

Issuance Date: July 13, 2021
Effective Date: August 1, 2021
Expiration Date: July 31, 2026

**National Pollutant Discharge Elimination System
Waste Discharge Permit No. WA0991040**


State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
PO Box 330316
Shoreline, WA 98133-9716

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1342 et seq.

FW WA-Overlake Fashion Plaza II, LLC
One Independent Drive, STE 114
Jacksonville, FL 32202

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

<u>Facility Name and Location:</u> Overlake Retail Shops (Former Sears Auto #6119) 2200 148 th Avenue NE Redmond, WA 98052 King County	<u>Receiving Water:</u> Sears Creek via City Storm Sewer
<u>Treatment Type:</u> Settling Tank, filtration, and Granular Activated Carbon Treatment	<u>Discharge Locations:</u> Outfall 001: City Storm Sewer Latitude: 47.628403°N Longitude: 122.142500°W
<u>Industry Type:</u> Groundwater Remediation Cleanup	Outfall 002: Sears Creek Latitude: 47.626453 °N Longitude: 122.144157 °W
	<u>SIC Code:</u> 4959 Groundwater Site Remediation Devices 65120205 Shopping Retail Center



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Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

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Summary of Permit Report Submittals

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A.3.a.	Monthly Discharge Monitoring Report (DMR)	Monthly	September 28, 2021
S3.A.3.b.	Quarterly DMR	Quarterly	October 28, 2021
S3.F	Reporting Permit Violations	As necessary	
S3.G	Other Reporting	As necessary	
S4.A	Treatment System Operating Plan	1/permit cycle, updates submitted as necessary	October 15, 2021
S4.A	Treatment System Operating Plan Update	1/permit cycle, with permit renewal	January 31, 2026
S4.B	Reporting Bypasses	As necessary	
S7.	Application for Permit Renewal	1/permit cycle	January 31, 2026
S8.	Annual Groundwater Quality Evaluation	Annually	August 15, 2022
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Notice of Permit Transfer	As necessary	
G10.	Duty to Provide Information	As necessary	
G21.	Compliance Schedules	As necessary	

Special Conditions

S1. Discharge limits

S1.A. Treated groundwater discharge

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of that identified and authorized by this permit violates the terms and conditions of this permit.

Beginning on the effective date of this permit, the Permittee is authorized to discharge treated groundwater to Sears Creek via City of Redmond storm sewer line subject to complying with the following limits:

Effluent Limitations Outfall 001 (point of compliance is after treatment prior to entering the City's storm drain line)	
Parameter	Maximum Daily Effluent Limit ^a
Flow	14,400 gpd
pH	Between 6 and 9 standard units
Benzene ^e	0.44 µg/L
BTEX ^b	100 µg/L
TPH-G ^c	1 mg/L
TPH-D ^d	5 mg/L
^a Maximum daily effluent limit means the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For units of concentration, the daily discharge is the average measurement of the pollutant over the day.	
^b BTEX is defined as benzene, toluene, ethylbenzene, and xylene.	
^c TPH-G is defined as total petroleum hydrocarbons-gasoline range.	
^d TPH-D is defined as total petroleum hydrocarbons-diesel range.	
^e The effluent limit for benzene is set at 0.44 µg/L, a human health water quality-based criterion for fresh water. The method detection level (MDL) is 1 µg/L and the quantitation level (QL) is 2 µg/L for benzene, using EPA test method 624. Samples analyzed in accordance with this approved test method, and found to be below the QL, will be considered in compliance with the benzene effluent limit unless other monitoring information indicates a violation. If the Permittee is unable to attain the specified MDL and QL in its effluent due to matrix effects, the Permittee must submit a matrix-specific MDL, following the guidelines specified in Appendix B of 40 CFR 136, to Ecology for review and approval. Below is the web-link to EPA's guidelines to determine a matrix-specific MDL. https://www.epa.gov/sites/production/files/2016-12/documents/mdl-procedure_rev2_12-13-2016.pdf	

S2. Monitoring requirements

S2.A. Monitoring schedule

The Permittee must monitor the wastewater according to the following schedule. The Permittee must use the specified analytical methods unless the method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136. If the Permittee uses an alternative method, not specified in the permit and as allowed above, it must report the test method, MDL, and QL on the discharge monitoring report or in the required report. If the Permittee is unable to obtain the required DL and QL in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit and a quantitation limit to Ecology with appropriate laboratory documentation.

Parameter ^b	Units	Minimum Sampling Frequency	Sample Type	Analytical Method
Flow	gpd	Continuous	Recorder	N/A
pH ^a	Standard Units	Monthly	Grab	pH meter ^a
Benzene	µg/L	Monthly	Grab	EPA 624 (DL:1, QL:2)
BTEX ^c	µg/L	Monthly	Grab	EPA 624 (DL:1, QL:2)
Total Petroleum Hydrocarbon-G ^d	µg/L	Monthly	Grab	NWTPH-G _x (DL:≤, QL: ≤50)
Total Petroleum Hydrocarbon-D ^d	µg/L	Monthly	Grab	NWTPH-D _x (DL:, QL: ≤50)
Lead (Total)	µg/L	Quarterly	Grab	EPA 200.8 (DL:0.1, QL:0.5)
^a pH must be measured using a pH meter in the field. The calibration frequency specifications and method must be followed in accordance with the manufacturer's recommendations. A logbook must be kept to log all the readings and must be made available for Ecology's inspector(s) during inspections.				
^b The final effluent sample point is defined as the nearest accessible point after granular activated carbon treatment, prior to discharge to the City of Redmond's storm drain line.				
^c Calculate the value for BTEX by summing the concentrations of benzene, toluene, ethylbenzene, and xylenes. The test method for BTEX is EPA Method 624 or an approved equivalent method(s).				
^d To measure TPH-G and TPH-D (Total Petroleum Hydrocarbons, gasoline and diesel-range) use approved Test Methods NWTPH-G _x and NWTPH-D _x . Discussion of the test method for TPH is contained in the Analytical Methods for Petroleum Hydrocarbons, Ecology Publication No. ECY 97-602, June 1997 which was revised in 2013 (Analytical Methods for Petroleum Hydrocarbons (wa.gov)).				

S2.B. Sampling and analytical procedures

Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 (or as applicable in 40 CFR subchapters N [Parts 400–471] or O [Parts 501-503]) unless otherwise specified in this permit. Ecology may only specify alternative methods for parameters without limits and for those parameters without an EPA approved test method in 40 CFR Part 136.

S2.C. Laboratory accreditation

The Permittee must ensure that all monitoring data required by Ecology for permit specified parameters is prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC, *Accreditation of Environmental Laboratories*. Flow, temperature, settleable solids, conductivity, pH, chitosan acetate, and internal process control parameters are exempt from this requirement.

S3. Reporting and recording requirements

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

S3.A. Reporting

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

1. Summarize, report, and submit monitoring data obtained during each monitoring period on the electronic discharge monitoring report (DMR) form provided by Ecology within the Water Quality Permitting Portal. Include data for each of the parameters tabulated in Special Condition S2 and as required by the form. Report a value for each day sampling occurred (unless specifically exempted in the permit) and for the summary values (when applicable) included on the electronic form.

To find out more information and to sign up for the [Water Quality Permitting Portal](http://ecyapwq/wqwebportal/) go to: <http://ecyapwq/wqwebportal/>

2. Ensure that DMRs are electronically submitted no later than the dates specified below, unless otherwise specified in this permit.

3. Submit DMRs for parameters with the monitoring frequencies specified in S2 (monthly, quarterly, annual, etc.) at the reporting schedule identified below. The Permittee must:
 - a. Submit **monthly** DMRs by the 28th day of the following month.
 - b. Submit **quarterly DMRs**, unless otherwise specified in the permit, by the 28th day of the month following the monitoring period. Quarterly sampling periods are January through March, April through June, July through September, and October through December. The Permittee must submit the first quarterly DMR on **October 28, 2021**.
4. Enter the “No Discharge” reporting code for an entire DMR, for a specific monitoring point, or for a specific parameter as appropriate, if the Permittee did not discharge wastewater or a specific pollutant during a given monitoring period.
5. Report single analytical values below detection as “less than the detection level (DL)” by entering < followed by the numeric value of the detection level (e.g. < 2.0) on the DMR. If the method used did not meet the minimum DL and quantitation level (QL) identified in the permit, report the actual QL and DL in the comments or in the location provided.
6. Report single analytical values between the detection level (DL) and the quantitation level (QL) by entering the estimated value, the code for estimated value/below quantitation limit (j) and any additional information in the comments. Submit a copy of the laboratory report as an attachment using WQWebDMR.
7. Report the test method used for analysis in the comments if the laboratory used an alternative method not specified in the permit and as allowed in S2.
8. Calculate average values and calculated total values (unless otherwise specified in the permit) using:
 - a. The reported numeric value for all parameters measured between the detection value and the quantitation value for the sample analysis.
 - b. One-half the detection value (for values reported below detection) if the lab detected the parameter in another sample from the same monitoring point for the reporting period.
 - c. Zero (for values reported below detection) if the lab did not detect the parameter in another sample for the reporting period.
9. Report single-sample grouped parameters (for example: priority pollutants, PAHs, pulp and paper chlorophenolics, TTOs) on the WQWebDMR form and include: sample date, concentration detected, detection limit (DL) (as necessary), and laboratory quantitation level (QL) (as necessary).

The Permittee must also submit an electronic copy of the laboratory report as an attachment using WQWebDMR. The contract laboratory reports must also include information on the chain of custody, QA/QC results, and documentation of accreditation for the parameter.

S3.B. Permit submittals and schedules

The Permittee must use the Water Quality Permitting Portal – Permit Submittals application (unless otherwise specified in the permit) to submit all other written permit-required reports by the date specified in the permit.

When another permit condition requires submittal of a paper (hard-copy) report, the Permittee must ensure that it is postmarked or received by Ecology no later than the dates specified by this permit. Send these paper reports to Ecology at:

Water Quality Permit Coordinator
Department of Ecology
Northwest Regional Office
PO Box 330316
Shoreline, WA 98133-9716

S3.C. Records retention

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

S3.D. Recording of results

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

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

S3.E. Additional monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by Special Condition S2 of this permit, then the Permittee must include the results of such monitoring in the calculation and reporting of the data

submitted in the Permittee's DMR unless otherwise specified by Special Condition S2.

S3.F. Reporting permit violations

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

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

a. Twenty-four-hour reporting

The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at (206) 594-0000, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:

- 1.) Any noncompliance that may endanger health or the environment, unless previously reported under immediate reporting requirements.
- 2.) Any unanticipated bypass that causes an exceedance of any effluent limit in the permit (See Part S4.B., "Bypass Procedures").
- 3.) Any upset that causes an exceedance of an effluent limit in the permit (See G.15, "Upset").
- 4.) Any violation of a maximum daily or instantaneous maximum discharge limit for any of the pollutants in Section S1.A of this permit.
- 5.) Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limit in the permit.

b. Report within five days

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

- 1.) A description of the noncompliance and its cause.
- 2.) The period of noncompliance, including exact dates and times, if known.
- 3.) The estimated time the Permittee expects the noncompliance to continue if not yet corrected.

- 4.) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- 5.) If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

c. Waiver of written reports

Ecology may waive the written report required in S3.F.c, above, on a case-by-case basis upon request if the Permittee has submitted a timely oral report.

d. All other permit violation reporting

The Permittee must report all permit violations, which do not require immediate or within 24 hours reporting, when it submits monitoring reports for S3.A ("Reporting"). The reports must contain the information listed in S3.F.c, above. Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S3.G. Other reporting

1. Spills of oil or hazardous materials

The Permittee must report a spill of oil or hazardous materials in accordance with the requirements of RCW 90.56.280 and chapter 173-303-145 WAC. You can obtain further instructions on [How to Report a Spill](https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill) at: <https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill>.

2. Failure to submit relevant or correct facts

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to Ecology, it must submit such facts or information promptly.

S3.H. Maintaining a copy of this permit

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

S4. Operation and maintenance

The Permittee must, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances), which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes keeping a daily operation logbook (paper or electronic), adequate laboratory controls, and appropriate quality assurance procedures. This

provision of the permit requires the Permittee to operate backup or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of this permit.

The Permittee must schedule any facility maintenance, which might require interruption of wastewater treatment and degrade effluent quality, during non-critical water quality periods and carry this maintenance out in a manner approved by Ecology.

S4.A. Treatment system operating plan

The Permittee must:

1. Submit a treatment system operating plan (TSOP) in accordance with 173-240-150 WAC, to Ecology by **October 15, 2021**.
2. Review the TSOP at least annually.
3. Submit to Ecology for review substantial changes or updates to the TSOP whenever it incorporates them into the manual.
4. Keep the approved TSOP at the permitted facility.
5. Follow the instructions and procedures of this TSOP.

In addition to the requirements of WAC 173-240-150(1) and (2), the TSOP must include:

1. A baseline operating condition, which describes the operating parameters and procedures, used to meet the effluent limits of S1 at the production levels used in developing these limits.
2. In the event of production rates, which are below the baseline levels used to establish these limits, the plan must describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting must be described in the plan.
3. In the event of an upset, due to plant maintenance activities, severe stormwater events, startups or shut downs, or other causes, the plan must describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting must be described in the plan.
4. A description of any regularly-scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).
5. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
6. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the

operation of the wastewater system (for example, defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)

7. Wastewater sampling protocols and procedures for compliance with the sampling and reporting requirements in the wastewater discharge permit.

The Permittee must submit an updated TSOP to Ecology by **January 31, 2026**, with **the application for permit renewal**. This plan must be updated and submitted, as necessary, to include requirements for any major modifications of the treatment system.

S4.B. Bypass procedures

This permit prohibits a bypass, which is the intentional diversion of waste streams from any portion of a treatment facility.

Ecology may take enforcement action against a Permittee for a bypass unless one of the following circumstances (1, 2, or 3) applies.

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

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

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

This permit authorizes such a bypass only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. No feasible alternatives to the bypass exist, such as:
 - The use of auxiliary treatment facilities.
 - Retention of untreated wastes.
 - Stopping production.
 - Maintenance during normal periods of equipment downtime, but not if the Permittee should have installed adequate backup equipment in the exercise of reasonable engineering judgment to prevent a bypass.

- Transport of untreated wastes to another treatment facility or preventative maintenance, or transport of untreated wastes to another treatment facility.
 - c. The Permittee has properly notified Ecology of the bypass as required in Special Condition S3.E of this permit.
3. If bypass is anticipated and has the potential to result in noncompliance of this permit.
- a. The Permittee must notify Ecology at least thirty (30) days before the planned date of bypass. The notice must contain:
 - A description of the bypass and its cause.
 - An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing.
 - A cost-effectiveness analysis of alternatives including comparative resource damage assessment.
 - The minimum and maximum duration of bypass under each alternative.
 - A recommendation as to the preferred alternative for conducting the bypass.
 - The projected date of bypass initiation.
 - A statement of compliance with SEPA.
 - A request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated.
 - Details of the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
 - b. For probable construction bypasses, the Permittee must notify Ecology of the need to bypass as early in the planning process as possible. The Permittee must consider the analysis required above during preparation of the engineering report or facilities plan and plans and specifications and must include these to the extent practical. In cases where the Permittee determines the probable need to bypass early, the Permittee must continue to analyze conditions up to and including the construction period in an effort to minimize or eliminate the bypass.
 - c. Ecology will consider the following prior to issuing an administrative order for this type of bypass:
 - If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.

- If feasible alternatives to bypass exist, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- If the Permittee planned and scheduled the bypass to minimize adverse effects on the public and the environment.

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

S5. Solid wastes

S5.A. Solid waste handling

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

S5.B. Leachate

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S6. Non-routine and unanticipated wastewater

1. Beginning on the effective date of this permit, the Permittee is authorized to discharge non-routine wastewater or unanticipated wastewater and therefore not listed on the permit application, on a case-by-case basis if approved by Ecology. Prior to any such discharge, the Permittee must contact Ecology and, **at a minimum**, provide the following information:
 - a. The proposed discharge location.
 - b. The nature of the activity that will generate the discharge.
 - c. Any alternatives to the discharge, such as reuse, storage, or recycling of the water.
 - d. The total volume of water it expects to discharge.
 - e. The results of the chemical analysis of the water.
 - f. The date of proposed discharge.

- g. The expected rate of discharge discharged, in gallons per minute.
2. The Permittee must analyze the water for all constituents limited for the discharge and report them as required by subpart 1.e, above. The analysis must also include any parameter deemed necessary by Ecology. All discharges must comply with the effluent limits as established in Special Condition S1 of this permit, water quality standards, and any other limits imposed by Ecology.
3. The Permittee must limit the discharge rate, as referenced in subpart 1.g, above, so it will not cause erosion of ditches or structural damage to culverts and their entrances or exits.
4. The discharge cannot proceed until Ecology has reviewed the information provided and has authorized the discharge by letter to the Permittee or by an Administrative Order. Once approved and if the proposed discharge is to a municipal storm drain, the Permittee must obtain prior approval from the municipality and notify it when it plans to discharge.

S7. Application for permit renewal or modification for facility changes

The Permittee must submit an application for renewal of this permit by **January 31, 2026**. The Permittee must submit a paper copy and an electronic copy (preferably as a PDF).

The Permittee must also submit a new application or supplement at least sixty (60) days prior to commencement of discharges, resulting from the activities listed below, which may result in permit violations. These activities include any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility.

S8. Annual groundwater quality evaluation

The Permittee must submit a groundwater quality report to Ecology by **August 15, 2022**, and annually thereafter. The report must contain discussion and evaluation of whether the treatment system is performing effectively to reduce the concentration of each of the contaminant as limited in the permit, in the contaminated groundwater plume. The report must include, but is not limited to, the following:

- A plan view of monitoring well locations.
- The TPH-gasoline and diesel, and benzene data collected during the previous calendar year, and discussion to evaluate long-term groundwater quality trends, and to support of future development of site remediation planning efforts.
- The volume of groundwater pumped through the groundwater treatment plant.
- The data should be presented on drawings by mapping the concentrations (sample date and measured concentration) measured in groundwater for each contaminant.

S9. Well construction details

The Permittee must construct all **new** wells, including Dual Vapor Extraction (DVE) wells, in accordance with Chapter 173-160 WAC, parts 1 and 3 (Minimum Standards for Construction and Maintenance of Wells). Figure 7 in Chapter 173-160 WAC illustrates the standards of well construction. The Permittee must submit a Well Design Report to Ecology within thirty (30) days after well construction. The final report must include, at a minimum:

1. The well construction details.
2. An identification of the name, company, and license number of the driller.
3. The method of drilling the wells.
4. An identification of the name and company of the supervising geologist or hydrogeologist.
5. A copy of the well log and construction details for the well.
6. A copy of material safety data sheets for all products used to construct the well, including well casing, grout, or sealant, filter pack material, and well screen.
7. A description of the method of well development, a summary of results, and geologic sampling frequency.
8. A copy of sample results.

All monitoring wells must: 1) be clearly labeled, 2) be capped, 3) be locked, 4) be identified with a unique well identification number, and 5) contain a vertical reference point which relates to the nearest vertical benchmark referencing a geodetic vertical datum. Ground water elevations must be recorded prior to purging. The report must be signed by a qualified hydrogeologist or a qualified engineer.

General Conditions

G1. Signatory requirements

1. All applications, reports, or information submitted to Ecology must be signed and certified.
 - a. In the case of corporations, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - 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, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - In the case of a partnership, by a general partner.
 - In the case of sole proprietorship, by the proprietor.
 - In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity must be submitted by the public entity.

2. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to Ecology.
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph G1.2, above, is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph G1.2, above, must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section must make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. Right of inspection and entry

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

1. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
2. To have access to and copy, at reasonable times and at reasonable cost, any records required to be kept under the terms and conditions of this permit.
3. To inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
4. To sample or monitor, at reasonable times, any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. Permit actions

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

1. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - a. Violation of any permit term or condition.

- b. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - c. A material change in quantity or type of waste disposal.
 - d. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination.
 - e. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit.
 - f. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - g. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
2. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
- a. A material change in the condition of the waters of the state.
 - b. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 - c. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 - d. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 - e. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
 - f. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 - g. Incorporation of an approved local pretreatment program into a municipality's permit.
3. The following are causes for modification or alternatively revocation and reissuance:
- a. When cause exists for termination for reasons listed in 1.a through 1.g of this section, and Ecology determines that modification or revocation and reissuance is appropriate.
 - b. When Ecology has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G7) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. Reporting planned changes

The Permittee must, as soon as possible, but no later than one hundred eighty (180) days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in:

1. The permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b).
2. A significant change in the nature or an increase in quantity of pollutants discharged.
3. A significant change in the Permittee's sludge use or disposal practices.
Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. Plan review required

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

G6. Compliance with other laws and statutes

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

G7. Transfer of this permit

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to Ecology.

1. Transfers by Modification

Except as provided in paragraph (2) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

2. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

- a. The Permittee notifies Ecology at least thirty (30) days in advance of the proposed transfer date.
- b. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
- c. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. Reduced production for compliance

The Permittee, in order to maintain compliance with its permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. Removed substances

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. Duty to provide information

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology upon request, copies of records required to be kept by this permit.

G11. Other requirements of 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. Additional monitoring

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. Payment of fees

The Permittee must submit payment of fees associated with this permit as assessed by Ecology.

G14. Penalties for violating permit conditions

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof must be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit may incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is deemed to be a separate and distinct violation.

G15. Upset

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limits if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and that the Permittee can identify the cause(s) of the upset.
2. The permitted facility was being properly operated at the time of the upset.
3. The Permittee submitted notice of the upset as required in Special Condition S3.E.
4. The Permittee complied with any remedial measures required under S3.E of this permit.

In any enforcement action the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. Property rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. Duty to comply

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

G18. Toxic pollutants

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. Penalties for tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this condition, punishment must a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G20. Reporting requirements applicable to existing manufacturing, commercial, mining, and silvicultural dischargers

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify Ecology as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels."
 - a. One hundred micrograms per liter (100 µg/L).
 - b. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

- d. The level established by the Director in accordance with 40 CFR 122.44(f).
- 2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
 - a. Five hundred micrograms per liter (500 µg/L).
 - b. One milligram per liter (1 mg/L) for antimony.
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).

G21. Compliance schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than fourteen (14) days following each schedule date.