

**Addendum to the Fact Sheet for
National Pollutant Discharge Elimination System
Discharge Permit No. WA0991040
Modification Date: January 5, 2023**

1. General Information

Facility: FW WA-Overlake Fashion Plaza II, LLC
Overlake Retail Shops (Former Sears Auto #6119)
2200 148th Avenue NE, Redmond, WA 98052

This is an addendum to the fact sheet to explain changes proposed for NPDES Permit No. WA0991040, issued on July 13, 2021. The Permittee requests the submittal date for the Treatment System Operating Plan to be extended because the facility owner and the responsible party could not reach an agreement regarding management of the site until recently. During that period, the completion of the treatment system was put on hold and no discharge has occurred. Ecology is modifying the permit to accommodate the facility's request.

Note: New text in the modified permit is marked with grey highlight.

2. Modification to the Permit

Page 4, **Summary of Permit Report Submittals**: the submittal date for the Treatment System Operating Plan (TSOP) is changed from October 15, 2021 to March 15, 2023.

Page 4, **Summary of Permit Report Submittals**: the submittal date for the Annual Groundwater Quality Evaluation is changed from August 15, 2022 to May 15, 2024.

Page 12, **S4.A Treatment System Operating Plan**: the submittal date for the treatment system operating plan listed in S4.A.1 is changed from October 15, 2021 to March 15, 2023.

Page 16, **S8 Annual Groundwater Quality Evaluation**: the submittal date for this report is changed from August 15, 2022 to May 15, 2024.

3. Justification

Ecology received the request letter prepared by APEX for the Permittee on November 25, 2022, requesting the submittal date for the treatment system operating plan to be extended due to the disagreement between the facility owner and the responsible party regarding cleanup management of the site. The disagreement was resolved recently, and APEX consultant has been granted the permission to resume the project. APEX is in the process of developing a schedule of required activities to resume the treatment system startup. Due to the delay of the system startup, the subsequent annual groundwater quality report is therefore delayed because discharge data is needed to develop the report and the facility has not been discharging. Ecology is granting the request by extending the due date for the TSOP and at the same time extending the due date for the subsequent annual groundwater quality report.

4. Public Process

The proposed changes made in this modification are considered to constitute a minor modification under 40 CFR 122.63 and WAC 173-220-190.

40 CFR 122.63 (e)(1) states “Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under § 122.29.”

WAC 173-220-190(3) states “The department shall modify or revoke permits only after public notice and opportunity for public hearing as provided in this chapter in those instances where changes are proposed which lessen the stringency of effluent limitations. In all other instances, the form of public notice and public participation, if any, shall be determined by the department on a case-by-case basis according to the significance of the proposed action.”

Ecology determined that changing the submittal dates for these reports does not lessen the stringency of effluent limits in this permit, and the modification can proceed as a minor permit modification. Therefore, the changes made in the above-referenced permit are not required to be published for a 30-day public review and comment period.

5. Permit Appeal Process

Appendix A describes the permit appeal process.

The primary author of this permit modification and fact sheet is Jeanne Tran.

Appendix A - 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).

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