



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office

PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

January 19, 2023

The Honorable Seth Fleetwood
Mayor, City of Bellingham
210 Lottie Street
Bellingham, WA 98225

Order Docket #	16610
Site Name	City of Bellingham, Post Point Wastewater Treatment Plant
Site Location	2221 Pacific St. Bellingham, WA 98229

Re: Administrative Order Delegating Pretreatment Program Authority

Dear Mayor Fleetwood:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order (Order) requiring the City of Bellingham to comply with:

- Chapter 40 CFR Part 403 - General Pretreatment Standards and New Sources of Pollution
- Chapter 90.48 Revised Code of Washington (RCW) - Water Pollution Control
- Chapter 173-208 Washington Administrative Code (WAC) - Grant of Authority Sewerage Systems
- Chapter 173-216 WAC - State waste discharge permit program
- Chapter 173-240 WAC - Submission of plans and reports for construction of wastewater facilities
- City of Bellingham National Pollutant Discharge Elimination System Waste Discharge Permit No. WA0023744

If you have any questions regarding this Administrative Order or the implementation of your pretreatment program, please contact Maia Hoffman at 425.507.5681 or maia.hoffman@ecy.wa.gov.

Sincerely,

Rachel McCrea
Water Quality Section Manager
Northwest Region Office

Enclosures: Administrative Order Docket # 16610
By certified mail 9171 9690 0935 0233 1613 84

cc: Central Files, City of Bellingham, NPDES Permit No. WA0023744, WQ 12.1

ecc: Eric Johnston, City of Bellingham, Public Works Director (ecjohnston@cob.org)
Steve Bradshaw, City of Bellingham, Superintendent (srbradshaw@cob.org)
Peg Wendling, City of Bellingham, Technical Supervisor (pwendling@cob.org)
Shawn McKone, Ecology NWRO Municipal Unit Supervisor (shmc461@ecy.wa.gov)
Doug Allen, Ecology Bellingham Field Office Manager (doua461@ecy.wa.gov)
Michael Le, USEPA Region 10 Pretreatment/Biosolids Coordinator (le.michael@epa.gov)
Maia Hoffman, Ecology NWRO Pretreatment Coordinator and Statewide Lead
(mhof461@ecy.wa.gov)
PARIS: Bellingham STP; WA0023744

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN) ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER) DOCKET # 16610
AGAINST)
City of Bellingham)

To: The Honorable Seth Fleetwood
Mayor, City of Bellingham
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PRETREATMENT PROGRAM DELEGATION OF AUTHORITY

The Department of Ecology is issuing this Administrative Order (No. 16610) to delegate industrial wastewater pretreatment authority to the City of Bellingham (City) as follows:

Federal Regulation 40 CFR Part 403.8(a) requires any Publicly Owned Treatment Works with a design flow of greater than five (5) million gallons a day and accepting waste or pollutants from federally regulated industries to establish a Pretreatment Program. By Administrative Order Number 15677 (AO 15677), issued on February 15, 2018, Ecology required the City to develop an industrial wastewater pretreatment program and submit for approval on or before October 31, 2018. In AO 15677, Ecology described in detail the elements required to be included in the *Application for Authorization* in accordance with WAC 173-208-050. Requirements in WAC 173-208-050 are in line with the program development requirements in 40 CFR Part 403.8. The City submitted its Pretreatment Program Manual to Ecology on October 31, 2018. After review, Ecology sent a letter to the City identifying some needed additions and changes to the Pretreatment Program Manual. The City submitted a revised and approvable pretreatment program on May 17, 2019.

A 30-day public notice was conducted between June 26, 2019 and July 26, 2019. During this public notice process, a copy of the program was provided to the USEPA Region 10. Ecology determined that

the submittals met all federal and state minimum requirements. Ecology received no public comments and no objections from the USEPA Region 10 to approve the City's pretreatment program. Subsequently, by a letter dated September 18, 2019, Ecology approved the City of Bellingham's pretreatment program following the 'Approval procedures for POTW pretreatment programs' outlined in 40 CFR 403.11. Following Ecology's approval of the program, the City of Bellingham's city council unanimously voted to approve the program on October 21, 2019.

Therefore, Ecology hereby:

1. Delegates pretreatment authority to the City of Bellingham in accordance with the 'Delegation procedure' outlined in WAC 173-208-060;
2. Requires the City of Bellingham to implement its pretreatment program in accordance with its NPDES permit pretreatment conditions and following its approved "Industrial Pretreatment Program Manual" dated May 2019, and approved revisions thereto.
3. Rescinds AO 15677.

The City's legal authority to implement the program is codified in Bellingham Municipal Code, Chapter 15.14.

The delegated authority to implement the pretreatment program shall be perpetual unless revoked pursuant to WAC 173-208-100. Pursuant to 40 CFR 403.18, either Ecology or the City of Bellingham may initiate program modification at any time to reflect changing conditions at the POTW. Program modification is necessary whenever there is a significant change in the operation of a POTW Pretreatment Program that differs from the information in the POTW's submission.

In implementing its program, the City must comply with Chapter 173-208 WAC, Chapter 173-216 WAC, Chapter 173-240 WAC, RCW 90.48, 40 CFR Part 403, and its NPDES Permit Number WA0023744.

RECOGNITION OF ECOLOGY'S JURISDICTION

This Administrative Order is issued pursuant to the authority vested in Ecology by the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. sec 1311, et seq. and Chapter 90.48 Revised Code of Washington (RCW).

RCW 90.48.030 provides that Ecology shall have the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, other surfaces, and underground waters of the state of Washington.

RCW 90.48.120 authorizes Ecology to issue administrative orders requiring compliance whenever it determines that a person has violated or created a substantial potential to violate any provision of Chapter 90.48 RCW or fails to control the polluting content of waste to be discharged to waters of the state.

Chapter 90.48.165 Revised Code of Washington (RCW) – Waste disposal permits required of counties, municipalities and public corporations – Cities towns or municipal corporations may be granted authority to issue permits – Revocation – Termination of Permits.

Chapter 173-208 WAC – Grant of Authority Sewerage Systems.

Chapter 90.48.165 RCW gives Ecology the authority to grant to any city, town, or municipal corporation operating a sewerage system including treatment facilities, the authority to issue permits for the discharge of wastes to such system.

FAILURE TO COMPLY WITH THIS ORDER

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. 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 both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order 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 Order on Ecology in paper form - by mail or in person (see addresses below). Email is not accepted.

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

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

APPEAL 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 Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Maia Hoffman
Pretreatment Engineer
Department of Ecology
Northwest Regional Office
Shoreline, WA 98113

Phone: 425.507.5681
Email: maia.hoffman@ecy.wa.gov

MORE INFORMATION

- Pollution Control Hearings Board Website
<http://www.eluho.wa.gov/Board/PCHB>
- Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- Chapter 371-08 WAC – Practice And Procedure
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- Chapter 34.05 RCW – Administrative Procedure Act
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- Ecology's Laws, rules, & rulemaking website
<https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking>

SIGNATURE



Rachel McCrea
Water Quality Section Manager
Northwest Region Office
Washington Department of Ecology

January 19, 2023
Date