



Issuance Date: November 21, 2023
Effective Date: December 1, 2023
Expiration Date: November 30, 2028

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT WA0029262**

**State of Washington
DEPARTMENT OF ECOLOGY**

Northwest Region Office
P.O. 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

Penn Cove Shellfish Samish Bay Plant
P.O. Box 148
Coupeville, WA 98239

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

Facility Location:
11272 Blue Heron Road
Bow, WA 98235

Industry Type: Shellfish Processing

Treatment Type: Physical Settling
Receiving Water: Samish Bay
SIC Code: 2092
NAICS Code: 311710

Rachel McCrea
Water Quality Section Manager
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SUMMARY OF PERMIT SUBMITTALS

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

Table 1 – Summary of Permit Submittals

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report (DMR)	Monthly	on the 28th day of the month January 28, 2024
S3.F	Reporting Permit Violations	As necessary	
S4.A	Operations and Maintenance Manual	1/permit cycle	December 1, 2024
S4.A	Operations and Maintenance Manual Update or Review Confirmation Letter	As needed	
S4.B	Reporting Bypasses	As necessary	
S6	Application for Permit Renewal	1/permit cycle	December 1, 2027
S7	Engineering Report	1/permit cycle	December 1, 2024
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. Process Wastewater Discharges

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 screened and settled process wastewater and washwater to Samish Bay at the permitted location subject to complying with the following limits:

Table 2 – Effluent Limits: Outfall 001

Latitude: 48.57648 Longitude: -122.5046

Parameter	Minimum Daily Limit	Maximum Daily Limit
pH ^a	6.0 standard units	9.0 standard units

Table 2 Footnote:

^a When pH is continuously monitored, excursions between 5.0 and 6.0, or 9.0 and 10.0 are not be considered violations if no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 26 minutes per month. Any excursions below 5.0 and above 10.0 at any time are violations.

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 as listed in Appendix A.

Table 3 – Wastewater Effluent

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Flow	gpd	Monthly	Metered/Recorded
pH	standard units	Monthly	Grab
BOD ₅	mg/L	Monthly	Grab
TSS	mg/L	Monthly	Grab
Fecal Coliform	# /100 ml	Monthly	Grab

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 Code of Federal Regulations \(CFR\) Part 136](#)¹ [or as applicable in [40 CFR subchapter N](#)² (Parts 400-471) or [40 CFR Subchapter O](#)³ (Parts 501-503)] unless otherwise specified in this permit. Ecology may specify alternative methods only 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 Washington Administrative Code \(WAC\)](#)⁴, Accreditation of Environmental Laboratories. Flow, Temperature, Settleable Solids, Conductivity, pH, and internal process control parameters are exempt from the requirement. The Permittee must obtain accreditation for Conductivity and pH if it must receive accreditation or registration for other parameters.

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. Discharge Monitoring Reports

The first monitoring period begins on the effective date of the permit (unless otherwise specified). 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](#)⁵. Include data for each of the parameters tabulated in Special Conditions S2 and as required by the form. Report a

¹ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-136>

² <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-N>

³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-O>

⁴ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-50>

⁵ <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance>

- value for each day sampling occurred (unless specifically exempted in the permit) and for the summary values (when applicable) included on the electronic form.
2. Submit DMRs 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. The first DMR is due on the 28th day of the month January, 2024
 4. Enter the “No Discharge” reporting code for an entire DMR, for a specific monitoring point, or 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 the < 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 DL and the QL by entering the estimated value, the code for estimated value/below quantitation limit (J) and any additional information in the comments.
 7. Submit a copy of the laboratory report as an attachment using WQWebDMR.
 8. Submit bacteria monitoring results as follows:
 - a. Do Not report zero for bacterial monitoring. Report as required by the laboratory method.
 - b. Calculate and report an arithmetic average value for each day for bacteria if multiple samples were taken in one day.
 - c. Calculate the geometric mean values for bacteria (unless otherwise specified in the permit) using the reported numeric value for all bacteria samples measured above the detection value except when it took multiple samples in one day. If multiple samples are taken in one day, use the arithmetic average for the day in the geometric mean calculation. Use the detection value for those samples measured below detection.
 9. 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 Appendix A or Special Condition S2.
 10. Calculate average values and calculate 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 (1/2) 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 reporting period.

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 Region Office
P.O. Box 330316
Shoreline, WA 98133-9716

S3.C. Records Retention

The Permittee must retain records of all monitoring information for a minimum of three 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 individual who performed the analyses;
5. The analytical techniques or methods used;
6. 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 30 days of sampling.

a. Twenty-Four (24) Hour Reporting

The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at the telephone number listed above, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:

- (i) Any noncompliance that may endanger health or the environment, unless previously reported under immediate reporting requirements.
- (ii) Any unanticipated bypass that causes an exceedance of any effluent limit in the permit (See Part S4.B., Bypass Procedures).
- (iii) Any upset that causes an exceedance of an effluent limit in the permit (See G15., Upset).
- (iv) Any violation of a maximum daily or instantaneous maximum discharge limit for any of the pollutants in Special Condition S1.A. of this permit.
- (v) 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. This requirement does not include industrial process wastewater overflows to impermeable surfaces which are collected and routed to the treatment works.

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:

- (i) A description of the noncompliance and its cause.
- (ii) The period of noncompliance, including exact dates and times.

- (iii) The estimated time the Permittee expects the noncompliance to continue if not yet corrected.
- (iv) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (v) If the noncompliance involves an overflow prior to the treatment works, an estimated of the quantity (in gallons) of untreated overflow.

c. Waiver of Written Reports

Ecology may waive the written report required in subpart c, above, on a case-by-case basis upon request.

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 Special Condition S3.A. (Reporting). The reports must contain the information listed in subpart 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

In addition to the requirements in S3.F, the Permittee must report a spill of oil or hazardous materials in accordance with the requirements of [Revised Code of Washington \(RCW\) 90.56.280⁶](#) and [WAC 173-303-145⁷](#). Visit the website [How to Report a Spill⁸](#) for further instructions.

2. Failure to Submit Relevant or Correct Facts

Where 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.

⁶ <https://app.leg.wa.gov/RCW/default.aspx?cite=90.56.280>

⁷ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-145>

⁸ <https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill>

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 interrupting of wastewater treatment and degrade effluent equality, during non-critical water quality periods and carry this maintenance out according to the approved O&M Manual or as otherwise approved by Ecology.

S4.A. Operation and Maintenance (O&M) Manual

1. O&M Manual Submittal and Requirements

The Permittee must:

- a. Prepare an O&M Manual to meet the requirements of WAC 173-240-1509 and submit it to Ecology for review by December 1, 2024.
- b. Submit to Ecology for review substantial changes or updates to the O&M Manual, at least 60 days prior to implementing the change.
- c. Keep the O&M Manual at the permitted facility.
- d. Follow the instructions and procedures of this manual.

2. O&M Manual Components

- a. Emergency procedures for plant shutdown and cleanup in the event of a wastewater system upset or failure.
- b. A review of system components which, if failed, could pollute surface water or could impact human health. Provide a procedure for a routine schedule of checking the function of these components.
- c. Wastewater system maintenance procedures that contribute to the generation of process wastewater.
- d. 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).
- e. Wastewater sampling protocols and procedures for compliance with the sampling and reporting requirements in the wastewater discharge permit.

⁹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-150>

- f. Minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit.
- g. Treatment plant process control monitoring schedule.

S4.B. Bypass Procedures

A bypass is the intentional diversion of waste streams from any portion of a treatment facility. This permit prohibits all bypass except when the bypass is for essential maintenance, as authorized in Special Condition S4.B.1, or is approved by Ecology as an anticipated bypass following the procedures in Special Condition S4.B.2.

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

This permit allows bypasses for essential maintenance of the treatment system when necessary to ensure efficient operation of the system. The Permittee may bypass the treatment system for essential maintenance only if doing so does not cause violations of effluent limits. The Permittee is not required to notify Ecology when bypassing for essential maintenance. However, the Permittee must comply with the monitoring requirements specified in Special Condition S2.B.

2. Anticipated bypass for non-essential maintenance.

Ecology may approve an anticipated bypass under the conditions listed below. This permit prohibits any anticipated bypass that is not approved through the following process.

- a. If a bypass is for non-essential maintenance, the Permittee must notify Ecology, if possible, at least 10 days before the planned date of bypass. The notice must contain:
 - A description of the bypass and the reason the bypass is necessary.
 - An analysis of all known alternatives which would eliminate, reduce, or mitigate the potential impacts from the proposed bypass.
 - A cost-effectiveness analysis of alternatives.
 - 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 State Environmental Policy Act (SEPA).

- A request for modification of Water Quality Standards as provided in [WAC 173-201A-410¹⁰](https://apps.leg.wa.gov/WAC/default.aspx?cite=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 recurrence 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 the project planning and design process. The project-specific engineering report as well as the plans and specifications must include details of probable construction bypasses 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 determine if the Permittee has met the conditions of Special Condition S4.B.2.a and b, and consider the following prior to issuing a determination letter, an Administrative Order, or a permit modification as appropriate for an anticipated bypass:
- If the Permittee planned and scheduled the bypass to minimize adverse effects on the public and the environment.
 - If the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. “Severe property damage” means substantial physical damage to the 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. Severe property damage does not mean economic loss caused by delays in production.
 - If feasible alternatives to the bypass exist, such as:
 - The use of auxiliary treatment facilities
 - Retention of untreated wastes
 - Stopping production

¹⁰ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A-410>

- 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 which occurred during normal periods of equipment downtime or preventative maintenance.
- Transport of untreated wastes to another treatment facility.

S5. Solid Waste

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 (AKART), nor allow such leachate to cause violation of State Surface Water Quality Standards, [Chapter 173-201A WAC¹¹](#), or the State Ground Water Quality Standards, [Chapter 173-200 WAC¹²](#). The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface water.

S6. Application for Permit Renewal or Modification for Facility Changes

The Permittee must submit an application for renewal of this permit by December 1, 2027

The Permittee must also submit a new application or addendum at least 180 days prior to commencement of discharges resulting from 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.

S7. Engineering Documents

1. The Permittee must prepare and submit an approvable **Engineering Report** in accordance with [Chapter 173-240 WAC](#) to Ecology for review and approval by December 1, 2024.
2. The Engineering Report must address capacity limits of the facility and a one-line drawing of the treatment system.

¹¹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A-410>

¹² <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

1. All applications 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 the 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.
 - b. In the case of a partnership, by a general partner.
 - c. In the case of sole proprietorship, by the proprietor.
 - d. In the case of municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Applications for permit for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity shall 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 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 a 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](#)

[Part 122.62¹³](#), [40 CFR Part 122.64¹⁴](#), or [WAC 173-220-150¹⁵](#) according to the procedures of [40 CFR Part 124.5¹⁶](#).

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. 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 modification or termination.
 - e. A change in any condition 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 90.48.465¹⁷](#).
 - g. Failure or refusal of the Permittee to allow entry as required in [RCW 90.48.090¹⁸](#).
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 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:

¹³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122#122.62>

¹⁴ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122#122.64>

¹⁵ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-220-150>

¹⁶ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-124#124.5>

¹⁷ <https://app.leg.wa.gov/RCW/default.aspx?cite=90.48.465>

¹⁸ <https://app.leg.wa.gov/RCW/default.aspx?cite=90.48.090>

- a. The permitted facility being determined to be a new source pursuant to [40 CFR Part 122.29\(b\)](#)¹⁹.
- b. A significant change in the nature or an increase in quantity of pollutants discharged.
- c. 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 Part 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 the permit constitutes a violation.

G4. REPORTING PLANNED CHANGES

The Permittee must, as soon as possible, but no later than 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 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, a 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](#)²⁰. Engineering Reports, Plans, and Specifications must be submitted at least 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 approval 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.

¹⁹ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122#122.29>

²⁰ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-240>

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. Transfer by Modification

Except as provided in paragraph B 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 Part 122.62(b)(2), or a minor modification made under [40 CFR Part 122.63\(d\)](#)²¹, 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 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 or its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR Part 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 re-suspended or reintroduced to the final effluent stream for discharge to state waters.

²¹ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122#122.63>

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

The other requirements of [40 CFR Part 122.41](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122#122.41)²² and [40 CFR Part 122.42](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122#122.42)²³ 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 VIOLATION OF 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, shall be punished by a fine up to \$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 \$10,000 for each 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 exception 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 operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative 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.

²² <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122#122.41>

²³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122#122.42>

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.F.
4. The Permittee complied with any remedial measures required under Special Condition S3.F. of this permit.

If 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 ground for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal.

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 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 shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both.

G20. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGES

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; 500 µg/L for 2,4-Dinitrophenol and 2-Methyl-4,6-Dinitrophenol; and 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 Part 122.21\(g\)\(7\)](#)²⁴.
 - d. The level established by the Director in accordance with [40 CFR Part 122.44 \(f\)](#)²⁵.
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 (500) µg/L
 - b. One (1) mg/L for Antimony
 - c. Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR Part 122.21(g)(7).
 - d. The level established by the Director in accordance with 40 CFR Part 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 14 days following each schedule date.

²⁴ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122#122.21>

²⁵ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122#122.44>

APPENDIX A

Appendix A Table 1 – Conventional pollutants

Pollutant	CAS number (if available)	Recommended analytical protocol	Detection level (DL) ¹ µg/L unless specified	Quantitation level (QL) ² µg/L unless specified
Biochemical Oxygen Demand		SM5210-B		2 mg/L
Biochemical Oxygen Demand, Soluble		SM5210-B ³		2 mg/L
Fecal Coliform		SM 9221E, 9221F SM 9222D	N/A	Specified in method sample aliquot dependent
Oil and Grease (HEM) (Hexane Extractable Material)		1664 A or B	1,400	5,000
pH		SM4500-H+ B	N/A	N/A
Total Suspended Solids		SM2540-D		5 mg/L