ecology Publication #04-10-081; <https://fortress.wa.gov/ecy/publications/SummaryPages/0410081.html>

## **Appendix A—Public Involvement Information**

Ecology proposes to reissue a permit to Kenyon Zero Storage - Prosser. The permit includes wastewater discharge limits and other conditions. This fact sheet describes the facility and Ecology's reasons for requiring permit conditions.

Ecology will place a Public Notice of Draft on September 23, 2020 in the Prosser Record Bulletin 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.

**NOTICE: ANNOUNCEMENT OF AVAILABILITY OF DRAFT PERMIT**

**PERMIT NO.: ST0009213**

**APPLICANT: Kenyon Zero Storage**

**FACILITY: Prosser Facility**

Kenyon Zero Storage has applied for a State Waste Discharge permit in accordance with the provisions of Chapter 90.48 Revised Code of Washington (RCW) and Chapter 173-216 Washington Administrative Code (WAC).

Following evaluation of the application and other available information, a draft permit has been developed which would allow the discharge of process wastewater to evaporation or infiltration ponds or drainfields from its facility located at 100 Benitz Road Way, Prosser, WA. All discharges to be in compliance with the Department of Ecology's Water Quality Standards for a permit to be issued.

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

<https://apps.ecology.wa.gov/paris/DocumentSearch.aspx?PermitNumber=ST0009213&FacilityName=&City=&County=&Region=0&PermitType=0&DocumentType=0> . The application, fact sheet, proposed permit, and other related 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 e-mail [publicrecordsofficer@ecy.wa.gov](mailto:publicrecordsofficer@ecy.wa.gov) or write to Public Records Officer, Department of Ecology, PO Box 47600, Olympia, WA 98504.

Interested persons are invited to submit written comments regarding the proposed permit. All comments must be submitted within 30 days after publication of this notice to be considered for the final determination.

Submit comments online at <http://wq.ecology.commentinput.com/?id=bQY9p> . Written comments should be sent to: [cynthia.huwe@ecy.wa.gov](mailto:cynthia.huwe@ecy.wa.gov) or 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.

Publication date of this Notice is September 23, 2020.

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Ecology has published a document entitled *Frequently Asked Questions about Effective Public Commenting*, which is available on our website at

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

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

Water Quality Permit Coordinator  
Department of Ecology  
Central Regional Office  
1250 W Alder St  
Union Gap, WA 98903

The primary author of this permit and fact sheet is Caleb Bos.

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

## Appendix C—Glossary

**1-DMax or 1-day maximum temperature** -- The highest water temperature reached on any given day. This measure can be obtained using calibrated maximum/minimum thermometers or continuous monitoring probes having sampling intervals of thirty minutes or less.

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

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

**AKART** -- The acronym for “all known, available, and reasonable methods of prevention, control and treatment.” AKART is a technology-based approach to limiting pollutants from wastewater discharges, which requires an engineering judgment and an economic judgment. AKART must be applied to all wastes and contaminants prior to entry into waters of the state in accordance with RCW 90.48.010 and 520, WAC 173-200-030(2)(c)(ii), and WAC 173-216-110(1)(a).

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

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

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

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

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

**Average monthly discharge limit** -- The average of the measured values obtained over a calendar months' time.

**Background water quality** -- The concentrations of chemical, physical, biological or radiological constituents or other characteristics in or of groundwater at a particular point in time upgradient of an activity that has not been affected by that activity, [WAC 173-200-020(3)]. Background water quality for any parameter is statistically defined as the 95% upper tolerance interval with a 95% confidence based on at least eight hydraulically upgradient water quality samples. The eight samples are collected over a period of at least one year, with no more than one sample collected during any month in a single calendar year.

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

**BOD<sub>5</sub>** -- 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 BOD<sub>5</sub> 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 BOD<sub>5</sub> 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 BOD<sub>5</sub>** -- 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 BOD<sub>5</sub> 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 BOD<sub>5</sub> 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.

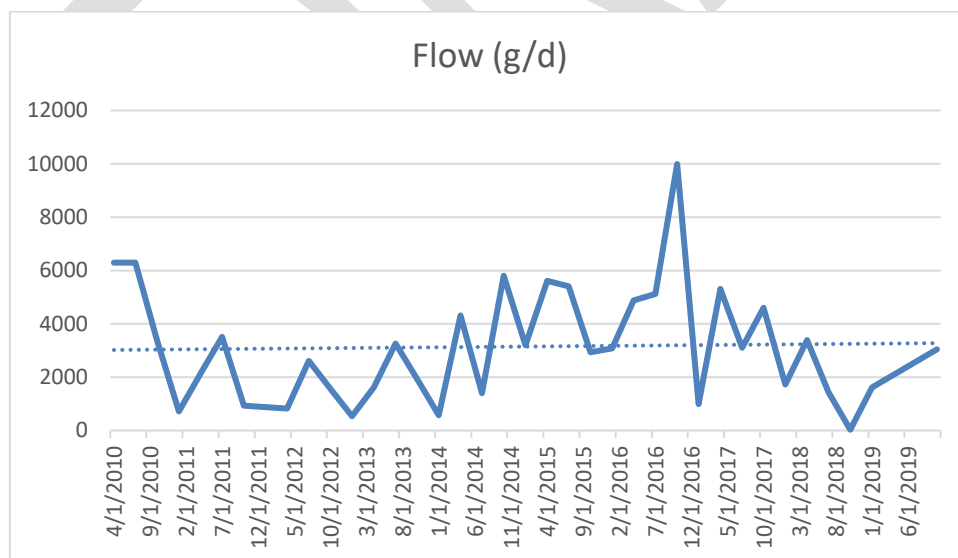
**Water quality-based effluent limit** -- A limit imposed on the concentration of an effluent parameter to prevent the concentration of that parameter from exceeding its water quality criterion after discharge into receiving waters.



## Appendix D—Technical Calculations

### Flow values 2010-2019

DATE	GAL/DAY	DATE	GAL/DAY		
4/1/2010	6299	1/1/2015	3200	43739	MAX
7/1/2010	6299	4/1/2015	5611	42790.67	AVERAGE
10/1/2010	3366	7/1/2015	5406	43506.95	95th PER
1/1/2011	722	10/1/2015	2940		
4/1/2011	2143	1/1/2016	3084		
7/1/2011	3511	4/1/2016	4875		
10/1/2011	927	7/1/2016	5123		
4/1/2012	830	10/1/2016	9991		
7/1/2012	2615	1/1/2017	990		
10/1/2012	1557	4/1/2017	5316		
1/1/2013	533	7/1/2017	3100		
4/1/2013	1615	10/1/2017	4606		
7/1/2013	3263	1/1/2018	1722		
10/1/2013	1945	4/1/2018	3389		
1/1/2014	568	7/1/2018	1433		
4/1/2014	4320	10/1/2018	30		
7/1/2014	1400	1/1/2019	1616		
10/1/2014	5800	10/1/2019	3048		



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XX/XX/XXXX (Insert permit effective date upon issuance of the permit)

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**pH Values 2010-2019**

Max pH	Date
8.8	10/1/2010
9	1/1/2011
8.9	4/1/2011
9.06	7/1/2011
9.02	10/1/2011
9.1	4/1/2012
9	7/1/2012
9	10/1/2012
9	1/1/2013
9	4/1/2013
9	7/1/2013
9.1	10/1/2013
9.1	1/1/2014
9.1	4/1/2014
9.1	7/1/2014
9	10/1/2014
8.9	1/1/2015
8.8	4/1/2015

Max pH	Date
8.9	7/1/2015
8.8	10/1/2015
9	1/1/2016
8.9	4/1/2016
9	7/1/2016
8	10/1/2016
8.9	1/1/2017
8.9	4/1/2017
8.9	7/1/2017
8.9	10/1/2017
8.7	1/1/2018
9	4/1/2018
9	7/1/2018
7.8	10/1/2018
8.9	1/1/2019
6.9	4/1/2019
7.8	7/1/2019
7.9	10/1/2019

Min pH	Date
8.5	10/1/2010
8.5	1/1/2011
8.5	4/1/2011
9.02	7/1/2011
8.9	10/1/2011
8.7	4/1/2012
8.7	7/1/2012
8.8	10/1/2012
8.9	1/1/2013
9	4/1/2013
9	7/1/2013
9	10/1/2013
9	1/1/2014
9	4/1/2014
9	7/1/2014
8.8	10/1/2014
8.8	1/1/2015
8.7	4/1/2015

Min pH	Date
8.4	7/1/2015
8.3	10/1/2015
8.9	1/1/2016
8.9	4/1/2016
9	7/1/2016
8	10/1/2016
8.6	1/1/2017
8.8	4/1/2017
8.9	7/1/2017
8.9	10/1/2017
8.5	1/1/2018
8.5	4/1/2018
8.5	7/1/2018
7	10/1/2018
8.7	1/1/2019
6.9	4/1/2019
7.2	7/1/2019
6.9	10/1/2019

## **Appendix E—Response to Comments**

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

DRAFT